

City Council Chamber, City Hall, Tuesday, October 6, 2009

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 6, 2009, Vice Mayor Pro Tem Sue Lovell presiding and with Council Members Toni Lawrence, Jarvis Johnson, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Edward Gonzalez, James G. Rodriguez, Peter Brown, Melissa Noriega Ronald C. Green, and Jolanda "Jo" Jones and; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; and Ms. Marty Stein, Agenda Director present. Mayor Bill White absent on city business. Council Member Anne Clutterbuck out of the city on city business. Council Member Pam Holm absent on personal business.

At 2:07 p.m. Council Member Khan called the meeting to order and stated that Council Member Noriega would begin presentations. Council Members Johnson, Adams, Sullivan, Rodriguez, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega invited Dr. Heladio Ibarguen to the podium and stated that Dr. Ibarguen was a remarkable citizen who had dedicated a great part of his life to the community by mentoring young Hispanics; he wanted to expose them to a world outside their reach and inspired them to be productive citizens and because of those and other reasons was recipient of the Mayor's Hispanic Heritage Health Award for the City of Houston; and because of his passionate commitment and his research and creating nonprofit organizations presented Dr. Ibarguen a Proclamation proclaiming today as "Dr. Heladio Ibarguen Day" in the City of Houston, Texas. Dr. Ibarguen stated that he was proud to accept the honor on behalf of the Hispanic community; and thanked the Mayor and Council Members and the Mayor's Hispanic Advisory Board for all the work to make the Hispanic community better. Council Members Johnson, Adams, Sullivan, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that this was a very special day as she had known this gentleman many years; that she had nominated Mr. Vera for the Heritage Education Award this year which he received; and invited Mr. Al Vera to the podium. Council Member Lawrence stated that Mr. Vera was a tireless community activist seeking to improve his community through his avid role in education and inspired students to take an active role in their community; and because of this and other reasons was recipient of the 2009 Mayor's Hispanic Heritage Education Award for the City of Houston; that he taught and touched the lives of many children; that he stood for what he believed and was on many committees; and presented Mr. Vera a Proclamation proclaiming today as "Mr. Al Vera Day" in the City of Houston, Texas. Mr. Vera stated that it was an honored and proud of his award and even more proud as the Fire Chief who won an award this year was one of his students. Council Members Adams, Sullivan, Rodriguez and Jones absent.

Council Member Gonzalez stated that he was honored to introduce the next guest; that when he was a police officer worked the Bayou City Arts Festival as security, and the Bayou City Arts Festival began as a small community festival and it had now become one of the top fine festivals in the country which benefited many charities; that as of today they had given over \$2.4 million to local charities as a result of over 70 festivals; that they were joined by the executive director and board members. The Executive Director stated that all had been wonderful and today they wanted to make a presentation to the Mayor and Council Members and introduced those present with her and stated that as of to date they had given over \$2.5 million in donations back to the city's arts and nonprofit organizations and last year alone over \$300,000.00 and invited all to the festival. Council Members Rodriguez and Jones absent.

Upon questions by Council Member Khan, the Executive Director stated that the festival would have 300 artists and over 1,200 applied from all over the world, but they juried it so you could not just pay and participate; that the festival would be held Saturday and Sunday from

10:00 a.m. to 6:00 p.m.; and they were at [www.bayoucityartfestival.com](http://www.bayoucityartfestival.com). Council Members Rodriguez and Jones absent.

Vice Mayor Pro Tem Lovell stated that the American Planning Association designated Montrose one of the top 10 neighborhoods for 2009 and she was convinced the reason was due to wonderful festivals, etc., and congratulated them. Vice Mayor Pro Tem Lovell stated that today she wanted to make a presentation to the honorable Ms. Alexandra Theodoropoulou, Consul of the Republic of Greece; that over many years the Greek Festival had been enjoyed and it was hosted by the Enunciation Greek Orthodox Cathedral, it was only one of many events which honored the extraordinary cultural heritage of Greece this month; and presented Ms. Alexandra Theodoropoulou a Proclamation proclaiming October as "Hellenic Cultural Month" in Houston, Texas. Ms. Theodoropoulou stated that the Proclamation belonged to all in the City of Houston and she was proud to be accredited with this; and introduced all representatives who were present who worked on events. Council Members Rodriguez and Jones absent.

At 2:33 p.m. Council Member Khan called on Council Member Brown who invited Reverend William A. Lawson of the Wheeler Avenue Baptist Church to lead all in prayer and Council Member Brown led all in the pledge of allegiance. Council Members Rodriguez and Jones absent.

At 2:37 p.m. Council Member Khan requested the City Secretary call the roll. Mayor White absent on city business. Council Member Clutterbuck out of the city on city business. Council Member Holm absent on personal business. Council Member Jones absent.

Council Members Khan and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor White absent on city business. Council Member Clutterbuck out of the city on city business. Council Member Holm absent on personal business. Council Member Jones absent.

At 2:38 p.m. Vice Mayor Pro Tem Lovell requested the City Secretary to begin calling public speakers. Council Member Jones absent.

Mr. Jerry Palmer, 11101 Wallisville Road, Houston, Texas 77013 (713-673-3050) appeared and stated that he was the proud husband of Irma Palmer one of the SafeClear contractors; that he read the ordinance recommending extension of SafeClear and he wanted to share information; that from the start of the program his wife's segment had been victimized and discriminated against because it was a free for all, anyone came to tow what she should be towing and there was nothing in the ordinance to address this; that they had gone to Auto Dealers, etc., regarding this and over five years they had to fight with other segment holders and he thought it should be left up to a counsel to recommend whether or not contractors be taken off the program. Council Members Lawrence, Noriega and Jones absent.

Upon questions by Council Member Adams, Mr. Palmer stated that he did support extension of the contract, but it needed a sanctioned body to oversee it and eliminate some of the practices he spoke of; and Council Member Adams stated that it seemed things still needed to be done with the contract and they called a meeting with drivers, etc., and she thought the issues needed to be heard. Council Members Lawrence and Noriega absent.

Upon questions by Council Member Johnson, Mr. Palmer stated that they were the contractor for Segments 3 and 4, 2 out of 28 segments, and out of the 300,000 tows they towed about 7,000 and they had to fight for them with other segment holders; and Council Member Johnson stated that he wanted someone with Auto Dealers to come and speak with him; and Mr. Palmer stated that he was for the extension, but a mechanism needed to be in place for protection. Council Members Lawrence and Noriega absent.

Upon questions by Council Member Jones, Mr. Palmer stated that his wife was a prime contractor in the SafeClear Program and there was no problem with free tows, but with accidents they had to fight with other segment owners adjacent to them; and Council Member Jones stated that she thought they were to be exclusive and if she was incorrect she needed someone to speak with her. Council Members Lawrence and Noriega absent.

Vice Mayor Pro Tem Lovell stated that Chief Ottmeier was with Auto Dealers in HPD could speak with him, there was a process in place and through that unit and as she understood a free tow was a different issue, but on an accident everyone had the right to get the tow and move the car; and Mr. Palmer stated that was not correct. Council Members Lawrence and Noriega absent.

Council Member Adams stated that they needed to host the meeting she spoke of for wrecker drivers and for others wanting to be participants on the contract; that they did want to hear concerns and questions needed answering before the contract passed. Council Members Lawrence and Noriega absent.

Council Member Jones stated that she thought the whole purpose of SafeClear was to develop segments so those who were to be there could expeditiously move the cars off for safety and she wanted to be clear before voting and she too thought there should be stakeholder input. Council Members Lawrence and Noriega absent.

Mr. Ted Weisgal, 5527 Hummingbird, Houston, Texas 77096 (713-529-4414) appeared, presented information and stated that it was his understanding this body passed laws and police enforced them, but when police created the laws and then issued citations they overstepped their authority and that was the case on September 12th, the date of the Museum District Open House, when he was cited for blocking pedestrian traffic on a public sidewalk with his body at Bissonnet and Main while handing out Leisure Learning Unlimited schedules; that the Sr. Assistant City Attorney and Chief Prosecutor dismissed his citation, but nothing would give them back the opportunity they lost that day and they were denied their first amendment right; and urged they do what could be done to prevent such acts from HPD in the future. Council Members Lawrence and Noriega absent.

Vice Mayor Pro Tem Lovell stated that she understood they recognized their error and the case was dismissed and information was being given to officers so it would not happen again; and she apologized. Council Members Lawrence and Noriega absent.

Upon questions by Council Member Jones, Mr. Weisgal stated that he paid no money on his ticket. Council Members Lawrence and Noriega absent.

Council Member Gonzalez moved the rules be suspended for the purpose of hearing from Mr. Don Cook after Mr. Ted Weisgal, seconded by Council Member Jones. All voting aye. Nays none. Mayor White absent on city business. Council Member Clutterbuck out of the city on city business. Council Member Holm absent on personal business. Council Members Lawrence, Sullivan and Noriega absent. MOTION 2009-0714 ADOPTED.

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-705-5594) appeared and stated that his concern was what had Council done or what would they do to ensure there was no impediment to free speech in Houston on the part of HPD officers; that he was stopped in August when getting signatures and it impeded him from filing for political office. Council Members Lawrence, Sullivan and Noriega absent.

Upon questions by Council Member Jones, Mr. Cook stated that he successfully filed, but you could make a case one of those running with him in the progressive coalition suffered because of having to get signatures in a different location than Memorial Park; he had to get 88 signatures and he was called stating he had not turned enough signatures and if they could have petitioned at a higher rate they would have filed earlier; that when filing their receipt noted petition. Council Members Lawrence, Noriega and Green absent.

Vice Mayor Pro Tem Lovell stated that they too were concerned with free right speech and they were making sure officers knew what was in the law. Council Members Lawrence, Noriega and Green absent.

Council Member Gonzalez stated that the citation had been dismissed and Legal was meeting with the Parks Department, HPD and Convention Bureau of Entertainment to make sure they worked through the issues and addressed training issues so this would not happen again and they would make it a point to update him in the efforts. Council Members Lawrence, Noriega and Green absent.

Ms. Sheree Mayes, 1021 Dolly Wright, Houston, Texas 77088 (832-389-4664) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Noriega and Green absent.

Mr. Leonard Hawkins, 8404 S. Course, Houston, Texas 77072 (713-367-2968) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Noriega and Green absent.

Ms. Dalia Garcia, 2331 Spring, Spring, Texas 77373 (281-414-8627) appeared, presented information and stated that she was a single Mom with three children and she had been taking care of them 13 years; that she bought a place at Candlelight and thought it was a great investment, but she was being sued for \$212,000.00 and others were being sued for \$60,000.00 and she guessed it was because she had no lawyer, but she had no money; that now she had nothing for her children's education, did not even have a place to live, she was basically homeless; that her children were straight A students and she had report cards to view; that she did not know what to do and at least wanted to put her face in front of them; that she paid for maintenance, but maintenance was not done; that there were at least three deaths there and for the safety of her children had to move out; that it was not right for them to be given an opportunity to buy a home for their lifetime and now she owed the city \$212,000.00 and she always had kept up her credit and this she could not understand. Council Members Lawrence, Johnson, Sullivan, Noriega and Green absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that she knew this was difficult for her to come and it was difficult for them to hear her story, it was a very sad thing which had happened to her; that she should speak with Mr. Heilman with the City Legal Department to explain the process and they would give her a number to help with housing and her children. Council Members Lawrence, Johnson, Noriega and Green absent.

Council Member Jones stated that she received a number of calls and emails from people like her and she needed clarification from Legal, it was her understanding a number of people purchased condos and you did not own the building but the air between the building and she also understood they paid their association fees which was to be used to maintain the building; that it was also her understanding the property owner, the person who actually owned the bricks and mortar did not do what they were to do and so what concerned her the most was the City of Houston adding insult to injury by going to those not even responsible for maintaining, why did they go after people just trying to provide for their families; and Mr. Heilman stated that they sued the owners of the condo units and named each as a party to the lawsuit; that they were

responsible for common areas and maintenance of the unit; that they had apparently paid their dues and the association responsible for taking care of the maintenance may not have done what they were required to do and they may have a cause of action against that entity, but they had requested the court under Chapter 54 of the Local Government Code for authorization to demolish the complex because of its condition and they provided to the defendants a settlement proposal of \$2,000.00 if it was their homestead and \$4,000.00 if it was not and a number of owners had accepted the settlement; that the deadline had passed, but he would visit with the attorney assigned to the case and have him contact Ms. Garcia and see if they could get it resolved; and Council Member Jones stated that if she was buying a condo and paying her dues she did not see the equity in it, they were having families with kids paying \$2,000 and \$4,000 and equity was a part of the law even if the City of Houston did have legal options and she could not see them doing that and it made her sick to her stomach. Council Members Lawrence, Sullivan, Khan, Brown and Noriega absent. (NO QUORUM PRESENT)

Mr. Armon Alam, no address (206-350-4735) appeared and stated that he was also present regarding the Candlelight Coalition for Justice and wanted to know why the City of Houston was punishing individual homeowners who were victims of corporate greed management company's out of state investors who caused the association to collapse; that Mr. Fonteno was a twice convicted felon who spent time for fraud and neither him or any out of state investors had been sued by the City of Houston; that they faced no personal liability and were walking scot-free while the city aggressively pursued individual homeowners who paid and were victims, how was that justice. Council Members Lawrence, Khan, Brown and Noriega absent.

Upon questions by Council Member Jones, Mr. Heilman stated that the City of Houston was suing owners of the condominium units and if this gentleman was the one owning unit 3111 he was the defendant in the lawsuit; that the management company was not a party to the lawsuit, the individual owners were defendants, Chapter 54 provided the owners were liable for civil penalties for failure to maintain property, if they noticed the management company was not taking care they could have placed them on notice of their breach of management responsibilities and pursued it and they still could, it was a four year statute of limitations; and Council Member Jones stated that if the City of Houston had the powers to investigate buildings, why was it their job and not the City of Houston's job, in the interest of common good, have an obligation to tell those owning Candlelight Trails that they needed to maintain the property, it seemed they were targeting those least able to defend themselves, just passing the buck; and Mr. Heilman stated that he disagreed, but he would visit with the City Attorney and they would have someone visit with her. Council Members Lawrence, Khan, Brown and Noriega absent.

Council Member Rodriguez moved the rules be suspended for the purpose of hearing Mr. Michael Ashmore, Mr. Craig Fultyssek and Mr. Tony Maranda out of order, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on city business. Council Member Clutterbuck out of the city on city business. Council Member Holm absent on personal business. Council Members Lawrence, Khan, Brown and Noriega absent. MOTION 2009-0715 ADOPTED.

Mr. Michael Ashmore, 2115 Runnels, Houston, Texas 77003 (713-261-5975) appeared and stated that he and those present with him ran a company in Houston, basically disaster relief and did a tremendous amount post Ike; that they were not paid by DRC and were now past the one year anniversary and he had 30 to 40 individuals who were loaders and haulers on the jobs owed life changing revenues, \$8,000 or \$9,000, and that was a lot to many. Council Members Lawrence, Khan, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Adams thanked all for coming and stated that being the chairperson for Ike Debris Removal Committee this she did not want to hear and she hoped Mr. Hayes and

Solid Waste Management would actually meet, she though CAHABA was trying to work a deal but she hoped they looked at ways to know who they used as the under contractors, sub to subs, and Mr. Ashmore stated that he had no money in play here, but it was principle, he was trying to help those who actually did the work; and Council Member Adams stated that they had received information on others who were not paid by contractors and this was not tolerated, this was a year later and they would try and get to the bottom of this; that she thought a meeting would be held tomorrow on his behalf and she thanked Mr. Hayes for working on it and she appreciated their patience. Council Members Lawrence, Johnson, Khan, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Rodriguez, Vice Mayor Pro Tem Lovell stated that she had a memo from Mr. Hayes and apparently DRC was who the City of Houston paid and Air Ware, who he worked for, he was a sub to Air Ware, and DRC found Air Ware had a problem paying subs and held aside some of their money and Gary was present and they would be having a meeting to make sure all were paid; that they were working to get this resolved and the meeting was tomorrow; and Council Member Rodriguez stated that if this was not resolved maybe there was opportunity for a joint meeting of both their committees to help get it resolved; and Vice Mayor Pro Tem Lovell stated that something they may should put in place would be a procedure on how contracts were done with subs to make sure they received payment. Council Members Lawrence, Johnson, Khan, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Ashmore stated that he contracted with Air Ware, but some of the transparency between them and himself had been put to the side and he talked with DRC and CAHABA for six to seven months with reconciliations and reconciliations, etc., and you would always come up with the same dollar amount; that they were owed around \$150,000.00, but again it was not his money, most were strangers to him prior to Ike, but controlling members of DRC and CAHABA were aware of the fact they were owed the dollar amount; and Vice Mayor Pro Tem Lovell stated that they paid DRC and they were doing the correct thing, they understood there were problems with subs to Air Ware and held back payments so they could deal personally and make sure they were paid, so they did do their work and were doing the right thing, it was a matter of figuring and she understood their meeting was tomorrow and hoped for a resolution. Council Members Lawrence, Johnson, Khan, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Craig Fultysek, 1919 Rodeo Drive, E. Bernard, Texas 77435 (832-282-7650) appeared and stated that he would reiterate he was present with Mr. Ashmore and ran CNM Construction, they ran approximately \$250,000 in debris post Ike and to date were paid around \$185,000, he was personally owned \$60,000 to \$65,000 and they kept getting the run around of postponed meetings, etc., and that was why they came today. Council Members Lawrence, Johnson, Khan, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that it was them who got this city cleaned up and she thanked them and she was sorry it took so long to be paid; that hopefully all would be resolved tomorrow and if not they should come back and let Council know. Council Members Lawrence, Johnson, Khan, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Vice Mayor Pro Tem Lovell stated that it was her understanding the meeting would be tomorrow and would be resolved per Director Hayes. Council Members Lawrence, Johnson, Khan, Brown and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to reiterate with tomorrow's meeting she wanted to be kept informed, but they did have full confidence with Director Hayes to make sure

it took place and was resolved. Council Members Lawrence, Johnson, Khan, Brown and Noriega absent. (NO QUORUM PRESENT)

Mr. Tony Maranda, 1525 Warwick Road, Houston, Texas 77093 (281-914-5167) appeared and stated that he was present concerning the same issue; that he did work for Transtech and they still were not paid; that he did about \$165,000 of hauling and was still owed \$70,000; that they worked from dusk until dawn and were waiting on payment and kept hearing next week and now it was over a year and this was a big concern. Council Members Lawrence, Johnson, Khan, Gonzalez, Brown and Noriega absent. (NO QUORUM PRESENT)

Council Member Rodriguez thanked Mr. Maranda for coming; and upon questions, Mr. Maranda stated that this was a big impact to his company, they spent much to clean up the city, he paid out a lot and still had not received payment; that he would be attending the meeting tomorrow. Council Members Lawrence, Johnson, Khan, Gonzalez, Brown and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Council Member Adams stated that regarding information on the meeting and who would be present someone would get with her after the meeting and advise her. Council Members Lawrence, Johnson, Khan, Gonzalez, Brown and Noriega absent. (NO QUORUM PRESENT)

Ms. Kathleen Duncan, 10010 Dover Hill Road, LaPorte, Texas 77571 (832-971-7553) appeared, presented information and stated that she was a volunteer with Healthcare for All Texas and a lobbying group creating the power to end hunger and present as she believed in the quality of life for all Houstonians which included quality, affordable healthcare; that since 2005 healthcare cost for city employees had grown by nearly 38% and increasing healthcare costs equaled decreasing city services; that the one solution which would reduce the budget and free up funds was HR 676 the United States National Health Care Act, expanding Medicare for all; that the premiums, etc. for employees would go down and the City of Houston would save millions; that HR 676 was a win/win for the City of Houston and Houstonians; and urged they get all to contact their representatives in support of HR 676, expanded and improved Medicare for all. Council Members Lawrence, Johnson, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Jones absent. (NO QUORUM PRESENT)

Ms. Cathy Courtney, 1112 E. 71/2 Street, Houston, Texas 77009 (713-864-6724) appeared and stated that she was a health professional with over 30 years in healthcare and as a representative for Healthcare for All Texas she was asking Council to endorse HR 676 the U. S. National Healthcare Act for improved and expanded Medicare for all which would save local jurisdictions money and eliminate bureaucracy and guarantee quality healthcare; that since June 16th when they first appeared before Council they met with representatives of the Mayor's Office, Human Resources and Council Members and employees, reviewed the budget, tallied expenditures and were grateful for meetings and data; and under HR 676 the City of Houston would not be responsible for city employee health benefits and could save \$163. million this year alone; and urged they contact colleagues in other cities to see how they passed their resolutions and asked they refer to the draft resolution for their consideration. Council Members Lawrence, Johnson, Sullivan, Khan, Gonzalez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones thanked Ms. Courtney for bringing the information and stated that Council budgets were cut and she would read and review the information and probably get back with them. Council Members Lawrence, Johnson, Sullivan, Khan, Gonzalez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Khan, Gonzalez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Barry Rosette, 5015 Fannin, Houston, Texas 77004 (832-483-3231) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Sullivan, Khan, Gonzalez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Marvin Blum, 11730 S. Sam Houston Parkway West, Houston, Texas 77031 (713-721-0555) appeared, presented information and stated that he owned Lee Blum Furniture and was present regarding an excessive water bill; that they built the store in 2003 and had normal water bills, around 2005 they noticed they went up excessively up until 2009 with their consumption being about 8,000 gallons monthly going up to about 60,000 gallons monthly; that in June 2009 after noticing how big the bill was they had a company hired who detected a leak which was on their side; that he did a leak adjustment form and a lady, who was very nice, told him the ordinance only allowed for a three month refund, but they had the leak four years and this was water they did not use; that he was asking for assistance on a \$4,000 water bill. Council Members Lawrence, Johnson, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell thanked Mr. Blum for coming and stated that reading through this she saw he returned the leak adjustment on October 1st, but an outstanding balance was still due on his account; that the leak adjustment could not be applied until payment was made, but Mr. Gary Drabek was present and could speak with him at this time. Council Members Lawrence, Johnson, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

The City Secretary stated that Ms. Sheree Mayes was called earlier and not present, she was present at this time and with no objections would be called on after Mr. Ary. Council Members Lawrence, Johnson, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Conrad Ary, 10215 Beechnut #501, Houston, Texas 77072 (713-828-1447) appeared and stated that he was present to ask the Mayor to direct the Chief of Police to direct his staff and change the policy on how citizens were treated when detained by an officer; that he was stopped Monday morning, he was not told why he was stopped and he was issued no citation, but he was asked for his identification and insurance and after returning from his car he ordered him out of the vehicle and started handcuffing him; that he knew he had nothing on him and asked why was he being arrested and the officer said he was not under arrest, but he was being detained pending investigation; that after being handcuffed he was ordered into the back of the car and he asked if he could just stand as there was not much space in the back of the car, but he was insensitive and said no and ordered him into the back; that he laid on his stomach with his face down for about ten minutes in excruciating pain while he conducted his investigation and eventually he was let out of the car un-cuffed and released and he was told that he was detained because after running his license plate his car came back as being involved in a drive-by shooting; that he was a teacher with two masters degrees and always tried to do the right thing so he went to the South Central Command Center to see what he was talking about so the officer ran his plate and said the car did not come back as being involved in a drive-by shooting, but came back showing he was a complainant in a robbery in April which he was, he was robbed at gunpoint and almost died fighting for his life. Council Members Lawrence, Johnson, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that he had filed a complaint with HPD and there was an Internal Affairs investigation ongoing and because of that she would have no comment until the investigation was completed. Council Members Lawrence, Johnson, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Vice Mayor Pro Tem Lovell stated that Lieutenant Gallier was present and could answer for her; and Council Member Jones stated that she wanted the constituents to know what the policy was and would like him to answer now; and Mr. Ary stated that he was told by several that when being detained the officer could handcuff you and place you in the back of the vehicle, what he was concerned with was there was no sensitivity and he had done nothing, it was his mistake and he was asking this policy be revisited; that his car was not searched, no citation was issued and he was not told why he was stopped. Council Members Lawrence, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he would like to know the findings of the investigation, there had been a number of complaints by citizens feeling they were harassed and Internal Affairs had done its due diligence only to come back as no billed and the officer was simply doing his job; that it was important officers use good judgment; and upon questions, Mr. Ary stated that he did not know why the officer ran his plate; that anytime he was previously stopped by an officer the officer told him why he was stopped, but this officer did not; that he would like the policy changed as he thought there should be a difference in the treatment between being detained and being arrested. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that this city could only be safe if police and citizens worked together and they needed to take a hard look at this, if a representative of law enforcement treated citizens like this distrust came about and it did not work well, they all needed each other. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Sheree Mayes, 1021 Dolly Wright, Houston, Texas 77088 (832-389-4664) appeared and stated that on May 27th HPD officers came to her house and beat on her door like they were about to break it down saying open the you know what door so she put on some clothes and opened the door and they asked if she had two sons and she said one daughter and one son; that he said someone called about a firearm being discharged and she said her son was in bed, but she went and got him up at 3:00 a.m. with just his boxers on and the officer took him to the car while the other officer said her son was going to jail because of an eyewitness and she needed to get his clothes; that she said yes, he could search her apartment and she signed the consent form, but she did not know they would come in and verbally abuse her and assault her; that they found no weapon but said he was going on probable cause because of the eyewitness and she said her son was in the house, but did not argue and gave him what he needed; that the officer began calling her names, cussing her, etc. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Ms. Mayes stated that her son was arrested and charged with discharging a firearm, but they found no gun or shells; that she called the station and asked to speak to a sergeant and she told him what was going on; that there were a bunch of cops and no weapon was found and he said she had no right to be there with her child, but he was only 14 years old and the sergeant just asked what she wanted him to do he was not there; that she was not a racist but all the officers were White and they were doing all their work over cell phones; and Council Member Johnson stated that he could not apologize for them, but she did need to...; and Vice Mayor Pro Tem Lovell stated that Ms. Mayes had filed with Internal Affairs regarding use of force and conduct behavior and it was currently in the

disciplinary action unit awaiting a disposition letter and the DA unit was one of the final steps within the Internal Affairs Division process; and upon further questions by Council Member Johnson, Ms. Mayes stated that the case just got dismissed on the first because the female who was supposed to have called the officers did not show up, but she felt he should have never been arrested; that this happened May 27, 2008, and she was still going to court; and after all they did to her they put an assault charge on her and she went to jail too and in Internal Affairs she was told his job was to protect his officers and she told him what about everyone else; and Council Member Johnson stated that he wanted to see the IA report on this and he thought Internal Affairs was there to make objective decisions, not to protect the officers. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she absolutely had a right to be with her son if he was a minor and if someone said something differently she could call a lawyer; that she was a criminal defense lawyer and if someone called in on her because they were mad at her and it met definition of a crime they could take her in and they would go to court on a swearing match, it happened all the time, but what concerned her was the disrespect; and upon questions, Ms. Mayes stated that she was to go to court on the 15th on this; and Council Member Jones stated that they were trying to make sure all were treated with decency and respect and police did not have a right to search her house, she had a right to say no unless they had a search warrant and if they had probable cause a judge would have given them a search warrant and she would respectfully submit to her to say no and that way they could not come in. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Marion Scott, 1600 Louisiana #603, Houston, Texas 77002 (281-736-2365) appeared and stated that this was his continuance of last week on the sewer system and debris causing flooding; that he noticed flooding on the feeder last week and if they would just check all sewer systems at a particular time every year it would prevent flooding and avoid cars being submerged. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

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

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (no phone number given) appeared and stated that he was the U. S. President and national crime victim; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Souhail Adam, 10400 Southwest Plaza Drive, Houston, Texas 77074 (713-545-2744) appeared and stated that he was present to ask the City to not pass the SafeClear contract in its present form, it was a good program, but had issues needing to be addressed and he was not a contractor or contract holder. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he heard his concern; and upon questions, Mr. Adam stated that the bid should be opened to have qualified companies try to participate; that he proposed last time he could do the tows for less and he was a larger company and could service several segments at a discounted rate and he had a proposal he could pass out doing

tows at \$25.00. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Vice Mayor Pro Tem Lovell stated that the contract was due to expire in 2010, but they would start bidding in January or February and for continuity's sake in such a lifesaving program the reason to extend now was because it was successful and to bid in January may interrupt the service; and Council Member Jones stated that she understood Rice said the program was successful; and Vice Mayor Pro Tem Lovell stated that because it was successful the Administration decided they would like to have continuity of the program and ensure it went on for a while; that with a new Administration and Council they did not want to endanger the program so it was an extension and then later the new Council could look at it and rebid; and she could speak with the Mayor as it was his decision. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Suzanne Poole, P. O. Box 1035, Missouri City, Texas 77459 (281-438-5427) appeared and stated that she was present on behalf of the towers of Houston and one thing they wanted to clarify was the issue that the industry had participated in new state training and safety requirements and figures she read off on licensing and certification for drivers were provided by the Texas Department of Licensing. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Jeanette Rash, 2104 Lyons, Houston, Texas 77021 (713-228-8872) appeared, presented information and stated that today she wanted to say it seemed they were focusing on accidents and this program lived or died on the free tows, a company could not focus on accidents, it blew the whole process; that you had to go out and get tows to make this work and have the impact shown in the report; that part of the reason what was before them tomorrow was to have more teeth in the contract, to deal with those who were not doing what they should, including the body shop issue, no soliciting, that what she presented was cards, surveys, on free tows. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Rash for coming; and upon questions, Ms. Rash stated that you were going to have to look at contractors and those on the bottom 10% or so who were not performing to the correct level should be the contracts sent back out for more participation and they did the surveys to look at the contractors; and Council Member Adams stated that good questions were brought today and she would not be supporting the item Wednesday until they heard from other companies, the wrecker driver community. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that this did go through the TIA Committee and there was opportunity for such issues to be raised and why they were coming now she did not know. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he requested a copy of the contract to take a look at it; that Mr. Palmer stated he wanted to keep the contract but have ways to protect themselves; that all who received a segment received it on what they said they could do, but the question was what was the enforcement to ensure they were doing what they were supposed to do; and Ms. Rash stated that she and Mr. Palmer had an agreement if one of their operators towed a vehicle on the others segment then he would not be paid for the tow. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Rash stated that there were 41,000 free tows plus in a year and only 5,700 wrecks or accidents and you received \$143.50 for accident and \$50.00 for a free tow; and Council Member Jones stated that her office was called about their cars being held, etc., and she wanted to know a dollar amount; and upon further questions, Ms. Rash stated that Lieutenant Wendy Bainbridge in Auto Dealers Detail wanted to do a flipping where a non-consent regulated tow became a unregulated tow and additional charges were added, so she had that new language in the contract and Council would be adopting a new ordinance for all over the city within a couple of weeks and it would take a Chapter 8 change; that Auto Dealers Detail received numerous complaints about charges placed on them on a daily basis and that was why the lieutenant was determined to fix it; that officers at Transtar authorized every tow off the freeway and she could get numbers from them. Council Members Lawrence, Johnson, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to be clear, someone had already sat with Mr. Palmer previously on the problems he was having and part of the new contract would have new regulations to strengthen protection of citizens and people accessing the program and protect them from being ripped off; and upon questions, Ms. Rash stated that the goal was if someone was not participating correctly they could be let out of the program; and that she agreed with Vice Mayor Pro Tem Lovell that the SafeClear program was about the 41,000 tows, when they cruised to see if someone was broke down, etc., and moved them off; that an accident was dispatched by HPD; and drivers who took cars to a designated body shop and deposited the car without the owner authorizing it and the body shop did an estimate and then they rolled in the price of the estimate for you to get your car and that was not a part of the SafeClear Program and they put procedures into the program so it would not happen. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Rash stated that it was a huge problem in the insurance industry when cars were taken to body shops and unknown to the customer their vehicle was torn down and a \$1,000 added without them knowing and then they had to pay; that if a vehicle was taken to a body shop after this passed the following day they would have to send a written report to Auto Dealers Detail with the name and phone number of the person authorizing the vehicle to be there. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Sammie Jones, 3325 airport Boulevard, Houston, Texas 77051 (713-733-9820) appeared and stated that he wanted to ask a question, was this America; that he called police and was placed and left on hold; told later they would send an officer and then told one would not be sent; and after calling 311 to complain and a sergeant mentioned the number of times they were called from the phone you called from something needed to be done. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

At 4:43 p.m. City Council recessed until 9:00 a.m., Wednesday, October 7, 2009. Mayor White absent on city business. Council Member Clutterbuck out of the city on city business. Council Member Holm absent on personal business. Council Members Lawrence, Sullivan, Khan, Gonzalez, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, October 7, 2009, with Vice Mayor Pro Tem Sue Lovell presiding and with Council Members Toni Lawrence, Jarvis Johnson, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Edward Gonzalez, James G. Rodriguez, Peter Brown, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones;

Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Stella Ortega, Agenda Office, present. Mayor Bill White absent on personal business. Council Member Anne Clutterbuck out of the city on city business.

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

At 9: Vice Mayor Pro Tem Lovell called the meeting to order. Council Members Johnson, Adams, Sullivan and Jones absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 43**

#### **MISCELLANEOUS** - NUMBER 3

3. RECOMMENDATION from Acting Director of Human Resources Department for approval of the Holiday Schedule for Calendar Year 2010 – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Members Sullivan and Jones absent. MOTION 2009-0716 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 4 and 5

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,958,645.11 and acceptance of work on contract with **C. E. BARKER, LTD.**, for Water Line Replacement in the Mary Bates South & Maplewood Area - 7.79% under the original contract amount - **DISTRICT F - KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. MOTION 2009-0717 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,052,080.55 and acceptance of work on contract with **BRH-GARVER CONSTRUCTION, LP.**, for 36-Inch Water Line along Eldridge Parkway from Sandbridge to Westheimer - 3.44% under the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. MOTION 2009-0718 ADOPTED.

#### **PROPERTY** - NUMBER 6

6. RECOMMENDATION from Director General Services Department to authorize the sealed bid sale of Parcel SY9-080, known as the Heights Recycling Center, located at 3602 Center Street and to appoint Michael Welch and Bill Jackson independent appraisers and Samuel Jarrett alternate appraiser to determine the fair market value - **DISTRICT H – GONZALEZ** - had been pulled from the Agenda by the Administration, and was not considered. Council Member Sullivan absent.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 11

7. ORDINANCE appropriating \$196,619.00 out of Equipment Acquisition Consolidated Fund for Purchase of Full Size Sedans with Police Package for Houston Fire Department – was

presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0928 ADOPTED.

- 7a. **PHILPOTT MOTORS, LTD. d/b/a PHILPOTT FORD** for Full Size Sedans with Police Package for Houston Fire Department – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. MOTION 2009-0719 ADOPTED.
8. ORDINANCE appropriating \$76,875.00 out of Equipment Acquisition Consolidated Fund for Purchase of Diesel Pile Hammer for Public Works & Engineering Department – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0929 ADOPTED.
- 8a. **HAMMER & STEEL, INC** for Pile Hammer for Department of Public Works & Engineering – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. MOTION 2009-0720 ADOPTED.
10. **CUMMINS SOUTHERN PLAINS, LLC** for Automotive, Cummins Repair Parts and Services for Various Departments - \$600,750.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. MOTION 2009-0721 ADOPTED.
11. **AMEND MOTION #2006-156, 2/22/06, TO INCREASE** spending authority from \$2,071,411.10 to \$2,391,983.11, for Automotive Lubricants for Various Departments, awarded to **ADA RESOURCES, INC** - \$320,572.00 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. MOTION 2009-0722 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 12 through 43

12. RESOLUTION approving an application requesting financial assistance from the **TEXAS WATER DEVELOPMENT BOARD** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. RESOLUTION 2009-0024 ADOPTED.
13. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, BY AMENDING CHAPTER 14**, relating to the payment of holiday compensation to eligible employees; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0930 ADOPTED.
14. ORDINANCE **AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Antique Dealers, Common Markets, Scrap Metal Dealers, Secondhand Resellers and related businesses; containing findings and other provisions relating to the foregoing subject; providing for severability; declaring certain conduct to be unlawful and

providing penalties therefor – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0931 ADOPTED.

16. ORDINANCE establishing City of Houston Election Precincts and designating polling places for the City of Houston General Election to be held November 3, 2009, containing findings and other provisions related to the subject, providing for severability – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0932 ADOPTED.
17. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of 0.3815 acre (±16,618 square feet) of excess, fee-owned Blalock Drive right-of-way, within Lot 56, Block 59 of the Neuen Manor Addition, out of the Michael Cronican Survey, A-219, Houston, Harris County, Texas (Parcel SY9-033), vacating and abandoning said parcel to Nelson R. Wiggins (a.k.a. Nelson Roderick Wiggins and Rod Wiggins), the abutting owner, in consideration of his payment of \$85,000.00, and other consideration to the City - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0933 ADOPTED.
19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a 10-foot-wide utility easement (Parcel SY9-013); vacating and abandoning said easement to Ali Reza Rastegar, the abutting owner, in consideration of his conveyance to the City of a 20-foot-wide storm sewer easement (Parcel LY9-025); both easements being out of Lots 13 and 14, Block 53, located in the River Oaks Addition, Section 3, out of the J. Austin Survey, A-1, Houston, Harris County, Texas; and his payment of \$2,100.00 and other consideration to the City - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0934 ADOPTED.
20. ORDINANCE approving a Drought Contingency Plan, an Agricultural Use Water Conservation Plan, and a Water Conservation Plan for Municipal uses – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0935 ADOPTED.
21. ORDINANCE relating to the fiscal affairs of Tax Increment Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone); amending Ordinance No. 2009-613 to amend the Fiscal Year 2010 Operating Budget for the Hardy/Near Northside Zone; appropriating \$40,000.00 from the Tax Increment Reinvestment Zone Number Twenty-One Hardy/Near Northside Fund for payment of project costs - had been pulled from the Agenda by the Administration, and was not considered. Council Member Sullivan absent.
23. ORDINANCE approving and authorizing agreement between the City of Houston and **HARRIS COUNTY HEALTHCARE ALLIANCE, A Texas Non-Profit Corporation**, for the provision of TeleHealth Nurse and related services for the Houston Fire Department; providing a maximum contract amount - 4 Years - \$4,705,891.39 - General and Contractor Responsibility Funds – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0936 ADOPTED.

24. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** to provide up to \$800,000.00 in Community Development Block Grant (“CDBG”) Funds to assist in the Rehabilitation of a Harris County Cemetery for indigent individuals located at 5438 Oates Road, Houston, Texas - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0937 ADOPTED.
25. ORDINANCE approving and authorizing Interlocal Agreement for Aircraft Rescue and Fire Fighting Training Services between the City of Houston and **TEXAS ENGINEERING EXTENSION SERVICE**, a member of the Texas A&M System, for George Bush Intercontinental Airport/Houston and William P. Hobby Airport; providing a maximum contract amount - 5 Years \$1,000,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0938 ADOPTED.
26. ORDINANCE approving and authorizing Automated Teller Machine Concession Agreement between the City of Houston and **JPMORGAN CHASE BANK, N.A.** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - Revenue - **DISTRICTS B - JOHNSON and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0939 ADOPTED.
28. ORDINANCE amending Ordinance No. 2009-0460 (Passed on May 27, 2009) to increase the maximum contract amount for contract between the City of Houston and **GIBBS & BRUNS, LLP** for Legal Services relating to Cause No. 2008-68402, Southern Crushed Concrete v. City of Houston, in the 333rd Judicial District Court of Harris County, Texas - \$75,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0940 ADOPTED.
29. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on: proposed amendments to the strategic partnership agreements between the City of Houston and **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 4, CY CHAMP PUBLIC UTILITY DISTRICT, and HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 52** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris and Fort Bend Counties; Proposed Strategic Partnership Agreements between the City of Houston and **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 3 and TATTOR ROAD MUNICIPAL DISTRICT** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris and Fort Bend Counties; proposed amendments to the Strategic Partnership Agreements between the City of Houston and **BRIDGESTONE MUNICIPAL UTILITY DISTRICT, GREENS PARKWAY MUNICIPAL UTILITY DISTRICT, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191, MASON CREEK UTILITY DISTRICT, NORTH BELT UTILITY DISTRICT, NORTH FOREST MUNICIPAL UTILITY DISTRICT, TIMBER LANE UTILITY DISTRICT, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61, CIMARRON MUNICIPAL UTILITY DISTRICT, and FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50** and on proposals for the City of Houston to annex for limited purposes certain territory located within and in the vicinity of such districts in Harris and Fort Bend Counties; Proposed Strategic Partnership Agreements between the City of Houston and **CYPRESS**

**FOREST PUBLIC UTILITY DISTRICT, FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 118, FOREST HILLS MUNICIPAL UTILITY DISTRICT, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 105, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 149, HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 114, HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 5, NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 15, RICHEY ROAD MUNICIPAL UTILITY DISTRICT, and SPRING WEST MUNICIPAL UTILITY DISTRICT** and on proposals for the City of Houston to annex for limited purposes certain territory located within and in the vicinity of such districts in Harris and Fort Bend Counties; proposals for the City of Houston to impose the City of Houston's sales and use tax in such territory; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0941 ADOPTED.

31. ORDINANCE approving and authorizing Professional Services Contract between the City of Houston and **TRI-STEM. LTD.** for Utility Bill Auditing Services - Revenue – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0942 ADOPTED.
33. ORDINANCE appropriating \$325,000.00 out of Public Library Consolidated Construction Fund as an additional appropriation for Stella Link Library Parking Lot Expansion located at Former Fire Station 37 Site under an existing Construction Management At-Risk Contract with **GILBANE BUILDING COMPANY**; providing funding for additional Design services relating to construction of facilities financed by the Public Library Consolidated Construction Fund **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0943 ADOPTED.
34. ORDINANCE amending Ordinance No. 2005-0705 (Passed on June 8, 2005) to increase the maximum contract amount for contract between the City of Houston and **GENUINE PARTS COMPANY dba NAPA AUTO PARTS** for Automotive and Equipment Parts and Repair Services for the Public Works & Engineering Department - \$6,250,000.00 - Fleet Management Fund – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0944 ADOPTED.
35. ORDINANCE awarding contract to **HOUSTON INSTALLATION SERVICES, INC** for Furniture Relocation Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,234,139.13 - General and Enterprise Funds – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0945 ADOPTED.
36. ORDINANCE approving and authorizing Sanitary Sewer Service Agreement between the City of Houston and the **CY-CHAMP PUBLIC UTILITY DISTRICT** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0946 ADOPTED.
37. ORDINANCE appropriating \$419,272.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing contract between the City of Houston and

**KLOTZ ASSOCIATES, INC** for Preparation of a City Stormwater Planning and Implementation Tool – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0947 ADOPTED.

38. ORDINANCE appropriating \$50,435.00 out of Street & Bridge Consolidated Construction Fund Number 4506 and approving and authorizing Pipeline Reimbursement Agreement between the City and **COPANO NGL SERVICES, L.P.** relating to the Construction of Kirby Drive from West Airport to Sims Bayou and Mowery Road from Edwina to future Kirby Drive - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0948 ADOPTED.
39. ORDINANCE appropriating \$82,500.00 out of Street & Bridge Consolidated Construction Fund Number 4506 and approving and authorizing Pipeline Reimbursement Agreement between the City and **TEPPCO CRUDE PIPELINE, LLC**, relating to the Construction of Kirby Drive from West Airport to Sims Bayou and Mowery Road from Edwina to future Kirby Drive - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0949 ADOPTED.
40. ORDINANCE appropriating \$1,804,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Services Contract between the City of Houston and **LJA ENGINEERING & SURVEYING, INC** for Engineering Services associated with the Design of Waterline Replacement in Kingspoint Area, Park Place Area and Polk Area; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - ADAMS; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0950 ADOPTED.
41. ORDINANCE approving first amendments to Disaster Debris Contract with **DRC EMERGENCY SERVICES, LLC** and with **OMNI PINNACLE LLC** for Disaster Debris Removal Services for Solid Waste Management Department – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0951 ADOPTED.
42. ORDINANCE granting authority to **CENTURYTEL FIBER COMPANY II, LLC, A LOUISIANA LIMITED LIABILITY COMPANY, dba LIGHTCORE, A CENTURYTEL COMPANY** the right, privilege and franchise to use the public way of the City of Houston, Texas, for the purpose of laying, constructing, leasing, maintaining, repairing, replacing, removing, using, and operating therein, network facilities for providing authorized services; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0952 PASSED FIRST READING IN FULL.
43. ORDINANCE No. 2009-898, passed second reading September 30, 2009  
ORDINANCE granting to **WASTE CONNECTIONS OF TEXAS, LLC, A Texas Limited Liability Company**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related

terms and conditions **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. ORDINANCE 2009-0898 ADOPTED THIRD AND FINAL READING IN FULL.

## **CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

### **MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF THE GREATER EAST END MANAGEMENT DISTRICT**, for a term to expire June 1, 2013:
  - Position One - **MS. MARY MARGARET HANSEN**, appointment
  - Position Two - **MR. REX MORAN**, reappointment
  - Position Three - **MS. SALLY LEHR**, appointment
  - Position Four - **MR. GREGORY D. COMPEAN**, reappointment
  - Position Five - **MS. IRMA GALVAN**, reappointment
  - Position Six - **MS. CATARINA GONZALES CRON**, appointment
  - Position Seven - **MR. ANDREW PEREZ**, reappointment

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. MOTION 2009-0723 ADOPTED.

Vice Mayor Pro Tem Lovell stated that they wanted to thank the new appointees to the Board of the Greater East End Management District for their service and time to help improve their City.

2. RECOMMENDATION from Acting Director of Human Resources Department to approve an additional 730 day period for military leave pay differential for employees called to active duty status during a time of war or state of emergency – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Sullivan absent. MOTION 2009-0724 ADOPTED.

### **PURCHASING AND TABULATION OF BIDS**

9. ORDINANCE appropriating \$174,875.00 out of Equipment Acquisition Consolidated Fund and \$206,574.00 out of Reimbursement of Equipment/Projects Fund for Purchase of Light-Duty Utility Vehicles for Various Departments – was presented, and tagged by Council Member Holm. Council Member Sullivan absent.
- 9a. **PLANET FORD 45** - \$495,063.00 and **PHILPOTT MOTORS, LTD.** - \$978,311.00 for Light-Duty Utility Vehicles for Various Departments - \$1,091,925.00 - Enterprise, Grant, Building Inspection and Special Waste Transportation & Inspection Fund – was presented, and tagged by Council Member Holm. Council Member Sullivan absent.

### **RESOLUTIONS AND ORDINANCES**

15. ORDINANCE **AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to street vendors; containing findings and other provisions relating to the foregoing subject; providing for severability; declaring certain conduct to be unlawful and providing penalties therefore – was presented. Council Member Sullivan absent.

Council Member Lawrence stated that yesterday they got some information, some things that they discussed in the committee about garage sales, they were delaying the amendments until next week, that they voted it out of committee unanimously, there was a fee that they were going to take out of the ordinance, also any law enforcement were the two big changes that needed to be made, so therefore it would basically follow State law, that the reason it was needed because what was happening in some neighborhoods were that people were going to a home that had been vacated a couple of years and set up their garage sale there, so now if they call 3-1-1 and say there was a garage sale at a home that nobody lived in then an inspector or store front officer could come out and have that garage sale removed, that by State law they could only have two, that there was a comptroller number they could call, if they had more than two garage sales they were supposed to be paying sales tax, that all of that was in effect, that a lot of people did not want to call the State to do something like that but they could call 3-1-1 to register the complaint about the garage sale, that it was a procedure to make it easier for those neighborhoods who had a habitual garage sale owner, if they had other suggestions to please get with their office next week and they would bring that forward. Council Member Sullivan absent.

Vice Mayor Pro Tem Lovell asked if this was just to register but there would be no fee attached to the registration, and Council Member Lawrence stated that was correct and they could register on-line.

After further discussion Vice Mayor Pro Tem Lovell stated that there would be a separate ordinance next week about the garage sales, that Item No. 15 was about the street vendors, and a vote was called on Item No. 15. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. ORDINANCE 2009-0953 ADOPTED.

18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Nance Street, from Cage Street to Bringham Street, located in the Cage Addition, in the D. Gregg Survey, A-283, Houston, Harris County, Texas (Parcel SY9-023); vacating and abandoning said street to Houston Independent School District, the abutting owner, in consideration of its payment of \$115,000.00, and other consideration to the City - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Johnson.

Council Member Johnson stated that in light of some of the discussion that had been going on with HISD and some of the communities, with eminent domain, he would like to get more information on how this particular street may impact any surrounding communities, that they had a number of discussions or lack thereof from HISD with what they were going to do at Dogan Elementary in enforcing eminent domain for those neighbors, that he wanted to make sure that the same was not happening in this particular instance as they were conveying the street to HISD.

Vice Mayor Pro Tem Lovell asked if Council Member Johnson would be initiating those discussions, and Council Member Johnson stated that he had already given HISD a call, and his office had tried to reach out to HISD to get more information and they had come up empty handed and hoped the administration could help, and Vice Mayor Pro Tem Lovell stated that the administration would do that.

22. ORDINANCE appropriating \$2,660,810.85 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone), Reinvestment Zone Number

Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas, (Memorial City Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone), Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone), and Reinvestment Zone Number Twenty-Two, City of Houston Texas (Leland Woods Zone) for administrative expenses, payment of project costs, payment to Houston Independent School District, payments to certain redevelopment authorities as provided herein – was presented, and tagged by Council Member Rodriguez.

27. ORDINANCE relating to Airport Hazard Area Regulations in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport and within the City of Houston; confirming the appointment of the Airport Commission for Airport Hazard Area Purposes; requesting the Airport Commission to do those things that are required by law to be done by it before the City Council may adopt Airport Hazard Area Regulations – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. ORDINANCE 2009-0954 ADOPTED.
  
30. ORDINANCE amending Ordinance 2005-0106, as amended, to increase the maximum contract amount and approving and authorizing the fourth amended and restated SafeClear Freeway Towing and Emergency Road Service Agreements between the City of Houston and **ALLIED COLLISION CENTER; CANNINO WEST, INC; CORPORATE AUTO SERVICE, INC; C-MAS, INC d/b/a FIESTA WRECKER SERVICE; KTL ENTERPRISES, INC; MILAM STREET AUTO STORAGE, INC; NATIONAL AUTO COLLISION, INC; NORTH HOUSTON MOTORS, INC; T & T MOTORS, INC d/b/a T & T MOTORS; UNIFIED AUTO WORKS PAINT & BODY, INC d/b/a UNIFIED AUTO WORKS AND WESTSIDE WRECKER SERVICE, INC** for the Houston Police Department; delegating to the Police Chief the authority to replace a terminated or suspended operator with another PATSA Holder for the term of the agreement; requiring operators to comply with State Law - \$2,799,839.00 - Police Special Service Fund (Metro) – was presented, and tagged by Council Member Johnson.

After discussion by Council Members, Council Member Johnson stated that he had asked to look at the contract to look at the new provisions that had been put in place; and Council Member Jones stated that she wanted to add her name to the tag, that she had submitted some questions to Ms. Rash and they were going to try to figure it out; and Council Member Adams stated that there would be a meeting next Tuesday, and were working out the logistics, to hear their concerns on why the contract should either be extended or not extended at all and to look at ways to certify the minority businesses; and Council Member Khan asked why were they extending it for three years plus a two year extension, that he would appreciate if the Mayor or someone from his office could visit with him to have this discussion, and Vice Mayor Pro Tem Lovell stated that the administration would respond to him; and Council Member Jones asked if

the meeting would be posted like they did other committee meetings, and Council Member Adams stated that it was for wrecker drivers and they would send an email to the wrecker drivers, that it was for wrecker drivers in the City who wanted to be a part of this contract; and Vice Mayor Pro Tem Lovell stated that it was her understanding that it was a certification workshop and Ms. Stein stated that if they would send the information to her she would e blast it to all Council Members. Council Member Holm absent.

Vice Mayor Pro Tem Lovell stated that Item No. 30 had been tagged. Council Member Holm absent.

32. ORDINANCE approving and authorizing Communication Equipment License from **AMEGY BANK NATIONAL ASSOCIATION**, Licensor, to the City of Houston, Texas, Licensee, for ten (10) years with two (2) renewals of five (5) years, for the Information Technology Department to install equipment at 1801 Main Street, Houston, Texas in connection with a new Public Safety Radio System - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. ORDINANCE 2009-0955 ADOPTED.

**NON CONSENT AGENDA** - NUMBERS 44 and 45

**MISCELLANEOUS**

44. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for D/J Venture for the site located at 3131 Argonne Street - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - KHAN; G - HOLM; H - GONZALEZ and I - RODRIGUEZ - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - DECEMBER 9, 2009** – was presented.

Council Member Lawrence moved to set a hearing on Municipal Setting Designation ordinance (MSD) for D/J Venture for the site located at 3131 Argonne Street for Wednesday, December 9, 2009 at 9:00 a.m., seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. MOTION 2009-0725 ADOPTED.

45. **MOTION TO SET A DATE** not less than seven (7) days from October 7, 2009 to receive nominations for appointments to Positions One through Four for the **ANIMAL ADVISORY COMMITTEE BOARD OF DIRECTORS** for the remainder of a two year term that will end December 31, 2009 - was presented.

Council Member Khan moved to set October 14, 2009 to receive nominations for appointments to Positions One through Four for the Animal Advisory Committee Board of Directors, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. MOTION 2009-0726 ADOPTED.

**MATTERS HELD** - NUMBERS 46 through 50

46. RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval of supplemental budgets submitted by the Greater Houston Convention and Visitors Bureau - \$1,652,550.00 - Enterprise Fund – **(This was Item 3 on Agenda of September 30, 2009, TAGGED BY COUNCIL MEMBERS KHAN and GREEN)** – was presented, moved by Council Member Khan, seconded by Council Member Green.

Council Member Sullivan stated that he would be voting against the item because he

thought they needed to be saving the dollars, that in the backup, the way he read it, was that since there was extra money they were basically going to spend it and he would like to see this money set aside and used in the future knowing that they had a significant drop in the HOT taxes and revenues going forward.

Council Member Lawrence stated that they asked this question and would like to get it in writing, that going along with the conversation that her colleague had what she understood from different vendors was that the Visitors Bureau and Convention Bureau operated as two separate entities, even though they were both trying to get people here, that she hoped the director had the power, and she hoped it was true, to say they only needed to send two people to talk about the convention, that the convention was not sending people in the Visitors Bureau without any control of who was being sent and she would like to know that Director Ullrich had that power or not, that what she understood was that they had too many people because one did not know all the time what the other one was doing, to have that same control over hotel rooms, transportation, as far as business class or coach, those kind of things that were really thought about by one person and not two different people and two different entities, that she would like to have something in writing, and Vice Mayor Pro Tem Lovell stated that they would get that for her.

Council Member Adams stated that on Item No. 30 they did confirm the meeting, that it would be next Tuesday from 2:30 p.m. to 5:00 p.m. in the City Hall Annex.

A vote was called on Item No. 46. Council Member Sullivan voting no, balance voting aye. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. MOTION 2009-0727 ADOPTED.

47. RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval of supplemental budgets submitted by the Houston Arts Alliance - \$1,386,705.00 Enterprise Fund – **(This was Item 4 on Agenda of September 30, 2009, TAGGED BY COUNCIL MEMBER KHAN)** – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Member Sullivan voting no, balance voting aye. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. MOTION 2009-0728 ADOPTED.
48. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Director Department of Public Works & Engineering on award to **MCKINSEY & COMPANY, INC** for Consulting Services for Evaluation of Process Improvement, Implementing Process Improvements and Developing Best Practices for Various Processes for the Combined Utility System - \$1,084,000.00 - Enterprise Fund – **(This was Item 13 on Agenda of September 30, 2009, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented.

After discussion Council Member Brown stated that there needed to be clear recommendations for improvements, they needed to make sure the department acted on those recommendations and they needed to measure the progress that occurred because he could tell them, based on limited knowledge that he had, there was a lot of room for cost savings, particularly in the maintenance and operations of their treatment facilities, so they should keep on eye on this and make sure that it saved the taxpayers money.

Vice Mayor Pro Tem Lovell stated that they promised not to let it drift and actually the Mayor had instructed them that they were to give reports to the Water Committee chaired by Council Member Sullivan and the TIA Committee that she chaired, so they would be getting reports along the way.

Council Member Khan stated that process reengineering worked and had been working in the private sector, that a lot of corporate America had brought efficiencies and saved lots of money going through process reengineering, that he had put through a budget amendment this year which was approved to have departments go through process reengineering, that they had already seen good results of that initiative, that just this week the administration reported that they save about \$10.3 million going through process reengineering, that the Combined Utility System had challenges and they needed to face those challenges and this was a good point to start, that he would request that everybody support the item, that it worked and he had seen it work, that was why he was so appreciative of Mayor White to bring this item when they were facing some tough challenges in the Combined Utility System. Council Member Rodriguez absent.

A vote was called on Item No. 48. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Member Rodriguez absent. MOTION 2009-0729 ADOPTED.

49. ORDINANCE approving and authorizing first amendment to Loan Agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** to extend the project completion date of a single room occupancy housing facility located at 6311 Gulf Freeway, Houston, Texas - **DISTRICT I - RODRIGUEZ – (This was Item 20 on Agenda of September 30, 2009, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. ORDINANCE 2009-0956 ADOPTED.
50. ORDINANCE appropriating \$4,070,000.00 out of Airports Improvement Fund and approving and authorizing agreement between the City of Houston and **KELLOGG, BROWN & ROOT SERVICES, INC** for Job Order Contracting Services for Houston Airport System (Project No. 516D); providing funding for the Civic Art Program - \$5,000,000.00 - Enterprise Fund **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ – (This was Item 32 on Agenda of September 30, 2009, TAGGED BY COUNCIL MEMBERS GREEN, JOHNSON, NORIEGA and JONES)** – was presented.

Council Member Johnson moved to refer Item No. 50 back to the administration, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. MOTION 2009-0730 ADOPTED.

### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Sullivan stated that the District E office was going to host a townhall meeting at Creekwood Middle School on October 13, 2009, Tuesday, from 6:30 p.m. to 8:00 p.m., that he wanted to thank Humble ISD for allowing them to use their facility; that he wanted to thank the Kingwood Super Neighborhood Council, Lone Star College Kingwood and the Tribune Newspaper, owner, Cynthia Calvert for hosting a candidates forum last night in Kingwood; that on Saturday they had a deployment ceremony at Ellington Airport where they sent off a number of men and women soldiers who were serving their community, that he represented the City in presenting a proclamation to the battalion commander, that on Sunday they had a very large military send off and deployment ceremony at Minute Maid Park, that he wanted to thank Drayton McClane and Aramark for hosting and providing the facilities and beverages and refreshments for everyone involved, that he wanted to thank Frank Michell and the communications team and Debra Veal for their assistance in producing proclamations and certificates to be presented at the ceremonies, that Mayor White was at the Minute Maid ceremony. Council Members Holm, Brown and Jones absent.

Council Member Lawrence stated that she wanted to say thank you to all of the 27 neighborhoods who hosted her and her staff last night, that they appreciated that and hoped that they made it to all of the neighborhoods who asked them to come by; that for the Council Members who did not like to play if they would like to come out to a dinner and auction please contact her, that on Tuesday there was a HERO Golf Tournament which was a savings account for employees who were killed in the line of duty and it would be at Memorial Park, to please consider that as they go about the CMC Program, that it was Tuesday and dinner was around 5:00 p.m. Council Members Adams, Sullivan, Gonzalez, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to wish his wife a very Happy Birthday today; that he wanted to thank everybody for last night, that it was a great National Night Out, that the whole idea was to get neighbors out to mingle amongst themselves and get to know one another so that they could reduce crime in their neighborhoods, that they should continue to do this on a weekly or monthly basis, that he wanted to congratulate all of the neighborhoods in District B, that it was a great turnout; that this would be the Wheatley and Kashmere High School Homecomings and hoped that people would come out and support the great rivalry. Council Members Adams, Sullivan, Gonzalez, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Holm stated that Neighborhood Night Out was a great opportunity for neighborhoods to get together and share with one another, that while it was not to take the place of public safety it was certainly for all of them to join in together to know each other and to be able to look out a little bit for each other and to enjoy each other; that she wanted to wish Sally Alcorn and Charlene in her office and her husband, Chuck Holm a Happy Birthday. Council Members Adams, Sullivan, Gonzalez, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to wish a Happy Birthday to Mrs. Johnson and Mr. Holm; that the Lord Mayor Lisa Scaffidi of Perth, Australia would be in Houston on Tuesday, October 13, 2009 and they were holding a luncheon and would request the Council Members if they could join them for lunch, that she was visiting for the celebration of the 25th Anniversary of Houston/Perth Sister City relationship; that the former President of Pakistan was visiting Houston and was invited by the World Affair Council, that Charles Foster was holding a luncheon in his honor on Saturday, October 10, 2009 at the Omni Hotel; that he wanted to thank the Harris County Hospital District, that there was a new El Franco Lee Medical Clinic in District F at the former Metro Park and Ride location on Boone Road, that it was a great collaboration between the City of Houston, Harris County and the Harris County Hospital District, that he appreciated the leadership of Commissioner Steve Raddick, who made it happen. Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Gonzalez, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Green stated that last year they started the annual Sleep Out in Houston, that this year it would be on November 14, 2009 at Sesquicentennial Park, that they had a great time and raised money to bring awareness to the homeless plight in the City of Houston, that this year Clyde Drexler would be the official spokesperson and had agreed to sleep outside with them this year, that for more information they could go to [sleepout.org](http://sleepout.org), that it was a great experience; that Children At Risk was celebrating 20 years and for all who had worked with Children At Risk they would have a luncheon on October 20, 2009 at the Intercontinental Hotel, 2222 West Loop South from 11:30 p.m. to 1:00 p.m., for any information they could contact their office at 832-393-3012 or Children At Risk directly. Council Members Lawrence, Johnson, Adams, Sullivan, Holm, Gonzalez, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that they would like to thank HFD Station 16, B shift, Michael Webber and Patrick Orlaska, that the mother of her Chief of Staff fell and hurt herself and these guys came and took care of her and handled it beautifully and they were so grateful and proud; that Fire Fest 2009 was Saturday, October 10, 2009, from 10:00 a.m. to 5:00 p.m. at the Val Jahnke Training Facility, south of Hobby Airport; that she wanted to mark the passing of someone she really admired, Dr. June Holly, who passed away on Monday, that she lived part of the time in Houston and part of the time in San Miguel de Allende with her husband, Dr. William Harrison, that she had four children, Melissa, Douglas, James and Brian, who she lost as a toddler, that she had grandchildren and great grandchildren, that she was a professor at the University of Houston, that she was one of the most alive people that she had ever met, that she cared deeply and did things to try to make the world better, that their hearts went out to all of her family and knew they were going to miss her. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that at 2:00 p.m. she would be at the Menil Museum for the official announcement that Montrose had been picked one of the ten best communities of the United States of America to live in by the Urban Planning Association, that she wanted to say congratulations to the community of Montrose and all of the people who had made it such a fine neighborhood through all of the years and congratulations to Houston for having such a fine neighborhood such as Montrose. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 10:32 a.m. Mayor White absent on personal business. Council Member Clutterbuck out of the city on city business. Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary