

City Council Chamber, City Hall, Tuesday, September 29, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 29, 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, Edward Gonzalez, James G. Rodriguez, Peter Brown, Melissa Noriega Ronald C. Green, and Jolanda "Jo" Jones and; 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 Sue Lovell out of the city on city business.

At 2:05 p.m. Mayor White called the meeting to order and stated that Council Member Gonzalez would begin presentations. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Gonzalez invited Mr. Armando Bermudez to the podium and stated that it was his honor to present a Certificate as they continued to recognize those who had given so much in the Hispanic community; that Mr. Bermudez was very active in the near Northside and he oversaw several projects and initiatives including the March on Crime Parade, National Night Out, etc., motivated by seeking justice for his brother who was murdered he became an advocate against crime and for justice; that he had identified 83 offenders in violation of parole, etc., and because of those and other services presented him a Proclamation proclaiming today as "Armando Bermudez Day" in Houston, Texas; and Mr. Bermudez thanked all for the presentation. Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Rodriguez, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that today he was recognizing Houston's great Symphony for its long and distinguished history of excellence; that Houston was a great city of the arts and the Houston Symphony was one of the great institutions which made it so; and invited Mr. Bobby Tudor, the president and CEO of the Houston Symphony Society and Mr. Mathew VanDeusen to the podium. Council Member Brown stated that the Houston Symphony played a central role in Houston's cultural and civic life for 97 years and was one of the oldest performing arts organizations; that they thrilled audiences around the world and brought recognition to Houston; and because of this and many other services presented a Proclamation to a representative of the Houston Symphony proclaiming today as "Houston Symphony Day" in Houston, Texas; and a representative stated that it was an honor to accept the recognition and all took their role very seriously and believed the symphony made Houston a better place. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Jones absent.

Council Members Khan and Clutterbuck thanked representatives of the Houston Symphony for what they did in providing beauty and encouragement and their many out reach programs to Houston. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Jones absent.

Council Member Brown stated that a wonderful CD of the Houston Symphony, Graf and Gershwin, was presented to the Mayor and Council Members; and urged all to attend the Houston Symphony. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Jones absent.

Mayor White invited Mr. Raphael Akinsipe to the podium and stated that he rarely gave presentations, but this was a special celebration; there was programs called Boys State and Girls State by the American Legion and it brought people together and to this day he had friends he made at Boys State that he would not have had otherwise; that each year the American Legion organized a mechanism whereby young leaders of tomorrow could come together, a one

week camp, where the best and brightest of entering seniors got together and became involved in political processes in their states and served one day elected office and went to Washington and the process was repeated again; that American Legion Post 560, Garden Oaks, Houston, Texas, sent 11 young men to Boys State including Raphael Akinsipe who was an 11 year honor roll student and winner of 75 debates, speech writing, acting, theater and academic awards and he was elected Governor of Boys State, the highest office, and for those reasons they wanted to celebrate his success and presented him a Proclamation proclaiming today as "Raphael Akinsipe Day" in Houston, Texas; and Raphael thanked the Mayor and Council Members for the honor of the Proclamation and thanked his school and principal, assistant principal and both counselors for giving him such an experience, it was an experience of a lifetime. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Jones absent.

Council Members Khan, Green and Holm congratulated and thanked Raphael and his father for him being a role model for the City of Houston through all his accomplishments; and wished him continued success. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Jones absent.

At 2:22 p.m. Mayor White called on Council Member Green who invited Reverend Terrance Grant Malone of St. John Church to lead all in prayer and Council Member Green led all in the pledge of allegiance. Council Members Johnson, Adams, Rodriguez, Noriega and Jones absent.

At 2:23 p.m. Mayor White requested the City Secretary call the roll. Council Member Lovell out of the city on city business. Council Members Johnson, Noriega and Jones absent.

Council Members Khan and Lawrence moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Members Johnson, Noriega and Jones absent.

At 2:24 p.m. Mayor White requested the City Secretary to begin calling public speakers. Council Members Johnson, Noriega and Jones absent.

Mr. Jeronima Morales, 19118 Ruble, Houston, Texas 77084 (281-579-7042) appeared and stated that she was present regarding Candlelight Drive; that she owned one apartment in Candlelight; that she was being assessed fees for demolition, she had purchased her condos and invested all her savings, about \$20,000.00, it was to be an investment for her children's future, they would use the rental fees for college; that she paid all her dues to Austin Properties, \$230.00 a month for 1-1/2 years and then they were taken over by Randalls Management and for two years paid \$255.00 a month for maintenance fees and the last corporation to take over was Dallas and they charged \$140.00 a month for approximately 6 months and she was wanting to know why she was being charged \$4,000.00 for demolition fees, etc., versus the management companies who collected all their moneys and should be responsible; that she had no money and no way to pay and wondered why the city could not go after those companies for the fees when the owners such as her were left penniless. Council Members Johnson, Noriega and Jones absent.

Mayor White thanked Ms. Morales for coming and stated that he was glad they brought the issue to Council's attention. Council Members Noriega and Jones absent.

Mr. Courtney Rogers, 539 Sandy Walk, Stafford, Texas 77477 (713-446-6024) appeared, presented information and stated that he was also present for the Candlelight Coalition for Justice regarding the terrible injustice against owners of Candlelight Trails; that the complex was in the 5500 block of DeSoto and ordered vacated in 2007; that the City of Houston was suing owners to demolish the project and there was a group of California investors who had

control over their association and ran it into the ground and went bankrupt and quit paying their HOA dues which made them go under; that he invested such as the lady before him and those who took over the association went scot-free, the city was not after them, not charging them anything and they had majority control and had taken over the board; that what he presented to Council were 10 facts about Candlelight Trails which he read to Council. Council Member Noriega absent.

Mayor White stated that they were making notes and he did have memos on the issue; that they had been working a longtime trying to get Candlelight Trails razed and under law there were certain rights the City of Houston had in a way they needed to proceed and certain rights the condo owners had against people who may have defrauded them; that he was making notes and would try and get a clear explanation. Council Members Lawrence, Brown and Noriega absent.

Council Member Clutterbuck stated that the Administration as well as the District Council Member were working very hard on this and her question related to what the speaker brought up, the cost of demolition, this issue came up in the past with properties in District C where sadly properties were destroyed by fire and demolition was required and they sent the bill to the victim; that her concern was they contracted for this ahead of time and got the established rate, but one fire in particular the charge back was way over what the onsite people offered to tear down the property for a private fee and if they were voting on items for demolition for safety reasons they should get the best and most competitive price possible for those having to pay; and Mayor White stated that if she had the details, and he would ask her to do this on behalf of the Administration, was to get details and written explanation for herself and him of the procedures they went through to make sure they had the lowest cost and then review the procedures with him to see if there were flaws; and Council Member Clutterbuck stated that was excellent and she would copy him on the email they sent to the Fire Department as well as Public Works. Council Members Lawrence, Brown and Noriega absent.

Ms. Farhat Khatoon, 6150 W. Tidwell Road #503, Houston, Texas 77092 (713-686-7412) appeared and stated that she was also present regarding Candlelight Trails; that she had spent \$200,000.00 buying three properties years ago and now her entire investment was gone and they wanted her to pay \$10,000.00; that her health was collapsed and she had someone to take care of; that she did not see how the City of Houston could file on them. Council Member Lawrence absent.

Mayor White thanked Ms. Khatoon for coming and stated that he knew what many were thinking; that by all indications there was misconduct by the management company and the simple issue they were trying to work through was this, there was a blighted property which was a magnet for crime and the issue was who paid to get it demolished quickly, all the taxpayers of this city or the owners of the property; and Ms. Khatoon stated it should be the management company for their negligence, they took all the owners money and did not do a proper job; and now she was homeless, she just lost everything; and Mayor White stated that if she was homeless he would have Ms. Vasquez speak with her at this time.

Ms. Earnestine Jones, 9842 Trumpet, Houston, Texas 77078 (713-633-2911) appeared, presented information and stated that she was president of the Woodglen Civic Association and was present along with many in the association and asked those present to stand to be recognized. Ms. Jones stated that they were present today regarding their having one way in and one way out of their community, it was a matter needing to be addressed and in her packet were maps, petitions, news reports, etc., also streets were to be opened for them and they had not and another subdivision was added; that she wanted to know how they could get help.

Council Member Johnson thanked Ms. Jones and the Woodglen Civic Club for coming to Council and stated that she had done an excellent job on documentation; that they had been working to get another entrance or exit and the problem was it was always a safety hazard to have the one way; that there had been a gas leak and it could have been a very dangerous situation; that flooding at the front of the community was also problematic; that this was bid in August 2009 and it would be awarded next month and construction was hoped to begin within a month or two after, possibly in November; that Thorn Street would be opened and the project was taken care of; and Ms. Jones thanked Council Members Johnson and Brown for all their assistance. Council Member Holm absent.

Ms. Martha Cuellar, 10510 Murway, Houston, Texas 77048 (713-366-9353) appeared, presented information and stated that she was representing an inner city soccer league in the heart of Magnolia in District I; that they just celebrated their 8th year of existence in helping inner city soccer children and the league consisted of different divisions including veterans and youth; that she was present regarding a complaint to a decision made by Council Member Rodriguez which had an affect on their soccer community and leagues which used Houston fields and broke rules and regulations of the Parks Department only to favor a local youth organization, they found this unfair; that she spoke to her Council Member to try and resolve the matter but was unsuccessful, he made it clear his decision was final to allow the Sharks Football Club to play regardless of weather conditions and his interest was only of the 200 participants of the organization, clearly overlooking their 2,100 participants and though he said it was the first time he heard of them it did not mean they did not exist; that they paid their taxes and permit fees for the field and their league director was elected by the MNS this year as Volunteer of the Year and he was an excellent trainer; that because Council Member Rodriguez did not know of their league it did not give him the right to overlook them or discriminate against them; that last week their games were cancelled for four days due to field conditions and what she presented had a policy of which was given to them September 17<sup>th</sup> where it clearly stated it was violation to play under conditions which should be evident to cause damage to the field, signed by the Deputy Director of Parks, Mr. Doug Earle. Council Member Holm absent.

Council Member Rodriguez thanked Ms. Cuellar for coming and stated that he wanted to clarify a couple of points; that this was a request to suspend rules to allow a youth Futbol League and Girls Drill Team to utilize Field 5 due to damage on Field 4, according to parents caused by a men's soccer league, the request was to allow the teams last two home games to be played on the facility and he understood, but at Mason Park they had an interesting situation where they had a duel futbol and soccer facility and new soccer field as well; that they had not changed policy or rules and were not excluding soccer leagues; that he met with the Parks Director and he was curious; and upon questions, Ms. Cuellar stated that all their fields were permitted; and Council Member Rodriguez stated that he received a memo from the Parks Director which stated they had two adult soccer leagues permitted, but no permit for youth soccer leagues and that was a violation of policy; and Ms. Cuellar stated that the youth did not play at Mason Park, as she previously stated their league had a division for all family members, veterans, etc., and funds collected allowed them to have a league for children and they had over 800 participants; that those which played at Mason were permitted and she could show them to him and they had video of the field and what happened and they had no problem sharing the fields, but their problem was when he only considered one organization. Council Member Johnson absent.

Mr. George Figueroa, 10327 Piping Rock, Houston, Texas 77042 (713-974-8090) appeared and stated that he was present with the same subject as Ms. Cuellar; that the treatment of parks, he had a book of trespassing, breaking the rules, etc., this was not unique to Mason Park; that other groups had used soccer fields for their sports also, such as football, rugby, etc., and they usually have a good excuse, such as it was my final game, etc., and they get away with it, Parks seemed to look the other way; that they had to abide by regulations and

had to sign that they would; that he even helped Parks with design of one of the fields 20 years ago. Mayor White, Council Members Johnson, Gonzalez and Brown absent. Council Member Khan presiding.

Council Member Noriega stated that she did not know of the situation they were speaking of and was sure the District Council Member had it under control, but she wanted to mention she walked at Mason Park and was concerned on more than one occasion that the facilities were not kept up the way they needed to be and was asking the Parks Department to check this, she was asking for excellence at Mason Park, she would like that end of town to get the same as all others. Mayor White, Council Members Johnson, Gonzalez and Brown absent. Council Member Khan presiding.

Mr. Willie Bateman, 3738 Darlinghurst, Houston, Texas 77045 (832-392-9763) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Gonzalez and Brown absent. Council Member Khan presiding.

Dr. Edith Clark, 4406 Davenport, Houston, Texas 77051 (no phone number given) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Gonzalez and Brown absent. Council Member Khan presiding.

Ms. Dee Simon, 5210 Cortelyou, Houston, Texas 77021 (713-644-2957) appeared and stated that in American History they had to remember the date April 4, 1968, it was the day an American Civil Hero was killed, now they had to remember that this City Council was working in conjunction with METRO to change Houston's history entering into an agreement to change the name of Martin Luther King Boulevard to Martin Luther King Transit Corridor, opening the doors for eminent domain and condemnations; that area residents and community leaders were not pleased, Council was not listening to what was important to them and for those wanting to continue political careers they would make their actions on this and other issues of importance known citywide as they needed to be held accountable for their actions or lack thereof; that they needed to show backbone, none of this was approved on the 2003 referendum. Mayor White, Council Members Johnson, Sullivan and Brown absent. Council Member Khan presiding.

Council Member Adams stated that there was no record at all of Martin Luther King having a name change, according to Legal there would be a transit corridor for the METRO but the name MLK Boulevard would not be changed, anytime rail traveled it was considered a transit corridor, but the name on the street signs would not change and if anyone made such a request with her on Council would not take place; and Ms. Simon stated that a transit corridor still opened the door for eminent domain takeover and condemnation abuse. Council Members Johnson, Sullivan and Brown absent.

Council Member Khan stated that Ms. Simon brought out an important issue, it was a privilege to have MLK Boulevard; and upon questions, Mayor White stated that Council Member Adams addressed this nor did he believe they city approved the transit corridor ordinance or that there were any particular changes in the ability of any public entity relative to existing law concerning eminent domain. Council Members Johnson, Sullivan and Brown absent.

Upon questions by Council Member Jones, Ms. Simon stated that they did not want a street name change nor did they want to be designated a transit corridor to open the door for condemnation or eminent domain abuse. Council Members Johnson, Sullivan and Brown absent.

Upon questions by Council Member Jones, Mr. Cheatham stated that he did not have direct knowledge, but it sounded like designating a transit corridor would be a planning tool where the City of Houston and METRO discussed expansion of the rail system, he did not think

it had any implication for name change of the street, that would be a prerogative of the City Council; that there was work to see where new lines would go and what she probably heard was reference to a planning tool or planning agreement between METRO and the City which designated MLK Boulevard as a transit corridor, but he would submit it was probably no more than that and had no implications at all for change of street name; and Council Member Jones stated that he said, "probably" and that had her wondering and she would like him to get clarification; and Mayor White stated that they would get that; that an ordinance was discussed and passed where questions and answers were discussed regarding the process by which it would or would not be designated a transit corridor in connection with an ordinance about four weeks ago and Council was present regarding the process, it was a result of about four years of effort and came through committee hearings and full Council discussion; that he did not know the status of this particular thoroughfare, but they went through this four weeks ago in great detail; and Council Member Jones stated that she recalled the meeting, but the constituent came before them and she wanted clarification for her; and Mayor White stated that he did not know the source of concern, but thought Ms. Gafrick's department would have status on any designation and they would get the information to them both. Council Members Johnson, Clutterbuck, Sullivan, Holm and Brown absent.

Council Member Adams stated that as District Council Member if there were to be any type of designation or name change come forth she would be the first person she would contact; that a request would have to be made to Planning and they would notify her in writing of the request and it would require a vote of Council and she would not bring it forth, it would not even be brought up. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm and Brown 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, Clutterbuck, Sullivan, Khan, Holm and Brown absent.

Ms. Tomaro Bell, 3248 Charleston, Houston, Texas 77021 (713-825-8449) had reserved time to speak but was not present when her name was called. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm and Brown absent.

Mr. Karl Muench, 4111 Norfolk, Houston, Texas 77027 (713-459-8779) appeared and stated that to do the same thing repeatedly expecting a different result each time was a sure sign of insanity; that prior to completion of the construction of the Main Street Line he attended a meeting where METRO was present and Frank Wilson attempted to address area concerns over rail plans, METRO was aware of galvanic corrosion caused by stray current leaking from the rail lines and Mr. Wilson stated that all cities with great levels of rail was experiencing the issue and they were studying how to mitigate it, but now they knew how unsuccessful they were in fixing it, just like everyone else, light rail was sold as a solution to traffic congestion, however, grade level rail had increased traffic congestion everywhere it had been implemented so they would be insane to expect otherwise; that in Section 6.2 of the Draft and Environmental Impact Statement for the proposed University Line an acknowledgement that this would occur along Richmond Avenue and Section 5.2 of the Final Environmental Impact Statement for the North Corridor they would find admissions of not only increased congestion, but the displacement of minority and low income residents and in Section 5.2 of the FEIS for the Southeast Corridor had even worse and he wondered if Council even had a clue as to the damage that would reek in communities as they placed the light rail albatross upon them; that the negative effects were very deep within the massive reports and confused by inclusion with or proximity to irrelevant data and it was impossible to logically disprove a negative and yet this was exactly the nature of the light rail justification to comparison to no build alternatives; that the Mayor and Council should demand METRO make available all the data, methods of collection and modes of analysis used and he meant the actual math; that all studies should have been done according

to generally accepted principals for data collection, statistical analysis and traffic engineering and therefore could not be proprietary; that they were paid for by public dollar and there should be no reason to not have public access; and urged Council take no more action facilitating METRO's light rail plans in any way until they made full justifications readily available for independent review, not to mention their adherence to all their other obligations under the 2003 referendum. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm and Brown absent.

Mr. Ovide Duncantell, 8002 Crestwick Drive, Houston, Texas 77083 (713-205-9999) appeared, presented information and stated that every time he came to Council it was because of a tragic situation in the community they were trying to turn around; that now they were trying to change Martin Luther King Boulevard and they did not have their approval to do it; that the plan was to take the rail down Dowling until the Daughters of the Confederate said they better not think about it and that was how they inherited it, their icon Martin Luther King being devastated with some rail; that City Council made a motion in 1980 giving a piece of property to place a statue on Martin Luther King Boulevard and now this Council wanted to change all that; and he would find a lawyer and they would take them to court, it was sacrilegious. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Mr. Noel Cowart, 2016 Main, Houston, Texas 77002 (713-419-8189) appeared and stated that Council started their session by recognizing those who Houston should be proud of, but he came about something which not a prideful thing for Houston, an abandoned building, the Central Bank Plaza, at 2200 Travis; that he was president of 2016 Main Owners Association and was present requesting Council to start condemnation procedures of the abandoned complex, the building was a safety and health hazard to the immediate neighborhood and a haven for graffiti artists and the homeless and drug dealers; that previous attempts to clean graffiti and sell the building, which it had been for sell 20 years or more, had proven fruitless; that it was unfit for habitation and laden with rodents, etc., and known by residents of Midtown as the "Urine" building because of the odors; that the taxes were delinquent and on behalf of those living at 2016 Main they were urging the blight be removed by whatever legal means were available. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that it was good to see Mr. Cowart and this building he had been working on since he was a staff person in Council Member Alvarado's office, Council Member Alvarado had reported this and so had his office and if there was a way he would like this taken care of at the same time the Savoy was; and Mayor White stated that he was sympathetic and it did need to be demolished and he would ask Mr. Cheatham and those monitoring in the Legal Department, first, he did not understand as the record owner was notified on July 22 regarding violations and then there was a re-inspection on August 11 and then a gap and the memo said as of, which he did not know what "as of" meant, but sometime on or before September 29 it said as of an abstract had been ordered to obtain the lien holders, persons of interest; that there was a hearing on May 14, 2008 and so he hoped someone was not starting the file all over again and if someone could report to him within Neighborhood Protection when the abstract was ordered and why was there a delay from the time the city issued the citations; that he wished he could try the cases individually, but he couldn't, he was asking people in the Legal Department, it seemed to him last year a hearing officer claimed that the owner had complied, but if they had and it was at this state now, then it was proof whatever they did, did not work, if they were supposed to have complied to prevent nuisances and these issues from happening, then whatever they did, did not work; that the issue then should be who pays to get it to come down; and upon questions, Mr. Cowart stated that his association manager had discussions with the owner of the property and it got no where; that it was listed on the tax role as being owned by H. D. W. 2000 at 1390 Dewthard Avenue LLC One Stone

Place, Suite 200, Bronxville, New York; and Mayor White stated that in addition the owner owed \$120,000 in taxes and he would like a report on what actions had been taken by the tax collection firm on that, one thing he would consider doing would be to assign what rights the city had to the neighboring property so a mandatory injunction could be sought; that the city was more in the business of defending suits rather than bringing suits and he knew city attorneys were monitoring this and they needed to get a mandatory injunction; and to Mr. Cheatham and Mr. Michel they needed to figure a way to get assignment of the claims and get this thing moving more quickly; that the one thing, he would not just order someone to do something, if they violated the very strenuous legal hoops and then they were liable to pay the owner and taxpayers had to pay it down, he wanted to figure a way to get it torn down and it seemed an injunction suit would be the appropriate remedy; that maybe he could talk to those in the association and get the rights and claims the city had and then have someone representing the city and acting with the power of the city so they would have more ownership in trying to get this done, he thought they could probably figure out a way to do that and they would not pay anything to do it; that his contact would probably be Tom Allan in the Legal Department, but he would get that for him and then someone in Neighborhood Protection needed to tell him what the next steps were and what the timetable was for the abstract and what the remedy was they were seeking on the Administrative hearing and did they need a district court order or could the administrative hearing alone suffice, that was what he needed to know; and they should get with Mr. Cowart. Council Members Lawrence, Sullivan, Khan, Holm, Brown and Noriega absent.

Council Member Rodriguez stated that Council Members collect information on constituent concerns and then they pass it to the appropriate department and then it goes through the process and hearing and then they were not apprised of the status and they had several other buildings like this and it was a frustration; and thanked Mr. Cowart for staying on this and stated that they would continue to be in contact with him. Council Members Lawrence, Sullivan, Khan, Holm, Brown and Noriega absent.

Mr. Percy Gonzalez, 5537 Harrisburg, Houston, Texas 77011 (713-921-3571) appeared and stated that he wanted to thank Council Member Gonzales for his attention in the problems of the Eastend; that he heard Planning once discuss a corridor and a corridor told him they could take more land than normally asked for through eminent domain; that it opened the door for them to take more property and pretty soon no one could say anything because the planning would have been already staged; that he hoped they understood their position because many were about to lose all they had and he felt the responsibility was in this room; that a rail was great, but not on Harrisburg. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Marion Scott, 1600 Louisiana #603, Houston, Texas 77002 (281-736-2365) appeared and stated that his concern was over the sewage and drainage system; that he felt they needed a program for monitoring the drainage system, like heavy trash, where people go two to three times a year and look into the sewers and unclog them; that it prepared for flooding and it was better to be prepared for a flood, it was better to protect property and lives; that he went and looked in several drains and found tire rims and trash and he felt drain clean up should be scheduled and felt they could pay for it by aggressive ticketing cars on the road, those littering, public intoxication, etc., things on the books, just have an aggressive campaign. Council Members Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Robert Fana, 5055 Dickens Road, Houston, Texas 77021 (713-256-5740) appeared, presented information and stated that again they were facing a difficult situation regarding Martin Luther King Boulevard; that service was a great form of giving and they needed to know whose motivation was clean, clear and righteous and whose was not; that METRO was to get a train to take someone to work, then it became a light rail, first to run on one street and then a

different street and now they want to add a transit center and a train depot and a bus depot in the neighborhood for 20 or 30 buses. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that one reason she said what she said yesterday and before was to let citizens know what they intended to do; that she hear about a taskforce she was on and the document all were looking at was something she signed in 2005, it was 2009, that was four years old and there was a statute of limitations and she thought it curious that four years later they were talking about things; that he heard her say she was concerned about HUD and CDBG and it was important to know that whatever plans they had they would vote one way or the other on their input and she did understand his concern; that she did want rail; and Mr. Fana stated that he loved rail in New York City, but there was a right and wrong way to do it and the real question was each time METRO presented something issues came which were never resolved; and they said they would train the children to run across the tracks with no difficulty, but you can't train little children with this; and they should realize that in dealing with METRO they were dealing with someone trying to run "game" on them. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Marilyn Gordon, 5757 Westheimer Road #3-91, Houston, Texas 77057 (832-386-8265) appeared and stated that she was present to hopefully give good news; that she was present regarding SafeClear; that it was a great project, but she had her own security business now working for the Johnson Space Center at NASA and all needed a body guard for their person or valuable items and there were home alarms, car alarms and personal body alarms as your body was more important than your home or car; that she brought one of their body alarms which was a GPS locator, a personal body alarm, that their locator could protect adults and children, it was security from walking home from school and it was a world wide system separate from cell phone towers and would often work even when towers were down; that it was all day tracking or emergency tracking within two to five minutes. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White asked that Ms. Gordon please give her information to Ms. Vasquez. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Bellfort, Houston, Texas 77071 (713-729-3387) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was the Willowrun Beautification President; that in 1989 Mayor Whitmire gave 26.86 acres to the Willowrun Community for a park and it was not legal to change their plan for a YMCA. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (no phone number given) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Jess Horton, 2665 Villa Creek Drive #105, Dallas, Texas 75234 (972-247-9454) appeared and stated that he was executive director for Southwest Tow Operators and was present to reiterate their proclamation that the SafeClear Program was a wonderful success but still faced issues they would like to see addressed, such as being open for competitive bidding, allowing qualified professional tow operators opportunity to contribute and expand the program to what they knew could be reached. Council Members Lawrence, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Terry Manuel, 6719 McKeever, Pearland, Texas 77584 (832-473-1858) appeared and stated that he would like to address a concern, he would like to know if the committee members for transportation knew SafeClear vendors were allowed to leave the freeway at their own discretion; that he understood the importance of the program was to move traffic, to make sure police calls were immediately responded to in the immediate sector, but by allowing them to leave the freeway they passed the ability to assist the citizens. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he mentioned a particular incident last week if he could write the information for him so he would have some details; and Mr. Manuel stated that one of the segment holders was involved in a collision and it was not just one, but several; and Mayor White stated that he would like something in writing and he would look at it. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

At 3:56 p.m. City Council recessed until 9:00 a.m., Wednesday, September 30, 2009. Council Member `Lovell out of the city on city business. Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, September 30, 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, 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, Assistant Agenda Director, present. Council Member Sue Lovell out of the city on city business.

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

At 9:29 Mayor White called the meeting to order. Council Members Sullivan, Holm and Brown absent.

Council Member Khan moved to consider Item Numbers 1 and 2 before the Monthly Operations and Financial Report, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Members Sullivan, Holm and Brown absent. MOTION 2009-0701 ADOPTED.

1. REQUEST from Mayor for confirmation of the appointment of **MR. LUIS ELIZONDO-THOMSON** to Position Seven of the **HOUSTON CONVENTION CENTER HOTEL CORPORATION**, for a term to expire December 31, 2010 - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Members Sullivan, Holm and Brown absent. MOTION 2009-0702 ADOPTED.

Council Member Rodriguez and Mayor White congratulate the two appointees and

thanked them for their willingness to serve on the board. Council Members Sullivan, Holm and Brown absent.

2. REQUEST from Mayor for confirmation of the appointment of **MS. CAROLE A. PINKETT** to Position Two on the **CIVIL SERVICE COMMISSION FOR MUNICIPAL EMPLOYEES OF THE CITY OF HOUSTON** and on the **FIREFIGHTERS'** and **POLICE OFFICERS' CIVIL SERVICE COMMISSION**, for a term to expire June 14, 2012 - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Members Sullivan, Holm and Brown absent. MOTION 2009-0703 ADOPTED.

Council Members Green, Adams and Jones congratulated Ms. Pinkett on her appointment and thanked her for her service to the City. Council Members Sullivan, Holm and Brown absent.

At 9:33 a.m. Mayor White stated that they would move to the Monthly Operations and Financial Report.

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds – was presented.

Ms. Annise Parker, City Controller, and Mr. Kelly Dowe, Finance Department, reviewed the Monthly Operations and Financial Report, a copy of which is in the City Secretary's Office for review.

Council Member Sullivan stated that what he was hearing from the Tax Collector Assessor Leo Vasquez was that the City of Houston was saying that their Property Tax Revenues were declining and Leo was saying they were actually up point two percent, that he thought there might be some confusion with what actual receipts were versus what they were projecting and there was a difference and they were not the same thing and asked Mayor White if he could address it, and Mayor White stated that as they could see they projected year to year on the general property taxes to be just at flat, that it was true, and he did not know what the talk Council Member Sullivan was referring to because he was not on the same campaign trail that he and other candidates had been on but did want to emphasize to his colleagues that while their General Revenue and Property Taxes were flat and they were further in the proposed or draft or pro forma FY2011 scenario for use for City Council Members and future elected officials projecting no growth in General Fund Property taxes to please note that the TIRZ were up and that was the bill that a lot of people see, but it was certainly growing at less than the rate of the expenses of City, which was why they were pulling in and as they may know because of the good work of the City Controller and Finance Administration Department they were pulling in consistently as they got new numbers the projection of Sales Taxes, that in other words the Sales Taxes would actually go down by over \$30 million, they were projecting, that the good news was that he had people chide him around the table for reminding people to often that in the four years for which they ran the surplus they did so because they were incurring some longer term obligations, such as the Fire Fighters Contract and the ramp up of the police force, that as he had said many times around the Council table that they would build up cash in the balance sheet and then that cash would be taken down whenever they had a growth in expenses that grew faster than their revenues they had to make up for that difference and they were not going to borrow money to pay operating expenses as they did at some level of government. Council Member Rodriguez absent.

Council Member Khan said that Ms. Parker had said in her report that credit agencies

were looking at the City's credit rating as a routine or was that something to do with the way Houston was doing or some of their budget items or bonds working, did it have anything to do with SWAPS or the Combined Utility System or was it just routine, and Ms. Parker stated that as she explained yesterday it was a specific review of Convention and Entertainment Facilities Department bonds which were largely guaranteed by HOT taxes and there was also some exposure to AMBAC, one of the insurance firms that had caused problems around the Country, that as a matter of course because of declines in HOT tax revenues cities around the Country were experiencing similar situations and she wanted Council to be aware that Moody's was examining them and she did not know what the outcome would be, she did not consider it a serious problem but wanted to make sure that Council was aware that it was out there.

Mayor White stated that about ten days to two weeks ago he had asked some very detailed questions of C&E concerning a review of their budgets and the type of questions that Chairman Clutterbuck and he had been doing department by department, line item by line item, that he thought it was appropriate that they all understood where that department had tightened it's belt on a number of things for the same reason, that he would say that to his colleagues around the table that he would be surprised that some of the operating expenditures were at the level of budget so they were all communicating those looking at the bonds should be aware of that fact; that he wanted to thank the City Controller and Director of F&A, that everybody had been keeping Ms. Mitchell in their prayers and hoped she recovers so that they could have her attendance, that he believed that Chairman Clutterbuck was scheduling with Ms. Stein and her recommendation was a committee of the whole on October 13, 2009 on the FY11 Budget, that in part he does this at some peril but deliberately so that issues effecting the FY11 Budget could be on the table at a time when the citizens were making their decisions about the new leadership of the City and that those who seek to lead this great City could get the very best information they had concerning where they go forward, that he would also say a special thanks for the long hours that Chairman Clutterbuck had put in to make sure that the City managed it's budgets well through this time of crisis. Council Member Johnson absent.

Council Member Clutterbuck moved to accept the Monthly Operations and Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Johnson absent. MOTION 2009-0704 ADOPTED.

### **MAYOR'S REPORT** - Combined Utility System

At 9:54 a.m. Mayor White stated that he wanted to see if he could have a true bullet point report on one of the most important public or private organizations in the City, their Combined Utility System, that he wanted to describe very briefly, in general terms, something that he knew was covered in a committee hearing in more detail, but also to share with them the administration's perspective, and a perspective that he had gained over dealing with these issues for more than five years, that some of the realities about their water and sewer system, that water and sewer service that was reliable was critical to all of the citizens in their City, that the water and sewer system did a good job on operations in as much as water flows when they turn the faucet on and by and large when their waste water goes away from their houses when it should, that those who traveled throughout the world to countries with strong and weak economies knew how unusual it was to have such a water sewer system of the caliber that they did, that the Combined Utility System faces some challenges, that he would describe a few of those challenges and give his attitude toward those challenges, or perspectives, that the operation and maintenance costs were somewhat higher than were projected several years ago and that was principally due to the cost of chemicals and the cost of electricity, to some extent the cost of personnel, but the inputs into the system, which took a lot of pumps consumed a lot of electricity and acquired a lot of chemicals, should be down from where they were at the high point during the global economic boom but they were higher than they were several years ago

by a significant margin.

Mayor White further stated that the second challenge was higher Debt Service payments which were caused by two things, first could be unplanned and unanticipated which was sort of a meltdown of the municipal finance system in the United States which occurred when certain bond insurers went bankrupt and it had afflicted tax exempt markets and financial markets across the Country, that had resulted among other things in higher cost for commercial paper, that it should be an aberration because the City of Houston's Water Sewer System's credit was good and it made no sense that people would pay and get a significantly higher return on things where they did not pay any taxes than they would on treasury bills where they did pay taxes, that it was unusual in history over a period of decades but it was one consequence of the economic crisis that followed the collapse of Lehman Brothers and before then the collapse of the housing market and the securitization market.

Mayor White further stated that the other trend that he would mention and hoped that they would prepare for and was one reason why they had a couple of very important studies undergoing was that he thought that should not necessarily count on increasing consumption at the rate that they had increased consumption of the future and that was a good thing, that he abhorred waste, they celebrate freedom, if somebody wanted to water their yard with as much water as they wanted to use and pay appropriately, they had a right to do so, but at the same time many of their fellow citizens had realized that if they could design houses that used less water, if they could have great yards and have more hardy species or whatever the case people were conserving water and that was a good thing except for the various debt service models which were built on increased revenue, and their approach on this should not be to find ways to peddle more water, their approach to this was to try to match how they thought about financing the ongoing maintenance and repair of the Water Sewer System with an assumption of lower volumes so they do not celebrate it when they had a lot more water, that he would tell them that it was a classic case of long run versus short run, and in the short run they might feel like they were doing better when they were selling more water because they could afford more maintenance and repair, etc., but in the long run they would have to built more water plants and if they could avoid that long run cost for more water plants through water conservation then they would do a good job for all of their citizens, that this was one reason why they had both the rate consultant and McKenzie and he had been challenging them to see if there were some things that they could do with rate design; that there were certain means by which they ought, in his view, in the very short run and over the longer run, look to see if they could reduce the cost per unit, that this was why there were some ongoing studies and analysis and he wanted to tell his colleagues on City Council that he would not bring in consultants if he would have gotten the right answers or thorough answers over the last four years, that he respected the people who worked there but he would just say that he could give a candidate assessment, that it was a very traditional water system and he would leave it at that; that one was that he thought over time they needed to understand better where their water goes and why they produced more water than was consumed, that lost inventory they could talk about that more later, but they produced more than they consumed and where it went they better find out one of these days; that second, the billing and collection system, there ought to be more that was automated, more that was real time and more that was not based on estimates, that it did require some instrumentation and process reengineering, some people had the capability of paying online, a relatively small percentage of online payments were made, anything they could do to increase the efficiency with which they read meters and bill customers would be a good thing, there was a lot of personnel cost in that; that third, they needed to understand better what the return on investment of various capital expenditures was, how much capital expenditures were expected to reduce by capital expenditures replacing underground lines, the long run maintenance and operations cost, what the optimal was that mix of how much capital expenditures they should do every year in order to reduce the long run cost of the system, that what he was talking about was if they had a car and because the maintenance and fuel consumption of the car it cost

more to keep the old car every year than it did to buy a new one than they ought to buy a new one, and the cost of that car ought to be capitalized, that the systems for doing individual projects or projects as a whole were not that fine tuned in the water and sewer system and that was one reason in particular, that he had meetings and brought people in from outside, he had outside volunteers but it was just something to where they could do to take this utility to the next level, that he would say there standard rule of thumb practices in the water sewer system business but they needed to improve that because they wanted to be the best in the Country.

Mayor White further stated that the next item was how do they consume power, he firmly believed that at virtually all the plants, certainly the waste water plants, they could optimize waste heat and really buy power and steam and reuse the steam in a better way, the water and sewer system had gone about it a little different way and he did not micromanage, that he would have bought the product from firms instead they had engineers design one off systems, but he did believe that there could be more economies in the power or at least more systematic ways of trying to decrease the power cost by recovery of wet heat onsite utilities, off grid utilities and the like; that the final issue was that the Debt Service in relation to the Capital Expenditures was to high, as he would say if they had a separate fund for police vehicles and they had to have a certain number of police vehicles and they would say okay every year they replace a certain number of police vehicles and as they add vehicles that cost may go up but they basically amortize or say they bought and had a six year note for a new police car and then every year they would replace some police cars and one of their goals was to keep their Capital Expenditures in line with their amortization and Debt Service and what happened with ten years of no rate increases and increasing capital budgets then they build up the total amount of debt in the system that was higher than the sustainable level of Capital Expenditures, that they just could not talk about what had happened in the past and just wave their hands, that it could not be done in a day and nor should any rate payer need to address this problem in one year but he would recommend that there be, as a result of some of this, a what he called a financial restructuring of the system, such as they did in 2004, and that the financial restructuring of the system include some amount perhaps of the engineering and soft cost fees or some of the fees that were done or some of the costs that were allocated to project management in the system, that they be carried on either pay as you go basis or on a shorter period than rolled into every project, if they did that for long enough eventually what they had to do was reduce the level of Capital Expenditures and moderate the growth and Debt Service, that was all there was to it, so they would be looking at that; that finally, Council Member Clutterbuck and for those involved in the Water and Sewer Service what did it mean about his attitude, there may be times, because they had extraordinary cost increase, that there was nothing free and some of those they would have to pass along to the consumers, that his goal was to assure consumers that they had looked at every possible way to scrub the cost of the system before they went to their consumers, who were also the owners of the system, so sometimes he knew that Council Member Clutterbuck had been with him, if it seemed to those within the Water/Sewer System that he was being a little hard or hard lined it was because he wanted to make sure that they were the consumers, proxy, that they were their representatives, that they looked at all these costs that could be scrubbed, that he knew they would have a contract coming up and he wanted that contractor, which he had been asking for, he thought, for 18 months, that it was not always pleasant to go through one of these exercises with an outside management consultant looking for efficiencies but he wanted to be able to look the public in the eye and tell them that they had scrubbed all these costs well before they went forward with any rate increase to discuss the structural problems, which were real, and many beyond their control, nobody wanted the cost of chemicals, the other big cities in Texas had been raising water rates at a significant pace because they were facing those same things, but one important thing for them to do was to scrub the cost of the system.

Council Member Brown stated that to paraphrase what the Mayor had said they had, he believed in their system without any additional Capital Expenditures, but putting aside the issue

of better maintenance and scrubbing the system, they had excess capacity, they could sell more water, was that not correct, and Mayor White stated that they certainly had more raw water and they had been working on realizing revenues from that, not in a way that compromises their position, that they could and do sell more processed water; that over the long run they would find that getting added to water sewer service within the City of Houston, over a ten to twenty year period, would be a really good deal compared to a lot of places outside the City of Houston, and the reason was if they wanted to be responsible about subsidence, and the reality of subsidence, then they needed to use surface water and if they had surface water discipline for MUD's and other places outside the City then basically for a new connection or hookup there were some places where it was more expensive and less expensive but they did offer universal service at a reasonable price within the City, that it was probably fair to say that to some extent old users, because they average a cost they do not pass on the full incremental cost of new users and the water sewer system, that if they wanted to promote growth within the city limits that was one way they do so. Council Members Adams, Noriega and Green absent.

After further discussion, Mayor White stated that they would move to the consent agenda. Council Members Clutterbuck and Green absent.

Council Member Gonzalez moved to suspend the rules to consider Item Numbers 42 and 42a out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Members Clutterbuck and Green absent. MOTION 2009-0705 ADOPTED.

42. **NOTE: THIS ITEM IS NOT A MATTER HELD BUT IS NECESSARY FOR ITEM 42A BELOW** ORDINANCE appropriating \$3,500,000.00 out of Miscellaneous Capital Projects/Acquisition CP Series E Fund (4039) relating to purchase of Block 6 and a portion of Caroline Street (Abandoned) and a portion of Block 7, S.S.B.B. Addition, Houston, Harris County, Texas **DISTRICT H – GONZALEZ** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Green absent. ORDINANCE 2009-0901 ADOPTED.

42A. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT**, a Purchase and Sale Agreement and an Assignment and Assumption of License Agreement between the City and the **BUFFALO BAYOU PARTNERSHIP**, and a Project Agreement among the City, **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON**, and **DOWNTOWN REDEVELOPMENT AUTHORITY**, all relating to the purchase of Block 6 and a portion of Caroline Street (Abandoned) and a portion of Block 7, S.S.B.B. Addition, Houston, Harris County, Texas - **DISTRICT H – GONZALEZ – (This was Item 45 on Agenda of September 23, 2009, TAGGED BY COUNCIL MEMBER GONZALEZ)** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Member Green absent. ORDINANCE 2009-0902 ADOPTED.

### **CONSENT AGENDA NUMBERS 1 through 39**

#### **MISCELLANEOUS - NUMBERS 5 AND 6**

5. RECOMMENDATION from Mayor's Office of Health & Environmental Policy for approval of transfer of Budget funds from the Health & Human Services Department to Administration & Regulatory Affairs - \$4,823,318.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. MOTION 2009-0706 ADOPTED.

6. RECOMMENDATION from Director Solid Waste Management Department for additional funding for contract with **WASTE MANAGEMENT, INC** for Solid Waste Disposal for Solid Waste Management Department - \$500,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. MOTION 2009-0707 ADOPTED.

**ACCEPT WORK** - NUMBERS 7 through 9

7. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$3,774,658.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Southwest Environmental Service Center - 4.04% over the original contract amount **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. MOTION 2009-0708 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$835,988.54 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Safe Sidewalk Program H3 Work Authorization Project 5.90% under the original contract amount - **DISTRICTS A - LAWRENCE and F - KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. MOTION 2009-0709 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,980,548.92 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Oak Estate - 2.41% over the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. MOTION 2009-0710 ADOPTED.

**PROPERTY** - NUMBER 10

10. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY8-119A, located at 8213 Homestead Road, owned by Pandel, Inc., Jang Cho, President, for the **HOMESTEAD ROAD GRADE SEPARATION PROJECT from Ley Road to Firnat Street** - \$327,451.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. MOTION 2009-0711 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 11 through 12A

11. **DELL MARKETING, LP.** for Purchase of Storage Processor and Drive Array Enclosures through the City's Master Agreement with the Texas Department of Information Resources for the Houston Airport System - \$142,769.53 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. MOTION 2009-0712 ADOPTED.
12. ORDINANCE appropriating \$903,000.00 out of Water & Sewer System Consolidated Construction Fund for Stormwater Pump Replacement and Temporary Pumping Services at the East Water Purification Plant for the Public Works & Engineering Department;

providing funding for project management and construction oversight services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

- 12a. **WESTERN SUMMIT CONSTRUCTORS, INC** for Stormwater Pump Replacement and Temporary Pumping Services at the East Water Purification Plant for the Public Works & Engineering Department - \$785,000.00 and contingencies in an amount not to exceed \$118,000.00 – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 14 through 39

14. ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **CANDLELIGHT PLAZA SUBDIVISION, SECS. 1 & 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. Council Member Lovell out of the city on city business. ORDINANCE 2009-0903 ADOPTED.
15. ORDINANCE extending the provisions of **SECTION 28-203 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SPRING BRANCH OAKS SUBDIVISION, SECS. 1-4** and **SADDLE SPUR SUBDIVISION**, 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. Council Member Lovell out of the city on city business. ORDINANCE 2009-0904 ADOPTED.
16. ORDINANCE **AMENDING THE CITY OF HOUSTON COMMERCIAL ENERGY CONSERVATION CODE**, the **CITY OF HOUSTON RESIDENTIAL ENERGY CONSERVATION CODE** and the **CITY OF HOUSTON RESIDENTIAL CODE** relating to energy efficiency – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0905 ADOPTED.
17. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide utility easement (Parcel SY9-018A), and an 8-foot-wide utility easement (Parcel SY9-018B) from the east line of Former Redwood Street to Garland Drive within the Pecan Park replat and extension, in the Jacob Thomas Survey, A-74, Houston, Harris County, Texas; vacating and abandoning said easements to Houston Community College System, the abutting owner, in consideration of its payment of \$10,810.00, other consideration to the City - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0906 ADOPTED.
18. ORDINANCE authorizing the sale of 20-foot-wide, subsurface pipeline easement within an existing CenterPoint Energy Transmission easement within the Battaglia Tract (Q45-001), out of the Reels & Trobough Survey, A-59, Houston, Harris County, Texas (Parcel SY9-069), to Magellan Pipeline Company, L.P., in consideration of its payment of \$2,677.00 and other consideration to the City; authorizing money received from this transaction to be deposited into the Battaglia Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0907 ADOPTED.
21. ORDINANCE approving and authorizing submission of an application for 2009 Funding

Grant Assistance from the Texas Coastal Management Program to fund the Buffalo Bayou Hidalgo Greenway Project in the City of Houston; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Director of the Houston Parks & Recreation Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0908 ADOPTED.

22. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to the General Election to be held on November 3, 2009; providing a maximum contract amount - \$800,500.00 - General Fund – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0909 ADOPTED.
23. ORDINANCE providing for deaccession of two integrated works of art at Market Square Park from the City collection - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0910 ADOPTED.
24. ORDINANCE relating to the fiscal affairs of the Southwest Houston Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS (SOUTHWEST HOUSTON ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0911 ADOPTED.
25. ORDINANCE appropriating \$3,050,000.00 out of Reimbursement of Equipment/Project Fund (Fund 1850) for payment to the **OLD SIXTH WARD REDEVELOPMENT AUTHORITY (REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS) - DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0912 ADOPTED.
27. ORDINANCE amending Ordinance No. 2005-663 (Passed on May 24, 2005) to increase the maximum contract amount; approving and authorizing first amendment to Contract No. C57021 between the City of Houston and **MOTOROLA, INC** for Software Technical Support Services for the Information Technology Department - \$138,993.75 - Central Service Revolving Fund – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0913 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City of Houston and **INNOVATIVE INTERFACES, INC** for an Integrated Library System for the Houston Public Library; providing a maximum contract amount - \$1,933,971.00 - HALAN Funds – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0914 ADOPTED.
29. ORDINANCE amending Ordinance No. 2006-0918 which approved contract between the City of Houston and **BFI WASTE SERVICES OF TEXAS, LP dba ALLIED WASTE SERVICES OF HOUSTON** for Non-Hazardous Waste collection, transportation and disposal services for Various Departments to increase the maximum contract amount - \$1,206,748.60 - General, Enterprise, Park Special Revenue, Fleet Management, Houston Transtar and Building Inspection Funds – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0915

ADOPTED.

30. ORDINANCE approving and authorizing License Agreement, for ten (10) years with two (2) renewals of five (5) years, between **CGS INVESTMENTS, INC**, Licensor, and the City of Houston, Texas, Licensee, for the Information Technology Department to install equipment in connection with a new Public Safety Radio System, located at 1310 Ginger Road, Santa Fe, Texas – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0916 ADOPTED.
31. ORDINANCE approving and authorizing License Agreement, for ten (10) years with two (2) renewals of five (5) years, between **PINNACLE TOWERS ASSET HOLDING LLC**, Licensor, and the City of Houston, Texas, Licensee, with a License Fee of \$24,000.00 for Fiscal Year 2010 and with annual increases as set forth in such agreements with a total cost for the initial base term (Fiscal Year 2010 through 2020) of \$394,190.04, to allow the Radio Communications Division of the Information Technology Department to install equipment on communications towers in connection with a new Public Safety Radio System located at 23007 Tomball Parkway, Tomball, Texas – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0917 ADOPTED.
33. ORDINANCE appropriating \$787,720.00 out of Reimbursement of Equipment/Projects Fund and awarding construction contract to **AAR INCORPORATED**, for Asbestos/Lead Based Paint Abatement and Interior Demolition at 1002 Washington Avenue; 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 project management and construction oversight services and contingencies relating to construction of facilities financed by the Reimbursement of Equipment/Projects Fund - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0918 ADOPTED.
35. ORDINANCE approving and authorizing Maintenance Agreement for Right-of-Way Improvements between the City of Houston and the **SPRING BRANCH MANAGEMENT DISTRICT - DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0919 ADOPTED.
36. ORDINANCE approving and authorizing Professional Landscape Architectural Services Contract between the City of Houston and **CLARK CONDON ASSOCIATES, INC** for Design of Museum District/Main Street Corridor Improvement Project - **DISTRICTS C - CLUTTERBUCK and D – ADAMS** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
37. ORDINANCE appropriating \$1,200,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CHIANG PATEL & YERBY, INC** for Engineering Services associated with the Design of Water Line Replacement in Lockwood and Oak Estate II (Weslayan) Area; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - JOHNSON and C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0920 ADOPTED.

38. ORDINANCE appropriating \$1,438,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TOTAL SITE, INC** for West Bellfort Paving Extension from S. Main to Buffalo Speedway; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0921 ADOPTED.
39. ORDINANCE No. 2009-898, passed first reading September 23, 2009  
ORDINANCE granting to **WASTE CONNECTIONS OF TEXAS, LLC, A Texas Limited Liability Company**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0989 PASSED SECOND READING IN FULL.

Mayor White recognized Council Member Clutterbuck for a point of personal privilege.

Council Member Clutterbuck stated that Mayor Richard Rothfelder, Mayor of South Side Place was in the audience today.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**MISCELLANEOUS**

3. RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval of supplemental budgets submitted by the Greater Houston Convention and Visitors Bureau - \$1,652,550.00 - Enterprise Fund – was presented, and tagged by Council Members Khan and Green.
4. RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval of supplemental budgets submitted by the Houston Arts Alliance - \$1,386,705.00 Enterprise Fund – was presented, and tagged by Council Member Khan.

**PURCHASING AND TABULATION OF BIDS**

13. **MCKINSEY & COMPANY, INC** for Consulting Services for Evaluation of Process Improvement, Implementing Process Improvements and Developing Best Practices for Various Processes for the Combined Utility System - \$1,084,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green, and tagged by Council Member Lawrence.

After discussion by Council Members, Council Member Lawrence stated that she had asked yesterday for engineers and scope of work which she received, but had questions on the scope of work that she would like to talk with somebody about, a little bit more detail, that basically the scope of work that they got could be for anything it was very generic, and Council Member Sullivan asked he could get a copy of the executive report and if Mayor White could direct someone to do that, and if Mayor White could address that this was a different contract in addition to the rate study contract that they already had.

After further discussion Mayor White stated that Item No. 13 had been tagged.

## **RESOLUTIONS AND ORDINANCES**

19. ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2009 – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0922 ADOPTED.
20. ORDINANCE approving and authorizing first amendment to Loan Agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** to extend the project completion date of a single room occupancy housing facility located at 6311 Gulf Freeway, Houston, Texas - **DISTRICT I – RODRIGUEZ** – was presented, and tagged by Council Member Jones.
26. ORDINANCE appropriating \$1,000,000.00 out of Equipment Acquisition Consolidated Fund and awarding contract to **ADVANCED PUBLIC SAFETY, INC** for Electronic Citation Devices for the Municipal Courts-Administration and Houston Police Departments; providing a maximum contract amount - 3 Years with two one-year options - \$535,349.31 - General and Municipal Court Technology Funds – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0923 ADOPTED.
32. ORDINANCE appropriating \$4,070,000.00 out of Airports Improvement Fund and approving and authorizing agreement between the City of Houston and **KELLOGG, BROWN & ROOT SERVICES, INC** for Job Order Contracting Services for Houston Airport System (Project No. 516D); providing funding for the Civic Art Program - \$5,000,000.00 - Enterprise Fund **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ** – was presented, and tagged by Council Member Green.

After discussion by Council Members, Mayor White stated that he just wanted to get some sense, and would get a report of what was the trade off that was done in this contract, that he would ask Mr. Potts, and others, monitoring this at the City to not do it under cruise control, have a good explanation of why this size of contract was the right size, \$2 million as opposed to \$10 million, that he knew they had this conversation before and knew they would have them this next week; and Council Members Johnson, Noriega and Jones also added their tag to Item No. 32. Council Members Brown and Noriega absent.

34. ORDINANCE relating to alteration or removal of one or more off-premise signs; authorizing agreement between the City and **CBS OUTDOOR, INC - DISTRICT H – GONZALEZ** – was presented. Council Members Brown and Noriega absent.

Council Member Clutterbuck stated that this was part of a negotiated settlement between TxDOT and the billboard company, that for the public to know, when there was a billboard in the interstate right of way system and the expansion of the highway required the removal of that billboard Federal law allowed for compensation for the taking of that billboard, that she was concerned about this particular ordinance because it related to the agreed settlement between CBS Outdoor and TxDOT to reduce their takings required and it ended up benefiting TxDOT but did not necessarily benefit the City of Houston, certainly not financially, and required the removal, that she guessed that the benefit or consideration that they get from this was that CBS Outdoor would remove two additional billboards in their City, but required that removal over 10 years and gave them another 10 years to be able to remove it, that she was going to tag the item and questioned whether or not they were getting adequate consideration for their vote in

support of this. Council Members Brown and Noriega absent. (Note: Council Member Clutterbuck released her tag later in the meeting.)

**MATTERS HELD** - NUMBERS 40 through 42

40. ORDINANCE approving the issuance of bonds by the **MEMORIAL CITY REDEVELOPMENT AUTHORITY - DISTRICTS A - LAWRENCE and G – HOLM** – (**This was Item 34 on Agenda of September 23, 2009, TAGGED BY COUNCIL MEMBER KHAN**) – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0924 ADOPTED.
41. ORDINANCE appropriating \$1,000,000.00 out of Water & Sewer Consolidated Construction Fund for contract between the City of Houston and **KELLOGG, BROWN AND ROOT SERVICES, INC** for On-Call Maintenance and Repair Services Contract (Passed by Ordinance No. 2007-1129) – (**This was Item 41 on Agenda of September 23, 2009, TAGGED BY COUNCIL MEMBER JOHNSON**) – was presented. All voting aye. Nays none. Council Member Lovell out of the city on city business. ORDINANCE 2009-0925 ADOPTED.

**Matters received during the meeting**

12. ORDINANCE appropriating \$903,000.00 out of Water & Sewer System Consolidated Construction Fund for Stormwater Pump Replacement and Temporary Pumping Services at the East Water Purification Plant for the Public Works & Engineering Department; providing funding for project management and construction oversight services 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 Lovell out of the city on city business. ORDINANCE 2009-0926 ADOPTED.
- 12a. **WESTERN SUMMIT CONSTRUCTORS, INC** for Stormwater Pump Replacement and Temporary Pumping Services at the East Water Purification Plant for the Public Works & Engineering Department - \$785,000.00 and contingencies in an amount not to exceed \$118,000.00 – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lovell out of the city on city business. MOTION 2009-0713 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Sullivan stated that in August he took a tour of Public Works operations off of 610 Loop where the traffic transportation guys were and rode with them in their new road assessment vehicle, where they had computers and scanners that gage the condition of the roadway and he would like to thank Tracy Wingate for putting that together, that he wanted to recognize Rod Shaw with Public Works IT group and Paul Gardner who was with the City's contractor, Idea Integration; that yesterday Issa Dadoush held a hard hat tour of the new Kingwood Library, that they used a construction manager at risk process in this project and were going to be opening the library ahead of schedule; that last night he had a successful townhall meeting in Clear Lake and wanted to thank his staff for putting it all together and their constituents who attended and the City directors and employees who attended; that this weekend they had a successful BOPA (batteries, oil, paint and antifreeze) at Ellington Airport, in the first two hours they collected over 21 pallets of material, that it was a successful recycling event, that there were two things that he learned about recycling, one, that 95% of the materials and appliances could actually be recycled, and two, they have a contractor who had mounted a Styrofoam recycling machine on the back of a box van, that he was currently working for Solid Waste, that he takes the van to recycling sites and reduces Styrofoam 80 to 1 by volume; that

he wanted to thank Houston Fire Department Station No. 72 for hosting he and his staff for dinner last night prior to their Clear Lake townhall meeting; that he wanted to thank the Greater Houston Partnership and Bay Area Houston for their successful trip to D. C. last week, and Jeff Moseley in particular for highlighting the importance of NASA funding and for adding it to their official agenda for their trip, that George DeMontrond was also instrumental in the trip in helping highlight the funding needs at NASA, as was with Joe Mayer, Lockheed Martin, who went representing Bay Area Houston Economic Partnership; that he wanted to thank Ms. Kathy Turner, who just finished the year as Chairman of the Clear Lake Area Chamber of Commerce, and welcome Michael Devine, the incoming Chairman of the Clear Lake Area Chamber of Commerce. Council Members Johnson, Rodriguez and Jones absent.

Council Member Lawrence stated that yesterday morning they tore down the pavilion at JC Park, there were a lot of constituents out there, that she wanted to thank Issa Dadoush and the Council for voting a couple of weeks ago to tear down the pavilion, which should have been torn down about 15 years ago; that in October they would be having CMC and one of the events would be a HERO's golf tournament and would count as part of their donation, that the HERO acronym stood for Houston Employee Relief Organization, that it was for employees who died in the act of duty, that the tournament was October 13, 2009. Council Members Johnson, Noriega, Green and Jones absent.

Council Member Rodriguez stated that he wanted to introduce his son, Jake James Rodriguez, who was six weeks old. Council Members Johnson, Noriega, Green and Jones absent.

Council Member Clutterbuck stated that she would release her tag on Item No. 34. Council Members Johnson, Noriega, Green and Jones absent.

34. ORDINANCE relating to alteration or removal of one or more off-premise signs; authorizing agreement between the City and **CBS OUTDOOR, INC - DISTRICT H - GONZALEZ** – was again before the City Council. All voting aye. Nays none. Council Member Lovell out of the city on city business. Council Members Johnson, Noriega and Jones absent. ORDINANCE 2009-0927 ADOPTED.

Council Member Holm stated that on Tuesday, October 7, 2009, was National Night Out, that at first it had been held in August but it was really warm and hot and last year it was changed to October and thought it had caused some confusion but this year their neighborhoods were real excited and had a lot of activities planned and they were looking forward to sharing the night with them; that she wanted to recognize Ms. Yvonne Clayton in her office, that she retired from the City having worked in the Water Department for 25 years, that she had been back with them for about three years and was an incredible person in trying to help and knew things so well, that day after day Yvonne was the cheerful person on the other end of the line and she wanted to thank her for all her work; that she had been noticing that there were some firms in Houston that were not feeling the recession as much as others and one of them was the people who made tires and sold tires, that she had visited them nine times because their streets were causing flat tires, that part of it was that almost all cars were using a high performance tire, which was more sensitive, but by the same token all of hers, and as she talked to the tire companies that she was visiting, they say they were selling tires like crazy, that none of her flat tires had been on the highway they were all on the local streets and it was the pot holes and outlets that were sticking up in the streets, the streets that were unlevelled, and the construction sites to, but they had to find a way to better maintain the streets in an ongoing process for them. Council Members Johnson, Clutterbuck, Adams, Sullivan, Rodriguez, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that on Saturday there would be a Korean American

Festival, the 2009 Houston Korean Festival, and would be at the Houston Community College, Spring Branch Campus, 1010 West Sam Houston Parkway, October 3, 2009, 11:00 a.m. to 4:00 p.m.; that the Houston Palestinian Film Festival won the best film festival in Houston by the Houston Press. Mayor White and Council Members Johnson, Clutterbuck, Adams, Sullivan, Rodriguez, Green and Jones absent. Council Member Lawrence presiding. (NO QUORUM PRESENT)

Council Member Brown stated that the former Mayor of Milwaukee, Mr. John Norquist, would be the principal speaker at the Houston Tomorrow Distinguished Lecture series at the United Way at 7:00 p.m.; that today at lunch the East End Chamber of Commerce was having their Gala Awards Luncheon and one of the awards they were giving was to the East End Rail Sub Committee, the Chairman's Award, who was working very hard to get the overpass on Harrisburg, the new light rail, changed into an underpass, which was something that he had been supporting, that was moving forward and hoped that in this case they would get it right for that neighborhood; that he wanted to thank two employees, of the City Engineer's Office, Kathy Bullock and Dale Temple of the City Forester Office, who had helped the Avenue Community Development Corporation on some environmental issues at their new home sale center; that on Sunday he represented the City at the Gala Anniversary Celebration of the founding of the People's Republic of China, that he presented a proclamation, "The 60th Anniversary of the Founding of the People's Republic of China Day" in Houston, Texas. Mayor White and Council Members Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Council Member Lawrence presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she was the Honorary Chair of the Houston Leipzig Sister City Society, that it had regular meetings and helped to sponsor the Box Society, the Chamber Concerts and various meetings, that most recently where she was at a meeting where they had a professor from Rice University come to speak about German Unification she was the only one in the audience who did not speak German and the primary language was German instead of English and it made her realize what an amazing City they were in, that Leipzig was formerly behind the Iron Curtain in eastern Germany, that not only was it the home of education that was hundreds of years old, they had one of the oldest universities in the history of civilization and also were truly the place where the Berlin Wall began to come down, that on October 9, 1989, twenty years ago, the most revolutionary event in the pursuit of peace happened in Leipzig, that at that time the communist had not stomped out religion in that amazing City and the people of Leipzig had a regular weekly prayer meeting where they would meet on a particular Monday morning and start with a prayer meeting, that on this particular day, October 9, 1989, they began with their prayer meeting and it turned into a march around the City and by the end of the evening the citizens were chanting "we are the people and you are not" and the military had ordered their troops to fire on the crowd and the military chose not to and at the end of the evening the government ended up capitulating and that was truly the beginning of the fall of the Berlin Wall, that in November the wall came down and in March of 1990 they had their first free election and the beginning of German unification, that there was going to be an exciting program at the Baker Institute on the issue of German unification and how it came about, that it would be on October 30 and 31, 2009, that they could contact Rice University for information about, that there would be a celebration next week in Leipzig where Christ the King Lutheran Church in District C would be presenting a beautiful stained glass window made by a local Houston artist to celebrate 20 years of peace and the revolution of peace that began in the hearts and minds of faith believing people, that additionally the City of Leipzig would be dedicating a street car named "Houston" to be part of their transportation system. Council Members Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent.

Mayor White stated that he would hope that all of them who lived through the period of the "Cold War" could really see the difference between a democratic, market oriented economy and an authoritarian socialist one, that to this day on both sides of the Korean boarder they could

still witness the disparity and living conditions of people and the way that people were treated and they should not forget the lessons that they learned during the Soviet era. Council Members Lawrence, Johnson, Sullivan, Rodriguez, Green and Jones absent.

Council Member Noriega stated that last week she was at a fundraiser at someone's home and was in the kitchen area and out of the corner of her eye she caught a neon lime jacket and there were three guys in the backyard with a long hose, that she asked what was going on and they said that the bathroom had stopped up and she said when did they call Public Works and they said in the afternoon and she said it was a pretty good turn around, that she went outside and a huge truck was pumping out the pipes in the bathroom and there was this enormous party going on and nobody even knew it, that they were doing such a good job and being very quiet and careful and dragging their equipment through the yard very quietly, that she wanted to commend Terry Brantly, Manuel Manzona and Anthony Wiley for not only responding in a very efficient manner but being very respectful of a homeowners enormous event, that she wanted to commend every one who was involved and thank you to all of them who do it all the time; that there was an article in the New York Times on September 4, 2009, "Fire Fighters Become Medics to the Poor", that it was not a new piece of information to them, that one of the things that she realized a long time ago was that their firefighters really were the front lines of their healthcare system and their fire stations were part of the medical delivery system, that she was across town and got a call from her son's school, that he was about four, that she got on the phone and called her babysitter and asked that she get over to the school and figure out if she needed to go to the emergency room and she said to her if she should take him to the fire station, that was what they do, they take them to the fire station and they tell them if they needed to go to the emergency room, if it was really a crisis they handle it or if they can manage it they tell them what to do and they go home, that she grew up in the suburbs and this was new information, that every single fire station in the neighborhood she lived in was an outpost of the medical system, that the newspaper article talked about the thousands of calls that were EMS calls, that were children with asthma, diabetic injuries, epileptic seizures, shortness of breath, heart attacks, all the things that their firefighters do, that they had their firefighters in the news lately and she thought it appropriate to remind people how important they really were, how what they did was an incredible public service and how they could not manage without it, so two of their very important functions as a City were on display for her recently and she just wanted to mention both of them as examples of why they did what they did and why they came each week and sit at the Council table and make decisions trying to do the best job and when they talked about money or other issues that was really what they were talking about. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that tomorrow was National Disabilities Kickoff Month and the event would take place at the West End Multi Service Center; that she was the Co-Chair for the Outreach 2010 Census and she would like to give a thank you to the Houston Area Urban League Young Professionals, President Tiffany Thomas, that this past Saturday they provided information city-wide on voter registration and in partnership with the ladies of Delta Sigma Theta the Complete Count Committee had the opportunity to provide information about the 2010 Census and passed out over 800 pieces of 2010 Census literature to the constituents in the City of Houston and she wanted to thank them for being a part of the City of Houston Complete Count; that tomorrow night at the Wortham Theater they would be honoring Dr. Thomas Freeman, a debate coach at Texas Southern University, along with Grammy Award singer Yolanda Adams; that today on one of the items they had the opportunity to look at ways that they could generate revenue and wanted to thank Chief Boriskie and the administration of the Fire Department for looking at ways to bring in money, and Fire Station No. 24 would be opening within the next three to four weeks, that this was one of the ways that they encourage their departments to look for ways to create revenue so they would be able to staff certain items in their various departments and this was one of the ways; that she would like to encourage the

citizens to participate in the National Night Out and would like to thank the many communities in District D for the many invitations that they received; that she wanted to thank Mr. Harry Hayes for everything he continued to do in the Solid Waste Management Department, that they had been receiving a lot of complaints about heavy trash in various communities throughout the district and she wanted to know what type of support they could give to Director Hayes because there was a lot of illegal dumping occurring in the district and knew they were still getting confused about green waste and junk waste, that it seemed like things were getting worse in some of the low income communities with the heavy dumping, that she did not know what solutions they needed to support Director Hayes, that there were overwhelming calls to 3-1-1 about illegal dumping, and asked Mayor White if he could please help them and see what they could do to shed a light on this particular situation. Council Members Lawrence, Johnson, Sullivan, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he had asked Mr. King to look at redesigning some processes on taking down abandoned properties, that he needed her help on this, that one thing that did not appear to be working was just citing the landowners, absentee landowners, and then waiting for nothing to occur and then picking it up, but simply citing the landowner was not going to stop illegal dumping, but some combination of Crime Stoppers, investigative resources, that their undercover people did a great job, and this would be police operations, that police resources were stretched thin because they were hard working people not because of some crisis, that it almost would take some of that, and then when they found people with Crime Stoppers some of the people they found lived in the neighborhood and probably it would take some vigilance by the neighbors so if they needed to scale up the Crime Stoppers Fund so people would come forward; that Mr. King did make some recommendation, they had to think through this consequence but it was similar to an idea that Council Member Lovell had concerning were there some walls where these walls were for people who wanted to do graffiti art, had they placed places when they looked at the kind of materials, building materials or tires where people could bring those in, that they had to think through it because they just needed some practical issues, they did not want to create an incentive where everybody who was remodeling a house or the commercial companies could just take all of their waste and think that it was free, but he needed her guidance and assistance because she was right what they were doing was not quite right, community vigilance, rewards, punishing the people who did it, perhaps some new investigative techniques or were there some positive incentives that they could offer people; that on the tires somebody could have a brief committee report, that he did direct that there be some investigation, that it must be something commercial, that he directed Burglary and Theft, who made a report to him, and they did some stuff, marking tires, but they were not able to find anybody but he could not believe that there would not be a better way, that he would ask HPD to provide that briefing and thought there was one arrest that came out of it and thought that there were some tires that were marked, that it was about a year ago, but basically they were not able to do it in that direction but there had to be a way that they were able to track some of these tires using modern investigative techniques to track some of these tires, that he would say. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that he would like to assist with that effort if possible, that he had had been having a series of townhall meetings and those issues come up all across District H as well; that he wanted to thank Elliott Elementary for co-hosting his townhall meeting last night in Denver Harbor, that Precinct 6 and HPD were also present and he wanted to thank them, that he wanted to honor a recent fallen hero who was a constituent from the Silverdale area, Mr. Domingo Trevino, who passed away late last week, that he was a World War II Veteran, that they wanted to thank him for all his service and their condolences went out to all of his family and veteran comrades; that he wanted to thank everyone who attended the Leonel Castillo dedication ceremony at Lee Elementary School last Saturday, that he wanted to thank Avenue CDC for co-hosting the event and Commissioner Garcia for all of her hard work on this

project. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that it was her understanding that the Transportation Improvement Agreement between the City of Houston and Metro, which was also known as the Reimbursement to the City of Houston for the Half Cent for General Mobility Projects was set to expire today, the tenth funding period, and wondered if Mayor White could give them an update on where that was going forward, what was the status of those negotiations between the City of Houston and Metro, also the status of any funds that Metro may or may not owe them under the agreement that was initiated in 1999 under then Mayor, Lee Brown, and if he could let her know if there were any outstanding funds, and if there was a lot of fear in the community that perhaps the City of Houston would be waiving their right to collect on any of those outstanding funds, that certainly they would hope that they were not going to be working to forgive that debt, that she knew that it was revenue contract and typically those did not come before Council and perhaps Mayor White could amplify that as well. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that first, he thought there was one issue where there was a difference and thought it should be easy to resolve and would try to get that issue resolved this week, that second, in general he knew that Council Member Clutterbuck had a very committed constituent who had been sending him various things about unfunded balances, etc., and they had covered it before but there was generally two pots, the first pot of what people say that Metro owed them money was General Mobility Funds which had been allocated to the City of Houston where the City of Houston does not spend the money within the year in which the General Mobility Revenues, the Sales Tax Revenues, were received by Metro, there was something in the neighborhood of \$100 million of projects that were underway with those funds being paid, basically as the projects proceed, in construction draws, that he understood from Public Works that those amounts that were covered by the existing agreement would be paid as those projects were completed and make progress over the next 24 months, that he had urged Public Works if they had made appropriations, was there a way to accelerate the progress on these projects so that they were reimbursed fairly promptly on that, that there was another source of funds that would be an issue, there were certain years, probably 2001 or 2002, where there were no funds before this administration and a couple of years before this administration and not the year of, where there were less funds paid on general mobility to the City than the City would be entitled to under the formula, to remember that the formulas were, on the ballot language, up to 25%, but he was a big believer that it should be 25%, that sometimes some within Metro, over many administrations, had taken a contrary view, but he thought it was the right thing to do for mobility, for the community as a whole, and by people using different means, that it was not as though, from what he could tell, that the City had a contractual right to that and in general it had been the policy that he had pursued that whether it be a particular TIRZ, whether it should or should not be formed, that he had not gone back and revisited the decisions of prior administrations on what they were going to do with respect to Metro, and similarly, as they knew, there were transfers made back in the 1990's in excess of the 25% of General Mobility to the City of Houston, that was his account of the whole situation; that first, they ought to get an agreement wrapped up quickly and thought there was one issue that he thought could be resolved, that two, that most of the money owed to the City had to do with projects where the City of Houston was in the middle of the project and they had not paid the vendors yet, and third, there was the issue concerning about 2001 and 2002, that rankled some with the benefit of hindsight, just as there were those who were sort of Metro advocates who were rankled by decisions made in the 1990's to take more than 25% out of Metro, that was where they stood on those issues, and Council Member Clutterbuck asked Mayor White when did they expect to have a new contract, and Mayor White stated real soon, that there was one issue where the ball was put in his court a couple of days ago that he had to bring to closure, and Council Member Clutterbuck stated that perhaps Mayor White could brief them on it when

the time was appropriate, and Mayor White stated absolutely. Council Members Lawrence, Johnson, Sullivan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:36 a.m. Council Member Lovell out of the city on city business. Council Members Lawrence, Johnson, Sullivan, Holm, Gonzalez, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary