

City Council Chamber, City Hall, Wednesday, November 9, 2011

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 9, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega and Jolanda "Jo" Jones; Mr. David Feldman, City Attorney, Legal Department, Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Mr. Xavier Herrera, Citizens Assistance Office; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office. Council Member C. O. "Brad" Bradford absent on personal business.

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

At 9:07 a.m. Mayor Parker called the meeting to order and recognized Council Member Gonzalez for the prayer and pledge of allegiance. Council Members Clutterbuck, Adams, Sullivan, Lovell and Noriega absent.

At 9:09 a.m. the City Secretary called the roll. Council Member Bradford absent on personal business. Council Members Clutterbuck, Sullivan, Lovell and Noriega absent.

Council Members Gonzalez and Costello moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Members Clutterbuck, Sullivan, Lovell and Noriega absent. MOTION ADOPTED.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on proposals for the City of Houston to enter into separate strategic partnership agreements with the below named districts in Harris County, Fort Bend County and Montgomery County; on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts; and on separate proposals by the City of Houston to annex for limited purposes certain territory in the vicinity of certain Districts – was called. Council Members Clutterbuck, Sullivan, Lovell and Noriega absent.

1. Fallbrook Utility District
2. Fort Bend County Municipal Utility District No. 50
3. Harris County Municipal Utility District No. 412
4. Harris County Municipal Utility District No. 166
5. Harris County Water Control and Improvement District No. 109
6. Northwest Harris County Municipal Utility District No. 21
7. Harris County Municipal Utility District No. 280
8. Fort Bend County Municipal Utility District No. 194
9. Fort Bend County Municipal Utility District No. 23
10. Harris County Municipal Utility District No. 36
11. Harris County Municipal Utility District No. 230
12. Harris-Fort Bend Counties Municipal Utility District No. 3
13. Bridgestone Municipal Utility District
14. Reid Road Municipal Utility District No. 1
15. Barker Cypress Municipal Utility District
16. Harris County Municipal Utility District No. 494
17. Fort Bend County Municipal Utility District No. 143
18. Harris County Municipal Utility District No. 96
19. Harris County Municipal Utility District No. 364

20. Reid Road Municipal Utility District No. 2
21. Harris County Municipal Utility District No. 238
22. Harris-Fort Bend Counties Municipal Utility District No. 1
23. Harris County Municipal Utility District No. 215
24. Harris County Municipal Utility District No. 205
25. Harris County Municipal Utility District No. 183
26. Southern Montgomery County Municipal Utility District
27. Montgomery County Municipal Utility District No. 19
28. Spring Creek Utility District
29. Fort Bend County Municipal Utility District No. 30

The City Secretary stated that no one had reserved time to appear at the hearing and the Legal Department would make comments on the hearing. Council Members Sullivan, Rodriguez, Costello, Lovell and Noriega absent.

Ms. Nicole Smothers, Planning Department, appeared and stated that since January 2001, the City had approved 242 Strategic Partnership Agreements, or SPAs, with 186 MUDs generating approximately \$179 million in revenue for the City thru Fiscal Year 2011, that on October 20, 2011, they presented the proposed SPA's to the Development and Regulatory Affairs Committee, that following the required 2 public hearings in the City and by the District, the SPAs and the limited purpose annexations would go before Council for action on December 7, 2011, if approved, tax collections would begin April 1, 2012, that for all of the MUDs included in the hearing, except for Harris County MUDs 412 and 494, the City would levy a 1 percent sales tax, which it would divide evenly with the MUDs, that these areas included commercial or undeveloped territory only, there were presently no residents in the areas to be annexed, that while the City was not required to provide a service within the utility districts, they were required to provide a service if they used rights of roadways outside of the district to connect to the annexed property, that in those instances, the City will extend section 6-3 of the Code of Ordinances regarding the running at large of domestic animals; that for Harris County MUD 412, the City would retain 100% of the sales tax collections, that this area would include commercial and residential territory, that there were residents in the areas to be annexed; that for Harris County MUD 494 the City would retain 60% of the sales tax revenues, that this area would include commercial and undeveloped residential territory along the shores of Lake Houston; that the agreements for 2011 were as follows, for the following Districts, the City would amend an existing agreement by adding new territory, that was no territory outside the MUD to be included in the annexation, Fallbrook Utility District, Harris County MUD No. 166, Harris County Water Control and Improvement District No. 109 and Northwest Harris County MUD No. 21; for the following District, the City would amend an existing agreement to remove the service at the request of the MUD. There was no territory outside the MUD to be included in the annexation, Fort Bend County MUD No. 50; for the following District, the City would amend an existing agreement by adding new territory, there was no territory outside the MUD to be included in the annexation, the City would provide fire protection, emergency and police services, Harris County MUD No. 412; that for the following Districts, the City would execute a new Strategic Partnership Agreement, there was no territory outside the MUD to be included in the annexation, Fort Bend County MUD No. 23, Fort Bend County MUD No. 194 and Harris County MUD No. 280; that for the following Districts, the City would amend an existing agreement by adding new territory, that there was territory outside the MUD to be included in the annexation, the City would enforce Section 6-3 of the Code in the area to be annexed, Bridgestone MUD, Harris County MUD No. 36, Harris County MUD No. 230, Harris - Fort Bend Counties MUD No. 3 and Reid Road MUD No. 1; that for the following Districts, the City would execute a new Strategic Partnership Agreement, that there was territory outside the MUD to be included in the annexation, the City would enforce Section 6-3 of the Code in the area to be annexed, Barker Cypress MUD, Fort Bend County MUD No. 30, Fort Bend County MUD No. 143, Harris County MUD No. 96, Harris County MUD No. 183, Harris County MUD No. 205,

Harris County MUD No. 215, Harris County MUD No. 238, Harris County MUD No. 364, Harris-Fort Bend Counties MUD No. 1, Montgomery County MUD No. 19, Reid Road MUD No. 2, Southern Montgomery County MUD and Spring Creek Utility District; that for the following District, the City will execute a new Strategic Partnership Agreement, there was territory outside the MUD to be included in the annexation, the City would enforce the animal control service in the area to be annexed, that because of the district's proximity to Lake Houston, the City would also extend Chapter 23 of the Code of Ordinances, Harris County MUD No. 494; that HC WCID No. 89 had withdrawn its annexation request from consideration. Council Members Sullivan, Rodriguez, Costello, Lovell and Noriega absent.

Mayor Parker stated that no one had signed up for the public hearing and asked if there was anyone who wished to speak specifically to the issue, seeing no one asked for a motion to close the hearing. Council Members Sullivan, Rodriguez, Costello, Lovell and Noriega absent.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Adams. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Members Sullivan, Rodriguez, Costello, Lovell and Noriega absent. MOTION 2011-0806 ADOPTED.

2. **PUBLIC HEARING** relative to the fifth amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER THREE (MAIN STREET/MARKET SQUARE ZONE) DISTRICTS D - ADAMS; H - GONZALEZ and I – RODRIGUEZ** – was called.

The City Secretary stated that no one had reserved time to appear at the hearing and Mr. Ralph De Leon, Regulatory Affairs Department, would make comments on the hearing. Council Members Pennington, Lovell, Noriega and Jones absent.

Mr. De Leon stated that on October 11, 2011 the Board of Directors of the Main Street Market Square TIRZ approved amendments to the TIRZ Project Plan and Financing Plan and forwarded them to the City for consideration, that in accordance with Section 311-011 of the Texas Tax Code a municipality must hold a public hearing when proposed amendments to a project plan included changes that either increased or reduced the geographical area of the zone or increased the total estimated project cost stated in the project plan, that the public hearing today was regarding the Proposed Fifth Amendment to the Main Street Market Square Zone Project and Financing Plan, that each Council office had been given a copy of the proposed plan for the zone and an official City statement had been distributed to each of them, that in brief the proposed amendment to the zone plan would increase project plan non educational project costs by approximately \$202 million from previous plans, in addition the proposed plan increased the boundaries of the zone by approximately 300 acres, that the area proposed to be added to the boundaries of the zone consisted of two tracts, the first consisted of approximately 250 acres of public right-of-way in bayou parkland located to the west of downtown along the Buffalo Bayou and generally bounded by Shepherd Street on the west, Sabine Street on the east, Allen Parkway on the south and Memorial Drive on the north; that the second area consisted of approximately 50 acres located immediately north of downtown generally bounded by Buffalo Bayou on the south, the I-10 Freeway on the north and the Gulf Freeway on the west, that to implement the projects included in the annexed area it was also recommended that Council extend the life of the zone by 18 years to 2043, that the proposed amendment restated the goals and objectives included in prior plans and included provisions for public benefit projects including the design and construction of public roadways and utility systems, streetscape enhancements, pedestrian amenities, public transit improvements, parkland improvements, historic preservation, Theater District improvements, cultural and public facility improvements, residential and retain development, land acquisition and economic development programs, that in closing City staff had worked with the Main Street Market Square

Authority on the proposed Fifth Amended Plan and would later bring forth a recommendation for City Council to approve the plan amendment. Council Members Johnson, Sullivan and Lovell absent.

Mayor Parker stated that no one had signed up for the public hearing and asked if there was anyone who wished specifically to address the Tax Increment Reinvestment Zone issue, seeing no speakers she would take a motion to close the hearing. Council Members Sullivan, Rodriguez, Costello, Lovell and Noriega absent.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Costello. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Members Pennington, Lovell and Noriega absent. MOTION 2011-0807 ADOPTED.

Council Member Costello moved to consider Item Numbers 28 and 29 out of order, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Members Clutterbuck, Lovell and Noriega absent. MOTION 2011-0808 ADOPTED.

Council Member Gonzalez moved to consider Item Numbers 5 and 6 out of order, seconded by Council Member Costello. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Members Clutterbuck, Lovell and Noriega absent. MOTION 2011-0809 ADOPTED.

28. A third amended and restated ordinance authorizing, approving, confirming and ratifying certain matters relating to the City of Houston, Texas, General Obligation Commercial Paper Notes, Series G and such related Sub-Series, in an aggregate principal amount not to exceed \$200,000,000 for the purpose of providing financing for certain authorized purposes; approving and authorizing certain authorized officials and designated employees to act on behalf of the City in the selling and delivery of such Notes within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the Notes, including the approval of an amended and restated Issuing and Paying Agency Agreement, one or more Credit Agreements, an Offering Memorandum and one or more Commercial Paper Dealer Agreements; making certain findings and determinations regarding such Commercial Paper Program and other General Obligation Commercial Paper Programs – was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Members Clutterbuck, Lovell and Noriega absent. ORDINANCE 2011-932 ADOPTED.

29. ORDINANCE approving Pricing Certificate relating to City of Houston, Texas, Airport System Special Facilities Revenue and Refunding Bonds, Series 2011; ratifying other actions and making certain findings with respect thereto – was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Members Clutterbuck, Lovell and Noriega absent. ORDINANCE 2011-933 ADOPTED.

5. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON READ COMMISSION**, for terms to expire June 1, 2014:

Position Twelve - **MR. NICHOLAS PHILLIPS**, appointment

Position Fifteen - **MS. ROSIE CANALES**, reappointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Bradford absent on personal

business. Council Members Clutterbuck, Lovell and Noriega absent. MOTION 2011-0810 ADOPTED.

6. REQUEST from Mayor for confirmation of the appointment of the following individual to the **INDEPENDENT POLICE OVERSIGHT BOARD:**

Name	District	Panel	Term
Maryanne Fortson	E	C5	3 years

- was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Members Lovell and Noriega absent. MOTION 2011-0811 ADOPTED.

Mayor Parker stated that they had just appointed or reappointed Mr. Nicholas Phillips and Ms. Rosie Canales to the Houston Read Commission and invited Mr. Phillips to the podium and congratulated and thanked him for his service to the City of Houston. Council Members Lovell and Noriega absent.

Mayor Parker stated that they had just confirmed Ms. Maryanne Fortson to the Independent Police Oversight Board and invited Ms. Fortson to the podium and congratulated and thanked her for her service to the City of Houston. Council Member Noriega absent.

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 and a Quarterly Investment Report by the City Controller – was presented. Council Members Stardig, Lovell and Noriega absent.

Mayor Parker stated that the next item would be the Monthly Operations and Financial Report and recognized Mr. Chris Brown, City Controller's Office and Mr. Kelly Dowe, Finance Department.

Mr. Brown and Mr. Dowe reviewed the Monthly Operations and Financial Report, a copy of which is on file in the City Secretary's office for review. Council Members Stardig, Lovell and Noriega absent.

Council Member Adams asked if they could give her clarity because they had a layoff of Neighborhood Protection Inspectors and some personnel in that particular department and explain to her again how do they increase \$259,000 and they had a layoff, to help her understand the increase, and Mayor Parker stated that it had to do with the Mayor's Office of Citizens with Disabilities, that it was a reimbursable fund, the Department of Neighborhoods was reorganized after the budget was passed and the money followed the personnel. Council Members Stardig, Lovell and Noriega absent.

Council Member Sullivan stated that with respect to Item No. 47, the Sales Tax Audit, he was wondering how they would account for those expected funds going forward, and Mr. Dowe stated that money they got for the Sales Tax Audit Recovery Contract would be above anything that was in the budget, they did not budget for this item so it would all flow directly to General Fund, Fund Balance, at this point, that they would see it for the first year in the memo they sent out, they were not projecting a tremendous amount of revenue for it, they would look and see how that would go through the end of the fiscal year and determine whether to increase their FY2013 projections due to the audit recoveries they were receiving this fiscal year. Mayor Parker and Council Members Stardig, Lovell and Noriega absent.

Council Member Pennington asked with all of these additional expenses were they still on

budget and Mr. Dowe stated that with the increases that they had made in projection this fiscal year they would be six million over the budget for fund balance, they had budgeted approximately \$132 million in ending Fund Balance for FY2012, that this would take them to \$139 million. Mayor Parker and Council Members Adams, Lovell and Noriega absent.

Council Member Costello moved to accept the Monthly Operations and Financial Report and the Quarterly Investment Report, seconded by Council Member Stardig. All voting aye. Nays none. Council Member Bradford absent on personal business. Mayor Parker and Council Members Adams, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0812 ADOPTED.

At 9:39 Vice Mayor Pro Tem Gonzalez requested the City Secretary to call the list of public speakers. Mayor Parker and Council Members Adams, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

At 9:39 a.m. the City Secretary began calling the public speakers. Mayor Parker, Council Members Adams, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. David Belyeu, 5675 W. Tidwell, Houston, Texas 77091 (832-647-9384) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Adams, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Sandra Ortiz, 2525 S. Voss, Houston, Texas 77057 (281-853-4285) appeared and spoke on Agenda Items 30 and 31 and stated that she was representing the insurance industry and for the ordinance. Mayor Parker, Council Members Adams, Sullivan, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Pennington, Ms. Ortiz stated that the fee of \$150.00 was excessive for insurance customers and thought it should be more reasonable. Mayor Parker, Council Members Adams, Sullivan, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Clutterbuck stated that they were talking about new requirements for body shops when a car was towed and the fee was not to exceed \$150.00 for administrative cost as some companies charged \$800.00 to \$1,000.00 and it held cars hostage; and upon questions, Ms. Ortiz stated that she felt \$150.00 was excessive and would prefer \$100.00. Council Members Adams, Sullivan, Lovell and Noriega absent.

Mr. John Ferrata, 3030 Ella Blvd., Houston, Texas 77018 (713-862-5544) appeared and spoke on Agenda Items 30 and 31 and stated that his issue with the ordinance was phone approval, there was no efficient way to get auto repair in place with all that was required and the process would be slowed and business hindered. Council Member Sullivan absent.

Upon questions by Council Member Gonzalez, Mr. Ferrata stated that they did mostly everything required already, but phone approval was critical; that not all had fax machines and more functional would be allowing verbal phone approval.

Upon questions by Mayor Parker, Mr. Ferrata stated that he had read the ordinance and the box on the work order allowing someone to wave written authorization and would agree to phone authorization was good except when the vehicle was dropped off by a wrecker.

Council Member Clutterbuck stated that she appreciated Legal trying to get this right, but she appreciated those coming and bringing good commonsense; that this was discussed at length with Council Member Lovell as chair of the committee and Mr. Ferrata's expertise was instructive to Council and she was appreciative to the item on page seven of the ordinance which allowed for someone dropping it off, but perhaps they could allow another portion specifying if the body shop owner had a place to register information on the form from which the car came authorizing over the phone approval to a certain amount perhaps that paper trail would not cause so much burden on the owner or the shop.

Ms. Cindy Moore, 11111 Wilcrest Green Drive, Houston, Texas 77042 (713-706-2152) appeared and spoke on Agenda Items 30 and 31 and stated that she was with Geico Insurance who supported the new revisions to the ordinance and read the list of reasons which included important protection, fee caps, etc.; and urged its passage. Council Member Costello absent.

Upon questions by Council Member Pennington, Ms. Moore stated that the statement read was from the Geico Corporate Office; that she personally supported this also as this had been grossly unregulated for a longtime. Council Members Johnson and Costello absent.

Mr. Dallas Jones, 315 W. Alabama, Houston, Texas 77006 (832-426-5544) appeared and spoke on Agenda Items 30 and 31 and stated that he was representing the Texas Storage and Collision Association and was present thanking all for being willing to work on the ordinance and for hearing them, it was appreciated. Council Member Hoang absent.

Mayor Parker thanked Mr. Jones for coming and stated that this issue was very important for consumer protection, to weed out some of the bad guys in the industry and not over burden the rest of them. Council Member Hoang absent.

Mr. Byron Rusk, 1604 Cortlandt, Houston, Texas 77008 (713-303-4133) appeared and spoke on Agenda Items 30 and 31 and stated that he owned RMS Auto Care and Master Car Care and Collision in the Heights and current vice president and board member of the ASA and member of the Better Business Bureau Automotive Advisory Panel and the ordinance needed significant simplification in the verbal request; that there were significant differences in the operation of mechanical and collision businesses; that collision often had traumatized customers who should not be railroaded into a decision; that the mechanical side had customers wanting quick, distinct action; and urged simplification of the verbal and the provision for hobbyist was a slippery slope as several people operated businesses without license or insurance and called themselves hobbist. Council Member Hoang absent.

Council Member Gonzalez stated that this last issue was already illegal and sounded like an enforcement issue which auto dealers needed to be made aware of to

follow-up on and he would welcome the association and others to report them; and Mr. Rusk stated that they would do so. Council Member Hoang absent.

Upon questions by Council Member Jones, Mr. Rusk stated that in the licensing requirement they should have insurance requirement, occupancy code requirement and follow through with tax structures on bootleg shops and if they did not have such they should be shut down; and Council Member Jones stated that they should already be shut down being set up illegally; and Mr. Rusk stated that the ordinance provided for penalties. Council Member Hoang absent.

Mayor Parker stated that she agreed with Council Member Jones on this, the issue was that the ordinance was structured if you did not take payment for it there was an exemption and it was a slippery slope, when did you get to where you were actually operating a repair shop. Council Member Rodriguez absent.

Council Member Pennington stated that in looking at complaints a large number were for the activities he described and this was not just consumer protection but neighborhood protection and it was a hard burden of proof; that maybe they should license all shops as retail and private; and Mr. Rusk stated that all shops should be licensed; and Council Member Pennington stated that maybe they should consider a hobbyist license with a low price permit; and Mayor Parker stated that she agreed it was an enforcement issue and they needed aggressive policing enforcement. Council Member Rodriguez absent.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Mr. Byron Rusk, seconded by Council Member Jones. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Rodriguez absent. MOTION 2011-0813 ADOPTED.

Council Member Pennington stated that he did inquire whether there was money for enforcement and he was assured there was. Council Member Rodriguez absent.

Council Member Adams stated that she needed the Mayor's guidance; that she would like a definition of hobbyist and would like to know how they would commingle this with so many parts working together; and Mayor Parker stated that a lot of different entities could enforce different circumstances; and upon questions, Mr. Feldman stated that was accurate. Council Member Rodriguez absent.

Council Member Jones stated that on the issue of hobbyist they discussed the penalty was there, but her concern was government involved in business be strictly construed as she did not believe in over regulation and with a hobbyist permit it was one more regulation and more fees, but in figuring out a hobbyist could they set a number of cars; and Mr. Rusk stated that the needed constructive dialogue on what defined it because a hobbyist owned his own cars. Council Members Clutterbuck, Rodriguez and Lovell absent.

Council Member Gonzalez stated that he was open to suggestions on improvement. Council Members Clutterbuck, Adams, Hoang, Rodriguez and Lovell absent.

Ms. Kathryn Vanderpol, 4610 N. Shepherd, Houston, Texas 77018 (713-695-5071)

appeared, presented information and spoke on Agenda Items 30 and 31 and stated that there were probably 30,000 to 50,000 cars being worked on any given day in Houston with 3,000 repair shops; that in their open records request they got 238 complaints over a three year period and many were for unlicensed shops and about 53 were for excessive fees; that fees were a real problem and ASA was opposed to the proposed ordinance in its current form such as differences between mechanical and collision; that two forms were included in her information, one was authorization to tow including informative information and the body shop form which would give a breakdown of fees and the forms would do a lot; that the ordinance regulated everyone and the State of Texas required business records to already be kept which could be anything and maybe some shops forgot information, but now there would be a misdemeanor to forget with a \$200.00 to \$500.00 fine. Council Members Clutterbuck, Adams, Sullivan, Hoang, Rodriguez and Lovell absent.

Council Member Gonzalez thanked Ms. Vanderpol for her tireless work and stated that he convened a meeting with her and her organization to try and work through issues and thought it productive and he looked forward to reviewing the provided information; and if others were not complying by rules they needed community participation to make them aware. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez and Lovell absent.

Council Member Pennington stated that the basis for new regulations should be complaints; that 30,000 to 50,000 cars a day were being worked on; and upon questions, Ms. Vanderpol stated that they were given 124 complaints for 2009, 83 for 2010 and 30 from January to June in 2011, but there were hardly any complaints on mechanical; that the ordinance needed to be more divided between collision and mechanical and a simpler way for phone approval was needed. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez, Lovell and Jones absent.

Mr. Ray Moon, 4209 H Street, Houston, Texas 77072 (281-933-6603) appeared on Agenda Items 30 and 31 and stated that there was a town full of fraud and unscrupulous persons working in Houston; that he was praising the idea of regulating the automotive business which he was apart of, but the city was to govern and guide and not rule with absolute power; and urged they help him help them by improving on the idea of regulating with commonsense and industry input would solve all concerns and create jobs; that the ordinance needed simplification; and urged auto repair and body shop and storage and towing not be grouped together and let them help in perfecting the ordinance as under the ordinance he did not even know what his shop would be considered. Council Members Sullivan, Pennington, Rodriguez, Lovell and Noriega absent.

Mr. Itzy Kariv, 6703 Bissonnet, Houston, Texas 77074 (713-777-2727) appeared and spoke on Items 30 and 31 and stated that he owned and operated Itzy's Auto Service for 32 years and was a small neighborhood mechanic; that he was asking the Section 8 requirements be looked at as there was a big difference between repair and collision shops; that he believed the section was written to protect from unscrupulous shops and instead it seemed to just protect insurance companies rather than help the consumer; that Section 8 created offenders out of honest providers and as a member of ASA he had the ASA Code of Ethics hanging in his shop which coincided with the ordinance proposals and he would like the whole ordinance reconsidered. Council

Members Sullivan, Pennington, Rodriguez and Noriega absent.

Council Member Lovell stated that not all put their Code of Ethics on the wall and abided by it and if he was willing to put it up and tell customers what to expect then what was the problem with incorporating it into the ordinance and making everyone have the same ethics; and upon questions, Mr. Kariv stated that he had no issue with the need for an ordinance and guidance, his issue was with penalties and language of committing an offense by trying to explain what a vehicle needed; and Council Member Lovell stated that they wanted on the form how a customer wanted the shop to get in touch with them; that they wanted the level of all service raised to the standard he had set and there should be penalties for those not following the ordinance. Council Members Sullivan, Rodriguez and Noriega absent.

Mr. Kevin Spencer, 9225 Manchester, Houston, Texas 77012 (713-928-3286) appeared and spoke on Agenda Items 30 and 31 and stated that he was with the Automotive Services Association and A and B Auto Electric and echoing what others had said; that the Automotive Association felt the mechanical collision repair should be separated and read a list of what the ordinance was asking customers to sign and waive and the forms were not good for customer relations. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Lovell thanked Mr. Spencer for coming again and stated that she agreed with him on the language and it should simply say if it cost more than \$100.00 then call, etc., get in touch, but through the Legal Department they did not use simple language, but if that could be put on the form she was with him; and Mayor Parker stated that she thought they could figure that out if that was the issue; and upon questions by Council Member Lovell, Mr. Feldman stated that could be looked at. Council Members Stardig, Sullivan, Rodriguez and Noriega absent.

Council Member Gonzalez stated that was a point of discussion in meetings and all agreed they could look at simplifying the language and they offered the opportunity for the industry to come back with simpler language and they were waiting for the language to see if it would be acceptable to Legal and the Administration; and Mayor Parker stated that Ms. Vanderpol had in her packet an example. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Mr. Larry Cernosek, did not give address (832-655-5738) appeared, presented information and spoke on Agenda Items 30 and 31 and stated that he represented the Houston Autobody Association and there were numerous meetings about the issue and they put in writing three suggestions they would like changed, but on the hobbyist it was a commonsense issue, if an inspector drove up and there were cars run the license plate, see who they belonged to and see who the mechanic was and if it was not in his name or a relative tow them and it would solve the problem real quick; that Mayor Parker said she wanted to be business friendly and help economy and this did neither; that government needed out of the private business. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Council Member Jones stated that he said what she was thinking about over regulation and he had colorful analogies. Mayor Parker, Council Members Stardig, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Michael Qutob, 14429 Auto Parkway, Houston, Texas 77083 (281-935-5920) appeared and spoke on Agenda Items 30 and 31 and stated that he was president of the Texas Storage and Collision Association and wanted to thank all for working through this process over a year; that they were almost there with the ordinance serving the public and small business; and he looked forward to continuing working with them. Mayor Parker, Council Members Stardig, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Vice Mayor Pro Tem Gonzalez, Mr. Qutob stated that he felt they were close to an ordinance; that he did second the opinion with ASA that language should separate body and mechanic shops. Mayor Parker, Council Members Stardig, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Richard Gonzalez, 3549 Almeda Genoa, Houston, Texas 77047 (832-687-1117) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Stardig, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Chuck Stansny, 1377 South Loop West, Houston, Texas 77056 (713-790-0525) appeared and spoke on Agenda Items 30 and 31 and stated that this was his fourth time present and it was better but there were still sticky points he would have trouble living with; that out of the 238 complaints they found in open records only a handful were mechanic repair related and all but one or two were for people working in their yards; that if a yard was full of cars and oil stains all over it was an auto repair shop and if it was not a close relative they were working, they didn't do it for nothing, he would like it to say immediate family members; that on Section 8-22 in paragraph 8 it said a shop permit required a sales tax and many shops operated without that permit legally under the document and they should take that out or change state law; that the approval process as written just would not work, they were being unfairly targeted and it was a scary document to greet your customer. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Nathaleen Ree, 2425 Dowling, Houston, Texas 77004 (713-585-6649) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Mildred Jones, 713 E. 41st, Houston, Texas 77022 (713-695-7644) had reserved time to speak but was not present when her name was called. Council Members Stardig, Johnson, Sullivan, Rodriguez and Lovell absent.

Mr. Dwight Baxter, 3427 Wentworth, Houston, Texas 77004 (832-546-5910) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Rodriguez and Lovell absent.

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-705-5594) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Rodriguez and Lovell absent.

Ms. Hattie Morgan, 2828 Collingsworth #48, Houston, Texas 77022 (832-405-6855) appeared and stated that she was present before about stalking and harassment of her son and now again; that he was mentally challenged and 32 years of age now, but police told cashiers to call if they saw him and he was released from jail on October 31 and now arrested yesterday; that he was arrested on trespassing; that this was wrong and urged it stop. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Mr. Rasoul Saneifarad, P. O. Box 33, Cypress, Texas 77410 (832-335-2153) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Pastor J. Wade, 111 W. Little York, Houston, Texas 77076 (713-699-9988) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Reverend Leopoldo H. Mata, 14619 Leacrest Drive, Houston, Texas 77049 (281-310-4144) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Ms. Ruth Benemon, 15918 Kenbriar Drive, Missouri City, Texas 77489 (281-300-5720) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan and Rodriguez absent.

Mr. Mark Smith, P. O. Box 896, Bellaire, Texas 77402 (713-867-5998) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan and Rodriguez absent.

Mr. Jonathan C. C. Day, 1100 Studewood, Houston, Texas 77008 (832-673-0220) appeared, presented information and stated that he was a lawyer in the Houston Heights and present regarding the recent 380 agreements with Kroger and Wal-Mart; that he had been trying for months to get a meeting with Council Member Gonzalez regarding the Yale Street Bridge status, onsite drainage, etc., and who the money was going to, when companies were given millions of dollars they should investigate them, their economic practices and what kind of business they were; that conversations were treated confidential and 380s should be directed to address economic activity which may not occur without them, etc., and the 380 program needed changes with the cap lowered for smaller business participation and larger businesses should perform a social economic impact assessment. Council Members Sullivan and Rodriguez absent.

Council Member Gonzalez stated that he would be glad to meet with him and would make sure it would happen; and thanked him for his suggestions. Council Members Sullivan and Rodriguez absent.

Mr. Edward Chiplin, 14518 Lourdes, Houston, Texas 77049 (832-748-4711)

appeared and stated that he was present regarding a safety issue at 610 and I-45, entering the freeway was a very dangerous on ramp as it merged with ongoing traffic and twice he was almost hit by an 18-wheeler; that also in the Gulfgate Area police were out writing tickets to generate money and the practice was wrong, especially during such hard times. Council Members Sullivan, Rodriguez and Jones absent.

Ms. Debbie Allen, P. O. Box 24322, Houston, Texas 77229 (713-298-9820) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Rodriguez and Jones absent.

Ms. Margaret Torres, 409 Stratford #7, Houston, Texas 77006 (281-250-7187) appeared and stated that she was present as an individual concerned with happenings in Texas and Houston; that she met people living at Magnificent House, a halfway house off Stewart and San Jacinto where parolees were treated like second-class citizens, moving rocks back and forth, etc., that she had a brain tumor in remission and insisted on working even without proper shoes because of lack of money, she was paid \$82.00 clear weekly; and continued to discuss her and her son's personal life until her time expired. Council Members Clutterbuck, Sullivan, Rodriguez and Jones absent.

Council Member Adams moved the rules be suspended for the purpose of adding Mr. Edward Beasley to the Speakers List, seconded by Council Member Gonzales. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Members Clutterbuck, Sullivan and Rodriguez absent. MOTION 2011-0814 ADOPTED.

Ms. Nathaleen Ree, 2425 Dowling, Houston, Texas 77004 (713-585-6649) who was not present previously was recalled and appeared and stated that something needed to be done for the homeless; that Council Member Jones said something last week about the Bread of Life and they needed more than the Bread of Life to help the homeless and she wanted to know what she could do. Council Members Clutterbuck, Sullivan and Rodriguez absent.

Council Member Jones thanked Ms. Ree for sharing and stated that she was chair of the Housing and Community Development Committee and they had meetings and invited Ms. Ree to come join discussions on homeless; that there was a funding problem and Bread of Life's funding was cut and there needed to be more education, victims should not be blamed; and Ms. Ree stated that churches, everyone needed to work together. Council Members Clutterbuck, Sullivan, Rodriguez and Lovell absent.

Council Member Adams thanked Ms. Ree for coming and speaking for others and stated that homelessness was something she worked on for years and she did meet with the Mayor and they were beginning to champion making homelessness a priority in the budget; that they did have a volunteer program for those who qualified and she challenged her to come forward. Council Members Clutterbuck, Sullivan and Rodriguez absent.

Council Member Johnson moved the rules be suspended for the purpose of extending the time for questions of Ms. Nathaleen Ree, seconded by Council Member Costello. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Members Clutterbuck, Sullivan and Rodriguez absent. MOTION

2011-0815 ADOPTED.

Council Member Johnson stated that he appreciated the passion Ms. Ree brought as they needed to address the issue of homelessness and he applauded the Mayor for the job she was doing; that it was important to create jobs here and potentially provide housing, etc., that they did need to all work together and he would challenge her and he would meet the challenge in going together to churches and ask for support. . Council Members Clutterbuck, Sullivan and Rodriguez absent.

Reverend Leopoldo H. Mata, 14619 Leacrest Drive, Houston, Texas 77049 (281-310-4144) who was not present previously was recalled and appeared, presented information and stated that he was a pastor in the Denver Harbor Area since 1987 and they provided maintenance to three vacant lots; that in April 2010 they applied to acquire a lot belonging to the city of Houston through the LARA agency and he had been pushing since to know what was happening and received bad treatment from two individuals in the department; that he found their case had gone into a meeting in April this year and they were not accepted to buy and still LARA could not give information and he wanted to know why they were not accepted as he felt they met all criteria. . Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Mayor Parker stated that the problem was the LARA Program was a nonprofit entity and an adjacent lot LARA owned and he had the right of first refusal, when he first applied the church had not owned its own property for the requisite amount of time and her understanding from Housing was time passed the lot was still vacant and he was scheduled for the LARA Board in December and it would be considered; and Reverend Mata stated that in April this year they had the requirements met but not accepted; and Mayor Parker stated that Mr. Eichenbaum was on his way over and she had a letter from him they were scheduled to convene in December about this and she thought it was taken care of; and he was present at this time to speak with him. Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Noriega stated that his Council Member, Council Member Rodriguez, was not present; that at the beginning she heard of a content and a process issue, in the process he felt he was not treated appropriately and she apologized for that and Mr. Eichenbaum was present to help him, but if her office could be of assistance or Council Member Rodriguez and her staff member would be present with him today. Council Members Sullivan and Rodriguez absent.

Council Member Gonzalez stated that he too would offer assistance to make sure they worked well with Mr. Eichenbaum and he would make sure they reviewed this as well and a resolution was come to. Council Members Sullivan and Rodriguez absent.

Mr. Edward Beasley, who was previously added to the Speakers List appeared and stated that he was present concerning regulations on towing, storage and auto repair business; that when there was a consistent problem and they knew it would not get solved by filing complaints they needed to make a decision to have a vehicle released on behalf of their customers and in attempting that they would be breaching the contract with the insurance policy to protect them, etc., and that was why the complaints were low as they did this as a business practice; that problems came with tows to unscrupulous body shops and in some cases body shops made more money

simply by not repairing vehicles and the proposed ordinance would limit fees and protect consumers. Council Members Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Jones stated that she would like to speak with him at some point in more detail; and upon questions, Mr. Beasley stated that it was not that calling Auto Dealers fell on deaf ears, but it was outside their jurisdiction to enforce laws concerning issues, the proposed ordinance would give enforcement opportunities to them when vehicles were torn down and had high fees imposed for just taking off a headlight and bumper; that there was nothing limiting fees so basically they had to pay the amount of money or the vehicle could fall into the realm of mechanics lien, etc.; and Council Member Jones stated that her office would contact him as what he said gave her cause for concern. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mayor Parker stated that her understanding was that the issue was if you were a licensed repair shop she could pull the license, but if you were just operating illegally there was nothing and that was why they wanted to make operating without a license a misdemeanor for a legal tool. Council Members Sullivan, Hoang, Gonzalez, Rodriguez, Lovell and Noriega absent.

Upon questions by Council Member Pennington, Mr. Beasley stated that he was with Farmers Insurance; and Council Member Pennington stated that he made assertions against the business and he was sure all at the Council Table was against aggressive fees, but he had not seen that information; and upon questions, Mr. Beasley stated that in relation to the claims or losses he spoke of this was documented where body shops and entities charged excessive fees simply to have a vehicle relocated and some of that documentation was provided previously with the Auto Dealers Division; and Council Member Pennington stated that was not shared with Council. Council Members Sullivan, Gonzalez, Rodriguez, Lovell and Noriega absent.

Ms. Paula Harrison, 14410 Brunswick Point Lane, Houston, Texas 77047 (713-459-2583) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Gonzalez, Rodriguez, Lovell and Noriega absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Gonzalez, Rodriguez, Lovell and Noriega absent.

President Joseph Charles, P. O. Box 524373 #227, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he was the U. S. President and continued to express his personal opinions until his time expired. Council Members Sullivan, Gonzalez, Rodriguez, Lovell and Noriega absent.

MAYOR'S REPORT

At 11:24 Mayor Parker stated that they would move to the consent agenda. Council Member Noriega absent.

Council Member Adams moved to suspend the rules to consider Item Numbers 30 and 31 out of order, seconded by Council Member Hoang. All voting aye. Nays none. Council

Member Bradford absent on personal business. MOTION 2011-0816 ADOPTED.

30. ORDINANCE **AMENDING CHAPTERS 1 AND 8 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive towing and storage; containing findings and other provisions relating to the foregoing subject; providing for severability - was presented.

After discussion, Council Member Adams moved to postpone Item No. 30 for two weeks, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. MOTION 2011-0817 ADOPTED.

31. ORDINANCE **AMENDING CHAPTERS 8 AND 28 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive businesses; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented.

After discussion, Council Member Pennington offered the following written motion to amend Item No. 31:

“I move to amend Item 31 by amending Section 28-34 (a) to read as follows:

A facility that is lawfully in operation shall not become unlawful because a church, school, or residence is subsequently established within 300 feet of the facility and, provided that the facility remains continuously in operation without cessation for a period of 180 ~~90~~ or more consecutive days, the permit or license for the facility may, subject to compliance with other applicable laws, nevertheless be renewed or transferred.”

After discussion Council Member Adams moved to postpone Item No. 31 and Council Member Pennington’s proposed amendment for two weeks, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. MOTION 2011-0818 ADOPTED.

CONSENT AGENDA NUMBERS 3 through 58A

MISCELLANEOUS - NUMBERS 3 through 8

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **EAST DOWNTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2015:
- Position One - **MS. ANNY DANG**, reappointment
 - Position Two - **MR. NORMAN R. PEGRAM, JR.**, reappointment
 - Position Three - **MR. GORDON D. HARRIS, III**, appointment
 - Position Four - **MR. GARY HORNBERGER**, reappointment
 - Position Five - **MR. PIERRE BEJJANI**, appointment
 - Position Six - **MS. PATRICIA ANN TORRESS**, reappointment
 - Position Seven - **MR. DAN NIP**, reappointment
 - Position Eight - **MS. STEPHANIE A. MACEY**, appointment
 - Position Nine - **MR. SHAHIN O. NAGHAVI**, appointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0819 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE GREENSPPOINT DISTRICT OF HARRIS COUNTY**, for terms to expire June 1, 2015:

Position Twelve - **MR. JAMES N. CURRY**, reappointment
 Position Thirteen - **MS. ANNE SEELEY**, reappointment
 Position Fourteen - **MS. WEI HUANG**, reappointment
 Position Fifteen - **MS. MELODY KELLY DOUGLAS**, reappointment
 Position Sixteen - **MS. GRACE Y. CERVIN**, appointment
 Position Seventeen - **MS. MICHELLE WOGAN**, reappointment
 Position Eighteen - **MR. JERRY PADUANO**, reappointment
 Position Nineteen - **MR. GERARD LEUTNER**, appointment
 Position Twenty - **MS. ROSA ISELA (ROSE) LOPEZ**, reappointment
 Position Twenty One - **MR. GEORGE W. LUNNON, JR.**, reappointment
 Position Twenty Two - **MR. JOHN E. WALLACE**, reappointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0820 ADOPTED.

7. REQUEST from Mayor for confirmation of the appointment of **MR. BARRY MANDEL**, to Position Nine of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET MARKET SQUARE ZONE)**, for a term to expire December 31, 2011 - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0821 ADOPTED.

8. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **WESTCHASE DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2015:

Position Nine - **MR. MARK D. SMITH**, appointment
 Position Ten - **MR. MARK TAYLOR**, reappointment
 Position Eleven - **MR. GARY BLUMBERG**, reappointment
 Position Twelve - **MR. BRAD FRICKS**, reappointment
 Position Thirteen - **MR. DAVID J. LEE**, reappointment
 Position Fourteen - **MR. PHILIP M. SCHNEIDAU**, reappointment
 Position Fifteen - **MR. PATRICK MANCHI**, appointment
 Position Sixteen - **MR. ALFREDO MATOS**, reappointment
 Position Seventeen - **MR. ANDREW R. LEAR**, reappointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0822 ADOPTED.

ACCEPT WORK - NUMBERS 9 through 16

9. RECOMMENDATION from Director of Houston Airport System for approval of final contract amount of \$7,251,315.40 and acceptance of work on contract with **AXIOM CONSTRUCTION COMPANY, INC** for Hurricane Ike repairs at George Bush Intercontinental Airport/Houston 1.68% over the original contract amount - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0823 ADOPTED.

10. RECOMMENDATION from Director of Houston Airport System for approval of final contract amount of \$37,211,940.00 and acceptance of work on contract with **MANHATTAN CONSTRUCTION COMPANY** for Automated People Mover Phase 3, Packages 3 & 4 at George Bush Intercontinental Airport/Houston - 2.49% over the original contract amount - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0824 ADOPTED.
11. RECOMMENDATION from Director of General Services Department for approval of final contract amount of \$55,349.50 and acceptance of work on contract with **AAR INCORPORATED** for Soil Remediation, Removal and Replacement at Tony Marron Park Property - 14.51% under the original contract amount - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0825 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,628,701.98 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD** for American Recovery and Reinvestment Act - Local Rehabilitation Projects STP 2011 (212) ES - 4.06% over the original contract amount **DISTRICTS B - JOHNSON; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0826 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,423,029.65 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., LTD** for Reconstruction of North Main Street from IH-45 to Airline Drive 0.79% over the original contract amount - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0827 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$403,911.00 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Utility System Infrastructure Improvement Contract - 33.88% under the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0828 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,284,366.42 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (4257-96) - 1.88% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; F - HOANG and H - GONZALEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0829 ADOPTED.

16. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$748,153.77 and acceptance of work on contract with **TEXAS ReEXCAVATION, L.C.** for Wastewater Collection System Rehabilitation and Renewal (4235-43) - 0.67% under the original contract amount - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0830 ADOPTED.

PROPERTY - NUMBERS 17 through 20

17. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracy Youngblood, on behalf of Apartments at Post Oak Hills, Ltd., (Jennette M. Hunnicutt, President), for abandonment and sale of a variable-width utility easement, a variable-width water main easement, two 6-foot-wide fire hydrant easements, and an 8-foot-wide water meter easement, in exchange for the conveyance to the City of a 20-foot-wide water line easement, all located within the 807 South Post Oak Lane Apartments Addition, out of the William White Survey, A-836, Parcels SY12-010 A through E and KY12-042 - **DISTRICT G - PENNINGTON** - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0831 ADOPTED.
20. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court in connection with eminent domain proceeding styled City of Houston v. Sunshine Development One, LP, et al., Cause No. 982,647; for acquisition of Parcel LY10-002; for **BELLAIRE WEST DRAINAGE IMPROVEMENTS PROJECT - DISTRICT F - HOANG** - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0832 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 22 through 25

22. ORDINANCE appropriating \$125,310.56 out of Parks Special Fund for Modular Office Building at Keith Wiess Park for the General Services Department - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0934 ADOPTED.
- 22a. **NORTEX MODULAR SPACE, INC** for Modular Office Building from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for General Services Department on behalf of the Parks & Recreation Department **DISTRICT B - JOHNSON** - was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0833 ADOPTED.
23. **GODWIN PUMPS OF AMERICA, INC** for the Emergency Pumping Bypass Services at the 69th Street Wastewater Treatment Plant for the Department of Public Works & Engineering \$352,499.10 - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Bradford absent on personal business. MOTION 2011-0834 ADOPTED.
24. **RDI MECHANICAL, INC** for Construction Services to provide an Air Conditioning System and Chiller Replacements from the State of Texas Procurement and Support Services

Contract through the State of Texas Cooperative Purchasing Program for the Department of Public Works & Engineering - \$363,520.50 - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Bradford absent on personal business. MOTION 2011-0835 ADOPTED.

25. **PUMPS SOLUTIONS, INC** for the Purchase of Submersible Pumps for the Department of Public Works & Engineering - \$84,892.00 - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Bradford absent on personal business. MOTION 2011-0836 ADOPTED.

ORDINANCES - NUMBERS 36 through 58A

36. ORDINANCE approving and authorizing Performance Based Loan Agreement between the City of Houston and **THE VILLAGE LEARNING CENTER, INC**, as borrower, to provide \$881,000 of Federal "HOME" Funds to assist with the construction of a 15 unit affordable housing complex for individuals with developmental and physical disabilities to be located in the vicinity of 3819 Plum Valley, Kingwood, Texas, that will provide affordable housing to low and moderate income persons - **DISTRICT E – SULLIVAN** - had been pulled from the Agenda by the Administration, and was not considered.
38. ORDINANCE appropriating \$3,101,439.00 from TIRZ Affordable Housing Fund (2409); approving and authorizing the fourth of five repayment installments in the amount of \$3,101,439.00 to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** for the resolution of outstanding issues raised in HUD Monitoring Reports from 2004, and 2005 relating to the City's HOME, CDBG, and HOPWA Programs - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0935 ADOPTED.
39. ORDINANCE relating to the rental of certain spaces in the Julia Ideson Library for public use; authorizing and approving an agreement between the City of Houston and the **JULIA IDESON PRESERVATION PARTNERS**; establishing the fees for the use of the Julia Ideson Event Spaces and authorizing adjustments thereto; amending Section 7 of Ordinance No. 2009-278 to create an account within the Historic Preservation Fund for the deposit and use of gifts and the net revenue from the rental of certain spaces in the Julia Ideson Library - had been pulled from the Agenda by the Administration, and was not considered.
41. ORDINANCE \$19,341.00 out of Equipment Acquisition Fund to Purchase Capital Equipment for the Parks and Recreation Department - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0936 ADOPTED.
44. ORDINANCE approving and authorizing first amendment to Antenna Site License Agreement between **TEXAS TOWER LIMITED, LICENSOR**, and the City of Houston, Texas, Licensee, to allow for the installation of additional equipment at 600 Travis Street, Houston, Texas, in connection with a New Public Safety Radio System - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0937 ADOPTED.
45. ORDINANCE approving Lease Agreement between the City of Houston, Texas, Landlord, and **LEGACY COMMUNITY HEALTH SERVICES, INC**, Tenant, for 23,250 square feet of space at 5602 Lyons Avenue, Houston, Texas, for use by tenant to provide health care

services to low-income persons - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0938 ADOPTED.

46. ORDINANCE awarding contract to the **CAPTIONING COMPANY, INC** for Closed Captioning Services the Mayor's Office (Houston Television); providing a maximum contract amount 3 Years with two one-year options - \$234,000.00 - Cable Television Fund - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0939 ADOPTED.
48. ORDINANCE appropriating \$88,000.00 out of HAS Consolidated 2001 Non-Amt Construction Fund (8202); authorizing the purchase of approximately 0.435 acre of vacant land in the G. W. Sherrick Survey, A-1113, Houston, Harris County, Texas (8500 block of Airport Boulevard) for Hobby Airport; approving Purchase and Sale Agreement with the owner of the land (Pasadena Independent School District) - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0940 ADOPTED.
49. ORDINANCE authorizing payment of \$1,257,500.00 for land acquisition costs and authorizing Purchase and Sale Agreement between **RAILWORKS TRACK SYSTEMS - TEXAS, INC**, Seller and the City of Houston, Texas, Purchaser, for 147,176 square feet of Improved Commercial Land located at 6040 and 6060 Armour Drive, Houston, Texas, for the 69th Street Wastewater Plant Expansion and Buffer and Zone Project - Enterprises Fund - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0941 ADOPTED.
50. ORDINANCE approving and authorizing agreement between the City of Houston and **HOUSTON PARKS BOARD** (Approved by Resolution 2011-21) for the provision and acceptance of local matching funds for Construction of the Brays Path Project - **DISTRICTS D - ADAMS and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0942 ADOPTED.
- 50a. ORDINANCE approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of the Brays Path Project - **DISTRICTS D - ADAMS and I - RODRIGUEZ** - had been pulled from the Agenda by the Administration, and was not considered.
51. ORDINANCE approving and authorizing agreement between the City of Houston and **HOUSTON PARKS BOARD** (Approved by Resolution 2011-21) for the provision and acceptance of local matching funds for Construction of the Cullen Park Path Project - **DISTRICTS A - STARDIG; and G - PENNINGTON** - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0943 ADOPTED.
- 51a. ORDINANCE approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of the Cullen Park Path Project **DISTRICTS A - STARDIG; and G - PENNINGTON** - had been pulled from the Agenda by the Administration, and was not considered.
52. ORDINANCE approving and authorizing agreement between the City of Houston and **INTERNATIONAL MANAGEMENT DISTRICT** (Approved by Resolution 2011-21) for the provision and acceptance of local matching funds for Construction of the IMD Bikeway

Project **DISTRICT F - HOANG** - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0944 ADOPTED.

- 52a. ORDINANCE approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of the IMD Bikeway Project **DISTRICT F - HOANG** - had been pulled from the Agenda by the Administration, and was not considered.
53. ORDINANCE approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **KIMLEY-HORN & ASSOCIATES, INC** for Comprehensive Mobility Planning Phase Two (Approved by Ordinance No. 2008-0310) \$728,817.00 - Mobility Response Team Fund - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0945 ADOPTED.
54. ORDINANCE appropriating \$64,600.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to a Professional Engineering Services contract between the City of Houston and **PATE ENGINEERS, INC** for Keegans Bayou Trail (Approved by Ordinance No. 2005-0749); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK and F - HOANG** - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0946 ADOPTED.
55. ORDINANCE appropriating \$1,696,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R J CONSTRUCTION COMPANY, INC** for Pump and Lift Station Renewal and Replacement - Green Crest and Fairway Lift Station; setting a deadline for the bidders' 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS G - PENNINGTON and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0947 ADOPTED.
56. ORDINANCE appropriating \$15,949,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON WATERWORKS, LLC** for 69th Street Wastewater Treatment Plant Improvements (Package 4); setting a deadline for the bidders' 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0948 ADOPTED.
57. ORDINANCE appropriating \$2,118,168.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Service Line Replacement; setting a deadline for the bidders' execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting

aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0949 ADOPTED.

58. ORDINANCE repealing Ordinance No. 2011-914 relating to a Boundary Adjustment Agreement between the City of Houston and the **CITY OF WEBSTER** near the intersection of the southwest boundary line of El Camino Village Apartments Subdivision and the southeast row line of El Camino Village Drive; containing findings and other provisions relating to the foregoing subject; and providing for severability; and declaring an emergency - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0950 ADOPTED.
- 58a. ORDINANCE approving and authorizing a Boundary Adjustment Agreement between the City of Houston and the **CITY OF WEBSTER** involving the relinquishment of 1.7 acres and the annexation of 4.6 acres by the City of Houston near the intersection of the southwest boundary line of El Camino Village Apartments Subdivision and the southeast row line of El Camino Village Drive; containing findings and other provisions relating to the foregoing subject; and providing for severability - **FIRST READING** - was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-0951 PASSED FIRST READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PROPERTY

18. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Meysam Mosaheb, for abandonment and sale of a ±2,934-square-foot portion of excess Wirt Road, Harwood Terrace Subdivision, Section 2, out of the John Flowers 1/3 League Survey, Parcel SY12-012 - **DISTRICT A – STARDIG** - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. MOTION 2011-0837 ADOPTED.
19. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Daniel D. Lloyd, declining the acceptance of, rejecting, and refusing the dedication of McNulty Street from Allison Road to 5 feet south of the Alameda Genoa Road right-of-way line, located in the Minnetex Place Subdivision, Parcels SY12-004 and AY12-065 - **DISTRICT E – SULLIVAN** - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. MOTION 2011-0838 ADOPTED.
21. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. J. E. Fisher Investments, Ltd., et al., Cause No. 922,974; for acquisition of Parcels LY6-019, LY6-020, LY6-021, LY6-022, LY8-027, LY8-028A and LY8-028B; for the **PINEMONT PAVING: T. C. JESTER TO ELLA BLVD. DETENTION POND CONSTRUCTION PROJECT - DISTRICT A – STARDIG** - was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Bradford absent on personal business. MOTION 2011-0839 ADOPTED.

PURCHASING AND TABULATION OF BIDS

26. **SMITH PUMP COMPANY, INC** to Furnish Pumps and Parts for the Department of Public Works & Engineering - \$669,761.00 - Enterprise Fund - was presented, and was tagged by Council Member Jones. Council Member Bradford absent on personal business.
27. **A. C. SALES CO.** for Beverage, Electrolyte Replenishment for Various Departments \$233,856.16 - 5 years - General and Enterprise Funds - was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Bradford absent on personal business. MOTION 2011-0840 ADOPTED.

ORDINANCES

32. ORDINANCE **AMENDING SECTION 16-9 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to Juvenile Case Managers for the Municipal Courts Department; containing findings and other provisions relating to the foregoing subject; providing for severability - was presented, and was tagged by Council Member Jones. Council Member Bradford absent on personal business.

Council Member Jones stated that she would remove her tag for discussion; Council Member Adams stated that on this item she wanted to commend Judge Ferhardo for looking at creative ways to improve the juvenile case managers, it was a wonderful program improving communication between HISD and the Truancy Program and even if it was just \$5.00 a payment plan should be allowed when necessary and she did support the item and her colleague with her tag; and Mayor Parker stated that she agreed it was a great program; and the item has been tagged by Council Member Jones.

33. ORDINANCE approving and authorizing Memorandum of Understanding between the City of Houston and **HOUSTON INDEPENDENT SCHOOL DISTRICT** for the Juvenile Case Manager Program for the 2011-2012 Academic Year - was presented, and was tagged by Council Member Jones. Council Member Bradford absent on personal business.
34. ORDINANCE **AMENDING SECTION 16-47 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to failure of defendants to appear in Municipal Courts; containing findings and other provisions relating to the foregoing subject; providing for severability - was presented, and was tagged by Council Member Jones. Council Member Bradford absent on personal business.
35. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HEALTHCARE FOR THE HOMELESS-HOUSTON**, providing up to an additional \$32,880 for the continuing administration and operation of Project Access, which offers transportation services to homeless individuals and families seeking health care and supportive services – was presented.

Council Member Adams stated again this was a wonderful program and she wanted to thank the Housing and Community Development Department for looking at the funds; and she would ask the Housing Department to submit to her how many persons were repeated, she just wanted clarity; and Mayor Parker stated that was noted and an answer would get back to her.

A vote was called on Item 35. Council Member Bradford absent on personal business. ORDINANCE 2011-952 ADOPTED.

37. ORDINANCE relating to the City of Houston's Neighborhood Stabilization Program approving and authorizing third amendment to loan agreement between the City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC**, to increase the annual income ceiling for eligible purchasers of rehabilitated property from fifty percent of the Area

Median Income (AMI) to one hundred twenty percent of the AMI - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ** – was presented. Council Member Bradford absent on personal business. ORDINANCE 2011-953 ADOPTED.

40. ORDINANCE appropriating \$1,815,511.90 out of Equipment Acquisition Consolidated Fund for the purchase of Capital Equipment for the Houston Fire Department – was presented, and was tagged by Council Member Sullivan. Council Member Bradford absent on personal business.
42. ORDINANCE appropriating \$10,295,826.00 out of Water & Sewer System Consolidated Construction Fund and \$2,018,699.00 out of the Airport Improvement Fund; approving and authorizing the Continued Project Implementation in the Public Safety Radio System Project for the Information Technology Department – was presented.

Council Member Sullivan stated that he wanted to make sure this was the item for the new radio system they worked on for years and he watched the money trail; that much was received from grants, but he did not remember seeing a notation that Public Works money would be used to the tune of \$10 million and the Houston Airport System being involved in the purchase so he was curious whether this was the plan all along or if they were making up a shortfall which was not anticipated; and Mayor Parker stated that she believed that was the plan all along, all the entities had to be moved into the radio network.

Council Member Sullivan moved to suspend the rules to hear from Mr. Tom Sorley, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Bradford absent on personal business. MOTION 2011-0841 ADOPTED.

Upon questions, Mr. Sorley stated that it had been the plan since before the contract that the enterprise funds would contribute proportionately to the number of radios they had at the time they did the contract, it was always in the funding plan for that to occur, since 2007 and there were no anticipated shortfalls. Council Members Rodriguez and Noriega absent.

A vote was called on Item 42 Council Member Bradford absent on personal business. Council Members Rodriguez and Noriega absent. ORDINANCE 2011-954 ADOPTED.

43. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **SAM HOUSTON STATE UNIVERSITY REGIONAL CRIME LAB** for Laboratory Testing Services in DUI/DWI Cases for the Houston Police Department; establishing a maximum contract amount \$65,000.00 - General Fund – was presented, and was tagged by Council Member Jones. Council Member Bradford absent on personal business. Council Members Rodriguez and Noriega absent.
47. ORDINANCE approving and authorizing contract between the City and **MUNISERVICES, LLC** for Sales/Use Tax Audit and Sales/Use Tax Analysis and Reporting Services; providing a maximum contract amount - 4 years - \$850,000.00 - General Fund – was presented, and was tagged by Council Member Pennington. Council Member Bradford absent on personal business. Council Member Noriega absent.

NON CONSENT AGENDA - NUMBERS 59 through 61

MISCELLANEOUS

59. **SET A PUBLIC HEARING DATE** to consider whether a property tax exemption will be mandatorily applied to certain goods-in-transit on January 1, 2012 - **SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 16, 2011** – was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0842 ADOPTED.
60. **SET A PUBLIC HEARING DATE** regarding the designation of a banner district in the **HOUSTON MUSEUM DISTRICT - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 16, 2011** – was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0843 ADOPTED.
61. **SET A PUBLIC HEARING DATE** regarding the designation of a banner district in the **INTERNATIONAL MANAGEMENT DISTRICT - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 16, 2011** – was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTION 2011-0844 ADOPTED.

MATTERS HELD - NUMBERS 62 through 68

62. MOTION by Council Member Gonzalez/Seconded by Council Member Hoang to adopt recommendation to award to **REPUBLIC INTELLIGENT TRANSPORTATION SERVICES, INC** for Traffic Signal System Parts for Department of Public Works & Engineering - \$739,645.44 Grant Fund - **DISTRICTS A - STARDIG; C - CLUTTERBUCK and G - PENNINGTON** – (This was Item 11 on Agenda of October 26, 2011, TAGGED BY COUNCIL MEMBER JONES) – was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTON 2011-0845 ADOPTED.
63. MOTION by Council Member Gonzalez/Seconded by Council Member Noriega to adopt recommendation to **AMEND MOTION #2008-380, 6/4/08, TO INCREASE** spending authority from \$229,724.95 to \$321,614.93 for Chemical, Liquid Ammonium Sulfate for Department of Public Works & Engineering, awarded to **ALTIVIA CORPORATION** – (This was Item 12 on Agenda of October 26, 2011, TAGGED BY COUNCIL MEMBER JONES) – was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. Council Member Noriega absent. MOTON 2011-0846 ADOPTED.
64. ORDINANCE appropriating \$1,538,280.00 out of Equipment Acquisition Consolidated Fund and amending Ordinance No. 2010-1007 (Passed on December 8, 2010) to increase the maximum contract amount for contract between the City of Houston and **LAGAN TECHNOLOGIES, INC** for Constituent Relationship Management Solution Upgrade for the Houston 3-1-1 Helpline for the Information Technology Department - \$52,016.00 - Central Services Revolving Fund – (This was Item 19 on Agenda of October 26, 2011, TAGGED BY COUNCIL MEMBER JONES) – was presented.

Council Member Sullivan stated that through the budget reduction process last year they scaled back on weekend service and he wondered what may be needed to restore service and if this funding could help with that; and Mayor Parker stated that this was a long anticipated upgrade in the technology and it was to allow citizens to use their smart phones to communicate to the City of Houston, it was an important service enhancement, but she did agree she would like to see weekend hours come back, but it would depend on budget; and Council Member Sullivan stated that he was voting against this item because he would rather have the city

answering phones on weekends than doing software upgrades; and upon questions, Mayor Parker stated that these were equipment acquisition fund dollars and could not be used for phones.

Council Member Stardig stated that they had been trying to get technology in place sometime to get them up to date at the city and there had been a great deal of work on this technology, but she did appreciate Council Member Sullivan's comments; that they were trying to get reports through the website instead of the phone and they needed to get a consistent message to constituents on hours of services and which services were offered.

A vote was called on Item 64. Council Member Sullivan voting no. Balance voting aye. Council Member Bradford absent on personal business. ORDINANCE 2011-955 ADOPTED.

65. ORDINANCE awarding contract to **VALLEY TANK TESTING, LLC** for Fuel System Tank Testing Service for the Fleet Management Department; providing a maximum contract amount - 3 Years with two one-year options - \$344,335.00 - Fleet Management Revolving Fund – **(This was Item 20 on Agenda of October 26, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-956 ADOPTED.
66. ORDINANCE awarding contract to **PROFESSIONAL AUDIO VIDEO SERVICE, INC** for Television Production Equipment Repairs & Routine Maintenance Services for the Mayor's Office (HTV); providing a maximum contract amount - 3 Years with two one-year options - \$230,125.00 Special Cable Fund – **(This was Item 21 on Agenda of October 26, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-957 ADOPTED.
67. ORDINANCE appropriating \$3,766,576.28 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to contract between the City of Houston and **ITRON, INC** for Radio Automated Meter Reading and Fixed Network/Advanced Meter Infrastructure Systems (Approved by Ordinance No. 98-575, as amended) – **(This was Item 37 on Agenda of October 26, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-958 ADOPTED.
68. ORDINANCE appropriating \$595,057.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in support of rehabilitation; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - (4277-66) – **(This was Item 39 on Agenda of October 26, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Bradford absent on personal business. ORDINANCE 2011-959 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Clutterbuck first

Council Member Clutterbuck stated that Friday was Veteran's Day and on the eleventh hour of the eleventh day of the eleventh month of the eleventh year they would be remembering and honoring veterans who served, both living and deceased and it was an exciting opportunity to show up and express thanks collectively to veterans who served; that the celebration would

start at City Hall at 10:00 a.m. following with a parade downtown; and urged all attend. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Clutterbuck congratulated all who prevailed at the polls and would continue on and it was important to note the hard work veterans did to try and preserve everyone's Constitutional rights, the right to vote was hard fought and hard earned; and she hoped all would recognize that and turn out to vote for the runoff. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Clutterbuck stated that the Julia Ideson Library would be opening soon and it was a gem of a facility, a project which took many years and private fund raising to bring it back to its original splendor; and thanked all who brought it back. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Hoang stated that it was very important to vote; that he came from a country which was communist and the right to vote was something you had to fight for and up until now there was no right to vote in those countries and he did value it a lot and he thanked all who did go out to vote; and urged all go out for the runoff election. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Stardig stated that with Friday being Veteran's Day she wanted to thank all men and women who served past and present; and all thanked them for their selfless dedication. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Stardig stated that in District A she would be attending a homeless veterans event at the VFW Post 8790 at 1560 Foley off Long Point Road and it provided veterans with clothes, etc., and she looked forward to it; and urged donations. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Stardig stated that tonight the Girl Scout Organization would be holding their pre-convention party at Minute Maid Park which would help celebrate the Girl Scouts National Council Session and the 52nd Convention in Houston which would continue until Sunday and in 2012 this would mark the 100th anniversary for the great organization; and she looked forward to spending time with them. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Stardig stated that Saturday would be the 12th annual gala for the Indo American Chamber of Commerce of Greater Houston and she looked forward in talking with the members and community leaders. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Pennington stated that Sunday he had the pleasure of attending a neighborhood and veteran event at the clubhouse at Lakeside Estates and it was well attended; that there were approximately 200,000 veterans in the Houston area and the city could not be proud enough or responsible enough for them. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Pennington stated that he thanked all who participated in the election and campaign, the low turnout emphasized others commitment; and Ernie Villarreal was leaving Sunday to train for Special Forces and he was a great young man. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Jones congratulated Mayor Parker on her winning the election. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Jones stated that she wanted to commend veterans and their families; that she was a child of a Marine and other members of her family were in the Marines and Army and families made sacrifices too; that Mayor Parker got an ordinance passed by Council which gave veterans preference in city employment and that was important, but she thought they could do better by them. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Jones stated that Saturday there would be an Emancipation Park Celebration and Emancipation Park spoke to what it said and all were invited to visualize the dream Saturday from 11:00 to 2:00 p.m. at the intersection of Dowling and Elgin and there would be food, music, face painting, etc.; and thanked all who made it possible. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Costello stated that it was not often they had opportunity to acknowledge the fine work people who worked for the City of Houston did and he wanted to acknowledge the staff with HTV; that recently they were awarded six awards from the National Texas Association of Telecommunication Officers and Advisors for six incredible programs. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Lovell congratulated the Houston Dynamos who would take on the LA Galaxy November 20th for the MLS Cup; that they reached a championship game and she hoped other Houston teams would follow the example, the Texans seemed to be on their way and hopefully the Astros would also move that direction; and she had not given up her pursuit of being announcer for the Houston Astros. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Lovell stated that it was a pleasure to watch Lance Burkman have his day with the Cardinals and finally get his championship ring. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that he was thrilled to speak at Marshall Middle School last week and he got his flu shot on the spot, it was vital to educate on the importance of the shot yearly. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that last Sunday he joined the Houston Heights Association at the unveiling of Worthington Plaza dedicated to Patti Worthington who had lost her life with her caretaker in a tragic fire there in January; and congratulated all on another beautiful addition to Heights Boulevard and on such a wonderful memorial; and thanked all who made it possible. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that they were kicking off their Annual District H Troop Drive today at 1:30 p.m. in the City Hall Rotunda, working with Operation Interdependence the City of Houston Office of Veteran Affairs, 18 HISD elementary schools and select Walgreens and Kroger drop-off sites the District H team would be collecting small items to send to troops on the frontlines; that they would collect through November 30th and urged all send the men and women a taste of home which would arrive in time for the holidays; and thanked all who made it possible; and for more information call Jerry Peruchini at 832-393-3003. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that Saturday the North Shepherd Business Association would host a cleanup day starting at 9:00 a.m.. meeting at the South Parking Lot of Sears at North Shepherd at Garden Oaks Boulevard; and urged all to bring gloves and come cleanup; and information was at 832-393-3003. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that another cleanup would be held by the Melrose Civic Club they would work with Go Neighborhoods and kicking off another CLEAN event at 9:00 a.m. meeting at 745 Dorchester with gloves and making District H cleaner; and more information was at 832-393-3003. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to celebrate Friday, Veterans Day with everyone in the City of Houston; and congratulated all veterans and stated that all would continue to be prayed for. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams stated that a ground breaking occurred this past Thursday thanks to the City of Houston and Housing and Development and federal funds; that a clinic would be opening in 2012; and thanked all who made it possible. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams stated that a grand opening ribbon cutting was today at the Floral Gardens Apartments located at 7957 Houston Parkway which would bring affordable housing for seniors; and thanked them for opening their doors to seniors in District D. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams stated that Houston Citizenship Week would kickoff in Third Ward this coming Saturday with a cleanup and urged all to come join 8:00 a.m. to 12:00 p.m. and lunch would be served from 12:00 to 1:00; and thanked CRM Fellowship Church at 3230 Hadley for allowing them to kickoff and thanked all those who made it possible. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams stated that the same day in Third Ward the Third Ward Family Health Alliance would be presenting the Third Ward Health Fair including back pain screening, hearing screening, blood pressure, dental, etc., and urged all join at the Third Ward Multi Service Center at 3611 Ennis and there would also be free food, etc., from 10:00 a.m. to 2:00 p.m. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams stated that she was asking all to join Blackshear Elementary to raise homeless awareness by participating in a national sleep out, November 12th at 2011 at 7:30 p.m. to November 13th 7:30 a.m. at Blackshear Elementary at 2900 Holman, all should bring blankets but there would be no tents; and for information all could call 713-294-7331. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams stated that the Julia Ideson building would open to the public December 5th. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams congratulated all colleagues for a success on yesterday's election

and thanked all residents of District D for believing in her and supporting her office; that she dedicated her radio spot to her staff as she was here because of them. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Mayor Parker stated that Council Member Adams mentioned Citizenship Week which honored the various diverse communities across the City of Houston and next week was Citizenship Week and there were well over 100 activities; and encouraged all go to the Global Houston website and find activities in their neighborhood. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:09 p.m. Council Member Bradford absent on personal business. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary