

City Council Chamber, City Hall, Tuesday, October 13, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 13, 2009, Mayor Bill White presiding and with Council Members Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Xavier Herrera Citizens Assistance Office; and Ms. Marty Stein, Agenda Director present. Council Member Toni Lawrence and Ronald C. Green absent on city business. Council Member M. J. Khan, P. E., absent due to death in family. Council Member Edward Gonzalez out of the city on city business.

At 2:03 p.m. Vice Mayor Pro Tem Lovell called the meeting to order and stated that Council Member Noriega would begin presentations. Mayor White, Council Members Johnson, Adams, Sullivan, Holm, Rodriguez, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega invited Mr. Francisco J. Garcia to the podium and stated that Mr. Garcia was a well known community activist whose qualities represented that of a true leader with an exceptional drive to improve the quality of life throughout the Hispanic community; that his goal was to start building thinkers, not dreamers, by promoting a desire for education among the younger generation and based on his merits was the 2009 recipient of the Mayor's Hispanic Youth Activist Award for the City of Houston; and presented him a Proclamation saluting and commending him for being an outstanding leader and proclaimed today as Francisco J. Garcia Day" in Houston, Texas. Mr. Garcia stated that he appreciated and thanked all for the award and thanked his wife, family, community and State Representative Kristi Thibaut for all their support. Mayor White, Council Members Adams, Sullivan, Holm, Rodriguez, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Johnson invited the Superintendent and Board Members of the Aldine Independent School District to the podium and stated that today they were honoring and paying recognition to Aldine ISD which played an indispensable roll in the community serving over 62,000 students as the 11th largest school district in Texas and of that 80% were economically disadvantaged and 69% were considered at risk; that because of the work they did they received the 2009 broad prize for Urban Education, this was an annual award for the most outstanding urban school district in the nation and he was ecstatic to know they picked up part of District D and received the award; that they had won many other awards through the years and in appreciation for all they did presented them a Proclamation proclaiming today as the "Aldine Independent School District Day" in Houston, Texas. Dr. Wanda Bamberg stated that on behalf of the Aldine Independent School District this was an incredible honor for the teachers who worked so hard for so many years; that it was a wonderful honor to all; and introduced the Board Members present. Council Members Sullivan, Holm, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she was honored to present this award; that this month they were celebrating Disability Awareness Month and today the Mayor's Disability Advocate of the Year Award did seek to recognize and honor contributions of advocates who through their voluntarism in the community provided a notable effort toward increased awareness in disability issues, worked to remove barriers of people with disabilities and effectively represented those who could not represent themselves; and presented awards to Mr. Gary Lynn, Mr. Faustino Lopez and Ms. Noelina Dillingham and presented each with a 2009 Mayor's Disability Advocate of the Year Award for all their work and commitment and congratulated each on their award. Council Members Sullivan, Holm, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

At 2:23 p.m. Mayor White called on Council Member Clutterbuck who stated that for today's invocation she would give a history lesson on peace and democracy two concepts she felt were divinely inspired and led all in the pledge of allegiance. Council Members Holm and Brown absent. (NO QUORUM PRESENT)

At 2:28 p.m. Mayor White requested the City Secretary call the roll. Council Members Lawrence and Green absent on city business. Council Member Khan absent due to death in family. Council Member Gonzalez out of the city on city business. Council Member Holm absent.

Council Members Lovell and Johnson moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Lawrence and Green absent on city business. Council Member Khan absent due to death in family. Council Member Gonzalez out of the city on city business. Council Member Holm absent.

Council Member Adams stated that on a point of personal privilege those present who were tow truck drivers and wanted to attend the meeting at 2:30 p.m. across the street in the City Hall Annex, first floor she wanted to again announce the time which was 2:30 p.m. Council Member Holm absent.

Council Member Rodriguez stated that on a point of personal privilege he wanted to remind all this was the 35th anniversary of the Quilt Festival and 30th anniversary of the Quilt Market and his colleagues had gifts from the Quilt Festival; that it was the largest annual quilt show with more than 53,000 attendees from almost 30 different countries and it brought \$60,000,000.00 into the Houston economy and would take place October 15th through the 18th and the Quilt Market would be from October 10th through 12th at the George R. Brown Convention Center. Council Member Holm absent.

Council Member Brown stated that he wanted to recognize the Pinewood Community Association who were the recycling champions of neighborhoods; that they increased their curb recycling from 25% to 76%; and asked they stand to be recognized. Council Members Adams, Holm and Noriega absent.

Council Member Lovell stated that today they learned Council Member Khan's Father passed away and she knew she spoke for all in extending their thoughts, prayers and condolences to him and his family. Council Member Holm absent.

Council Member Noriega moved that the rules be suspended for the purpose of hearing Senator Mario Gallegos at the top of the Speakers List, seconded by Council Member Johnson. All voting aye. Nays none. Council Members Lawrence and Green absent on city business. Council Member Khan absent due to death in family. Council Member Gonzalez out of the city on city business. Council Member Holm absent. MOTION 2009-0731 ADOPTED.

Mayor White requested the City Secretary to begin calling public speakers. Council Member Holm absent.

Senator Mario Gallegos, P. O. Box 41, Galena Park, Texas 77547 (713-678-8600) appeared and stated that he was present regarding the SafeClear Program; that he heard frustration last week and his data came out of the City Secretary's Office; that there were presently two certified MWBE towing companies and none were Latino in a city with a population where almost half was Latino; that the only way to get true minority owned participation was to open the bid process and see if they could handle this as primes. Council Member Holm absent.

After a lengthily discussion, Council Member Noriega stated they could speak of this easier if they had not had a history of concern with MWBE issues; that this was an issue of public safety and they decided to work it through the present Mayor and Council; Council Member Lovell stated that no one was denied access to the program, there was certification and training and a meeting this afternoon for contractors who wanted to become a part of this; and Senator Gallegos stated that the process should be opened to anyone wanting to bid; Council Member Johnson stated that they continued to fight to open the door for minority participation; Council Member Jones stated that to be with SafeClear you needed TDLR, you had to be qualified and many had been calling to see when an RFP or RFQ would be out since the contract was to end in 2010 as they wanted to qualify and how did they know they were getting the best for the dollar if they did not do competitive bidding and whoever was doing it now should be able to do it through June 2010 with no infusion of money; upon questions by Council Member Brown, Senator Gallegos stated Agenda Item 30 said the present contract had a charge of \$61.61 per tow and would decrease to \$50.00 for a savings of \$477,880.00 per year, but the minority contractors who spoke with him would go as low as \$40.00 a tow and save Council almost over \$1,000,000.00 and this should be rebid; upon questions by Council Member Adams, Mayor White stated that the issue arose both within personnel within the City of Houston who would be in charge of procurement because that would need to begin now if not before so it would be concluded by the end of the year or early next year if there was to be a change of vendors; that when this was done they took 4 to 6 months to work out in consultation with vendors details of this through hearings, etc., there was a set of issues on criminal background checks, etc., that this was more difficult than normal procurement as the goal was not necessarily the lowest price, it had to be response time and quality; that if Council wanted to set this up for a different period of time the question would be who by name would they replace; that at the last Council meeting he suggested setting up a procedure to grade performance and the lowest grade would go up for bid; that he would talk to Council Members and Ms. Stein, but they had no desire to make every decision which came down the pike in the last months of this Administration. Council Members Sullivan and Holm absent.

Council Member Johnson moved that the rules be suspended for the purpose of hearing all the speakers on SafeClear which were listed on the Speakers List under "previous" after Dr. Carol Lewis, seconded by Council Member Jones. All voting aye. Nays none. Council Members Lawrence and Green absent on city business. Council Member Khan absent due to death in family. Council Member Gonzalez out of the city on city business. Council Members Sullivan, Holm and Brown absent. MOTION 2009-0732 ADOPTED.

Mr. Ken W. Ulmer, 1700 Brittmoore, Houston, Texas 77043 (832-250-7268) appeared, presented information and stated that he was a SafeClear contractor and more than 60 companies in the City of Houston participated now, it was 37% of all licensed tow trucks in the city; that they had a budget of over \$300,000 a year for their infrastructure and dispatchers at TranStar as well as communication system airtime; that they, the SafeClear contractors, were dedicated to the community with an emergency system capable of alerting all tow trucks in the city and they developed a detailed evacuation management plan and improved their efficiency by responding within 6 minutes 89.8% of the time. Council Members Sullivan, Holm, Rodriguez, Brown and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones stated that Mr. Ulmer should continue; and Mr. Ulmer stated that many spoke of accident tows and that was 10% of the tows, 70% were those at no cost to citizens; that 4.4% was what SafeClear consisted of out of all towing in the City of Houston; that with 150 trucks in service at all times, the tow trucks were receiving \$1.80 per truck as a cost to the City of Houston. Council Members Sullivan, Holm, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Ms. Erma Palmer, 11101 Wallisville Road, Houston, Texas 77013 (713-673-3050) appeared and stated that she was with Unified Auto Works and present in support of the extension of the SafeClear Program for the primary reason they were putting the public safety first; that all of their concerns were addressed and corrected and Michael Harris did not represent her or Unified Auto Works. Council Members Sullivan and Brown absent.

Council Member Johnson stated that last week there were concerns regarding her contract in particular; and upon questions, Ms. Palmer stated that there were issues but since the meeting their concerns were addressed; that a document was prepared stipulating their concerns and addressing them; and Mayor White stated that they looked at statistics and this company had grown and had experience in the program, but in the program it was operationally necessary that if there were response time delays they had to get a unit there, that was how the program was set, a unit had to be dispatched quickly and that principal needed to be preserved; and Council Member Johnson stated response time was the purpose of the program, but operators were standing at segment lines and what he was looking for was protection under the contract; and Mayor White stated that if it were a case where a company did not have enough trucks and took seven minutes and with more trucks would take five minutes then he wanted the incentive to be get more trucks if you wanted more tows; and with the competitive nature of the business, scrutiny, etc., he thought it would show the light of day and the program needed to be administered to those who could do it; and Ms. Palmer stated that she could do it in six minutes but they needed to be given those six minutes. Council Members Sullivan and Holm absent.

Upon questions by Council Member Jones, Ms. Palmer stated agreements were made that they would be given the six minutes in the contract to get there and was now getting that six minutes. Council Members Sullivan and Rodriguez absent.

Mr. Ferdinand Durisseau, 16315 Covey Run, Missouri City, Texas 77489 (832-579-8477) appeared and stated that he owned Durisseau's Road Service and was proud to be a part of the SafeClear Program as a sub contractor; that in the beginning he hated and complained about the program, but he thanked them for having the program and standing up to those against it, including himself, he was accepted as a sub 3-1/2 years ago and now preparing to buy another truck; that he made an honest and comfortable living and went home more relaxed because of SafeClear; and urged a vote in favor of the extension of contract. Council Members Adams, Sullivan and Rodriguez absent.

Upon questions by Council Member Johnson, Mr. Durisseau stated in the beginning he did not like the program; that he owned a truck and if his wife broke down thought he should be able to get her; that he subbed under Allied and to see it work, it was a good asset; that Allied could put him off at any time and anyone would prefer their own contract, but he worked daily. Council Members Adams, Sullivan and Rodriguez absent.

Mr. John Juanopulos, 2207 Eastex Freeway, Houston, Texas 77026 (713-227-5207) appeared and stated that he did not sub from anyone; that safety was to be the number one priority on the freeway and anywhere else; that his concern was safety of a citizen should not put them out of work, out of business, like the SafeClear Program; that a monopoly did not provide safety for anyone; that he had to meet the same things contractors awarded SafeClear had to meet; that he had eight workers at his body shop and only had one now; that he disagreed with many racing to a scene, but how were they to survive with a monopoly; that America was found on the idea of availability and he felt they were harming small businesses; that they waited five years to bid and if they were giving the same companies exclusive rights to the freeways then others should have exclusive rights to the streets, it was only fair. Council Members Adams and Lovell absent.

Mr. Edward Cantu, 10606 Wallisville Road, Houston, Texas 77013 (281-639-0370) appeared and stated that he was a representative of Nora Cantu, a minority business owner, they were a small minority business waiting patiently to be on the SafeClear Program; that their towing service met licensing, permits and equipment required and paid all the insurance; that 29 segments were to be distributed among qualified companies, but unfortunately they were not given one; that they liked the program and he was a subcontractor but got out because of problems between them and the segment holders; that the agreement was if they got there first they got the deal, but then when they showed up their drivers said no, they were the main guys and pushed them to the side so he quit as he made no money; that the program was good, but drivers would pass those sitting needing help and go to the accident knowing they would get more money for that tow; that when they were on it one of his drivers did 20 free tows. Council Members Clutterbuck, Adams, Sullivan, Holm and Lovell absent. (NO QUORUM PRESENT)

Council Member Jones stated that she heard the same complaints, whoever got there first was supposed to get the tow; that Professor Kleinberg's study showed the average cost or average value of an accident tow was \$34,000.00 and she was frustrated as they just had a budget meeting on saving money and she was struggling on not putting this out for bid, being penalized for being a small operator and arguably by putting it out for rebid small guys could get together, it seemed un-American to not do competitive bidding and she wanted the best value for the dollar and there should be no safety problem when they all had to be certified. Council Members Sullivan, Holm and Lovell absent.

Dr. Carol Lewis, 4393 Harvest Lane, Houston, Texas 77004 (713-747-7045) appeared and stated that she was a faculty member at Texas Southern University in the Transportation Studies Department and chaired the City Planning Commission; that it was important to focus attention on those things which improved mobility and clearly SafeClear was one of such elements; that last year a student did his thesis on the first two years of SafeClear and in addition to confirming the crash reduction he also used the buffer index and it looked at how much extra time a traveler gave him or herself to get to a destination, such as giving yourself a 30 minute time for a 20 minute trip having that 10 minute buffer, he looked at 12 freeway segments and out of those there were 3 which did not have a buffer index decrease but 7 experienced a decrease in the buffer index so time was shortened and SafeClear was a mobility element. Council Members Sullivan, Holm and Lovell absent.

Upon questions by Council Member Johnson, Dr. Lewis stated that she wanted to stress the merits of SafeClear itself and it was important not to have a gap in the program, but however the Mayor and Council wanted to address it, she was not present to speak to the policy aspect. Council Members Sullivan, Holm, Brown and Lovell absent. (NO QUORUM PRESENT)

Council Member Jones stated that Dr. Lewis exemplified public servant and she agreed that SafeClear was a good program, but wanted everyone to have a chance to participate in that program. Council Members Johnson, Sullivan, Holm, Brown and Lovell absent. (NO QUORUM PRESENT)

Mayor White stated that Dr. Lewis was one of his mentors on mobility and one thing he learned was they spent tens of billions on infrastructure, but did not invest enough on instant management in getting to root causes, broken lights and blocked thoroughfares should be treated as emergencies. Council Members Johnson, Sullivan, Holm, Brown and Lovell absent. (NO QUORUM PRESENT)

Ms. Suzanne Poole, P. O. Box 1035, Missouri City, Texas 77459 (281-438-5427) appeared and stated that she wanted to stress to Council the permits involved and each wrecker driver was regulated by Auto Dealers and included inspection of their trucks, background check and drug tests and there was very little training that could not be completed

in a matter of days, their certification with the state took one day, no course would require a six month wait and they were asking to have minority participation looked at. Mayor White, Council Members Sullivan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that Ms. Poole should continue; and Ms. Poole stated that she looked at budgeting for SafeClear and they had \$2.799 million on the agenda and they had federal METRO funds and if they were looking at a \$6 million dollar program and tows cost \$2.5 million what was the rest of the money being spent for; that 41,000 tows times \$61.00 was \$2.5 million; that a profit on a repairable asked earlier was about \$10,000, a \$1,000 average income; that the \$33,000 projected as for as loss for a vehicle included lost wages, company time paid lost being out, disabilities it may have such as chiropractor, it was not just a vehicle. Mayor White, Council Members Sullivan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Nickino Harris, 1040 Lehall, Houston, Texas 77030 (832-785-4916) appeared and stated that he was present speaking on the minority contract; why in the last 24 to 48 hours were they trying to play catch-up with minorities as subs; that they did not want to be subs, they wanted to be contractors with the city; that over the last five years the MWBE had been ignored, less than 2% minorities were included in the contract and on the issue of safety, when did a citizen quit being safe, if they called them were they safe then or only safe when a SafeClear person showed up. Mayor White, Council Members Sullivan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that you could certify a million people but it did not mean those people would be used, a question was how much money would minorities make, what percentage would they reach with minorities as opposed to 25 now, and not just minority but small business and women owned business, Mr. Harris stated that if they were subs they made half of \$61.00, it was the contractor making everything; that they had to take the cars to their storage lots and the body shop they wanted it to go to; and upon further questions, Mr. Harris stated that subs were told what storage lots they were to go to and the body shop they steered you to, you could not use your own, it was like you were their slave. Mayor White, Council Members Adams, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Mr. Harris stated that he never subbed under SafeClear; that he was well qualified to be his own contractor, he and his two partners, if he wanted to be a sub contractor there was nothing additional he needed to do, he could go speak to the contractor and in 5 to 10 minutes he would be on the street, there was nothing additional as they all had the same TDL card and training. Mayor White, Council Members Adams, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Harris stated that to qualify as a sub contractor the contractor would just say yes or no, but they would probably make him a sub to meet the MWBE then once they met standards they could let him go. Mayor White, Council Members Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Jerry Palmer, 11101 Wallisville Road, Houston, Texas 77013 (713-673-3050) appeared and stated that he wanted it clear that he and his wife were in support of extension of the SafeClear Program; that what was spoken by him last week he did not want them to think they wanted it rebid; that safety was number one with the contract and out of 100% they did 88% and his concern of minority participation would be taken care of this week and his other

issue was already taken care of so they had a successful program. Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that some operators had close to 40,000 tows for the year and his was at 7,000 tows; and upon questions, Mr. Palmer stated that the contract stipulated minority contractors were subs, but he was a prime contractor and not considered minority so in essence it was not required they give 10% of the tow because they were not a minority contractor; that one issue was the contractors getting the 40,000 tows were on segments which had capability of that many tows, his segment might just not have 40,000 tows. Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Jeanette Rash, 2104 Lyons, Houston, Texas 77021 (713-228-8872) appeared, presented information and stated that unknown to anyone here she made a call over a year ago to Council Member Rodriguez saying she had a Hispanic contractor who had a storage lot and he needed to be a prime; that they had her list and she had six subcontractors who were minority and happened not to do paperwork; that she chose to have 17 subcontractors and they helped daily. Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

After a lengthy discussion, upon questions by Council Member Adams, Ms. Rash stated they had a responsibility as a prime to do certain things and make sure drivers were professional; that it was not true that there were no minority subcontractors, people just did not know; and they needed to bring in Bellaire and the county, other regions, major thoroughfares and then the pie got bigger and more could participate and get their own segment; and upon questions by Council Member Johnson, Ms. Rash stated that when segments were added bidding would be opened and there would be qualifications by the Houston Police Department, the qualifications would be stringent and the choosing would be by committee like before which chose contractors; that they needed to plan for the future under economic times they were now in, her business was down one-third and to buy trucks she needed to know she would be using them at least three years, generally trucks last four to five years and that was where they were now and she was concerned with equipment costs and investments for primes as well as for subcontractors and that was why she brought the proposal; that she, her operations person and Mr. Palmer sat down and looked at their segments and operation, they offered to go over... they encouraged him to bring on good subcontractors like she had and it would help him get more tows if he did not want to invest in more trucks and they would swap his radio and put him on a separate radio and away from the problem he was having; that they did not know how many tows he could get at this time, but they were going to work with him and allow him to do the best he could do; and upon questions by Council Member Jones, Ms. Rash stated that if a contractor was certified and listed you had to have a hearing with Thelma Laws to take off and replace a contractor and with written agreement you could go to court if you were taken off with no reason; and Vice Mayor Pro Tem Lovell stated that HPD would not be awarding contracts in Bellaire, it would be up to the local police and upon questions, Ms. Rash stated that they did not exclude anyone from participating as long as they were certified; that it would be a Request for Qualifications or Request for Proposal, it would be up to Council; that the Courts said the city could not sell up the freeways so it would be through RFQ or RFP; and upon questions by Council Member Jones, Ms. Rash stated that the RFQ would take place once the city decided on expanding the program; and upon questions by Vice Mayor Pro Tem Lovell, Ms. Rash stated that when this started they had no idea of the number of tows in segments. Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Souhail Adam, 10400 Southwest Plaza Drive, Houston, Texas 77074 (713-545-2744) appeared and stated that from all seen today he was asking they not extend the contract, for all reasons heard today, where was fairness, equity or transparency or Council's fiscal responsibility to look at contracts and save money; that the contract was not up for nine months and why did it have to be renewed before the new Council and before all matters were looked at, it should be investigated. Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Mr. Adam stated that if this were to go out for bid he believed companies could be certified in a matter of weeks, they had the same qualifications as the SafeClear people did, the same insurance requirements and county and city medallions. Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Robert Kane, 8807 Grape, Houston, Texas 77036 (713-574-2335) appeared, presented pictures and stated that he was a candidate for City Council District F this year and present as in May he came questioning signage at red light cameras not following the state statute and he went to court and it was proved signage was wrong and his ticket was dismissed, however, a couple of things concerned him, he still had not received his \$10.00 back and it had been over four months and it concerned him they were still fining people when the signage was not correct; secondly, political signs, as shown in his pictures, were out of control; that in Chapter 46 of the City Code political signs were excluded; that it was no different than gang members tagging in his opinion. Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she understood on his refund there was a delay in processing, it was initially processed as a refund when it should have been processed as a fee and the check was to be processed today and mailed by Thursday and he should receive his check by Friday or Monday and on the political signs, if someone had permission to put a sign up on property they were allowed to do so, but if they did not have permission or if it were in public right-of-way trucks drove around and picked them up and anyone could take the sign down if it was not to be there. Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Ivy Spivey, 12410 San Lucia River Drive, Houston, Texas 77050 (832-519-6804) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Antonia Barba, 6350 Limestone, Houston, Texas 77092 (713-682-5383) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Rosa Campusano, 6402 Thornwall, Houston, Texas 77092 (713-290-0822) had reserved time to speak but was not present when her name was called. Mayor White, Council

Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Elva Macias, 1915 McDuffie, Houston, Texas 77019 (713-807-0224) appeared and stated that last Wednesday she received a traffic ticket on Memorial at Bagby, he informed her she was going 40mph in a 30mph section; the following morning she drove again on Memorial and she slowed down to 30mph and drivers were passing her; that she looked for patrol cars and saw none and it led her to believe the speed limit was not enforced during peek hours and she was requesting that section on Memorial be studied and see if signs should be enlarged . Mayor White, Council Members Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Macias stated that it was clearly marked 30mph, but it was confusing and when she tried slowing in the morning she interfered with traffic flow as it flowed 40mph and she would like that section studied, it did not seem to be enforced in morning hours and she was asking for consistency. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that they did have a report on this and Public Works was going out to investigate sign obstructions and then would consider the speed change request. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Byron Snyder, 3920 Willowick, Houston, Texas 77019 (713-724-4173) appeared and stated that his purpose in being present was to ask for installation of cameras at the intersection of San Felipe, Wesleyan and Willowick; that it was clearly stated on San Felipe you could not make a left turn on Willowick but people continued to do it and cause traffic accidents and if you were on San Felipe you could turn left on Wesleyan but there was no designated light and that too caused wrecks, it was highly impacted during morning and evening hours and a grade school was within 150 yards; that he thought a camera would help those in Houston and be financially rewarding. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that they sent \$7 million plus change recently to the state as their share of the red cameras and got back \$8 million for Harris County Trauma Centers so good things were coming from camera money and they would be happy to check into this. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Snyder stated that he would recommend a left turn signal. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that this was being referred to Captain Holloway of Central Patrol and Assistant Chief Vicki King..., there were a number of things which needed to be studied on feasibility and red light cameras and it was referred to her. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she would involve the District Council Member, make sure they were aware and a part of the process. Mayor White, Council Members Johnson,

Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Shirley Palmer, 3711 Southmore, Houston, Texas 77004 (713-529-2840) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Steven Vargas, 204 Clifton, Houston, Texas 77011 (713-926-9491) appeared and stated that he chaired the Latino HIV Taskforce in Houston and present in March, at that time he said he would come back and give Council an update on their activities which was why he was present today; that he thanked those who did attend their events and now they were collaborating with the Intercultural Center for Wellness and Health and others for their event and testing more people; that October 15th was National Latino AIDS Awareness Day and testing would be held at various locations and invited all to come; and thanked Council Member Gonzalez's office and staff for their efforts in having the National AIDS Awareness Day Proclamation presented; and thanked Council Members Lovell and Jones for words they shared and encouragement in activities. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Windemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Deborah Lewis, 6107 Elkwood, Houston, Texas 77088 (281-216-4906) appeared and stated that she was one of many being sued at Candlelight Trails Condominiums, she could not understand why she was being penalized so heavily, she paid \$15,000.00 cash for the condo and an additional \$3,500.00 for repairs as she wanted better for her children, she was a single parent with two children in college; that her condo was in great condition and she refused a settlement offer for \$4,000.00 it was a lot of money when you had a little income; that she struggled to come up with \$2,500.00 but was told the city did not want to work with her and she could not afford it; that she tried hard to reach out and she was constantly vandalized, but paid for repairs and did not know where to turn and was asking for help. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones thanked Ms. Lewis for coming and stated she would say now as she said before she did not understand why the City of Houston was going after those who had the least, why they were not going after those who did not maintain the properties; that it seemed they wanted to contribute to homelessness, she was at a loss for words and hoped Legal was listening; that she did what she was supposed to do and she could not understand this; and Ms. Lewis stated that she was told if she did not come up with \$4,000.00 she would be sued \$2,200.00 and an attorney said she could file bankruptcy, but she did not shun responsibilities, she worked hard and did not know what to do; and Council Member Jones stated that she was on her side and had no idea why they were doing what they were doing and it made her want to cry, it made no sense. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Upon questions by Vice Mayor Pro Tem Lovell, Ms. Lewis stated that her kids were in college; and Vice Mayor Pro Tem Lovell stated that she could speak with Ms. Vasquez and possibly they could find her help; that this was a difficult situation with a complex in disarray,

they owned the property but not the land and sometimes it was hard to have the right thing done, but they would make all efforts in assisting her. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated to Mr. Michel equity was always an option, there was provision for equity and she did not think there was a better time for equity than now; that they were potentially destroying families, credit, causing homelessness and subjecting children to something they had no part in creating and she would implore him on behalf of all those in Candlelight Trails, though they had some legal agreement she thought they should exercise some common decency and equity; and Vice Mayor Pro Tem Lovell stated that she wanted to be clear, they were not going to make anyone homeless, social service agencies were there to assist and Ms. Lewis could meet with Ms. Vasquez and the City Attorney was also available to speak with if she would like. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Barbara Hargrove Wilkins, 7303 Touchstone, Houston, Texas 77028 (713-491-8876) appeared and stated that the late Mother Theresa stated and lived by precept and example, if you were honest and frank people would keep you, but at some point all were faced with one fact, the ends must justify the means; and continued expressing her personal opinions until her time expired. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she again was present regarding the YMCA in Willowrun, 26.82 acres; that the "Y" committed and were waiting for the city and county to collaborate together and get needed funds. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she must hold the record for constituents coming and caring and if a "Y" was built it would be all because of her; and she applauded her civic commitment on this and her other endeavors. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052 (no phone number given) appeared and stated that he was demanding more time to be heard, he came repeatedly asking for emergency protection; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Courtney Rogers, 539 Sandy Walk, Stafford, Texas 77477 (713-446-6024) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Armon Alam, no address (206-350-4735) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 5:11 p.m. City Council recessed until 9:00 a.m., Wednesday, October 14, 2009. Council Members Lawrence and Green absent on city business. Council Member Khan absent due to death in family. Council Member Gonzalez out of the city on city business. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, October 14, 2009, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Edward Gonzalez out of the city on city business.

At 8:32 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:39 a.m. Mayor White called the meeting to order and stated that the first order of business was the Mayor's Report. Council Members Adams, Brown, Noriega, Green and Jones absent.

MAYOR'S REPORT

Mayor White stated that yesterday they reviewed some aspects of the City's finances which they had committed to do at the time of the budget, that they may recall that at that time they said that by September 30, 2009 they would both review the 2010 Budget and make adjustments based on revenues as well as give a guide forward for 2011, that there were a couple of other aspects of the City budget that was worth noting and the notable one had to do with the TIRZ Affordable Housing Funds, there were amounts of extra CDBG Funds which had been allocated as a result of Hurricane Ike, that they would recall that he and others went up to make sure that Houston got some money that would help them rebuild their housing stock, that a certain amount of their housing stock was taken out of commission, apartments with roofs blown away, thousands of units that were lost in housing as a result of Hurricane Ike and there were CDBG monies available, that CDBG was not a substitute for private insurance, rather the issue was just making sure that if they had thousands of units taken out of their housing stock that they could somehow get those numbers added back, that there were various reasons for that distinction that they could discuss but it was not a substitute for private insurance for apartment owners for example, but for the benefits of supply and demand and housing they had extra funds, that they had normal allocation for CDBG funding and there were some amounts that were available under the ARRA that were now coming available to the City that would help them in energy efficiency programs for residents, etc., that in short there were more funds available from the federal government than normal concerning affordable housing, that in addition to that there were unexpended balances that were set aside for affordable housing and under the terms of the TIRZ plans often inter local agreements with other governments, HISD and the County, could only be used for affordable housing, that the uses for those amounts were described in part in the Multi Year Housing Plan that they presented to City Council at a Council meeting that he thought was a committee as a whole like they did yesterday on a Multi Year Housing Plan, that there were significant amounts of these monies, that he would go through some numbers and thought it behooved them not to sit on some of these monies for a long period of time, but particularly given the housing market that existed today and the

economy, that it was an issue that Council Member Clutterbuck raised with him, at open Council about a year ago, if there were things they could do prudently that would help them spur the economy and regain some momentum in their housing markets that they should do so, multi family and single family alike, that for this reason there would be a number of RCAs that would come to the Council within the next couple of months, that this was by way of giving them some background, that specifically there was close to \$15 million that was in the affordable housing accounts of the City that were from the prior fiscal years that were not appropriated, that did not mean that there had not been plans for those funds, those were contained in the multi year plan to have incentives for single family housing and multi family housing within the city limits, that they tended to try to concentrate some of those in areas so that there would be a critical mass of development within those areas, that in addition to that there were certain amounts that had previously been appropriated which they could de-obligate because there were either CDBG Home Funds, which could only be used for certain purposes in one case and another in a case that they were able to bring in sort of a particular program under budget, under what had been appropriated, that they anticipated de-appropriating some \$3.1 million, and in addition there would be some interest earned on the balance of these accounts until those amounts were expended, that he wanted to give them an overview of what was going on, that they were not cleaning out the shelf, to remember they did have additional CDBG Funds and ARRA Funds which needed to be expended promptly in order to have their intended impact, and that was just a brief overview of the funds available for affordable housing; that among the types of projects that they had some would be through Council Member Jones committee, major redevelopment of development close to the Central Business District, on what some would call Brownfield site, oil industrial site or federal express site, by Avenue CDC, some improvements long demanded by many stakeholders including the community in one of the Vietnamese American villages, where there were people along Broadway, the acquisition that they won in closing down one of these hourly motels, and there were others to boot, that the owner had decided to sell that motel so that it could be developed into single family houses, and then in northeast Houston, and was a point that Council Members Johnson and Brown had made for years, they had been working for years to attract planned developments in larger tracts where they had assembled land in larger tracts where they could have good quality housing in a planned environment, which was difficult in scattered sites, but there would be infrastructure brought there, that these were not entitlement programs and were not things intended just to benefit a beneficiary, they benefited everyone, that he would give them three different reasons why these were important for the community as a whole, people who may not move in or live in the neighborhoods, first, there were many properties which had been abandoned and sucked up tax revenue when they had to haul off tires that were dumped on them and where the weeds grew and they could not get the owners and they were nuisance for the neighborhood and in some cases those could be absolutely magnets for crime, they had to spend money; that second, it was a burden on all property tax owners in the City when there was property that they had to police and maintain, but there was nobody there that was contributing to the common expenses, paying property taxes, that meant they had to have new homes or businesses on these particular lots; that third, back in 2000 under the leadership of former Mayor Lanier there was a regional group called the Mobility Partners that took a 20-30 year look at their regional mobility needs and it was a report that he had gone back to time and time again because it had some wise observations, one was that as they had grown and gotten more dense they could not simply rely on some of the same, doubling the size of the highway strategies that they had done in the past to increase mobility, that they had to increase lane miles, yes, but they also had to make it easier for people to live close to where they worked, that he remembered at the time, as a citizen, probing about that it was a good idea, now how did they think they ought to do that, that nobody had a perfect idea but basically it had to do with filling in some development in the neighborhoods that were close to major employment centers where people could drive less than if they were driving all the way to Fort Bend or Waller County or outside the city limits, that was why it was important that they allocate some of these funds that they do it wisely and expeditiously, that there would be a number of RCAs coming and they could deal with them individually on the merits. Council

Members Lawrence, Rodriguez and Lovell absent.

After discussion by Council Members, Mayor White stated that they would move to the consent agenda.

At 10:10 a.m. Mayor White stated that they would move to the consent agenda.

CONSENT AGENDA NUMBERS 1 through 50

MISCELLANEOUS - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **ANIMAL SHELTER ADVISORY COMMITTEE**, for terms to expire December 31, 2009:

Position Five - **MS. ALISON L. SMITH**
Position Six - **MS. MARY ELLEN ARBUCKLE**

- was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0733 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of **MR. DANIEL H. TRAN** to Panel 2, Position B1a of the **BUILDING AND STANDARDS COMMISSION**, for a term to expire December 31, 2010 - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0734 ADOPTED.

Mayor White congratulated Ms. Alison Smith, who was in the audience, on her appointment to the Animal Shelter Advisory Committee and thanked her for her service to the City.

Council Member Lovell moved to suspend the rules to consider Item No. 21 after the consent agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0735 ADOPTED.

DAMAGES - NUMBER 4

4. RECOMMENDATION from City Attorney for settlement of lawsuit styled **ROZELIA SPIKES** v. City of Houston; in the Civil District Court 165th Judicial District of Harris County, Texas - \$175,000.00 Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0736 ADOPTED.

ACCEPT WORK - NUMBERS 5 through 10

5. RECOMMENDATION from Interim Director Houston Airport System for approval of final contract amount of \$11,909,837.06 and acceptance of work on contract with **W. W. WEBBER, LLC** for Reconstruction of Runway 4-22 Storm Drainage Improvements, and Storage Maintenance Facility at Ellington Airport, Project No. 606 - 0.1% under the original contract amount - **DISTRICT E - SULLIVAN** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0737 ADOPTED.

6. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$548,320.84 and acceptance of work on contract with **PARALLAX BUILDERS, INC** for Mason Park - 4.85% over the original contract amount - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0738 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,525,893.33 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 3.17% over the original contract amount - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - ADAMS; F - KHAN and H - GONZALEZ** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0739 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,028,059.24 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Wastewater Collection System Rehabilitation and Renewal - 2.3% under the original contract amount - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0740 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,881,259.53 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 1.05% over the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E SULLIVAN; F - KHAN; G - HOLM; H - GONZALEZ and I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0741 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,683,801.43 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 4.02% over the original contract amount - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; E SULLIVAN; F - KHAN and G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0742 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 17A

11. **NEWMAN & NEWMAN, INC** to provide the Houston Department of Health & Human Services with communications planning and implementation services for seasonal flu and H1N1 public outreach campaign - \$317,644.00 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0743 ADOPTED.
13. **ROCHE DIAGNOSTICS CORPORATION** for MagNA Pure LC 2.0 Systems for the Houston Department of Health & Human Services - \$196,200.00 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All

voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0744 ADOPTED.

14. **SHI GOVERNMENT SOLUTIONS, INC** for Maintenance and Support Agreement for Novell Software through the City's Master Agreement with Texas Department of Information Resources for the Houston Police Department - \$512,887.61 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0745 ADOPTED.
16. **AZTECA SYSTEMS, INC** for Software Maintenance Services Agreement for Infrastructure Management System for Department of Public Works & Engineering - \$110,000.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0746 ADOPTED.
17. ORDINANCE appropriating \$209,178.77 out of Equipment Acquisition Consolidated Fund for Purchase of Contact Center Software, Hardware and Consulting Services for Information Technology Department - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0957 ADOPTED.
- 17a. **NORTH AMERICAN COMMUNICATIONS RESOURCES, INC** for Purchase of Implementation of Contact Center Software through the City's Master Agreement with Texas Department of Information Resources - \$151,715.25 - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0747 ADOPTED.

ORDINANCES - NUMBERS 18 through 50

18. ORDINANCE **AMENDING SECTIONS 8-127 and 8-128 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to towing of vehicles – item was pulled by the administration and will not be considered.
20. ORDINANCE approving and authorizing the City of Houston to enter into contract with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to administer an After School Achievement Program ("ASAP") - \$820,000.00 - General and CDBG Grant Funds - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0958 ADOPTED.
22. ORDINANCE approving and authorizing contract between the City and **CONSILIENCE SOFTWARE, INC** for Maven Software Maintenance/Upgrade to support the Houston Electronic Disease Surveillance System; providing a maximum contract amount - 1 Year with 5 one-year renewals - \$850,000.00 - Grant Fund - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0959 ADOPTED.
23. ORDINANCE appropriating \$250,000.00 out of TIRZ Affordable Housing Fund; authorizing incentive payments for Real Estate Brokerage Services in connection with the sale of affordable single family homes in the Houston Hope Neighborhoods Revitalization Areas (Acres Homes, Denver Harbor, Fifth Ward, Independence Heights, Near Northside, Settegast, Sunnyside, and Trinity Gardens) to buyers using a City Down Payment Assistance Program - **DISTRICTS B - JOHNSON; D - ADAMS; H - GONZALEZ and I – RODRIGUEZ** – was pulled by the administration and will not be considered.

25. ORDINANCE relating to the fiscal affairs of Tax Increment Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone); amending Ordinance No. 2009-613 to amend the Fiscal Year 2010 Operating Budget for the Hardy/Near Northside Zone - \$40,000.00 TIRZ #21 Hardy/Near Northside Fund - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0960 ADOPTED.
26. ORDINANCE approving and authorizing Interlocal Agreements between the City of Houston and the **TEXAS DEPARTMENT OF PUBLIC SAFETY**, the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** and **FORT BEND COUNTY** for Investigators under the Houston Auto Crimes Task Force (H.A.C.T.F.) Grant/18 Program - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0961 ADOPTED.
27. ORDINANCE appropriating \$9,016,897.00 out of Equipment Acquisition Consolidated Fund as an additional appropriation to the Automated Records Management System Implementation Contract between the City of Houston and **TIBURON, INC** (Approved by Ordinance No. 2009-0392) and project related costs for the Houston Police Department - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0962 ADOPTED.
28. ORDINANCE approving and authorizing Parking License Agreement between the City of Houston and **FRONTIER PAYMENTS, LLC d/b/a TAXIPASS** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - Revenue - **DISTRICTS B - JOHNSON and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0963 ADOPTED.
29. ORDINANCE approving and authorizing Lease Agreement between the City of Houston, Texas, as Landlord, and **FOURTH WARD CLINIC d/b/a GOOD NEIGHBOR HEALTHCARE CENTER, as Tenant**, for 1,300 square feet at the building known as the Northside Health Clinic, located at 8504 Schuller, Houston, Harris County, Texas, for a term of five years with two five year renewal options, for the purpose of primary and pediatric health care services - Revenue - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0964 ADOPTED.
30. ORDINANCE approving and authorizing first amendment to Lease Agreement (Contract No. 32299) by and between the City of Houston, Texas ("Landlord") and **AT&T MOBILITY TEXAS, LLC ("Tenant")** for space at the Houston Fire Station No. 16 located at 1700 Richmond Avenue, Houston, Harris County, Texas - Revenue - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0965 ADOPTED.
32. ORDINANCE awarding contract to **IED SUPPORT SERVICES, LLC** for Audio Control System Services for the Houston Airport System; providing a maximum contract amount - 5 Years \$1,342,872.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0966 ADOPTED.
35. ORDINANCE approving and authorizing Agreement for Professional and Consulting Services between the City of Houston and **VIRTUAL INTELLIGENCE PROVIDERS, LLC** for the Houston Airport System - \$150,000.00 - **DISTRICTS B - JOHNSON; E -**

SULLIVAN and I - RODRIGUEZ - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0967 ADOPTED.

38. ORDINANCE consenting to the addition of 6.8634 acres of land to **MEMORIAL HILLS UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0968 ADOPTED.
39. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater beneath two tracts within a 43 acre site located at 6800, 6900, 7010 and 7020 Old Katy Road Houston, Harris County, Texas, commonly known as State Highway No. 73, Houston, Texas, 77024 and a portion of the Old Katy Road right of way, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0969 ADOPTED.
40. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and the **HARRIS COUNTY FLOOD CONTROL DISTRICT** for the Federal Emergency Management Agency Home Buyout Program - **DISTRICTS E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0970 ADOPTED.
41. ORDINANCE approving and authorizing Advance Funding Agreements between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Safe Routes to School Projects - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0971 ADOPTED.
42. ORDINANCE appropriating \$839,600.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for Engineering Services associated with the North East Water Purification Plant (NEWPP); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0972 ADOPTED.
43. ORDINANCE approving and authorizing Professional Landscape Architectural Services Contract between the City of Houston and **CLARK CONDON ASSOCIATES, INC** for Design of Museum District/Main Street Corridor Improvement Project - **DISTRICTS C - CLUTTERBUCK and D - ADAMS** - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0973 ADOPTED.
44. ORDINANCE awarding contract to **CLEANSERVE, INC** for Storm Sewer Television Inspection (Work Order Contract) - \$294,400.00 - Storm Water Fund - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0974 ADOPTED.
45. ORDINANCE appropriating \$9,844,610.00 out of Metro Project Commercial Paper Series E Fund and \$1,133,780.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TRIPLE B SERVICES, L.L.P.** for Lockwood Dr. Paving Bennington to Tidwell Road; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder

in default if it fails to meet the deadlines; providing funding for engineering, testing, project management and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0975 ADOPTED.

46. ORDINANCE appropriating \$3,025,809.95 out of Street & Bridge Consolidated Construction Fund and \$348,253.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL SITE, INC** for Neighborhood Street Reconstruction (NSR) Project 462, setting deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON and H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0976 ADOPTED.
47. ORDINANCE appropriating \$518,068.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0977 ADOPTED.
48. ORDINANCE appropriating \$506,444.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0978 ADOPTED.
50. ORDINANCE No. 2009-952, passed first reading October 7, 2009
ORDINANCE granting authority to **CENTURYTEL FIBER COMPANY II, LLC, A LOUISIANA LIMITED LIABILITY COMPANY, dba LIGHTCORE, A CENTURYTEL COMPANY** the right, privilege and franchise to use the public way of the City of Houston, Texas, for the purpose of laying, constructing, leasing, maintaining, repairing, replacing, removing, using, and operating therein, network facilities for providing authorized services; providing for related terms and conditions - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0952 PASSED SECOND READING IN FULL.
21. ORDINANCE **AMENDING SECTION 4620 OF THE BUILDING CODE OF THE CITY OF HOUSTON, TEXAS**, the Houston Sign Code, to expand and revise the boundaries of the East Side Sports and Convention Complex District and to permit certain special display signs in that district - **DISTRICT I – RODRIGUEZ** – was presented.

After discussion by Council Members Lovell, Holm and Lawrence, a vote was called on Item No. 21. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0979 ADOPTED.

Council Member Holm moved to suspend the rules to consider Item No. 55 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. MOTION 2009-0748 ADOPTED.

55. ORDINANCE amending Ordinance 2005-0106, as amended, to increase the maximum contract amount and approving and authorizing the fourth amended and restated SafeClear Freeway Towing and Emergency Road Service Agreements between the City of Houston and **ALLIED COLLISION CENTER; CANNINO WEST, INC; CORPORATE AUTO SERVICE, INC; C-MAS, INC d/b/a FIESTA WRECKER SERVICE; KTL ENTERPRISES, INC; MILAM STREET AUTO STORAGE, INC; NATIONAL AUTO COLLISION, INC; NORTH HOUSTON MOTORS, INC; T & T MOTORS, INC d/b/a T & T MOTORS; UNIFIED AUTO WORKS PAINT & BODY, INC d/b/a UNIFIED AUTO WORKS AND WESTSIDE WRECKER SERVICE, INC** for the Houston Police Department; delegating to the Police Chief the authority to replace a terminated or suspended operator with another PATSA Holder for the term of the agreement; requiring operators to comply with State Law - \$2,799,839.00 - Police Special Service Fund (Metro) – **(This was Item 30 on Agenda of October 7, 2009, TAGGED BY COUNCIL MEMBERS JOHNSON and JONES)** – was presented.

After discussion by Council Members a roll call vote was called on Item No. 55.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Gonzalez out of the city on city business.
Council Member Lawrence voting aye	Council Member Rodriguez voting aye
Council Member Johnson voting no	Council Member Brown voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Adams voting no	Council Member Noriega voting no
Council Member Sullivan voting aye	Council Member Green voting aye
Council Member Khan voting aye	Council Member Jones voting no
Council Member Holm voting aye	ORDINANCE 2009-0980 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF THE HOUSTON DOWNTOWN MANAGEMENT DISTRICT:**
- Position One - **MS. FRITZ GUTHRIE**, appointment, for a term to expire 6/1/2012
 - Position Two - **MR. CRAIG W. MCPHIE**, appointment, for a term to expire 6/1/2012
 - Position Three - **MR. EVERETT A. BASS**, appointment, for a term to expire 6/1/2012
 - Position Four - **MR. JOHN H. ANDERSON**, appointment, for a term to expire 6/1/2012
 - Position Five - **MS. LESLIE GARCIA ASHBY**, reappointment, for a term to

- expire 6/1/2012
- Position Six - **MS. VALERIE D. WILLIAMS**, reappointment, for a term to expire 6/1/2012
 - Position Seven - **MR. STEWART O. ROBINSON**, reappointment, for a term to expire 6/1/2012
 - Position Eight - **MS. GENORA KENDRICK BOYKINS**, reappointment, for a term to expire 6/1/2013
 - Position Nine - **MS. SHARON M. OWENS**, reappointment, for a term to expire 6/1/2013
 - Position Ten - **MR. EDUARDO A. SANCHEZ**, appointment, for a term to expire 6/1/2013
 - Position Eleven - **MR. GILBERT A. GARCIA**, reappointment, for a term to expire 6/1/2013
 - Position Twelve - **MR. H. MILTON HOWE**, reappointment, for a term to expire 6/1/2013
 - Position Thirteen - **MS. TONI NIECE**, appointment, for a term to expire 6/1/2013
 - Position Fourteen - **MR. PAUL H. LAYNE**, reappointment, for a term to expire 6/1/2013
 - Position Fifteen - **MR. GREGORY A. BROTHERS**, reappointment, for a term to expire 6/1/2013
 - Position Eighteen - **MR. KARUN SREERAMA**, appointment, for an unexpired term ending 6/1/2010
 - Position Twenty-One - **MR. MUSTAFA TAMEEZ**, appointment, for an unexpired term ending 6/1/2010
 - Position Twenty-Four - **MS. DIEDRA P. PORCHE**, appointment, for a term to expire 6/1/2011
 - Position Twenty-Seven - **MR. REYNALDO REZA**, appointment, for an unexpired term ending 6/1/2011

- was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Member Lovell absent. MOTION 2009-0749 ADOPTED.

PURCHASING AND TABULATION OF BIDS

12. **GATEWAY TO CARE, A non-profit corporation**, to develop a call center to process the high volume of surge questions regarding H1N1 for the Houston Department of Health & Human Services - \$193,773.00 - Grant Fund – was presented, and tagged by Council Member Holm. Council Member Lovell absent.
15. **AMEND MOTION #2007-788,7/18/07, TO INCREASE** spending authority from \$1,275,000.00 to \$1,593,750.00 for MD Helicopter Replacement Parts for Houston Police Department, awarded to **HELI-MART, INC** - \$318,750.00 - General Fund – was presented, and tagged by Council Member Holm. Council Member Lovell absent.

ORDINANCES

19. ORDINANCE creating the City of Houston Term Limits Review Commission; providing for the appointment of the Commission and its responsibilities and limitations regarding terms and term limit provisions in the Houston City Charter – was presented. Council Member Lovell absent.

Council Member Noriega presented the following written motion to amend Item No. 19:

"I move to amend Item 19 by making the following change in Section 3 of the proposed ordinance:

Amend Section 3 of the proposed addition to the Code of Ordinances, Houston, Texas, to read as:

'The Commission shall consist of twenty-one residents and each Council Member shall appoint one member, the Controller shall appoint one member and the Mayor shall appoint six members, including the chair. A majority of the members of the Commission shall constitute a quorum for the conduct of business and at the time of vacancy, the commissioner shall be appointed by the official who made the initial appointment or by the elected official serving in that position.'" Council Member Lovell absent.

A vote was called on Council Member Noriega motion to amend Item No. 19. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Member Lovell absent. MOTION 2009-0750 ADOPTED.

Note: Motion 2009-0750 was written to amend Section 3 of Item 19 only as item did not amend the Code of Ordinances. Council Member Lovell absent.

Council Member Sullivan stated that when they had citizens volunteer on commissions sometimes he was concerned about making a quorum and would like consideration be given to number of members actually in attendance to achieve a quorum, not a number of members to achieve a quorum, that this may be a long process and they had to consider that people's schedules change and he hated to see the process bogged down like there were in some TIRZ boards or development boards where they had not enough people actually at the table but they did have enough people to conduct business. Council Members Clutterbuck and Lovell absent.

Mayor White asked Council Member Sullivan what conclusion did he draw from what he had said, that he thought they had a majority representing a quorum, and Council Member Sullivan stated that in reading Council Member Noriega amendment it said that a majority of the members of the commission shall constitute a quorum, and Mayor White stated this was not a multi year, that there was work that would be done outside a formal meeting and thought they had a requirement of at least three at public meetings or hearings, if they had twenty one people than a majority would constitute a quorum and he supposed the chair and the members, it would be incumbent on them to select dates in advance and try to have people who would be committed to attend and that would be the type of thing that they had to rely on the individual elected officials who were nominating people for a position to make sure that people spent their time on the schedule, that it seemed to him that probably on this issue and how important it was that it should not be a problem to maintain a quorum of eleven out of twenty one, and if there were people that they appointed that intended to boycott the work then they should not be appointed in the first place; that he thought it was a legitimate issue and would say there was merit in keeping it the way it was, that they dealt with some issues which were contentious around the Council table, where they had differences of views, but he had to say that he was really impressed that in almost 6 years they had the same rule, that it took a majority to constitute a quorum and he had not seen people boycott the proceedings in order to undermine them from being able to deliberate, that point noted, what he took out of their observation was that people who were appointed by the Council Members, City Controller or the Mayor should be committed to attend. Council Members Clutterbuck and Lovell absent.

After further discussion by Council Members, Council Member Noriega stated that she felt she needed to clarify her amendment, the language in her amendment was exactly out of the original item, the only thing that she had changed was who appoints a vacant position, the way the item currently read that if people left their position before their term was up the Mayor was

given the charge of filling the position, after having six positions they could end up having the Mayor fill all of the positions if people left and were gone, that if they wanted to amend her amendment she would like to respectfully perhaps suggest that they go ahead and pass the amendment and deal with the other another way.

A vote was called on Item No. 19 as amended. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Member Brown absent. ORDINANCE 2009-0981 ADOPTED AS AMENDED.

24. ORDINANCE appropriating \$2,500,000.00 out of TIRZ Affordable Housing Fund (Fund 2409) and approving and authorizing Grant Agreement between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION** to assist in the land development costs for a subdivision of 95 affordable single-family homes situated on 12.49 acres of a 20.3 acre development tract at 4004 Irvington Boulevard, Houston, Texas - **DISTRICT H - GONZALEZ** – was presented, and tagged by Council Member Jones. Council Member Brown absent.
31. ORDINANCE amending Ordinance No. 2004-0808 to increase the maximum contract amount; approving and authorizing second amendment to contract between the City of Houston and **PETDATA, INC** for Animal Licensing Services for Houston Department of Health & Human Services - \$380,000.00 - General Fund – was presented, and tagged by Council Member Holm. Council Member Brown absent.

After discussion by Council Members, Council Member Clutterbuck stated that she would like to add her tag to the item and would like for the people from ARA report back to them on what had been done to date to help facilitate on line registration of their animals, and what exactly in the RCA was the compliance initiative that they referred to, that she would like a response to her questions, that she was hesitant to support any contract that went on for as long as it did when they should be entering the twenty first century. Council Member Brown absent.

Mayor White stated that Item No. 31 had been tagged. Council Member Brown absent.

33. ORDINANCE awarding contract to **VOLLMER PUBLIC RELATIONS, INC** for Communications Specialist to Design and Implement the Houston Counts Campaign for Planning & Development Department; providing a maximum contract amount - \$500,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Member Adams absent. ORDINANCE 2009-0982 ADOPTED.
34. ORDINANCE awarding contract to **ADVANCED OVERHEAD CRANE SERVICES** for Inspection, Maintenance and Repairs on Overhead Cranes and Hoists for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,828,323.75 - General, Enterprise and Fleet Management Funds – was presented.

Council Member Clutterbuck stated that this was a very important and critical contract, that she was very proud of the safety record that the crane operators had in the City of Houston compared to other cities and wondered to what extent did this contract include their assumption of liability and would like for somebody to answer that for her, that she would be happy to tag until later, and Mayor White asked what was her goal on this, and Council Member Clutterbuck stated that it was her personal belief that the regulations under which they operated in the City of Houston and relying on OSHA regulations seemed to insure safety and certainly their track record showed that but should they have the kinds of crane failures that other large cities had seen she would want to make sure that this contract addressed this operators' liability in that

rather than putting that on the taxpayers, that she suspected that it did but was not able to see that in the RCA; that she also noted that along with this contract and all the other contracts they had the pay or play provision and would renew her request for an update on the status of that fund, that it was not necessarily for this item but would use it as an opportunity. (Note: Council Member Clutterbuck released her tag later in the meeting)

Mayor White stated that Council Member Clutterbuck would tag Item No. 34 while they made copies of articles 2.0 and 3.0.

36. ORDINANCE appropriating \$5,000,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN d/b/a PBS&J** for Professional Engineering Services in connection with an Environmental Impact Statement at George Bush Intercontinental Airport/Houston (Project 644) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0983 ADOPTED.
37. ORDINANCE appropriating \$90,000.00 out of General Improvement Consolidated Construction Fund as an additional appropriation for Municipal Courts Phase II Renovations and approving and authorizing first amendment to construction contract between the City of Houston and **TIMES CONSTRUCTION, INC** (Approved by Ordinance No. 2008-0538); providing funding for contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. ORDINANCE 2009-0984 ADOPTED.
49. ORDINANCE relating to the retail gas rates of **CENTERPOINT ENERGY RESOURCES CORP. d/b/a CENTERPOINT ENERGY ENTEX** and as **CENTERPOINT ENERGY TEXAS GAS**; setting hearing to determine just and reasonable rates to be observed within the City of Houston; containing findings and other provisions relating to the foregoing subject; providing for severability **HEARING DATE - 9:00 A.M. - TUESDAY - NOVEMBER 10, 2009** – was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Member Noriega absent. ORDINANCE 2009-0985 ADOPTED.

NON CONSENT AGENDA - NUMBER 51

MISCELLANEOUS

51. RECEIVE nominations for appointments to Positions One through Four for the **ANIMAL ADVISORY COMMITTEE BOARD OF DIRECTORS** for the remainder of a two year term that will end December 31, 2009 – was presented. Council Member Lawrence absent.

Council Member Lovell nominated Patricia N. Cooper, a veterinarian, and Chris Souders, a doctor, to be placed in nomination for the two positions of the Animal Advisory Committee Board of Directors. Council Member Lawrence absent.

Council Member Holm stated that she would like to nominate Kappy Muenzer to Position 3 of the Animal Advisory Committee Board of Directors, that she was the Executive Director of Citizens for Animal Protection. Council Member Lawrence absent.

Council Member Noriega stated that she would like to nominate Neil Sackheim, who was on the board of SNAP to Position 4 of the Animal Advisory Committee Board of Directors. Council Member Lawrence absent.

Council Member Khan moved to close nominations for Positions One through Four of the Animal Advisory Committee Board of Directors, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Member Lawrence absent. MOTION 2009-0751 ADOPTED.

MATTERS HELD - NUMBERS 52 through 55

52. ORDINANCE appropriating \$174,875.00 out of Equipment Acquisition Consolidated Fund and \$206,574.00 out of Reimbursement of Equipment/Projects Fund for Purchase of Light-Duty Utility Vehicles for Various Departments – **(This was Item 9 on Agenda of October 7, 2009, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. Council Member Lawrence absent.

Council Member Holm moved to postpone Item Numbers 52 and 52a for one week, seconded by Council Member Khan. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Member Lawrence absent. MOTION 2009-0752 ADOPTED.

- 52a. RECOMMENDATION from Purchasing Agent to award to **PLANET FORD 45** - \$495,063.00 and **PHILPOTT MOTORS, LTD.** - \$978,311.00 for Light-Duty Utility Vehicles for Various Departments - \$1,091,925.00 - Enterprise, Grant, Building Inspection and Special Waste Transportation & Inspection Fund – **(This was Item 9A on Agenda of October 7, 2009, TAGGED BY COUNCIL MEMBER HOLM)** – was presented and postpone for one week by MOTION 2009-0752. Council Member Gonzalez out of the city on city business. Council Member Lawrence absent.
53. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Nance Street, from Cage Street to Bringhurst Street, located in the Cage Addition, in the D. Gregg Survey, A-283, Houston, Harris County, Texas (Parcel SY9-023); vacating and abandoning said street to Houston Independent School District, the abutting owner, in consideration of its payment of \$115,000.00, and other consideration to the City - **DISTRICT B - JOHNSON** – **(This was Item 18 on Agenda of October 7, 2009, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Member Lawrence absent. ORDINANCE 2009-0986 ADOPTED.
54. ORDINANCE appropriating \$2,660,810.85 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas, (Memorial City Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth

Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone), Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone), and Reinvestment Zone Number Twenty-Two, City of Houston Texas (Leland Woods Zone) for administrative expenses, payment of project costs, payment to Houston Independent School District, payments to certain redevelopment authorities as provided herein – **(This was Item 22 on Agenda of October 7, 2009, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** - was presented.

Council Member Sullivan stated that it did not occur to him until after all the discussion today with respect to the \$5,000 real estate commission and asked if there was any possibility that those real estate commission funds could come out of this item, and Mayor White stated that the answer was “no”. Council Member Holm absent.

A vote was called on Item No. 54. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Member Holm absent. ORDINANCE 2009-0987 ADOPTED.

Council Member Clutterbuck stated that she would like to remove her tag on Item No. 34, that she had her questions answered. Council Member Holm absent.

34. ORDINANCE awarding contract to **ADVANCED OVERHEAD CRANE SERVICES** for Inspection, Maintenance and Repairs on Overhead Cranes and Hoists for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,828,323.75 - General, Enterprise and Fleet Management Funds – was again before the City Council. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Member Holm absent. ORDINANCE 2009-0988 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Lovell stated that the next meeting of the Transportation Infrastructure Aviation Committee would be held on Thursday, October 22, 2009 in Council Chamber at 2:00 p.m.; that she wanted to say congratulations to the Greater East End Management District on their 10th Anniversary and to their Board Chairman Sunny Flores and the Executive Director Diane Chanke and her staff, that the East End Management District had made a huge impact on their part of town, especially on the issue of graffiti, that she wanted to thank them for recognizing her efforts on the fight against graffiti and for thanking her for helping them acquire another graffiti truck to go around the City and abate the graffiti; that on Thursday she administered the oath to the 2009-2010 Mayor’s Youth Council, that 33 members of the Youth Council will serve as the voice for Houston’s youth and report to the Mayor and City Council on their concerns throughout the year; that last Friday she represented the City of Houston at the unveiling of the Cool Globes, Hot Ideas for a Cooler Planet, at Discovery Green, that they are 5 foot diameter, 7 foot tall globes and weighed 2,300 pounds each and were designed by well known artists including Houston artist Sharon Capriva, Susan Sellers and Liz Constance Spencer, that she also had the honor of meeting Robert Kennedy, Jr. who spoke to a group of students and explained how his river keeper role started because the rivers were being polluted and were going dead and how they had put together a program that was national in which to make sure their very valuable rivers were not polluted anymore; that she wanted to remind everybody that Monday, October 19 2009 early voting starts. Council Members Clutterbuck, Holm, Rodriguez, Brown and Green absent.

Council Member Lawrence stated that tomorrow at 10:30 a.m. they would have a Regulations Development Neighborhood Protection Committee; that yesterday was the Hero’s Fund Raiser and would let them, when a proclamation comes forward in a week or two,

announce the amount, that she wanted to thank the people who participated in this. Council Members Holm, Rodriguez and Green absent.

Council Member Johnson stated that tomorrow, October 15, 2009, at 9:00 a.m. at the CWA Hall he would be hosting a community breakfast with members from District B, pastors and community leaders as they talked about endowing their legacy, wealth building, sweat equity, crime, crime prevention, land ownership and how their churches could be more engaged in taking back their communities, that it would be at 1730 Jefferson Street. Council Members Lawrence, Holm, Rodriguez, Lovell and Green absent.

Council Member Khan stated that many neighborhoods had applied for prohibited yard parking program, that there would be a public hearing on October 28, 2009 at 3:00 p.m. at the City Hall Annex Chamber, that there were at least two neighborhoods in District F, Bellaire West Community and Huntington Village, two in District A, Pine Terrace and Woodland Trails and one in District I, Glenbrook Valley; that Neighborhood Centers would have several programs, a book fair on October 13, 2009, H1N1 Virus information session on October 15, 2009, the Gulfton and Sharpstown Culture Fest on Saturday, October 17, 2009 and a community garage sale on October 24, 2009, that many of these programs were at the multi service center at 62400 High Star. Council Members Lawrence, Holm, Rodriguez, Lovell and Green absent.

Council Member Brown stated that he wanted to extend condolences to Council Member Khan on the passing of his father; that Avenue CDC, Washington Avenue, was going to have their Art on the Avenue celebration November 12 to 14, 2009; that his Council office was doing an interesting project in Acres Homes called Houston Home Makeover Project, that they would be joined by Council Member Johnson, Houston Full Circle Organization, Coalition for the Homeless, Bishop James Butler and community activist Ruby Mosley on Saturday, October 17, 2009 from 7:00 a.m. to 2:00 p.m., that they were going to take a house that looks like it needed a make over and they were providing the paint and materials, that there were a lot of community volunteers. Mayor White and Council Members Lawrence, Johnson, Rodriguez, and Green absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Clutterbuck stated that the long awaited Fire Station 37 was going to see it's grand opening in a new facility, that was LEED certified, on Friday, October 16, 2009 at 10:30 a.m., that they were on Stella Link, that on behalf of the Braeswood Place Homeowners Association it was a culmination of a long project that had taken about 15 years, that they had worked with the General Services Department and the Fire Department to make sure that in the old location of the fire station on Aberdeen they would have additional parking for the overflow parking for those attending the Stella Link McGovern Library; that she wanted to congratulate Landon Taylor, of her office, who became engaged to Naja over the weekend; that she wanted to wish Sharon Shanahan, of her office, a Happy Birthday. Council Members Lawrence, Johnson, Sullivan, Rodriguez, Brown and Green absent.

Council Member Noriega stated that she wanted to say congratulations to the Martin Luther King Animal Hospital and Dr. Charles Wilson, that Dr. Wilson was a veterinarian and did a wonderful job, that he had been serving the southeast end of town for 50 years. Council Members Lawrence, Johnson, Rodriguez, Brown and Green absent.

Council Member Adams stated that on October 7, 2009 Montrose was designated as a great neighborhood by the American Planning Association, that she wanted to thank everyone who came out to share in the wonderful auspicious occasion; that October was Breast Cancer Awareness Month and wanted everyone to continue to wear pink or their ribbon to support Breast Cancer Awareness Month; that she wanted to thank the Greater Saint Mathew Church and Pastor Booker for allowing them to share in their 41st church anniversary; that they wanted to welcome their new Mayor's Youth Council, Lauren Saint John, from Carnegie Vanguard

School and Alex Solis, DeBaKey High School, that they had a great day in the office yesterday; that on October 15, 2009 they would be celebrating White Cane Day, that it would start at 914 Main at Walker, for those who wanted to come out and support those people who had disabilities, especially those who were visually impaired, could come and march with them, that there would be a rally on the steps of City Hall and Council Member Lovell would be presenting a proclamation tomorrow; that on Saturday Super Neighborhood 71 and 76 would have a clean up, they could join them at the Sunnyside Police Store Front; that there was a new public hearing date for those who had questions and concerns about the sale of the Palm Center, that they could contact the City of Houston Housing and Community Development Department, 4th Floor, 601 Sawyer, Houston, Texas 77007. Council Members Lawrence, Johnson, Holm, Rodriguez, Brown and Green absent.

Council Member Jones stated that there would be a Housing Committee meeting tomorrow at 2:00 p.m. in the Council Chamber; that she wanted to ditto what Council Member Adams said about Palm Center, that the Housing Department had re-posted it's notice of intent of a no finding of significant impact at the Palm Center, that the posting was in the Chronicle for October 7, 2009 through November 6, 2009, so if anyone had comments for or against a finding of no significant impact as it related to a bus terminal and the widening of Griggs at Palm Center to please let Mr. Celli, Director of the Housing Department, know that; that she went to the Northside for the ribbon cutting of KIPP Voyage Academy for Girls, that it was the first public charter all girls school in the City; that she wanted to give a shout out to Youngblood Intermediate School in Alief, that Coach Bodine had invited her to speak to a number of her classes; that she wanted to thank Mayor White for allowing her to represent him at the Australian American Chamber of Commerce, that she met the Honorable Lord Mayor Lisa Scaffidi of Perth, Australia, that she was the first Lord Mayor of Perth; that she wanted to give kudos to Eliva Valdez, who worked in ARA, who had baby Alex; that her Aunt Dena died of Breast Cancer week before last, that she fought the fight valiantly, that she was a great mom. aunt, sister and cousin, that she always had a positive thing to say about everybody, that she had received kudos from Governor William P. Clements and Mayor Kathy Whitmire, that she was the first Black Jordache model and became the best known walker for Ebony Fashion, that she wanted to ask people to keep her cousins Treasure and Loyce in their prayers and her two grandchildren. Council Members Lawrence, Johnson, Holm, Rodriguez, Brown, Lovell and Green absent.

Council Member Sullivan stated that he wanted to thank Director Marcotte, Andy Icken, June Chang and others who had worked on the San Jacinto River Authority Water Supply contract; that he wanted to thank Kingwood resident, Jim Harding, who had just finished his term on HPDs Citizen Review Committee; that the Space Center Rotary Club was having a fund raiser on Saturday called a Shrimporie, that it was a shrimp boil that would be held at Clear Lake Park on Nasa Road 1; that he wanted to thank Houston Fire Department Station No. 102 for hosting him and his office yesterday evening prior to a townhall meeting they had in Kingwood, that they had a lot of participation from City departments and wanted to thank them, that he wanted to thank his staff, Monica, Carina, Autumn and Lauren for putting it all together for him; that they had a major bayou in Kingwood called Bear Branch that had a severe erosion problem along the banks, as did a lot of areas in the City, that he had a meeting with Public Works, Harris County Flood Control District representatives and Jerry Eversole's representatives in the City Hall Annex a few weeks ago and it was not quite an orphan ditch but no one was really accepting responsibility for the erosion problem, that it was a problem because it was filling up property lakes that this public ditch feeds into, that they were called Kingwood Lakes and the MUD prior to annexation used to pay to dredge those lakes, post annexation the City of Houston had dredged them two or three times and the most recent time it was a \$25,000 cost to the City and the homeowners association paid \$25,000 as well, that they were splitting the cost with the HOA but the problem persisted, that he had been trying to get all of the parties together, that they had identified the problem but could not get to a solution, that

he had written the Harris County Flood Control District Director, Mike Talbot, a letter asking him to take responsibility and he politely refused and sent a letter saying that, that he was kind of stuck and they could certainly settle it later, but he wanted to let his constituents know that he was trying to find a solution. Council Members Lawrence, Johnson, Holm, Rodriguez, Brown, Green and Jones absent.

Council Member Adams stated that about six months ago they had a physician come to talk about the H1N1, what was the City of Houston doing for providing education and today a grant was provided for the City of Houston to provide outreach for the H1N1 Flu to be able to go out to the community centers through the Health Department; that she wanted to thank Mayor White for putting together the Neighborhood Protection Task Force, that they were moving forward with the abandonment of buildings. Council Members Lawrence, Johnson, Holm, Rodriguez, Brown, Green and Jones absent.

There being no further business before Council, the City Council adjourned at 11:35 p.m. Council Member Gonzalez out of the city on city business. Council Members Lawrence, Johnson, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary