

City Council Chamber, City Hall, Tuesday, November 10, 2009

A Regular Meeting of the Houston City Council was held Tuesday, November 10, 2009 at 9:00 a.m., 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. Arturo Michel, City Attorney, Ms. Susan Taylor, Deputy City Attorney, Legal Department; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:25 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:30 Mayor White called the meeting to order. Council Members Lawrence, Adams, Sullivan, Brown, Lovell and Jones absent.

Mayor White called on Council Member Gonzalez for the prayer and pledge of allegiance, and Council Member Gonzalez called on Pastor John Bowie with the legendary True Light Baptist Church, in the heart of Independence Heights, for the prayer and Council Member Gonzalez led all in the pledge of allegiance. Council Members Lawrence, Adams, Sullivan, Brown, Lovell and Jones absent.

At 9:35 a.m. Mayor White requested the City Secretary to call the roll. Council Members Adams, Brown and Jones absent.

Council Members Khan and Rodriguez moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Adams, Brown and Jones absent. MOTION CARRIED.

Council Member Khan moved to suspend the rules to consider Item Numbers 1 and 2 before the public session, seconded by Council Member Green. All voting aye. Nays none. Council Members Brown and Jones absent. MOTION 2009-0802 ADOPTED.

Mayor White stated that they would move to the public hearings. Council Members Brown and Jones absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on proposals for the City of Houston to enter into or amend separate strategic partnership agreements with the below named districts in Harris County and Fort Bend County; on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts; and on separate proposals by the City of Houston to annex for limited purposes certain territory in the vicinity of certain Districts – was called. Council Members Brown, Lovell and Jones absent.
 - a. Cinco Southwest Municipal Utility District No. 4,
 - b. Cy Champ Public Utility District,
 - c. Harris County Fresh Water Supply District No. 52
 - d. Fort Bend County Municipal Utility District No. 50
 - e. Bridgestone Municipal Utility District
 - f. Greens Parkway Municipal Utility District
 - g. Harris County Municipal Utility District No. 191
 - h. Mason Creek Utility District
 - i. North Belt Utility District
 - j. North Forest Municipal Utility District

- k. Timber Lane Utility District
- l. Harris County Municipal Utility District No. 61
- m. Cimarron Municipal Utility District
- n. Cinco Southwest Municipal Utility District No. 3
- o. Tattor Road Municipal District
- p. Cypress Forest Public Utility District
- q. Fort Bend County Municipal Utility District No. 118
- r. Forest Hills Municipal Utility District
- s. Harris County Municipal Utility District No. 105
- t. Harris County Municipal Utility District No. 149
- u. Harris County Water Control and Improvement District No. 114
- v. Harris-Fort Bend Counties Municipal Utility District No. 5
- w. Northwest Harris County Municipal Utility District No. 15
- x. Richey Road Municipal Utility District
- y. Spring West Municipal Utility District

The City Secretary stated that Ms. Gwen Tillotson, Planning and Development Department, would make remarks concerning the hearing. Council Members Brown and Jones absent.

Ms. Tillotson stated that since January 2001, the City had approved 184 Strategic Partnership Agreements with 158 MUDs which generated approximately \$121.7 million in revenue for the City through October 2009, the agreements for 2009 were as follows:

For the following Districts, the City would amend an existing agreement by adding new territory, that there was no territory outside the MUD to be included in the annexation, that the area was entirely commercial, there are no residents, that the City would levy a 1 percent sales tax, which it would divide evenly with the MUD, that the City would enforce the fireworks ban in the area to be annexed, that it would not provide any other public services, those MUDs were:

- a. Cinco Southwest Municipal Utility District No. 4,
- b. Cy Champ Public Utility District,
- c. Harris County Fresh Water Supply District No. 52
- d. Fort Bend County Municipal Utility District No. 50

For the following Districts, the City would amend an existing agreement by adding new territory, that there was territory outside the MUD to be included in the annexation, that the area was entirely commercial, there were no residents, that the City would levy a 1 percent sales tax, which it would divide evenly with the MUD, that the City would enforce a fireworks ban in the area to be annexed and would not provide any other public services, that those MUDs included:

- e. Bridgestone Municipal Utility District
- g. Harris County Municipal Utility District No. 191
- h. Mason Creek Utility District
- i. North Belt Utility District
- j. North Forest Municipal Utility District
- k. Timber Lane Utility District
- l. Harris County Municipal Utility District No. 61
- m. Cimarron Municipal Utility District

For the following Districts, the City would amend an existing agreement by adding new territory, that there was territory outside the MUD to be included in the annexation, that the area was entirely commercial and there were no residents, that the City would levy a 1 percent sales tax, which it would divide evenly with the MUD, that the City would enforce the Fireworks ban in

the area to be annexed, that police services would also be provided pending approval from Harris County Sherriff's office, and that included:

f. Greens Parkway Municipal Utility District

For the following Districts, the City would execute a new Strategic Partnership Agreement, that there was no territory outside the MUD to be included in the annexation, the area was entirely commercial, there were no residents, that the City would levy a 1 percent sales tax, which it would divide evenly with the MUD, that the City would enforce the fireworks ban in the area to be annexed and would not provide any other public services, that those MUDs included:

- n. Cinco Southwest Municipal Utility District No. 3
- o. Tattor Road Municipal District

For the following Districts, the City would execute a new Strategic Partnership Agreement, that there was territory outside the MUD to be included in the annexation, the area was entirely commercial, there were no residents, that the would levy a 1 percent sales tax, which it would divide evenly with the MUD, that the City would enforce the fireworks ban in the area to be annexed and would not provide any other public services, that those MUDs included:

- p. Cypress Forest Public Utility District
- q. Fort Bend County Municipal Utility District No. 118
- r. Forest Hills Municipal Utility District
- s. Harris County Municipal Utility District No. 105
- t. Harris County Municipal Utility District No. 149
- u. Harris County Water Control and Improvement District No. 114
- v. Harris-Fort Bend Counties Municipal Utility District No. 5
- w. Northwest Harris County Municipal Utility District No. 15
- x. Richey Road Municipal Utility District
- y. Spring West Municipal Utility District

Council Member Khan moved to close the public hearings, seconded by Council Member Sullivan. All voting aye. Nays none. Council Members Brown, Lovell and Jones absent. MOTION 2009-0803 ADOPTED.

2. **PUBLIC HEARING** relating to the retail gas rates to be observed within the City of Houston to be charged by **CENTERPOINT ENERGY RESOURCES CORP. d/b/a CENTERPOINT ENERGY ENTEX** and as **CENTERPOINT ENERGY TEXAS GAS** – was called.

The public hearing on the retail gas rates to be observed within the City of Houston to be changed by CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Entex and as CenterPoint Energy Texas Gas was recorded by Vonda Treat of Team Legal Court Reporting Services, a copy of which will be on file in the City Secretary's office for review

Mr. Jeff Weems, 614 Linden Wood, Houston, Texas 77024 (281-220-9355) had requested time to speak and appeared.

Council Member Khan moved to close the public hearing, seconded by Council Member Green. All voting aye. Nays none. Council Members Lawrence, Holm, Rodriguez, Lovell and Noriega absent. MOTION 2009-0804 ADOPTED.

At 10:03 a.m. Mayor White stated that they would move to the public session. Council Members Lawrence, Holm, Rodriguez, Lovell and Noriega absent.

The City Secretary began calling the public speakers. Council Members Lawrence, Johnson, Adams, Noriega and Green absent.

Mr. Daniel Galvan, 1202 Adele, Houston, Texas 77009 (713-203-9187) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Holm, Rodriguez, Lovell and Jones absent.

Ms. Janet Holman, 12106 Silver Creek Drive, Houston, Texas 77070 (832-295-5377) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Holm, Rodriguez, Lovell and Jones absent.

Pastor Janice Caslin, 14538 Minetta, Houston, Texas 77035 (713-728-8288) appeared, presented information and stated that in 1990 she started a homeless shelter and tried to help people with a transition into society solely operating off the church donations; that their building had been damaged during a chemical plant explosion and they lost 90% of their membership and no longer had the revenue to operate but had been operating now in the negative; that she consulted many people, Council, United Way, Salvation Army, etc., and had received no assistance; that she could not get food from the Food Bank as that cost and for the last three months received parolees from the Texas Department of Corrections but they could not assist either; and from 1990 to 2003 she never asked for assistance. Council Members Lawrence, Holm, Rodriguez, Lovell and Jones absent.

Council Member Brown thanked Pastor Caslin for coming on the issue of ex-offenders and the fact that once they did their time and back in society they had another sentence because they could get no job being an ex-felon; that this had to do with human lives and safety because within a year maybe 50% were back in prison and about 1-1/2 years ago they started a pilot program on ex-offenders and he had been pressing Senator Whitmire to get the state to respond to the enormous need so they could get a network of reentry centers and begin to turn lives around and he hoped the next administration would carry forward where Mayor White started and move into a real program with social networks such as hers already in this city. Council Members Lawrence, Khan, Holm, and Lovell absent.

Mayor White stated to Director Williams maybe he could report in more detail on the pilot project done in Northeast Houston which offered wraparound services; that there were significant funds available and appropriated through the legislature, but how they were used was another issue through TDC on offender reentry and in addition there were communities throughout the state, Travis County would be a good example, where the District Attorney and District Attorney's Office used funds for the issue of reducing crime making sure people had lawful alternatives; and thank goodness to organizations who provided them assistance. Council Members Lawrence, Khan, Holm, and Lovell absent.

Council Member Johnson thanked Pastor Caslin for coming with her information and for her very needed work and stated that once a person paid his debt to society that debt should be paid off; that he heard her frustration, but while she said she needed help he would like her to put into proposal form specifically what she was looking for. Council Member Lovell absent.

Council Member Jones stated that the city received funding from HUD which had specific requirements on how to allocate their money and there was no discretion in that; that her reentry program sounded as if it would come through CDBG funding and would suggest she go to the Housing Department's website. Council Members Holm and Gonzalez absent.

Upon questions by Mayor White, Pastor Caslin stated that the Houston Food Bank charged her, you bought food per pound and at this time she owed them \$2,000; and Mayor White stated that she was making it clear to those who may be engaged in this process, but that there was no source of public funds which could be used to address this, it must be planned and appropriated and as Council Member Jones said the amount allocated would have to come out of other reentry programs or HIV/AIDS, etc., and it would have to be approved in advance of the time the expenses were incurred; that he believed what she was doing was important, but Ms. Rasheed was present to meet with her at this time. Council Members Lawrence, Khan, Holm, Gonzalez and Lovell absent.

Mr. Joe Sanders, 5247 Dumore, Houston, Texas 77048 (713-480-6509) appeared and stated that it seemed he was already convicted of a crime; that people were on each side of his house and everywhere he went someone was watching to see what he was doing; that at the hospital one guy always showed up and they took pictures of him; and continued expressing his personal opinions until his time expired. Council Members Khan, Holm, Gonzalez and Lovell absent.

Mayor White thanked Mr. Sanders for coming and sharing his concerns. Council Members Holm, Gonzalez and Lovell absent.

Mr. Frank Elias, 10223 Valencia, Houston, Texas 77013 (832-315-8613) had reserved time to speak but was not present when his name was called. Council Members Holm, Gonzalez and Lovell absent.

Mr. Samuel Smith, 16803 Imperial Valley Drive #86, Houston, Texas 77060 (832-229-4495) appeared, presented information and stated that he was present as he saw in a news report a situation where at the Wortham Center and Bayou Place they were having a bird issue and they tried using Falcons to scare the birds away but it did not work and he thought of two solutions to the problem and would like to know who to speak with and maybe get a contract to solve the issue. Council Members Holm, Gonzalez and Lovell absent.

Mayor White stated that he was making a note on this and to the C and E Department, Lisa Hargrove, he did not know the answer to this or what had been done, but representatives of those facilities were present and could speak with him at this time. Council Members Holm, Gonzalez and Lovell absent.

Council Member Brown thanked Mr. Smith for coming and stated that the City of Houston had many challenges and he was right that there was a problem, he was sure that Central Houston, Inc. would be able to deal with this in an effective way; and Mr. Smith stated that he had two solutions and would guarantee them; and Council Member Brown stated that he needed to speak to the proper person. Council Members Holm, Gonzalez and Lovell absent.

Ms. Dorotheatta Pierre, 22715 Imperial Valley #507, Houston, Texas 77073 (832-675-2006) had reserved time to speak but was not present when her name was called. Council Members Holm, Gonzalez and Lovell absent.

Mr. John Norman, 2409 Bering #34, Houston, Texas 77057 (no phone number given) appeared, presented information and stated that he was present regarding inspection stickers and auto liability policies; that last week he did a civilian ride along with HPD on the South Central Precinct and it amazed him in the Fourth and Fifth Ward areas how many cars did not have inspection stickers or auto registration; that in about 1-1/2 hours the officer pulled over five cars and enforcement was not the problem, instead it was poverty, people were living from day to day and inspection fees, etc., were big money to them and proposed helping them by setting up a pilot program in that area where the city would have an auto shop for inspection, etc., and

have people safe on the roads and if inspection stickers were increased by 50¢ in Harris County such a program could be done. Council Members Holm and Lovell absent.

Council Member Jones stated that her heart was rarely touched, but was thankful he did the ride along; that many did not understand people's daily lives were just survival and they had to choose what they would do without, whether they would have lights or gas, etc., and she did not know what to do to resolve the problem, but it was incredibly profound he noticed the problem, poverty was a big problem which caused many other problems. Council Members Khan, Holm, Gonzalez and Lovell absent.

Council Member Noriega stated that she would add to Council Member Jones, they appreciate someone coming with a concern and then a solution or possibility and some of what he mentioned in his proposal were state issues and it would be helpful for him to share them with his State Representative and State Senator; that Senator Whitmire, in particular, had gotten involved with the inspection issue and emissions and he may be interested in it and legislation would go a long ways in making this possible; and she appreciated his awareness, sometimes folks lowered their standards to survive. Council Members Khan, Holm and Gonzalez absent.

Mayor White thanked Mr. Norman for being present and giving thought to root causes, too often people look at symptoms and not causes. Council Members Khan, Holm and Gonzalez absent.

Mr. Donald Burns, 2610 Main, Houston, Texas 77002 (713-882-0207) had reserved time to speak but was not present when his name was called. Council Members Khan, Holm, Gonzalez and Jones absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was again present for the YMCA which the "Y" refused to build on their 26.82 acres in Willow Run because of the low income; that today she was pleading they be given a building out of Parks and Recreation which Mr. Joe Turner spoke to them about; and she trusted Mayor White would take care of this before he left office. Council Members Khan, Holm, Gonzalez and Jones absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (no phone number given) appeared and stated that he was demanding more time and was the official U. S. President; and continued expressing his personal opinions until his time expired.

At 10:37 a.m. Mayor White stated that they would move to the consent agenda. Council Members Johnson, Clutterbuck and Holm absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 46

MISCELLANEOUS - NUMBERS 6 and 7

6. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Kendall Library Replacement/Community Center - **DISTRICT G – HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson, Clutterbuck and Holm absent. MOTION 2009-0805 ADOPTED.
7. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Bracewell Library Replacement - **DISTRICT E -**

SULLIVAN – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson, Clutterbuck and Holm absent. MOTION 2009-0806 ADOPTED.

ACCEPT WORK - NUMBERS 8 and 9

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$972,948.80 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Safe Sidewalk Program J1 Work Authorization Project - 0.12% over the original contract amount - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; F - KHAN; G - HOLM; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Clutterbuck absent. MOTION 2009-0807 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,668,660.63 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method - 1.48% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E SULLIVAN; F - KHAN and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson and Clutterbuck absent. MOTION 2009-0808 ADOPTED.

PROPERTY - NUMBERS 11 and 12

11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tommy Holmes and Norma Jacobi Holmes, for abandonment and sale of excess Garrow Street right-of-way, from Adams Street east ±131.65 feet, located in the Oak Lawn Addition, out of the S. M. Williams Survey, Parcel SY9-060 **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent. MOTION 2009-0809 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kenneth E. Hamilton Jr., for abandonment and sale of Tern Avenue, from Craighead Drive west to its terminus, located within the Albion Subdivision, out of the B. B. & C. Railroad Survey, Sections 1029 and 1030, Parcels SY10-002 and SY10-014 - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent. MOTION 2009-0810 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 14 through 18

14. **EPPENDORF NORTH AMERICA** for epMotion 5075 LH System (to detect acute HIV Infections) for Houston Department of Health & Human Services - \$66,382.95 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent. MOTION 2009-0811 ADOPTED.
15. ORDINANCE appropriating \$345,566.88 out of Police Consolidated Construction Fund for Purchase of Benches, Lockers Flooring, Staging Units and Construction Services at the Police Academy's Facility for the Houston Police Department – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1088 ADOPTED.

- 15a. **CUSTOM SPORTS SURFACING, INC** - \$260,929.57 and **A. BARGAS & ASSOCIATES, LLC** - \$63,054.20 for Benches, Lockers and Construction Services for Improvements at the Police Academy's Facility through the Texas Local Government Purchasing Cooperative (BuyBoard) for the Police Department - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent. MOTION 2009-0812 ADOPTED.
17. ORDINANCE appropriating \$906,955.50 out of Equipment Acquisition Consolidated Fund for Purchase of Medium and Heavy Duty Trucks for Public Works & Engineering Department – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1089 ADOPTED.
- 17a. **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$2,062,484.00 and **TEXAS UNDERGROUND, INC** - \$142,162.14 for Medium- and Heavy-Duty Cabs & Chassis and Truck Bodies through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for Department of Public Works & Engineering - Enterprise, Stormwater & Grant Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent. MOTION 2009-0813 ADOPTED.
18. **TEXAS WASTE EQUIPMENT, INC dba HEIL OF TEXAS** for Equipment, Petersen Loader Replacement Parts and Repair Services for Solid Waste Management Department - \$600,000.00 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent. MOTION 2009-0814 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 20 through 46

20. RESOLUTION approving the creation of the **HARDY/NEAR NORTHSIDE REDEVELOPMENT AUTHORITY**; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the initial directors and chairperson - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Johnson absent. RESOLUTION 2009-0032 ADOPTED.
22. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a 30-foot-wide drainage easement (Parcel SY7-052); vacating and abandoning said easement to Hudson Brothers Real Estate Limited Partnership, owner, in consideration of its conveyance to the City of a 30-foot-wide drainage easement (Parcel LY9-022), all located within the Unrestricted Reserve A, West Oaks Place Subdivision, William White Survey, A-836, Houston, Harris County, Texas, and owner's payment to the City of \$54,665.00 - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1090 ADOPTED.
24. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Hopson Street, from Gillette Street to its terminus, and of Bailey Street, from West Dallas Avenue to Hopson Street (Parcels SY9-094A and SY9-094B, respectively); vacating and abandoning said parcels to the City of Houston, the abutting owner; both parcels being within the John Austin Survey, A-1, Houston, Harris County, Texas - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1091 ADOPTED.

25. ORDINANCE consenting to the addition of 2.358 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 25**, of Fort Bend County, Texas, for inclusion in its district; repealing Ordinance 2007-785 – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1092 ADOPTED.
26. ORDINANCE consenting to the addition of 29.44 acres of land to **GRANT ROAD PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1093 ADOPTED.
27. ORDINANCE establishing the east and west sides of the 1100 block of Tabor Street 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. Council Member Johnson absent. ORDINANCE 2009-1094 ADOPTED.
28. ORDINANCE establishing the north and south sides of the 700 block of Le Green 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. Council Member Johnson absent. ORDINANCE 2009-1095 ADOPTED.
29. ORDINANCE approving and authorizing Grazing License Agreement between Terry McDonald, as Licensee, and the City of Houston, Texas, for 78.87 acres of land at George Bush Intercontinental Airport - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1096 ADOPTED.
30. ORDINANCE appropriating \$3,500,000.00 out of Airports Improvement Fund as additional funding for contract for Professional Consulting Services between the City and **DEREK CONSULTING GROUP, INC**; amending Ordinance No. 2007-327 to increase the maximum contract amount - \$2,513,000.00 Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1097 ADOPTED.
31. ORDINANCE appropriating \$8,002,067.00 out of HAS-FAA Grants Fund, \$2,852,000.00 out of HAS-SublienBond 2000B NONAMT Construction Fund and \$668,909.87 out of HAS-Consolidated 2001 NONAMT Construction Fund and awarding Construction Contract to **W. W. WEBBER, LLC** for Rehabilitation of Runway 4-22 and Taxiway “C” at William P. Hobby Airport (Project 462); 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 services and for contingencies relating to construction of facilities financed by such funds - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1098 ADOPTED.
36. ORDINANCE appropriating \$72,500.00 out of Equipment Acquisition Consolidated Fund for Purchase of Information Technology Equipment for the Houston Public Library – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1099 ADOPTED.
37. ORDINANCE approving and authorizing Four Task Order Construction Contracts between the City of Houston and **ARROW SERVICES, INC, PFP ABATEMENT GROUP, LLC, J.T.B. SERVICES, INC** and **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition Services for Houston Police Department; providing maximum contract amounts - \$2,000,000.00 for each contract - 5 Years - Dangerous Building Consolidated

Fund – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1100 ADOPTED.

40. ORDINANCE appropriating \$3,587,875.00 out of Public Library Consolidated Construction Fund as an additional appropriation for the Oak Forest Library Expansion under an existing Construction Management At-Risk Contract with **TEAL CONSTRUCTION COMPANY**; providing funding for engineering and testing services, air monitoring, Civic Art Program, and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1101 ADOPTED.
41. ORDINANCE approving and authorizing License Agreement, for ten (10) years with two (2) renewals of ten (10) years each, between **AMERICAN TOWERS, INC**, or its affiliate, Licensor, and the City of Houston, Texas, Licensee, with a monthly License Fee of \$4,500.00 for Fiscal Year 2010, with annual increases, other costs and site improvement fees for a total cost for the initial ten (10) year base term of \$619,049.48, to allow the Radio Communications Division of the Information Technology Department to install equipment on one (1) communications tower and ground space in connection with a new Public Safety Radio System located at 819 Battle Ground Road (a/k/a Independence Parkway), Deer Park, Texas – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1102 ADOPTED.
42. ORDINANCE approving and authorizing License Agreement, for ten (10) years with two (2) renewals of ten (10) years each, between **AMERICAN TOWERS, INC**, or its affiliate, Licensor, and the City of Houston, Texas, Licensee, with a monthly License Fee of \$4,699.50 for Fiscal Year 2010, with annual increases, other costs and site improvement fees for a total cost for the initial ten (10) year base term of \$617,404.58, to allow the Radio Communications Division of the Information Technology Department to install equipment on one (1) communications tower and ground space in connection with a new Public Safety Radio System located at 310 Englewood, Houston, Texas - **DISTRICT B – JOHNSON** - had been pulled from the Agenda by the Administration, and was not considered. Council Member Johnson absent.
43. ORDINANCE appropriating \$353,614.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Paving Extension of Kirby Drive from Holmes Road to Reed Road, Reed Road to Airport Boulevard and North of Sims Bayou to Orem Drive; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1103 ADOPTED.
44. ORDINANCE appropriating \$1,613,397.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **NORTH HOUSTON POLE LINE, L.P.** for New Front Easement Reconnections (UM); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1104 ADOPTED.
45. ORDINANCE appropriating \$3,087,123.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **HUFF & MITCHELL, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the Bidder's

Execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1105 ADOPTED.

46. ORDINANCE appropriating \$1,677,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Walnut Bend; 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 - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2009-1106 ADOPTED.

Council Member Clutterbuck moved to suspend the rules to consider Item Numbers 10, 34 and 35 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2009-0815 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Louis Macey of Macey Family Properties, LTD. [Macey Properties, Inc. (Louis Macey, President) General Partner], for sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, an unrecorded subdivision out of the J. S. Holman Survey, A-323, Parcel SY10-017 - **DISTRICT I – RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Lovell.

Council Member Clutterbuck stated that she had concerns about this and would like to tag in order to get her questions answered, that she knew that typically when parcels of property were contiguous the adjacent owners were given the opportunity to purchase it with several appraisals if the property was worth more than a million dollars and would like to have some background on this because there were questions about whether or not, since they purchased some previous property on the eastside of downtown from the same purchaser, if this was somehow related to that purchase of the property, and secondly were there any other adjacent property owners and third were they going to be able, once they had an appraisal, offer it up for bid to the public to make sure that the taxpayers get the most return on the dollar for this sale of public property and if that was not the case were they going to include in the contract for sale provisions such as they did in the Bolsover property that if the property was not developed pursuant to the plan that it would revert back to the City, and Mayor White stated that they would get those answers for her.

34. ORDINANCE appropriating \$620,000.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 2409) to support the development of Affordable Single-Family Housing in Trinity Gardens and Fourth Ward for low to moderate income families - **DISTRICTS B - JOHNSON and I – RODRIGUEZ** – was presented.

Council Member Clutterbuck stated that she was struck by the tremendous amount of subsidy per house, subsidies of \$80,000 and \$50,000 per house, that she did not know if her colleagues shared this opinion with her, that typically she supported TIRZ funding of affordable housing but this just seemed like a staggering large amount and asked if it was in line with what was typical, and Mayor White stated that no, that he thought she raised a good point which was that it was not sort of in line with what they normally would do but in each of these cases, and

perhaps Mr. Butler was here, but there were some unique circumstances, that maybe Mr. Butler in particular could help them if they wanted to delay the item, that in Trinity Gardens they wanted to have the availability of some model houses because if they saw what had occurred in the lower part of the Fifth Ward, Sunnyside and parts of Acres Homes they really had to build up a momentum and they had been having a hard time getting things going within Trinity Gardens and one feedback that they got from builders, for profit and non profit, that without model houses it was hard to sell, which was why they had model houses in a subdivision, and Council Member Clutterbuck stated that she would like to tag Item No. 34.

Council Member Jones stated that pursuant to Mayor White's request they had a specially called Housing meeting on these and believed the administration had talked about trying to get a lot of affordable housing things done before the end of the year so they had that special committee meeting, that this item did pass out of the committee meeting but one of the things that was explained to them, and she knew this from the LARA Board, was that there were problems, at least initially, in some areas getting builders to buy into putting affordable housing in historically disadvantaged areas, so while they had gotten the ball rolling in certain LARA and Houston Hope areas one area that they had not had any kind of development like they would like was Trinity Gardens, that the studies showed that when they had model homes that people could go visit that people were more likely to buy homes in those areas, that Trinity Gardens was a Houston Hope area but they with the HUD funding could not do model homes, but with TIRZ funding there was an affordable housing set aside so they could; that certainly they would like to get Council Member Clutterbuck more information is she would like it. Council Members Lawrence, Gonzalez, Lovell and Noriega absent.

Mayor White stated that with respect to at least those they made to CHODOs they had a program where if there was a grant then what they got out of the net proceeds of the sale on account of that grant had to be reinvested back into building a new affordable house and Council Member Clutterbuck would need Mr. Butler present to clarify. Council Members Lawrence, Gonzalez, Lovell and Noriega absent.

Council Member Johnson stated that the question would be that they were waiting to see where the revenue would go after the house was sold, and Mayor White stated that was one questions, and as Council Member Jones stated that there was an issue about how they build and how they would generate business in the model homes. Council Member Gonzalez absent.

After further discussion Council Member Johnson moved to hear from Mr. Christon Butler on Item No. 34, seconded by Council Member Jones. All voting aye. Nays none. Council Member Gonzalez absent. MOTION 2009-0816 ADOPTED.

Upon questions by Council Members, Mr. Butler stated that it was correct that when they had a grant they normally had the CHODOs or the builder close into an interim construction loan, that these contracts would be similar to the previously approved CHODO contracts where the net proceeds would be required to be recycled within the community itself, those allowable recycling measures could be anything as additional down payment assistance to future homes, they could buy land to continue to build and purchase homes in the Trinity Gardens Houston area or they could buy down a construction loan for future homes, that they had about 120 lots in the Trinity Gardens area that were seized; that private builders in the private sector had model homes that were occupied by licensed staff pretty much every day of the week, their builders were not staffed or did not have the construction financing to have model homes, most buyers that were out looking for homes either shopped on line through HAR or were actually going out and speaking to an experienced sale representative at a model home, so this grant would allow builders to gain additional subsidy so they could build model homes, most lenders were only letting the builders, lending them money for homes for one sold home and maybe one spec home at a time, so since the financial institutions were making it more difficult for these

builders to build homes model homes in these communities, especially the Trinity Gardens areas, where they had not seen the rate of development that they expected, would help the future buyers find quality and affordable homes, that as to Independence Heights since the first model home was built there it was the same situation, they had lots in Independence Heights but they did not have buyers or buyers were not available to contact a sales representative so once Catholic Charities had a furnished and fully occupied model they saw their numbers increase where they had buyers either going to that model or calling them and saying it was a great model and wanted to go back and invest in the Independence Heights Community; that there was no financing for individuals to buy these homes, the City did not provide financing; that they had some lots that the Fourth Ward owned in historic Fourth Ward and because of the going market rate they were trying to help subsidize builders to build affordable homes and maintain that affordability in that particular community, so this was a construction subsidy grant for builders to build affordable homes with the same criteria as the CHODO grant where there is a 10 year affordability associated with the end buyer, that any net proceeds would have to be recycled in that community or within that individual TIRZ to support future affordability housing; that of the 10 homes only the Trinity Gardens 6 homes would be models; that there should be net proceeds both from the Fourth Ward and Trinity Gardens, they were just saying that the models would have to be opened as a model for a minimum of one year, that at the end of that one year the homes could be sold to a qualified buyer and then the proceeds from that sale would be recycled into the community, that in the Fourth Ward there were no models, that they did not have a track record for the anticipated net proceeds in Trinity Gardens, that when the builder gets ready to submit floor plans, elevation and budgets, those would come back to City Council for approval, they could look at that estimated construction budget with an estimated projected sales price and figure out what type of proceeds would be able to be recycled back into the community. Council Members Johnson, Brown, Lovell and Noriega absent.

After further discussion by Council Members, Council Members Holm and Sullivan stated that they would add their tag to Item No. 34. Council Members Johnson, Brown, Lovell and Noriega absent.

After further discussion Mayor White stated that Council Members Clutterbuck, Holm and Sullivan had tagged Item No. 34.

35. ORDINANCE approving and authorizing contracts between the City of Houston and (1) **AETNA LIFE INSURANCE COMPANY**, (2) **KS PLAN ADMINISTRATORS LLC**, (3) **SELECTCARE OF TEXAS, L.L.C.**, (4) **TEXAS HEALTHSPRING, LLC** and (5) **UNITEDHEALTHCARE INSURANCE COMPANY** for Medicare Health Plans for City Retirees and their dependents; providing a maximum contract amount - 5 Years - \$44,183,073.00 - General, Enterprise and Other Funds – was presented. Council Members Johnson, Brown, Lovell and Noriega absent.

Upon questions by Council Members, Mayor White stated that he hoped that in the next administration people monitored and chose people in relative committees carefully to monitor the implications of any federal legislation on the health care bills; that a fact was that the premiums they collected, plus Medicare, covered the cost of the health care for their Medicare eligible retirees, the premiums they collected from their active employees covered the cost of their active employees and both of those groups, in fact, the premiums they collected covered more than those costs and then they contributed to the cost of the people who were of working age and who were no longer employed by the City, that what they had done during this administration was significantly changed the relative amount of that subsidy each year during this administration, and he believed that there was a good ground for distinguishing, as they did for the people in the military, between those people who served in highly specialized, like somebody who was a firefighter for 32 years, and then they had people who were Solid Waste workers, who he met, who after 25 years on the job they could hardly raise their hands above

their heads because of the bursitis, that he thought there were some categories where it may be unlikely for there to gain other employment after age 62 but with due respect was that always true with a civil engineer who spent 25 years with the Public Works Department, was that really true that that person was occupationally disqualified from seeking additional employment in the same way that a firefighter would be or somebody who had been on a Solid Waste vehicle, that he did not think so, as a matter of that particular credential probably enhanced their career opportunities after that and yet they decided, and set well before this administration the decision was made, in order to subsidize their health benefits, that he thought that was a bad decision, but it would take a lot of work. Council Member Brown absent.

A vote was called on Item No. 35. All voting aye. Nays none. Council Member Brown absent. ORDINANCE 2009-1107

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION**, for terms to expire February 1, 2011:

- District A - **MS. JANICE GABRIEL**, reappointment
- District B - **MS. THERESA CARMOUCHE-LEDE**, reappointment
- District C - **MS. JANICE S. ROSE**, reappointment
- District D - **MS. MARGARET A. JENKINS**, appointment
- District E - **MR. FRANK G. WEARY**, appointment
- District F - **MR. RAZI ASADUDDIN**, appointment
- District G - **MR. HARRY J. PHILLIPS, JR.**, reappointment
- District H - **MS. CHRISTINA L. MORELAND**, appointment
- District I - **MR. RAMIRO FONSECA**, reappointment

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

Council Members Sullivan, Jones and Adams congratulated the new appointees and re-appointees and thanked them for their service to the City. Council Members Johnson and Clutterbuck absent.

A vote was called on Item No. 3. All voting aye. Nays none. Council Members Johnson and Clutterbuck absent. MOTION 2009-0817 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment of **MS. CATHERINE CLARK MOSBACHER** to Position Five of the **JOINT CITY/COUNTY COMMISSION ON CHILDREN** for a term to expire December 31, 2010 - was presented, moved by Council Member Khan, seconded by Council Member Lawrence. Council Members Johnson and Clutterbuck absent.

Council Member Noriega welcomed Ms. Mosbacher to the commission and thanked her for her service to the City and County. Council Members Johnson and Clutterbuck absent.

A vote was called on Item No. 3. All voting aye. Nays none. Council Members Johnson and Clutterbuck absent. MOTION 2009-0818 ADOPTED.

5. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Hiram Clarke Multi-Service Center and Vinson

Branch Library **DISTRICT D – ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Lovell.

After discussion by Council Member Adams a vote was called on Item No. 5. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0819 ADOPTED.

PURCHASING AND TABULATION OF BIDS

13. **CHANNING BETE COMPANY, INC** for Development and Distribution of Disaster/Emergency Preparedness Education Materials for Houston Department of Health & Human Services \$224,337.50 - Grant Fund - was presented, and tagged by Council Member Lawrence. Council Member Clutterbuck absent.
16. **NORTEX MODULAR SPACE** for Modular Office Building from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Houston Police Department - \$203,985.76 - General Fund - **DISTRICT A – LAWRENCE** – was presented, and tagged by Council Member Brown. Council Member Clutterbuck absent.

RESOLUTIONS AND ORDINANCES

19. RESOLUTION approving and adopting a revised Investment Policy for the City of Houston, Texas and making various provision related to the subject – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. RESOLUTION 2009-0033 ADOPTED.
21. ORDINANCE **AMENDING ARTICLES IX AND X OF CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to booting in parking facilities; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented. Council Member Clutterbuck absent.

After discussion by Council Members, Council Member Sullivan stated that he would tag Item No. 21. Council Member Clutterbuck absent.

23. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Brazos Street (Parcel SY10-005) and abandoning and vacating said portion to the General Services Administration, a Federal Agency, abutting owner, in exchange for a 20-foot-wide utility easement (Parcel VY10-001), both parcels located in the John Austin Two League Grant, A-1, Houston, Harris County, Texas; approving and authorizing an agreement outlining various rights and responsibilities between the City and owner; dedicating certain on-street parking on Brazos and Capitol Streets for use by Federal Security and Law Enforcement Agencies - **DISTRICT I – RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1108 ADOPTED.
32. ORDINANCE appropriating \$250,000.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing Grant Agreement between the City and **THAI XUAN VILLAGE CONDOMINIUM OWNERS ASSOCIATION** to cover costs in connection with the improvement of the exterior-front and other common areas of the Thai Xuan Village Condominium located at 8200 Broadway, Houston, Texas - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1109 ADOPTED.
33. ORDINANCE approving and authorizing Modification Agreement between the City of Houston and Little York Villas, L.P. to amend the Loan Agreement and related documents

authorized pursuant to Ordinance 2004-459, as amended, to change certain requirements related to a 128 Unit Apartment Complex in the 6200 block of Nuben, Houston, Texas - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Jones. Council Member Clutterbuck absent.

38. ORDINANCE appropriating \$134,819.00 out of Solid Waste Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **REY DE LA REZA ARCHITECTS, INC d/b/a RdIR ARCHITECTS, INC** for Design of 9003 N. Main Building Renovation; providing funding for the Civic Art Program - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1110 ADOPTED.
39. ORDINANCE appropriating \$244,200.00 out of Woodlands Regional Participation Fund as an additional appropriation for Professional Landscape Architectural Services Task Order Contract with **SWA GROUP** (Approved by Ordinance No. 2008-1015) - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1111 ADOPTED.

NON CONSENT AGENDA - NUMBERS 47 and 48

MISCELLANEOUS

47. RECEIVE nominations for the City of Houston representative of the **HARRIS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS**, for a two year term ending December 31, 2011 – was presented. Council Member Clutterbuck absent.

Council Member Green stated that he wanted to nominate Mr. Gary Stein to continue his service as their representative on the Harris County Appraisal District Board of Directors, that they had his resume before them. Council Member Clutterbuck absent.

Council Member Khan moved to close the nominations, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0820 ADOPTED.

48. **SET HEARING DATE** regarding amendment to the Project Plan and Reinvestment Zone Financing Plan for the **TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-ONE (HARDY/NEAR NORTHSIDE ZONE) - DISTRICT H – GONZALEZ - SUGGESTED HEARING DATE - 9:00 A. M. - WEDNESDAY - DECEMBER 2, 2009** – was presented. Council Member Sullivan absent.

Council Member Khan moved to set Wednesday, December 2, 2009 at 9:00 a.m. for a hearing regarding the amendment to the Project Plan and Reinvestment Zone Financing Plan for the Tax Increment Reinvestment Zone Number Twenty-One (Hardy/Near Northside Zone), seconded by Council Member Brown. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0821 ADOPTED.

MATTERS HELD - NUMBERS 49 and 50

49. ORDINANCE **AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the seizure, impoundment and destruction of news racks; establishing a fee for seizure and impoundment of news racks; containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability; establishing an effective date – **(This was Item 21 on Agenda of November 4, 2009, TAGGED BY COUNCIL MEMBER JONES)**

Council Member Noriega moved to divide the question in Item No. 49 to consider separately Section 40-458 g, i and j after the balance of the ordinance was voted on, seconded by Council Member Khan. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0822 ADOPTED.

A vote was called on the first portion of the ordinance identified as (h) relative to disposal of news racks impounded. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1112 ADOPTED.

Mayor White stated that they were now on the second portion that had been divided so far being Section 40-458 g, I and j. Council Member Clutterbuck absent.

Council Member Noriega moved to refer back the remainder of the Section 40-458, g, i and j to the administration, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0823 ADOPTED.

50. ORDINANCE amending Ordinance No. 2007-846, the first amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series G; and declaring an emergency – **(This was Item 23 on Agenda of November 4, 2009, TAGGED BY COUNCIL MEMBER LOVELL)** - was presented. Council Member Clutterbuck absent.

Council Member Lovell moved to amend Item No. 50 as follows:

“by reducing the authorized amount of bonds from \$125,000,000 to \$120,000,000 through a reduction in the amount allocated for General Public Improvements from \$32,600,000 to \$27,600,000”, seconded by Council Member Khan. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2009-0824 ADOPTED.

A vote was called on Item No. 50 as amended. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2009-1113 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Holm stated tomorrow they would celebrate Veterans Day and they would honor their heroes at 11:45 a.m. on Smith Street, between Texas and Lamar, for a parade; that today at 1:00 p.m. there would be a memorial service for 13 victims of the Fort Hood shooting last week, that most of the victims were very young and were either on their way home from serving time overseas or were getting ready to be deployed overseas, and would honor the 13 men and women, Francheska Velez, John Gaffaney, Aaron Nemelka, Michael Pearson, Jason Hunt, Michael Cahill, Frederick Green, Justin DeCrow, Amy Krueger, Kham Xiong, Juanita Waram, Eduardo Caraveo and Russell Seager who lost their lives during this time; that she wanted to recognize and honor Kimberly Munlay, the policewoman who acted so heroically to stop the shooter; that she wanted to say Happy Birthday to Council Member Lawrence who would be celebrating her birthday on November 12, 2009. Council Members Lawrence, Clutterbuck, Sullivan, Gonzalez, Rodriguez and Jones absent.

Council Member Khan stated that he wanted to thank Council Member Holm for her comments about Veterans Day and also very appropriate comments about the service today and what happened in Fort Hood; that in general he had always tried to only discuss issues related to the City but sometimes it was extremely important and in advance asked permission from his colleagues to let him talk about the Fort Hood incident, that needless to say it was horrifying to see those kind of things going on in a civilized society, or anywhere in the world,

especially in any situation where any person who in any way claims to be a man of faith, of any faith, and then be part of such horrifying acts, was something that not only should be strongly condemned by all but understand that no faith, regardless of what deity they prayed to, no faith had any place for this kind of thoughts or extremism or this kind of actions, that they could never be justified based on any faith based beliefs and he wanted to, not only on his behalf, strongly and in as strong words possible condemn such acts anywhere and everywhere, but also he had lots of discussion for years with people of Islamic Faith, not only locally but all over the Country and world, and there was absolute unanimity that any person who claims to be part of the Islamic Faith could never ever be part of any kind of extremist, terrorist or hurting of innocent activities, not in practice, not in belief and not in thoughts, that in this incident also everybody was in mourning and everybody was in many ways very angry as to these kind of acts going on and it was also important that they all, as much as they could, condemn it and then come together to do everything in their power to prevent it, identify or try to identify people who may be in their ranks in any way, and also make sure that they make it very clear to everybody they came associated with as to what the true beliefs of every faith, especially the Islamic Faith, that he again shared the sentiments universally, and especially in this Country, the people of Islamic Faith, in condemning such acts, that he would say his prayers to the deceased and families who were suffering and whom they could only try to relate to but only they knew what it meant to be living through this terrible tragedy, that he supported the President and all of the leadership to come together for the condolence of the families and also to do their part in making this world rid of such horrifying sentiments in any way and in any capacity among all ranks. Council Members Lawrence, Clutterbuck, Sullivan, Gonzalez, Rodriguez, Lovell and Jones absent.

Council Member Brown stated that he wanted to speak briefly about traditions, history and art and community development, that in terms of traditions he urged all Houstonians to somehow get involved in their Veterans Day Parade, which starts at 11:45 a.m. tomorrow, Wednesday, downtown, and honor their Veterans and the men and women who had so valiantly served their Country; that second, on Saturday, November 14, 2009 at 12:00 p.m. they would have the grand opening of the African American Library at the Gregory School; that on Saturday, November 14, 2009, would be the Art on the Avenue Gala, that it was a fundraiser, part and celebration recognizing art in their City and the great work of the Avenue Community Development Corporation. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Gonzalez, Rodriguez, Lovell, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she wanted to thank her colleagues for their comments about the events at Fort Hood and the recognition of Veterans Day, that was always something that they thought about at her house, that they had not only her husband, who was a Veteran, but both her father and his father served their Country, that as she watched the events unfold at Fort Hood and in particular the last few days she was struck again with the Army family and the way army communities wrapped their arms around families that had losses and challenges, that she would like to suggest to everyone in the Houston area and the Harris County area and maybe the larger area in general that as an area that did not have a large base Houston was not a place where career Army officers were stationed, that what they had in Houston were reservists going away and coming back to a community that may not be as aware of the challenges that they dealt with and that their families dealt with while they were gone, that in Houston they had challenges with the Medical Center and had been able to overcome some of that where there was some concern about insurance, where some of the larger hospitals did not take the military insurance and she was happy to say at this point that some of them did now, but in addition to that there may be folks down the street or parents of children in their child's class that were quietly desperate because they had a loved one that was deployed overseas or they had someone who was recently back with PTSD, maybe they needed a babysitter or were new to the area, so she would like to ask all of them to be aware as they went about their business, if there were folks that they knew that mentioned they had someone overseas if they could offer a hand to cook a meal, take a child for an afternoon, it would be a

real gift to these families, and all of them could participate in Veterans Day in whatever way that they could but just that extra level of awareness would be what she would ask of all of them as they celebrated Veterans Day tomorrow. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell and Green absent.

Council Member Adams stated that she wanted to share in the condolences to those who lost loved ones in the tragic incident at Fort Hood and her prayers went out to those families; that tomorrow they would commemorate Veterans Day, that it was a day that they would honor their Veterans in the City of Houston and she wanted to ask those who knew a Veteran or someone in their family who was a Veteran, and would like to share in the sentiments of Council Member Noriega, to just go by and say hello and see what they were in need of, because in these economic times there were some jobs who had been lost and not only that, there were people who were still homeless Veterans and still slept on the streets every night, so go and lend a hand and see what they could do to share tomorrow, that many of them would be participating in the festivities tomorrow morning and would ask them to come downtown Houston tomorrow at 9:00 a.m. and show their support for the Veterans and the local City; that she wanted to congratulate Ms. Margaret Jenkins for being selected for the Clean Commission; that for those who lived in Windsor Village tonight they would be having their civic association meeting; that she wanted to thank Claudia Vasquez and Benito Juarez for everything they continued to do in the Mayor's Citizens Assistance Office, that they would be celebrating Citizenship Week next week and would be having a press conference on Monday at the steps of City Hall at 11:00 a.m.; that there would be a Public Safety Townhall Meeting hosted by the Chasewood Community and would take place at the Chasewood Community Center on November 17, 2009 at 7:00 p.m. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell and Green absent.. (NO QUORUM PRESENT)

Council Member Gonzalez stated that he wanted to invite everyone to attend a Public Safety Symposium that he was hosting on Saturday from 9:00 a.m. to 3:00 p.m. at the High School for Law Enforcement and Criminal Justice; that they would be co-hosting, with State Representative Armando Wally a North Houston Clean Up and would meet at Clark Park at 9800 Clark Road, that he wanted to thank the Parks Department and the Northside Management District for their collaboration; that he wanted to invite the public to the East Sunset Heights Second Annual Barbecue at the Rose Garden on Saturday from 6:00 p.m. to 7:30 p.m., as well as the Saint Patrick's Knights of Columbus Steak Night Fundraiser on Friday evening at 5802 Fulton; that he wanted to congratulate HPD Class 206 who would be graduating on Thursday at Chavez High School; that he wanted to thank Sharon Stevens and her family for their participation at a tree planting event that they had this past Saturday in the Greater Heights area; that he wanted to send his condolences and prayers to the entire armed services community for the loss at Fort Hood. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent.

Council Member Jones stated that Veterans Day was special to her, a number of people in her family were Veterans, her dad and uncle, both of whom fought in Viet Nam and came back different men and both of who killed themselves, that she would say that to say that a lot of people were coming back and they did not always talk, that women had special issues because more women were actually doing active duty than used to and people expected women to be nurturing and they did not always have ears to listen and she would like to give kudos to what Council Member Noriega stated, that they really needed to pay attention to their Veterans, they were doing more tours than normal and had been kept longer, that they not only needed to support the people who had gone and fought but needed to support their families, that it was hard being a single parent and there were a lot of military families who did not have sufficient money, that they would think that serving in the military at a minimum be able to pay their bills and get great health care but that was just not the case but when they failed to address these very personal matters really bad things like what happened at Fort Hood happen so she thought

they all had a role and that was why Veterans Day was so important; that she would like to offer her condolences not just to the families of the people who died, but there were a number of people who were injured and there were a number of people who got to see and by the grace of God were not injured but were still under attack so she would just like for them to reflect on that and how she believed they were the greatest Country in the world and it was because of what their military did to secure them and to please pay attention to that; that another note and trying to resolve problems, they would be having their first Public Housing Problem Solving Task Force meeting tonight from 6:00 p.m. to 7:00 p.m. at Kelly Village Community Center, a Public Housing Project, at 3118 Green Street, that at least during this term a lot of the complaints they heard with housing was with the Housing Authority and she would like to give kudos to David Mince berg who said he would be coming, that he was the first person on the Housing Authority who seemed to have an interest in all of these problems that they constantly heard complaints about, but the intent of the Housing Problem Task Force was to identify the three things that the residents and surrounding neighborhoods of public housing units believed were most critical, i.e., that negatively impacted them, the meetings would move from Housing Authority property to Housing Authority property because they wanted to go to where the people were because not everyone could afford to catch the bus to come downtown, they were making sure to have them in the evenings so that people who had jobs could come, so she would encourage anyone who had questions or concerns about any public housing that they would be having a meeting tonight, 6:00 p.m. to 7:00 p.m.. at Kelly Village Community Center at 3118 Green Street, that they looked forward to hearing from them and working out solutions so that they would try to make the Housing Authority better and more responsive to it's residents and the surrounding communities. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Rodriguez and Green absent.

Council Member Lovell stated that as with everyone their prayers go out to the families at Fort Hood, the terrible incident that happened there, they were in their thoughts and prayers; that they were going to have a TIA Committee meeting on Thursday, November 12, 2009 at 2:00 p.m. in the Council Chamber, that there would be three items on the agenda, a discussion of a lease and development agreement for mixed use development at George Bush International Airport, a discussion of an ordinance amending Chapter 8 and Chapter 26 of the Code of Ordinances to reflect State law relating to the authority to tow vehicles from residential parking permitted areas and the Port of Houston Authority would update them and give them an introduction of it's new Executive Director and would be presented by Chairman Edmunds, so they would welcome the Port; that tomorrow 27 of their Houston employees, including City Council staffers, would jump out of an airplane over Houston as a team building exercise, the skydiving team, known as the original City Hollers was delayed because of low cloud cover earlier in the month but the weather was to be great tomorrow and they were going to jump, that the Council offices who would have jumpers was her office, Council Members Adams, Clutterbuck, Lawrence, Khan, Gonzalez, Sullivan and Holm, that they wished them all the luck and a safe jump; that they discussed the Booting Ordinance, that they put ordinances out there and fixed them when they were being abused which this ordinance was being abused, that the Booting Ordinance was there so that people's cars would not be towed and they would not have to go and find them at the impound lot, that it was a good tool and as with a lot of things that were good somebody takes and kind of turns them into a bad thing and they fixed the ordinance so that they would have to have a receipt and show that they had paid and they could prove it, they put safeguards there for citizens and for some strange reason they had somebody out there that still wanted to play the system, but playing the system really affected their constituents and the citizens, that if somebody went and parked and just did not want to pay then they deserved to be towed or their cars booted, but for people who go downtown and enjoy downtown and their meter expires, or the rate changes, for somebody to be sitting and waiting and swooping in was not right, that she did not want to do away with being able to boot cars, they were a legitimate industry and they did not want to do away with any businesses, but to the person who was doing this they were going to ruin it for everybody in their industry because the

City was going to continue to stop them from doing what they were doing because it was just not right what they were doing to their citizens, that she was going to appeal to their sense of decency to do what was right and fair, that if somebody did not pay okay, but if it was a rate change and it was five minutes later these were tough times for everybody, they were all citizens and neighbors, that even if they were in a business they should not treat each other that way, they should give somebody a break instead of waiting for them to not be able to get there in time and a rate change, that it was not the right thing to do and was not really the way that they do things in Houston, even in businesses, if they were an egregious offender, fine, but for something that was past five or ten minutes she did not think it was the right thing to do. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent.

Council Member Johnson stated that as well wanted to give his condolences and prayers to the families and victims of the Fort Hood shooting, that this shooting had certainly affected them all in one way or another, whether they had family members who were part of the armed services or whether they had family who lived near Fort Hood, that he thought they were all affected, that certainly he believed they were truly all affected by the sheer nature of the shooting, the fact that there was a certain nationality that was involved and the Muslim Faith happened to be involved, that all he wanted to say to people was that before they passed judgment he hoped that people would take a deep breath and take a step back before they passed judgment on the Muslim Faith, that while he was not a Muslim he wanted to be clear because he understood wholeheartedly the profiling and how that could happen and how that could affect people, that there had been profiling in this Country forever and unfortunately he as a Black man growing up often was the victim of profiling, because there was an article in the paper that said a Black male, six feet tall, medium complexion and short hair committed a heinous crime so now everyone looks at every Black male that way, that he certainly did not want them all to start looking at every Muslim as if they were a terrorist, so he would ask that they have a level of sensitivity and understanding that it was one individual's act and not the act of all and he hoped they could all be very understanding and prayerful of not only the family and the victims, but certainly even the individuals who had been involved, that God certainly sends the message that they must all forgive, so he hoped they all could do that and he truly believed that the authorities would do the very best job that they could, that he knew there were some that had called on an investigation and he truly believed that the investigation was already taking place and thought they would get to the bottom of this and be able to solve this situation but he thought it went to a very serious situation that they faced in the City of Houston with Mental Health, that there were individuals that came before Council all the time and they speak and the fact was that they as a City and a Country needed to do a much better job of dealing with not only their Veterans who come back from war but certainly even the individuals who were living here, how they addressed their Mental Health issues, because going untreated would certainly cause problems for all of them at some point or another, that he believed that they as a City could do a better job working with possibly MHRA and other entities who could have a social worker come to Council and when they recognize that there might be someone who was in need of assistance that they could point them in the right direction and be able to get some assistance, someone who could then be able to talk with them and be able to get them the resources and possibly the help that they need, and he thought when they do that they would have a much better City, that again his condolences and thoughts for the families and victims of the Fort Hood shooting and he would hope that they would all come out tomorrow and celebrate on Veterans Day and say to all the Veterans how much they certainly appreciate them in protecting the great Country that they all loved. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent.

There being no further business before Council, the City Council adjourned at 12:20 p.m. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary