

City Council Chamber, City Hall, Tuesday, October 20, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 20, 2009, 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; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; and Ms. Marty Stein, Agenda Director present. Council Member Edward Gonzalez out of the city on city business.

At 2:10 p.m. Mayor White called the meeting to order and stated that Council Member Khan would begin presentations. Council Members Johnson, Adams, Sullivan, Holm, Brown and Jones absent.

Council Member Khan invited Mr. Naved Jafari to the podium and stated that this was an opportunity to get to know an outstanding business in Houston called Zeons; that Zeons mission was to make clean and affordable energy affordable for all and in their third year they had \$65 million in annual revenues spread across four countries and with most of their 110 employees under age 40; and because of their outstanding efforts to provide clean and affordable energy the City of Houston was saluting them and extending best wishes for continued success; and presented them a Proclamation proclaiming today as "Zeons Day" in Houston, Texas; and Mr. Jafari stated that he was president of the company and thanked all for the recognition and support. Council Members Johnson, Sullivan, Holm and Jones absent.

Council Member Rodriguez invited a Houston Rockets representative to the podium and stated that it was an honor to present, as a proud fan and Council Member, Rockets Vice President Celeste Caldwell a Proclamation celebrating the Houston Rockets 38th NBA Season; that all at the Council Table were presented Rockets "Red Nation" T-shirts and badge holder; that "Red Nation" was a society inspired by loud and loyal passionate fans who knew the word impossible was not in the vocabulary of the Houston Rockets; that all fans were encouraged to wear red on October 30th as they support their team before battling the Portland Trailblazers; and presented a Proclamation proclaiming today as "Red Nation Day" in Houston, Texas; and Ms. Caldwell thanked all for their support and stated on behalf of their owner Mr. Leslie Alexander and the Houston Rockets they were delighted to launch their season and the first home game would be Saturday against Portland and they were also naming November 16th when they played the Phoenix Suns as "City of Houston Employees Day"; and thanked all for recognizing the Houston Rockets. Council Members Johnson, Clutterbuck, Sullivan and Jones absent.

At 2:16 p.m. Mayor White called on Council Member Noriega who led all in prayer and in the pledge of allegiance. Council Members Johnson, Clutterbuck and Jones absent.

At 2:18 p.m. Mayor White requested the City Secretary call the roll. Council Member Gonzalez out of the city on city business. Council Members Johnson and Jones absent.

Council Members Khan and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Members Johnson and Jones absent. MOTION ADOPTED.

At 2:19 p.m. Mayor White requested the City Secretary to begin calling public speakers. Council Members Johnson and Jones absent.

Ms. Ora Scott, 1803 Pine Hollow, Missouri City, Texas 77489 (281-438-8213) had reserved time to speak but was not present when her name was called. Council Members Johnson and Jones absent.

Ms. Monica Lamb, 2817 Southmore, Houston, Texas 77004 (832-890-8790) had reserved time to speak but was not present when her name was called. Council Members Johnson and Jones absent.

Ms. Vendolyn Boatwright, 12439 Oakcroft, Houston, Texas 77070 (281-376-8108) had reserved time to speak but was not present when her name was called. Council Members Johnson and Jones absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson and Jones absent.

Mr. Glenn Armstead, 3720 Lydia, Houston, Texas 77021 (713-741-2557) appeared and stated that he was present regarding a property at 3722 Lydia, he lived at 3720 next door and for the last several years he had an ongoing issue, this was a dilapidated property and he had conversations with 311 for years over the condition of the property; that he had boarded the property and kept up the yard, but now he had a kidney transplant and his health conditions would not allow him to continue; that the property was in total disarray and Monday he realized he now had wood rats because of this and was looking for help. Council Members Johnson, Khan and Jones absent.

Mayor White stated that he was told if someone boarded up the house it was no longer a dangerous building and he had no power to do this, but the individual who gave the advice should no longer be working for the city; that he signed an executive order today to; and called on Council Member Noriega. Council Members Johnson, Khan and Jones absent.

Council Member Noriega stated that Mr. Armstead should continue; and Mr. Armstead stated that Captain Grady Burt went to fight a fire at a crack-house and the ceiling fell in and he died; and he brought this up because nothing was being done at the house next door. Council Members Johnson, Khan and Jones absent.

Council Member Adams stated that she was on Lydia and saw the home and also had concerns with other lots on Lydia; that a taskforce had been put together to handle dangerous buildings and this was the area in South Union which was expanded and a part of the Houston Hope Community; that they wanted to go through the abatement process on such houses and this one had been there for years, this property was getting ready to go before a hearing to see if it could be abated or torn down and it was dangerous and she would ask Mayor White to add this property to their list; and asked Mr. Norris Davis to look at the property and see if it could be added to the list; and Mayor White stated that people were here at meetings where there was no television cameras and no public where he made...; that he had personally seen rats and varmints and all he could say was he was looking at a sheet and the problem was city employees decided, despite numerous statements he made, that they would write the laws of the city and run Neighborhood Protection and despite his clear direction Neighborhood Protection was told if the owner boarded up something there was nothing the city could do with it, he was looking at a case file on this particular building where three times the file was opened and then closed; that as a result the first thing they were doing was he gave direction and was making sure it was implemented; that demolition activities they were moving to the General Services Department and came up with two different plans to use in-house crews and contractors because they had a backlog of several hundred that had gone through the hearing process and were sitting there to be torn down; that secondly, he signed an executive order today where in areas of high crime and the house had basically been abandoned; that they go

scrape the lots; that about 20 years ago a Council Member went out to demolish and the City of Houston had to pay thousands and then everyone started figuring out what they could not do as opposed to what they could do; and Mr. Davis would report back to him about when the house would be demolished. Council Members Johnson, Khan and Jones absent.

Council Member Holm moved that the rules be suspended for the purpose of a special presentation, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Members Johnson, Khan and Jones absent. MOTION 2009-0753 ADOPTED.

Council Member Holm stated that Mr. Tony Morris was born in Chicago and since 1980's had been in Houston; that he focused on City Hall and local government and was one of their best press analysts and questioners in the Council area; that he took pictures and recorded the history for this city day in and day out; and because he continued his passion with photographing day to day functions of Council presented him a Proclamation, proclaiming today as "Tony Morris Day" in the City of Houston, Texas; and Mr. Morris thanked Council Members for what they had done and Council Member Holm for making this day happen. Council Members Johnson, Adams, Khan, Noriega and Jones absent.

Council Members Lawrence, Brown, Johnson and Lovell congratulated Mr. Morris on his well deserved recognition. Council Members Adams, Sullivan, Khan, Rodriguez, Noriega and Jones absent.

Mr. Larry Shaffer, 115 North Walker, Angleton, Texas 77515 (281-235-5205) appeared and stated that he was happy to see the City Secretary still present and he had received the same good service from her department; that he was a former resident and still property owner in Houston and he had a complaint against Mr. Scott Erdo, director of the warehouse at 2511 Broad Street and Mr. Frank Carmody; that Mr. Erdo refused a certified letter on September 17th sent under the Texas Public Information Act requesting documents in his possession naming himself and his recent complaints on a vehicle purchase this year from the Property Disposal Warehouse and such refusal violated the law and was official misconduct, it was not excusable when a public employee would refuse any certified letter addressed to a city office from a known customer of his department, he had been a customer of the department for about 30 years and was well known and his boss Mr. Frank Camody on September 9th threatened to get a restraining order to keep him away from the warehouse and keep him from requesting information; that it was apparent there was serious lack of training and compliance with the Texas Public Information Act and turning on customer contact and satisfaction skills was also very lacking and the preamble of the Act said the people did not give their public servants the right to decide what was good for the people to know and what was not good for them to know; that he had documents to present and wanted the City Secretary's Office to get a copy. Council Members Khan, Rodriguez, Noriega and Jones absent.

Mayor White stated to Mr. Cheatham if someone in Legal would look into this it would help him. Council Members Khan, Rodriguez, Noriega and Jones absent.

Mr. Tom Fatjo, 5404 Sugarhill, Houston, Texas 77056 (713-292-2400) appeared, presented information and stated that he was chairman of WCA Waste Corporation, a large Houston based waste company, his company had responded to an RFP requested by the City of Houston and they were the low bidder, but they understood serious consideration was being given to allowing Republic Waste to be the receiver of the contract; that on a personal history he first received a contract with the City of Houston to dispose of waste in 1968 and in 1969 Mayor Welch called with a crisis and asked him to dispose of waste in three weeks and three weeks later they received over 1,000 vehicles in their landfill and solved the city's crisis, he had a long history of dealing with the City of Houston in the waste business; that Republic Waste was

based in Arizona and had a history of contract irregularities and paid substantial refunds to the City of Houston because of that and they charged considerably more money than their company would charge; that on October 11th there was an article in the Houston Chronicle which said the savings which would incur over the next decade would be \$150 million and he knew it would be substantial savings to the city and urged they use his company for the job. Council Members Khan and Noriega absent.

Council Member Holm stated that she just recently heard of this and was confused about the process; that she recalled about two years ago the City of Houston renegotiated with Republic Waste when they literally had taken money from them and they agreed to return some of it kicking and screaming, she knew personally, the City of Houston extended the contract and she was told the only reason was because there was no one else interested in doing the work and they were the cheapest contract and now she understood an informal RFP was issued where they solicited from reputable companies to provide waste service for the City of Houston and here a Houston based firm came forward to save millions of dollars and then after coming forward with their proposal were told the city was going to renegotiate with those already under contract and that concerned her to use people putting their time and money into this and because Republic had obviously been ripping the city off again all these years if it was so easy to come down on the charges; and she could not see continuing to reward a company which had not been honest and upfront; and Mayor White stated that he agreed on her confusion; that on the first point they did extend a contract to pick up waste with Republic so they could have the opportunity to replace them with the city's own trucks and crews which they did, so there was a contract for picking up waste as they mobilized to replace Republic from the waste hauling business with the City of Houston, so they could mobilize their own employees to replace them which they did; that next, there was a contract which was a multiyear contract which commenced before this Administration for the use of transfer stations and disposal of solid waste, a written contract with the City of Houston, which had been enforced for some time with leadership of Solid Waste and a lot of assistance from the chair of the Finance Committee they decided given the city's financial conditions that they would renegotiate contracts like done all the time in oil and gas services; that no one was authorized to make decisions about what they would do or where they would go on this to get a better deal until he, with the assistance of input from department heads and Legal counsel made the decision and they weighed various things with the two principal things being price and legal issues posed by the existence of a contract; that he would give his word they were aggressively seeking one outcome, the best possible deal for the public with an acceptable level of legal risk in light of that outcome; that part of his purpose was to play vendors off against another and he made no apologies for it and he did so aggressively, but there was no predetermined conclusion of that and he made clear numerous times they would not do that and it did not occur; that matters would be brought before Council in the near future and that was the short of it. Council Members Johnson, Khan and Noriega absent.

Council Member Sullivan stated that he was interested in saving money for taxpayers but wondered how they found a balance between honoring existing contracts people bid on in good faith and on the other hand encouraging city departments and appropriate personnel to renegotiate contracts; that in the private sector he did not want to do business with such companies because they would play you against each other; and upon questions, Mayor White stated that he, Council Member Clutterbuck and others gave thought to what vendors could expect and it was with the right balance; that they reviewed practices in the industry and practices in other cities and legal rights they had under the contract and they tried to take all things into account and it was not one way or the other and the circumstances of the merger had to be balanced. Council Members Khan, Noriega and Jones absent.

Council Member Clutterbuck stated that she applauded his tenacity and amazing strong business sense; that she was hopeful in the future the city would do business with his company,

but for those watching there were interesting aspects to this; that she was surprised to learn this was a 30 year contract, negotiated many years ago, and she hoped in the future they would not enter into long contracts; that it would put taxpayers and the city in legal jeopardy if it was completely voided so Director Hayes did not go out for an RFP, it was not an official request and more of a negotiating tool, it was informal; that she knew when it came time for contract negotiations Director Hayes would inform them and she applauded him for looking up quarterly and annual reports of the corporation and saw they anticipated municipalities would make such changes and that was his opening on trying to make a contract change; and Mayor White stated that he could speak as someone who ultimately would make a decision by the Administration and there were risks they were willing to run, it depended on the price. Council Members Khan and Noriega absent.

Upon questions by Council Member Jones, Mayor White stated that Council Member Holm indicated some confusion about Republic Waste and referred to something not related to this contract, which was a contract for picking up trash that Republic Waste did, basically they replaced Republic Waste and it had nothing to do with what they were talking about; that it was a contract extended a few years ago when he said the city would sue them unless they got back 100% of what they calculated to be damages having to do with them not correctly estimating waste of third parties they were putting into the city's landfill and they extended it so they could get rid of them and they did. Council Members Khan, Lovell and Noriega absent.

Council Member Brown stated that he made his point and he hoped he would compete again for city business. Council Members Khan and Noriega absent.

Council Member Holm stated that she would recommend never engaging in a 30 year contract again and she was still concerned that they did not explain what an informal RFP was and they could have probably gotten people willing to help renegotiate a contract; that she had not seen the new terms of the contract, but she hoped they came substantially down; and upon questions, Mayor White stated that it was a matter of judgment based on considerations and looking through economics of various vendors to assess the savings available to the public, legal risks and ability to implement something in a way to realize real savings sooner. Council Members Khan and Noriega absent.

Ms. Shirley Gonzales, 1618 Longacre, Houston, Texas 77055 (832-816-7759) appeared and stated that she had been hearing about Candlelight Trails and condominium ownership and she wanted to speak to that; that all structures, brick and land were owned by the nonprofit corporation which was Candlelight Trails and the homeowners there owned a portion but not the unit itself, they owned the right to occupy and owned the bricks and mortar as a group; that the board of directors ran the HOA, home owners association, and directors were responsible for overall management and they hired a management company to manage income and expenses for the property; that owners were charged a monthly dues to maintain the buildings and they had no authority other than to pay the dues; that at Candlelight investors came in from out of state and bought up a large portion of property and got control of the homeowners association and all owners could do was vote so they became victims in the lawsuit; that most were for having the property torn down, but the settlement offered by the City of Houston was \$2,000.00 if you were a homeowner who lived there and \$4,000.00 if it was your investment and you did not live there; that if those in agreement to tear down the buildings could not be in the lawsuit and then those wanting to fight it pay the cost to tear it down, but the option was not given to them in the settlement agreement and some lived in one unit and had one or two more units and they did not have those thousands to pay. Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that before Council Member Johnson was elected to the area she worked with those people and Ms. Gonzales was one, on representation of this, and

what she said was true; that a number of people made investment there to help the area out, thinking good people could get on the board and she called a meeting but it did not work out; that it was sad to see what happened and she understood the city's position and the money they were trying to recoup on the situation, but there were good people out there and she hoped Judge Gamble would be able to differentiate the good people from the bad, from those wanting to do something for their own profit; and Mayor White stated that he could use her assistance, he needed her thoughts and judgment on this particular issue, to come up with something fair and appropriate. Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she said before they needed to go after the bad apples; that it was her understanding they believed they had to make party to the suit the people who owned the space between the bricks and mortar and she would say again they needed to figure out who the bad were and sue them and stop putting on the hook the easiest people to put on the hook and probably the least able to pay anything, they did not have management authority and they did what they were supposed to do and equity allowed for them to do things even though they may have other remedies and would implore Legal and the Administration to be equitable because she did not want to mess up anyone's credit over this or inhibit their ability to get a loan, they needed to do what was right by the people. Council Members Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent. NO QUORUM PRESENT)

Mr. Jack Cummings, 10651 Northbrook, Houston, Texas 77043 (713-973-6365) had reserved time to speak but was not present when his name was called; and his wife, Nina Cummings, appeared. Council Members Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent.

Council Member Lawrence moved that the rules be suspended for the purpose of allowing Ms. Nina Cummings to speak in place of her husband, Mr. Jack Cummings, seconded by Council Member Jones. All voting aye. Nays none. Council Member Gonzalez out of the city on city business. Council Members Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent. MOTION 2009-0754 ADOPTED.

Ms. Nina Cummings stated that she was present to speak about trash pickup at her and her neighbors residences; that this was the third time she or her husband had spoken to Council in the last 1-1/2 years and last year after she spoke a decision was made to have their trash collected as it had been for the last 20 years and apparently a couple of months ago a decision was made to change again with no notification to parties involved; that they continued to be assured by 311 and Mr. Hayes, the Director of Solid Waste and Council Member Lawrence's office had helped a lot, that the issue would be resolved; that when they called 311 they were told their can was not out on time, but their can stays out constantly now because it never gets picked up and then they have to finally dump it themselves because of flies and further discussion with 311 and Solid Waste resulted in multi excuses as to why their can should be put on the road in front of the residence instead of the driveway on Lumpkin with no one seemingly looking into the problem or giving it consideration; that much time and money had been spent with the Mayor's Office and many other departments on this issue. Council Members Sullivan, Khan, Holm, Noriega and Green absent.

Mayor White stated that he had received reports on this situation and appreciated her being present; and Ms. Cummings stated that she had information for him to review. Council Members Sullivan, Khan, Holm, Noriega and Green absent.

Mr. Richard Grayshaw, 1403 Blalock Road, Houston, Texas 77055 (713-298-6283) appeared and stated that he was present regarding Candlelight Trails, he lived on the property 15 years until it was closed down in 2007; that many of the small people who owned one or two

units were not heard and the board took over; that they paid association fees and they had high hopes of having a piece of the American dream, many first time home buyers would go for condominiums and many retired would also; that he did not know if the city could do anything, but in the future he foresaw many of the same situations happening in this city . Council Members Sullivan, Khan, Holm, Rodriguez, Noriega and Green absent.

Mayor White thanked Mr. Grayshaw for coming and stated that he had taken notes and Council Members Johnson and Lawrence were helping him with the Legal Department in trying to determine what the correct disposition of this was, they were helping him think through this and they would proceed with this from there. Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (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. Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Barbara Hargrove Wilkins, 7303 Touchstone, Houston, Texas 77028 (713-491-8876) appeared and stated that despite Council Members and the Mayor there was the fact that for every action there was always a reaction and consequences; that last week Neighborhood Protection encroached upon her Holy Ghost and territory sanctioned by God in a disrespectful manner; and continued expressing her personal opinions until her time expired. Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Armon Alam, no address (206-350-4735) appeared and stated that as he explained last time he was present, the association, board of directors, were hijacked in 2004 by a group of California investors and in August 2007 they joined forces with Dallas investor Fonteno and they were able to place Fonteno's employees on all three board positions and they checked on him in the courts and he had about 15 pages against him and most, but not all, cases appeared to be related to Candlelight Trails; that the city had identified him as a responsible party so why were they the one's being sued and not him and why was he not being arrested. Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that was a good question, whether they had grounds to arrest him, he would not mind because this was not the only property owned by this gentleman, one was in Council Member Johnson's district, an old hotel, dilapidated property they had to get demolished, it was the second or third they had to demolish of his and they had to get tenants to vacate; that they were taking his comments, condo law imposed certain...; that there were some features of ownership they had different from fee ownership, but the law tended to treat those who owned the condo units just like the owner of anything else and they were trying to crack down on those who owned property and allowing them to go vacant; that people were squatting in it and he and Council Members Johnson and Lawrence were trying to fight blight; that the condo association was hijacked and they saw legislation and change of law so they could not do just nothing, but then the question was who should be responsible, should there be any participation by owners of the property and some units were owned by Mr. Fonteno's firm or should you let them get away with the public bearing the entire cost of demolition; that they were reviewing this and this was new for them; and to Mr. Michel there were concerns here, someone

bought a condo and through no fault of their own it was run down and the public raised legitimate issues; that he knew there was an agreement and settlement procedure to try and get this moving, but he had asked Legal to try and look at this, this was a realistic point and Fonteno had been convicted of major crimes, that was his understanding; and Mr. Alam stated that he was now evicted and a victim of this criminal, but the city was fining him \$11,680,000.00 to demolish one unit and he did not know where they were coming up with that number; that they said if he was not accepting the city settlement then he needed to pay \$4,000.00 to settle the lawsuit and then he would be fined \$1,000.00 per day for each violation since filing, since 2007 if they lost the lawsuit so it would be \$1,000.00 multiplied by 16 violations multiplied by 365 days multiplied by 2 which was the \$11,680,000.00 per condo unit and he could not understand that. Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that he had already heard her and she was on his side, but did they think there was criminal activity and if they did why would they not refer it to the DA's Office and let them pickup charges and secondly, were they, the City of Houston, threatening people that they would have to pay \$1,000.00 a day if they did not accept the settlement; and Mayor White stated to Mr. Michel if he would like to answer that; and Mr. Michel stated that he hoped not; that the lawsuit provided an order of demolition costs and civil penalties which was \$1,000.00 a day and he would look into the way it was presented, it should not be a threat; that he would look into it right away; and Mayor White stated to Mr. Michel that in general the goal should be to demolish the property and have a close as can get in a judgment lien that could be executed on and if there was an assignment of claims if an attorney could pursue the claims on behalf of the individuals and if individuals paid and terms changed then they would refund the money, but the biggest amount of security was in getting the taxpayers reimbursed and that was in seizing and selling the property as opposed to assessments against individuals and he thought one thing that may have happened was lawyers may lose sight of the fact that they were dealing with individuals who were condo owners who were their bosses and if there was an assignment of claims, if an attorney could pursue the claims on behalf of the individuals fine, even though they were not in the business of being a referral service. Council Members Sullivan, Khan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052 (no phone number given) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that October 20, 2009, www.mayorgalvan.com; happy 38th birthday to Snoop Dog; that he was appointed to serve as Alternate Precinct Judge and his training was not until Saturday and he could not work the polls until after October 24th; and continued expressing his personal opinions until his time expired. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

At 3:36 p.m. City Council recessed until 9:00 a.m., Wednesday, October 21, 2009. Council Member Gonzalez out of the city on city business. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, October 21, 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, Edward Gonzalez, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega,

Ronald C. Green and Jolanda “Jo” Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor’s Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Agenda Office, present.

At 8:30 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:34 Mayor White called the meeting to order. Council Members Johnson, Sullivan, Brown, Noriega, Green and Jones absent.

MAYOR’S REPORT - Presentation by Texas Petrochemicals, Inc. on emission reduction Achievements – was presented.

Mayor White stated that many of them may recall the Council as a whole meeting that they had concerning air quality within their community and actions that were taken by a new committee then headed by their Mayor Pro Tem Alvarado, testimony that they heard, that he wanted to commend their employees and some who they regulated for excellent work to do regulatory affairs; that he wanted to recognize Ms. Marise Cronin, Corporate Director, who would then in turn recognize the presenter. Council Members Johnson, Sullivan, Noriega, Green and Jones absent.

Ms. Cronin introduced Mr. Louis Batiz, who was Texas Petrochemicals Senior Vice President of Operations, who reviewed a presentation titled “Technology & Behaviors: A Combination for a Sustainable Program in Chemicals Management”, a copy of which is on file in the City Secretary’s office for review. Council Members Johnson, Adams, Khan, Rodriguez, Lovell, Noriega and Green absent.

Mayor White thanked Mr. Batiz for his presentation and stated that they celebrated and recognized those firms that had made a commitment to maintain their operations and doing so in a way that reduces risk to their neighbors. Council Members Adams, Rodriguez, Lovell, Noriega and Green absent.

Council Members Lawrence, Brown, Gonzalez, Rodriguez and Khan thanked Mr. Batiz for his presentation. Council Members Lovell and Noriega absent.

At 10:00 a.m. Mayor White stated that he would conclude his Mayor’s Report with this one note, that many of them read in the newspaper yesterday about the Presidential Unit Citation for ALFA Troop, First Squadron Eleventh Combat Regime of the US Army led by Captain John Poindexter, that he had been an advocate for many years for this recognition for that unit, that regardless of one’s view about the conflict and it’s context, John had written an account of what had occurred during that day, March 26, 1970, and anybody who wanted to be inspired by American’s who put their life at risk, that they were talking about a group of people, 86 attended yesterday, who fought their way through four or five miles of jungle when completely surrounded and under heavy fire to rescue a hundred fellow Americans who were completely surrounded by a regiment of North Vietnamese regulars and after aerial bombardment and artillery bombardment there was no other alternative, that it was an amazing account, that John had written it up for his own benefit and shared the written account with him a number of years ago, that he would tell them that the account of what happened that day if they made it into a movie people would say it was implausible, that they were proud of ALFA troop. Council Member Noriega absent.

At 10:03 a.m. Mayor White stated that they would move to the consent agenda.

CONSENT AGENDA NUMBERS 1 through 74

MISCELLANEOUS - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for additional payment of \$62,900.00 for permit fees to the **HARRIS-GALVESTON SUBSIDENCE DISTRICT** for 2009 aggregated groundwater withdrawal - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2009-0755 ADOPTED.

Council Member Holm moved to suspend the rules to consider Item Numbers 14, 14a, 81 and 81a out of order after the consent agenda, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0756 ADOPTED.

Council Member Sullivan moved to suspend the rules to consider Item No. 72 out of order after the consent agenda, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0757 ADOPTED.

ACCEPT WORK - NUMBERS 4 through 6

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$504,082.39 and acceptance of work on contract with **TRIPLE B SERVICES, L. L. P.** for Roseneath Drive Storm Sewer Replacement - 0.70% under the original contract amount - **DISTRICT D – ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0758 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,092,792.66 and acceptance of work on contract with **TRIPLE B SERVICES, L. L. P.** for West Bellfort Road Extension between Stella Link Road and S. Main Street (US Hwy 90A) - 1.11% over the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0759 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,791,838.96 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in Shepherd Park Terrace Area - 3.06% under the original contract amount - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0760 ADOPTED.

PROPERTY - NUMBERS 7 through 11

7. RECOMMENDATION from Director General Services Department to appoint David Lewis and David Dominy independent appraisers and Carl Thornton alternate appraiser to determine the fair market value of approximately 6.945 acres of land and improvements located at 3700 Southwest Freeway, also known as Lakewood Church, Parcel SY10-019 - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan,

seconded by Council Member Brown. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0761 ADOPTED.

8. RECOMMENDATION from City Attorney to acquire by purchase in lieu of eminent domain proceedings Parcel AY6-148; located at 5515 Kirby Drive, owned by Jose Zavala Olmos, Trustee, for the **KIRBY DRIVE STORM SEWER REPLACEMENT PROJECT, SEGMENT 4; (ROBINHOOD TO IH59)** - \$82,839.00 - Storm Sewer Consolidated Construction Fund **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0762 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY8-052, located at the southwest corner of Long Point Road and Bunker Hill Road Intersection, owned by Spring Branch Plaza, LLC, Mehdi Hoesseini, President, for the **BUNKER HILL PAVING PROJECT - PHASE II (from the IH-10 feeder road to Long Point Road)** **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0763 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY8-054, located at 9743 Long Point Road, owned by I on Investments, Inc., a/k/a I. Investments, Inc., Munir Ibrahim, President, for the **BUNKER HILL PAVING PROJECT PHASE II (from the IH-10 feeder road to Long Point Road)** - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0764 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY9-021, located at the northeast corner of Fuqua Road and Monroe Road, owned by Hannah Hedgpeth, Mary Susan Lindholm, Raymond Lindholm, Russell Lindholm, Michael Lindholm, and Lawrence Lindholm, for the **72-INCH WATER LINE ALONG FUQUA PROJECT from Stover to Moers)** - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Khan, seconded by Council Member Brown. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0765 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 15

12. **GILBREATH COMMUNICATIONS, INC** for Marketing Strategy Services through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Health and Human Services Department - \$59,885.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0766 ADOPTED.
13. **SANTEX TRUCK CENTER, LTD.** for Cab & Chassis Mounted with a Platform Body and Crane through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Parks & Recreation Department - \$75,996.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0767 ADOPTED.

15. **EXCALIBUR EXCAVATION, L.P.** for Construction of a Partition Wall for the Influent Channel at the City's Northwest Wastewater Treatment Plant for the Department of Public Works & Engineering - \$124,715.00 and contingencies for a total amount not to exceed \$137,186.50 Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. MOTION 2009-0768 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 16 through 74

16. RESOLUTION approving amendments to the bylaws of the **CITY OF HOUSTON INDUSTRIAL DEVELOPMENT CORPORATION** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. RESOLUTION 2009-0026 ADOPTED.
17. RESOLUTION approving amendments to the bylaws of the **CITY OF HOUSTON HEALTH FACILITIES DEVELOPMENT CORPORATION** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. RESOLUTION 2009-0027 ADOPTED.
18. RESOLUTION approving amendments to the bylaws of the **CITY OF HOUSTON HIGHER EDUCATION FINANCE CORPORATION** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. RESOLUTION 2009-0028 ADOPTED.
19. RESOLUTION designating certain property within the City of Houston as an Archaeological Site (Frost Town at 80 Spruce Street) - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. RESOLUTION 2009-0029 ADOPTED.
20. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:
Frost Town Archaeological Site 80 Spruce Street **DISTRICT H - GONZALEZ**
Sidney Sherman Brady House 3805 Wilmer Street **DISTRICT H - GONZALEZ**
– was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. RESOLUTION 2009-0030 ADOPTED.
21. ORDINANCE **AMENDING THE HOUSTON SIGN CODE** relating to directional and locational signs for medical institutions – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0989 ADOPTED.
23. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Semmes Street between Brooks Street and Burnett Street, containing 0.4132 acre of land, more or less, in the S. F. Noble's Addition, S. M. Harris Survey, A-327; vacating and abandoning said tract of land to Kurkel Manufacturing, Inc., owner, in consideration of said owner's payment of \$54,000.00 and other consideration to the City - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0990 ADOPTED.
24. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide sanitary sewer easement, containing Parcels SY8-097 and SY8-098, within Lots 6 and 7, Block 2 of the Normandy Place Subdivision, in the Obedience Smith Survey, A-696, Houston, Harris County, Texas; vacating and

abandoning said two (2) parcels to Mary Wilson, and Ellen W. Schultz, et al., the abutting owners, as their interests appear, in consideration of the earlier dedication to the City of a larger sanitary sewer easement, Parcel D92-2, in 1992, by Robert Wilson, a former owner, and other consideration to the City - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0991 ADOPTED.

25. ORDINANCE rescinding Ordinance 2008-0819 and approving and authorizing Purchase Agreement between Congregation Beth Israel of Houston, Purchaser, and the City of Houston, Texas, Seller, for the sale of 0.8237 acres of land, more or less, being out of a Former Water Plant located at 1109 Antoine Drive (Parcel SY7-040), in Reserve A, Block 9, Afton Village Subdivision, Section Two, E.B. Cogswell Survey, A-785, Houston, Texas, for an exchange of real property and a cash payment of \$27,950.00; approving the property exchange, Development Agreement, Special Warranty Deeds and a contract for deed - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0992 ADOPTED.
28. ORDINANCE establishing the north and south sides of the 900-1000 blocks of E. 25th Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0993 ADOPTED.
29. ORDINANCE establishing the north and south sides of the 900-1000 blocks of E. 25th Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0994 ADOPTED.
30. ORDINANCE establishing the east side of the 3200-3300 block of Morrison Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0995 ADOPTED.
31. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$597,694.00 in Community Development Block Grant (“CDBG”) Funds for Implementation, oversight and delivery of a Child Care Program 1 Year – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0996 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$2,168,128.24 for the administration of an Emergency Shelter Grants Program - Emergency Shelter Grant and Community Development Block Grant Funds – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0997 ADOPTED.
33. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$623,453.00 in Community Development Block Grant (“CDBG”) Funds for Implementation, oversight and delivery of a Juvenile Delinquency Prevention Program – was presented. All voting aye. Nays none.

Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0998 ADOPTED.

34. ORDINANCE approving and authorizing contract between the City of Houston and **HEALTHCARE FOR THE HOMELESS-HOUSTON** to provide \$130,000.00 in Community Development Block Grant Funds for the administration and operation of Project Access, which offers transportation services to homeless individuals and families seeking health care and supportive services - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-0999 ADOPTED.
35. ORDINANCE approving and authorizing the City of Houston to enter into a Modification and Assumption Agreement with **CREATIVE CHOICE TEXAS I, LTD. (CREATIVE CHOICE)** and **THE APARTMENTS OF THE VILLAGE (VILLAGE)** whereby Village will assume the \$500,000.00 Federal Home Repayment Loan previously loaned by the City to Creative Choice in connection with the acquisition and renovation of an apartment building located at 8210 Bauman Road, Houston, Texas, to house low income residents (Project); convert the said Repayment Loan to a Performance-Based Loan; and obtain an additional \$310,000.00 Federal Home Performance-Based Loan to cover a portion of hard cost overruns in connection with the project - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1000 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City and **COMMUNITY HEALTH CHOICE, INC** for a Physician Services Agreement to be a Medicaid Group Provider for Primary and Specialty Care - Revenue – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1001 ADOPTED.
37. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **CHATEAU FOREST SUBDIVISION, SECTIONS 1 - 4**, to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1002 ADOPTED.
38. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **FOREST PINES SUBDIVISION, SECTIONS 1, 2A, and 2B**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1003 ADOPTED.
39. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **COLE CREEK MANOR SUBDIVISION, SECTIONS 1 and 2**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1004 ADOPTED.
40. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **WESTBURY SUBDIVISION, SECTIONS 1 - 5**, Westbury Subdivision Replat, Sections 1, 3 and 5, Westbury Subdivision, and Parkwest Subdivision, Sections 1 - 3, to prohibit the parking of

vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK** - had been pulled from the Agenda by the Administration, and was not considered. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

41. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **SHENANDOAH SUBDIVISION, SECTION 1**, excluding **BLOCK 1, LOTS 10-18, SHENANDOAH SUBDIVISION, SECTIONS 2 & 3**, and **SIGRID SUBDIVISION**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICTS C - CLUTTERBUCK and F - KHAN** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1005 ADOPTED.
42. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **SOUTHWOOD OAKS SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1006 ADOPTED.
43. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **ARLINGTON HEIGHTS SUBDIVISION, SECTIONS 1 - 3**, Arlington Heights Subdivision, Section 1 Replat, and Arlington Heights Subdivision, Section 4 Replat, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1007 ADOPTED.
44. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **ROBINDELL SUBDIVISION, SECTIONS 1 - 5**, to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1008 ADOPTED.
45. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **ASHFORD HILLS SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1009 ADOPTED.
46. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **BRIARMEADOW SUBDIVISION, SECTIONS 1 & 2**, and **BRIARMEADOW SUBDIVISION** Section 1 Partial Replat, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1010 ADOPTED.
47. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **WEST LANE PLACE SUBDIVISION, WEST LANE ANNEX, AND WEST LANE III SUBDIVISION**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1011 ADOPTED.

48. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **MEADOWBROOK FREEWAY SUBDIVISION, SECTIONS 1 - 3**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1012 ADOPTED.
49. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **TAMMARACK WOODS SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1013 ADOPTED.
50. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **SONGWOOD SUBDIVISION, SECTIONS 1 - 6**, to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1014 ADOPTED.
52. ORDINANCE amending Ordinance No. 2009-680 relating to the Fiscal Affairs of the Fourth Ward Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS (FOURTH WARD ZONE)**; approving an amendment to the Fiscal Year 2010 Operating Budget and the Fiscal Years 2010-2014 Capital Improvements Budget for the Fourth Ward Redevelopment Authority and the Fourth Ward Zone - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1015 ADOPTED.
54. ORDINANCE approving and authorizing the submission of an application for and acceptance of a Texas Department of Transportation Motor Carrier Safety Assistance Program High Priority Grant; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1016 ADOPTED.
56. ORDINANCE authorizing the Mayor to make certain arrangements and procure certain services not provided under Election Services and Translation Agreements in connection with the City of Houston General Election to be held on November 3, 2009 and any required Runoff Election; authorizing the payment of certain costs of such election - \$320,000.00 - General Fund – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1017 ADOPTED.
59. ORDINANCE appropriating \$4,635,865.00 out of Airports Improvement Fund and \$77,265.00 out of Airports Improvement Fund; awarding construction contract to **VANDERLANDE INDUSTRIES, INC** for Explosion Detection System Baggage Handling System and Security Enhancements at William P. Hobby Airport (HOU) and Ellington Airport (EFD), (Project No. 612L); providing funding for contingencies and the Civic Art Program relating to construction of the facilities financed by such fund - **DISTRICTS E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor

White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1018 ADOPTED.

60. ORDINANCE appropriating \$7,797.43 out of Parks Consolidated Construction Fund for Purchase of Office Furniture for Hobart Taylor Park Community Center - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1019 ADOPTED.
61. ORDINANCE appropriating \$50,000.00 out of Parks Consolidated Construction Fund as an additional appropriation for Professional Environmental Consulting Services Contract between the City of Houston and **BROWN AND CALDWELL** (Approved by Ordinance No. 2007-1326) for Consulting Services at 723 N. Drennan Street for the Parks & Recreation Department - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1020 ADOPTED.
62. ORDINANCE appropriating \$6,450,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for the Reconstruction of Genoa-Red Bluff Road from Beltway 8 to 1,500 feet east of Pine Tree Drive - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1021 ADOPTED.
63. ORDINANCE appropriating \$8,256,137.00 out of Street & Bridge Consolidated Construction Fund to Reimburse the General Fund for the Rehabilitation of Concrete Pavements and Bridge Replacement – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1022 ADOPTED.
64. ORDINANCE altering and establishing prima facie speed limits in certain zones in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing a repealer; containing a savings clause; providing for severability; declaring certain conduct to be unlawful and providing a penalty – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1023 ADOPTED.
65. ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **SEVERN TRENT ENVIRONMENTAL SERVICES, INC** for Operation and Maintenance Services for the Kingwood Area Water and Wastewater Utilities and Facilities (Approved by Ordinance No. 2002-91); providing a maximum contract amount - \$5,000,000.00 Enterprise Fund - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1024 ADOPTED.
69. ORDINANCE appropriating \$1,440,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ARCADIS U.S., INC** for Water Line Replacement in Timbergrove Area, Fulton North and Glenwood Forest Area; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON and H - GONZALEZ** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1025 ADOPTED.

70. ORDINANCE appropriating \$1,716,755.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **COSTELLO, INC** for Design of Waterline Replacement in Memorial Plaza Area, Shadywood Area and Regency Square Area; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1026 ADOPTED.
71. ORDINANCE appropriating \$1,137,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CLR, INC** for Waterline Replacement in Avondale Area and Waterline Replacement in Beamer Area; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - ADAMS and E - SULLIVAN** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1027 ADOPTED.
73. ORDINANCE appropriating \$3,167,584.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LTD.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method; 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. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1028 ADOPTED.
74. ORDINANCE appropriating \$5,761,303.96 out of Water & Sewer System Consolidated Construction Fund and \$1,118,496.04 out of Water & Sewer Contributed Capital Fund; awarding contract to **HUFF & MITCHELL, INC** for Proposed 72-Inch water line along Fuqua from the existing 96-inch water line near Beamer to Stover Street; 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, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund and the Water & Sewer Contributed Capital Fund - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Mayor White absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2009-1029 ADOPTED.
14. ORDINANCE appropriating \$6,873,019.92 out of Equipment Acquisition Consolidated Fund for Purchase of Patrol Vehicles and Ancillary Equipment for Police Department – was presented. Mayor White absent. Vice Mayor Pro Tem Lovell presiding.

After discussion by Council Members, Council Member Clutterbuck stated that she would like request that the Police Department report back to her and copy all City Council Members on an itemization of how many police officers lived in the City of Houston with take home privileges and how many lived outside of the City of Houston with take home privileges and in which city those who resided outside of the City of Houston actually resided; and Council Member Khan stated that he would like to see if somebody could give them a briefing as to what kind of repairs they were incurring for their vehicles, what were the check and balances on somebody repairing the cars and was that one of the processes they could look into to see if there were any improvements and bring savings, that when automobiles went for repairs and parts were

purchased what were the checks and balances for that; and Council Member Clutterbuck stated in addition she would urge a review of the GPS logs or an audit of that in the next several months to be able to know where their cars were at any time of the day so they would have a review of it and restore confidence on the part of the taxpayer and report back; and Council Member Adams requested a schedule of replacements as well so they needed to know within two years if there was going to be a certain number of cars that were going to be replaced in two or five years.

After further discussion a vote was called on Item No. 14. All voting aye. Nays none. Council Member Lovell absent. ORDINANCE 2009-1030 ADOPTED.

14a. **AMEND MOTION #2009-38, 1/28/09, TO PURCHASE** additional Patrol Vehicles for Houston Police Department, awarded to **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD** \$5,117,418.00 – was presented, moved by Council Member Khan, seconded by Council Member Holm. All voting aye. Nays none. Council Member Lovell absent. MOTION 2009-0769 ADOPTED.

81. 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 52 on Agenda of October 14, 2009. POSTPONED BY MOTION #2009-752)** – was presented. Council Member Lovell absent.

After discussion by Council Members, Council Member Holm stated that she had delayed the item in order to take a closer look at the number of take home cars used by their City employees, that she thought it was the Mayor's directive to have the department directors examine and try to reduce the take home fleet so she was surprised when she got the numbers back and wanted to thank James Tillman and Ray Pruse for all of the information that they had provided her, that she was surprised to find that their take home fleet had actually increased by 47% in the last 5 years, that at the end of FY04 they had 644 take home cars and at the end of FY09 they had 950 employees taking home cars, they had a list of every single employee over 2009 who had a take home car and there were over 1,000 names on the list, that she thought they needed to have some justification that the balance of these take home vehicles really were a benefit financially and balance it with the citizens and some less expensive options, that she hoped she could get some answers and that Mayor White would ask the department heads that one, if they would justify each of the take home cars and what the scoring points were for taking them home; if there were opportunities for pool cars rather than the take home vehicles; did each employee having a take home car in the department live within the 30 miles as in the Administrative Policy 2.2; what was the taxpayer citizen benefit of the increase, if any, in the take home cars; that she would love to see them do some pilot programs either using pool cars at certain locations, set up a system where the employees reimbursed the City for their commuter miles, that one of the suggestions was to put a sticker on that said take home vehicle so that people were aware that it was a take home vehicle; and as they went through the next cycle if they could have all of this preparation done ahead of time so that they really could examine it; that she wondered that in the commuting when it was so far she understood that it was more convenient not to have people come here when they were doing inspections in other parts of the City, but if they assigned their inspectors to an area then it seemed as though they could be in that area, leave their car at night, drive their own car back and forth and then come back and pick it up the next day if it was necessary for them to have a car, and Mayor White stated that he would follow up on it. Council Member Lovell absent.

Council Member Jones asked if they were paying for fuel and if so how much were they paying, could they pro rate and figure out how much they were paying to refuel these cars because that was a cost as well.

Council Member Sullivan stated that it was an interesting discussion but wondered if a more appropriate venue for it might be at a committee hearing where more Council Members could participate and the public could ask questions as opposed to trying to figure it out today, and Mayor White stated that sounded like an appropriate suggestion.

A vote was called on Item No. 81. Council Member Holm voting no, balance voting aye. ORDINANCE 2009-1031 ADOPTED.

81a. 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 Items 52A on Agenda of October 14, 2009, POSTPONED BY MOTION #2009-752)** - was presented, moved by Council Member Khan, seconded by Council Member Green. Council Member Holm voting no, balance voting aye. MOTION 2009-0770 ADOPTED.

72. ORDINANCE appropriating \$4,491,300.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing fourth amendment to Professional Engineering Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** (Approved by Ordinance No. 2006-0277) for the Surface Water Transmission Program; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2009-1032 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. CONFIRMATION of the appointment of the following individuals to the **ANIMAL ADVISORY COMMITTEE BOARD OF DIRECTORS** for the remainder of a two year term that will end December 31, 2009:
 - Position 1 - **MS. PATRICIA COOPER, DVM**
 - Position 2 - **MR. CHRIS SOUDERS, M.D.**
 - Position 3 - **MS. KAPPY MUENZER**
 - Position 4 - **MR. NEIL SACKHEIM**

- was presented, moved by Council Member Khan, seconded by Council Member Green.

Council Members Jones and Lovell congratulated all the new appointees and thanked them for their service to the City of Houston.

A vote was called on Item No. 1. All voting aye. Nays none. MOTION 2009-0771 ADOPTED.

Mayor White stated that he wanted to thank the citizens who had agreed to serve.

2. REQUEST from Mayor for confirmation of the appointment and reappointment of the following to the **MILLER THEATER ADVISORY BOARD**:
 - Position Seven - **MS. EDITH H. JOHNSON**, reappointment, for a term to expire 4/24/2013
 - Position Eight - **MR. ALLEN W. UECKERT**, appointment, for an unexpired term ending 4/24/2010

- Position Nine - **MS. CELIA VARA VALLES**, reappointment, for a term to expire 4/24/2013
- Position Ten - **MS. JENNY A. YANG**, appointment, for a term to expire 4/24/2013
- Position Twelve - **MR. ROMULO TIM CISNEROS**, reappointment, for a term to expire 4/24/2013
- Position Sixteen - **MS. GENEVIEVE A. ROUSSEVE**, reappointment, for a term to expire 4/24/2013
- Position Eighteen - **MS. JANETTE L. COSLEY**, reappointment, for a term to expire 4/24/2013

- was presented, moved by Council Member Lovell, seconded by Council Member Holm.

Council Members Adams and Jones congratulated all the new appointees and re-appointees and thanked them for their service to the City of Houston.

A vote was called on Item No. 2. All voting aye. Nays none. MOTION 2009-0772 ADOPTED.

Mayor White stated that he wanted to thank Members of City Council and others who supported both the public investment and additional private investment that had been made in the physical facilities and staffing of Miller Outdoor Theater.

RESOLUTIONS AND ORDINANCES

22. **ORDINANCE AMENDING ARTICLE IX OF CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to dangerous buildings – was presented.

Upon discussion and questions by Council Members, Mr. Michel stated that what they were trying to do in part was do a better job of tracking what was in the statute, that he thought there was no difference between the two, they took out “life” because it was covered by safety and tracked the statute better, the same way with “imminent” rather than “immediate”, that under either word the differences were negligible, the point was to take down the buildings as quickly as they could and the reason that they extend the period of time for hearings was the provision for an emergency demolition, in an emergency demolition, because of the conditions, not only structural but because there may be drug paraphernalia, graffiti, the distance to a school, all of this other indicia that in many neighborhoods made it an emergency situation they wanted to take it down right away, the hearing occurs after the building had been taken down and they wanted more flexibility because sometimes the ownership title took longer to try to track people down, for example if someone had died and they had to track down the heirs, so this did not delay the demolition, the whole point of what they were trying to do here was trying to get clear criteria to the inspectors so that they could identify more buildings, that the 180 days was where the emergency demolition and what was called in the law a “post deprivation hearing” and would come after the building was down. Council Members Adams, Holm and Brown absent.

A vote was called on Item No. 22. All voting aye. Nays none. Council Members Adams, Holm and Brown absent. ORDINANCE 2009-1034 ADOPTED.

26. **ORDINANCE** providing \$499,500.00 in Federal Government - Grant Funded (CDBG) Funds; authorizing the purchase of 23,205 square feet, more or less, of land out of Block 5 Ingraham Addition, Houston, Harris County (3301, 3303 and 3305 Lyons Avenue), and improvements thereon, for the Houston Public Library; approving Purchase and Sale Agreement with the owner (Fifth Ward Community Redevelopment Corporation) of the

land - **DISTRICT B – JOHNSON** – was presented. Council Members Adams, Holm and Brown absent.

After discussion by Council Members a vote was called on Item No. 26. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-1035 ADOPTED.

27. ORDINANCE authorizing the purchase of 28,462 square feet, more or less, of land out of the S. M Harris Survey, Houston, Harris County (3308 Ellis Court), for the Houston Public Library approving Purchase and Sale Agreement with the owner (Fifth Ward Community Redevelopment Corporation) of the land; authorizing the assignment to Fifth Ward Community Redevelopment Corporation of a Promissory Note made by Pleasant Hill Community Development Corporation **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-1035 ADOPTED.
51. ORDINANCE approving and authorizing first amendment to contract for Plan Administration Services between the City, the **HOUSTON POLICE OFFICERS' UNION** and **VALIC RETIREMENT SERVICES COMPANY** for Third Party Administrative Services for the HPOU Section 457 Eligible Deferred Compensation Plan – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-1036 ADOPTED.
53. ORDINANCE amending Ordinance No. 2009-981, relating to the City of Houston Term Limits Review Commission, to correct a scrivener's error – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2009-1037 ADOPTED.
55. ORDINANCE approving and authorizing contract between the City and **HARRIS COUNTY** for Vehicle Registration holds in support of the Digital Automated Red Light Enforcement Program; providing a maximum contract amount - \$180,000.00 - Digital Automated Red Light Enforcement Program Funds - was presented, and tagged by Council Members Jones, Noriega and Khan. Council Member Holm absent.

After discussion by Council Members, Council Member Clutterbuck stated that she would like to add her tag to Item No. 55; and Council Member Lawrence stated that she would like to add her tag on the item and would like an update on Monday on any vote that the County had, that she was not sure when they were meeting again. Council Member Holm absent.

57. ORDINANCE awarding contract to **JPMORGAN CHASE BANK, N.A.** for Banking Services Citywide; providing a maximum contract amount - 3 Years with two one-year options \$1,643,941.00 - General and Enterprise Funds – was presented, and tagged by Council Members Khan, Johnson and Green.

After discussion by Council Members, Council Member Jones asked that they add her tag to Item No. 57. Council Members Lawrence, Sullivan, Holm and Rodriguez absent.

58. ORDINANCE approving and authorizing contracts between the City of Houston and **HEARD & MEDACK, P.C.** and **OLSON AND OLSON, L.L.P.** for Legal Services relating to Civil Action No. H-06-2650; George Rodriguez v. City of Houston, et al.; in the United States District Court for the Southern District of Texas, Houston Division and other similar matters; establishing maximum contract amounts - Totaling \$500,000.00 - Property and Casualty Fund – was presented, and tagged by Council Members Lawrence, Sullivan, Holm and Rodriguez.

66. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **R. G. MILLER, INC** for Homestead Wastewater Treatment Plant - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Lawrence, Sullivan and Holm absent. ORDINANCE 2009-1038 ADOPTED.
67. ORDINANCE appropriating \$893,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CAMP DRESSER AND MCKEE, INC** for Sims Bayou North and FWSD #23 Wastewater Treatment Plant Improvements; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS B - JOHNSON and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Lawrence, Sullivan and Holm absent. ORDINANCE 2009-1039 ADOPTED.
68. ORDINANCE appropriating \$891,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MALCOLM PIRNIE, INC** for West District and Upper Brays Wastewater Treatment Plant Improvements; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Lawrence, Sullivan and Holm absent. ORDINANCE 2009-1040 ADOPTED.

NON CONSENT AGENDA - NUMBERS 75 and 76

MISCELLANEOUS

75. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for 8800 Bellaire, L.P. for the site located at 8880 Bellaire Blvd. - **DISTRICTS C - CLUTTERBUCK; F - KHAN and G - HOLM - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - DECEMBER 16, 2009** – was presented. Council Members Lawrence, Sullivan and Holm absent.

Council Member Khan moved to set Wednesday, December 16, 2009, to consider a Municipal Designation for 8800 Bellaire, L.P. for the site located at 8880 Bellaire Blvd., seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0773 ADOPTED.

76. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for SRS Shopping Center, Ltd. for the site located at 13100 block of Memorial Drive **DISTRICTS A - LAWRENCE; F - KHAN and G - HOLM - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - DECEMBER 16, 2009** – was presented.

Council Member Khan moved to set Wednesday, December 16, 2009, to consider a Municipal Designation for SRS Shopping Center for the site located at 13100 block of Memorial Drive., seconded by Council Member Green. All voting aye. Nays none. MOTION 2009-0774 ADOPTED.

MATTERS HELD - NUMBERS 77 through 81A

77. RECOMMENDATION from Purchasing Agent on award to **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 – **(This was Item 12 on Agenda of October 14, 2009, TAGGED BY COUNCIL MEMBER HOLM)** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Lawrence, Sullivan and Holm absent. MOTION 2009-0775 ADOPTED.

78. RECOMMENDATION from Purchasing Agent to **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 – **(This was Item 15 on Agenda of October 14, 2009, TAGGED BY COUNCIL MEMBER HOLM)** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Lawrence, Sullivan and Holm absent. MOTION 2009-0776 ADOPTED.
79. 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 – (This was Item 24 on Agenda of October 14, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Members Lawrence, Sullivan and Holm absent.

After discussion by Council Members Jones and Gonzalez a vote was called on Item No.

79. All voting aye. Nays none. Council Members Lawrence, Sullivan and Holm absent. ORDINANCE 2009-1041 ADOPTED.
80. 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 – **(This was Item 31 on Agenda of October 14, 2009, TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK)** – was presented. Council Members Lawrence, Sullivan, Holm and Brown absent.

After discussion by Council Members Clutterbuck and Jones a vote was called on Item No.

80. Council Member Clutterbuck voting no, balance voting aye. Nays none. Council Members Lawrence, Sullivan and Holm absent. ORDINANCE 2009-1042 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Johnson stated that he wanted to congratulate the Solid Waste Department, that yesterday they had a great turnout and a press conference in Shepherd Park Terrace located in District B, the residents demonstrated that the recycling in the City of Houston works and that they had a great program, that one of the things that they wanted to do was insure that their landfills were not filled with waste that at some point or another destroys the landfills; that there was an issue that was very disheartening to him, that last Friday he learned that the wrecker driver who killed the Robison's in District B was exonerated from the charges that were filed against him, charges where he actually pleaded guilty, that he was driving at a high rate of speed and they found cocaine in his system, why he was set free he did not know, but for his estimation he thought it put a black eye on the City, that he understood that the venue and the court was changed to another court system and a new assistant DA was brought in and essentially the evidence and information was lost, that he was calling on the DA and the support of the citizens of the City of Houston and this Council that they relook at this case and reevaluate the case. Council Members Lawrence, Sullivan, Khan, Holm, Gonzalez,

Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he thought it was a reminder to all of them that they were just a part of a criminal justice system, they had not generally given a running commentary on the DA's office, that it was critical for their community to have district attorneys and assistant district attorneys who were professional and were capable to bring the results of investigative work to a fair and prompt resolution, that it was very critical. Council Members Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to second and commend Council Member Johnson for bringing up this tragic case, that yesterday, by chance, he happened to meet the son of these two parents who were killed by the wrecker driver, that he thought it brought up the point, at least in their part, the SafeClear Program and the standards that they held the wrecker drivers to and so forth, that they needed to do everything they could to make sure that this kind of thing did not happen and when the tragedy occurs they were doing their part to make sure that justice was served, that he did not know if there was anything else they could do but it was a tragedy and sends the wrong signal to other drivers, that he did not know what they could do; that they had an election coming up and he wanted them to know that Proposition 4 was very important to the City of Houston and their region, that he urged everyone to vote for Proposition 4 to make the University of Houston a First Tier University; that he wanted to commend the Solid Waste Department for the Shepherd Park Terrace recycling effort. Council Members Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that as they knew she served on the Board of the Houston Galveston Area Council, that as was her habit she would give a recap of what happened yesterday at their monthly board meeting, that they took some significant action yesterday, there were about four items that related to clean air and their initiatives in the region to encourage clean air, that they entered into an agreement for the acquisition for cleaner vehicles, they entered into some agreements regarding tele work incentive programs and advertising for those type of things, as well as American Recovery and Reinvestment Act and EPA loan dollars to offer bridge loans to some of their companies who had older vehicles that ran the dredged vehicles, for lack of a better word, from the Port when they were off loading containers to those short distances to the facilities where the equipment and the items in those containers were distributed, that it was essentially like a cash for clunkers program only it has to do with larger vehicles, that it was part of the effort that they had at HGAC to encourage that in a region wide program, that they also voted on two items related to workforce recovery and work force initiatives as well as child care for the individuals who were in those workforce programs, trying to encourage people to improve their training and advance their skill set and also if they had small children to be able to go to work, that one of the key factors in the contracts that they approved yesterday was that they must be related to a job source that could actually end up providing the jobs at the end; that if any of her colleagues had any questions about their work on HGAC they could ask her about, that they were in the process of discussing who should continue to serve on the board; that she wanted to talk about the issue of signage in school zones that lets people know that there was a new State law that if a sign was posted and they were driving with a cell phone through a school zone they must use a hands free device, that there were a number of neighborhoods in District C that were very eager to see this get accomplished and their Public Works Department had announced that there were too few dollars to be able to implement this citywide so the question was if individual neighborhoods and individual PTOs raise the money to be able to put the signage up to be able to come into compliance with the State law. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated to Ms. Stein that the issue had been raised before and thought that he

noted both in open Council and he believed in a written memo, that they needed an answer quickly. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that last Thursday she participated in a White Cane event, that it was to bring awareness to those persons who were blind, that they marched down Walker Street from Main Street to the steps of City Hall where Council Member Lovell brought the proclamation forward, that she wanted to encourage drivers that when they see people with a white cane to please slow down, that she wanted to thank Paula Garret for all of her work and dedication to this great cause; that she wanted to thank the Command Staff and Chief Boriskie for inviting her to be the commencement speaker for the 2009 E Class of the Houston Fire Department, that they had 46 graduates, that 46 started and 46 ended, that they did not lose anyone in that particular class; that yesterday was School Bus Safety Day, that she wanted to ask that they keep School Bus Safety Day everyday; that tomorrow night there would be a Montrose fundraiser at 401 Bernard Street at 7:30 p.m., so for those in the community they encourage them to come out to the wonderful occasion; that on Friday at the Downtown Aquarium about 7:00 p.m. she was nominated by Rolling Out Magazine as one of the Top 25 Women in Houston; that on Saturday, Rebuilding Together Houston would be participating in a renovation program at 410 Sun Flower, they would be repairing the homes of three seniors, that she wanted to thank Rebuilding Houston Together for all of their work; that on October 26, 2009 they would be opening the Vincent Branch Library and the new community center, that on October 29, 2009 at 10:30 a.m. Fire Station No. 24 was getting ready to open on Reed Road near Highway 288. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that Council Member Rodriguez wanted her to say thank you to the Department of Health and Human Services, that a card arrived at the home of the parents of Jake James Rodriguez, James and Wendy's new son, reminding them that it was time for his immunization; that Council Member Khan wanted to announce that the Arab American Cultural Community Center was having their 8th Annual Safety Fair on Saturday, October 24, 2009 at 10555 Stan Cliff Road from 10:00 a.m. to 1:00 p.m.; that they would have a Transportation, Infrastructure and Aviation Committee meeting tomorrow, October 22, 2009 at 2:00 p.m. in the Council Chamber, that there would be four items on the agenda, parking meter service requests; presentation on Amendment 2 to the Parking Operations and Management Concession Agreement between the City of Houston and the New South Parking Texas at George Bush Intercontinental Airport, William Hobby Airport and Ellington Airport; presentation and discussion of the Lease and Development Agreement for Mixed Use Development at George Bush Intercontinental Airport; and a presentation, update and discussion on the study being conducted by the Houston Galveston Area Council; that tomorrow she would participate in the unveiling of an exhibition at Hobby Airport featuring Houston's Bayou System and the Buffalo Bayou Partnership, that the exhibit was called "Houston's Big On" and this time it was bayous, that it would be tomorrow at 11:00 a.m. at the main concourse of Hobby Airport; that she wanted to congratulate local women just named to the 100 Women in Leadership announced by the Hispanic Women in Leadership, Judge Eva Guzman, the first Hispanic Woman to serve on the Texas Supreme Court, Representative Carol Alvarado, Houston Municipal Courts Presiding Judge Bertha Mejia, Judge Josephina Rendon, Alice Valdez, Founder of MECCA and Yolanda Black Navarro, Community Leader and Owner of Villas Arco Restaurant, that the women would be recognized at a gala tomorrow at the Norris Conference Center, Red Oak Ball Room, at City Centre Complex, Interstate 10 and Beltway. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:49 a.m. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown,

Noriega, 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