

City Council Chamber, City Hall, Tuesday, December 20, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 20, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Ann Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Xavier Herrera, Citizens Assistance Office; and Ms. Marta Crinejo, Agenda Director, present. Council Member Jarvis Johnson absent on personal business.

At 1:46 p.m. Mayor Parker stated that presentations would begin with Council Member Jones. Council Member Jones invited Mr. Daniel Ortega and Mr. Francisco De La Cruz to the podium and stated that recently a school bus ran off the road and crashed and that day two heroes were made; that it was important to recognize leadership and heroism when exhibited and especially by young people; that each were eighth graders at KIPP Academy, they put aside their own fears and jumped into action calming and evacuating fellow students, including scared elementary students, they opened the door in the back of the bus, instructed each out and stayed with the unconscious driver until emergency responders arrived; and because of their actions many were grateful to them; and Mayor Parker presented each with a Proclamation proclaiming today as "Francisco De La Cruz and Daniel Ortega Day" in Houston, Texas. Council Members Clutterbuck, Adams, Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Francisco De La Cruz and Daniel Ortega thanked KIPP for showing them the values of leadership and responsibility; and thanked all for the recognition. Council Members Clutterbuck, Adams, Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Council Member Gonzalez thanked Council Member Jones for their recognition and stated that he was familiar with KIPP Academy; that they were on the right track and college bound; and thanked them for taking care of others before themselves. Council Members Clutterbuck, Adams, Sullivan, Pennington, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she was pleased to be able to do this presentation, Council Member Rodriguez was not present, and invited those present regarding the Julia Ideson Library to the podium; that people took the incredibly historic building and made it even more beautiful even adding a wing; that it was a jewel and the grounds were spectacular; read the list of Preservation Partners and thanked all for their efforts in restoring an incredible piece of history; and Mayor Parker thanked all additional donors not named as it was a tremendous fund raising feat in the middle of a recession; presented a Proclamation to the Julia Ideson Library Preservation Partners proclaiming today as "Julia Ideson Library Day" in Houston, Texas. Council Members Clutterbuck, Sullivan, Pennington, Rodriguez, Noriega and Bradford absent.

A Spokesperson for the group stated that all were honored to have the Julia Ideson Project recognized in this way; that it was a wonderful project and a joy for them all, they were proud of the results and hoped it was loved by the city; and thanked all for their support. Council Members Clutterbuck, Sullivan, Pennington, Rodriguez, Noriega and Bradford absent.

Council Members Stardig and Gonzales stated that they thanked all for their dedication; it was a showcase, a true jewel; and encouraged all to visit. Council Members Clutterbuck, Sullivan, Pennington, Rodriguez, Noriega and Bradford absent.

Mayor Parker invited representatives of CDM to the podium and stated that it was her honor to thank a great corporate citizen, one who decided to give back to the city during the holiday season. A Spokesperson for CDM stated that on behalf of the friends of CDM and community they lived in they were honored to support Houston Public Libraries with a donation from money raised throughout the year and presented a check in the amount of \$12,500.00. Mayor Parker stated that the check would go a long way in helping with programs provided outside the routine; and thanked CDM for their contribution. Council Members Clutterbuck, Sullivan and Rodriguez absent.

Council Member Gonzalez thanked CDM for all their contribution and thanked library members who were present for their assistance. Council Members Clutterbuck, Sullivan and Rodriguez absent.

At 2:06 p.m. Mayor Parker called on Council Member Stardig who invited Pastor Arthur Craig with Woodhaven Baptist church to lead all in the prayer and Council Member Stardig led all in the pledge. Council Members Clutterbuck, Sullivan and Rodriguez absent.

At 2:09 p.m. the City Secretary called the roll. Council Member Johnson absent on personal business. Council Members Clutterbuck and Rodriguez absent.

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

Council Member Gonzalez stated that on behalf of Council Member Clutterbuck he invited Austin Peters, a Boy Scout, to stand to be recognized. Council Members Stardig, Clutterbuck and Rodriguez absent.

Council Member Lovell stated that Council Member Clutterbuck was not present as her son was having wisdom teeth pulled, but would be present as soon as possible. Council Members Stardig, Clutterbuck and Rodriguez absent.

At 2:11 p.m. the City Secretary began to call the speakers. Council Members Stardig and Clutterbuck absent.

Mr. Chuck Stansny, 1377 South Loop West, Houston, Texas 77056 (713-790-0525) appeared and stated that he owned a shop and the large stack of complaints registered only had a handful of auto repair shops and those were people mostly in neighborhoods; that shade tree mechanics did not pay city fees and licensing and there was no recourse for customers and Section 8-22 should wisely address such mechanics, however, it was the only aspect of Section 8-22 necessary; that the BBB and AAA, etc. who already regulated the business should be left to do so and it would be cheaper for the city. Council Member Clutterbuck absent.

Council Member Lovell held up a stack of paper and stated that what she was holding was sheets from the Better Business Bureau and from January to November of this year there were 503 complaints against mechanics and 150 complaints for collision and body repair and 195 on transmission repair; that it may not be needed in his shop but there were plenty of reasons to do it and it should not be delayed; and Mayor Parker stated that they had been engaged with the industry for over a year and it had been at the Council Table six weeks now; and Council Member Lovell stated it had, and they compromised on issues and incorporated things they and Council Members wanted. Council Member Clutterbuck absent.

Council Member Jones stated that last night she attended a meeting and the vast majority

of people had not heard of this, the city did not send notices to all those with a license and it was wrong; that this was an overreach of government in her opinion and the complaints Council Member Lovell referred to in a city of over 2.1 million was not even a trickle in the bucket and those were the people they should be going after; that it was misleading to characterize this as consumer protection; and they would be putting small businesses out of business. Council Member Clutterbuck absent.

Mr. Erick Arzola, 11438 Sageglen, Houston, Texas 77098 (832-971-6181) appeared and stated that he just started a business this year; that the proposal had a few good points and valid ideas; that there was no doubt a few shops needed help conducting business, but they did not need to be put out of business; that they would need forms, data entry, mandatory insurance of \$300,000 and then fines and penalties for clerical errors; that those topics needed to be addressed now and not later. Council Member Clutterbuck absent.

Council Member Rodriguez stated that he made valid points last night; and upon questions, Mr. Arzola stated that the proposal was in the making two years and he would ask a handful of small business owners be picked to meet with city leaders to discuss. Council Member Clutterbuck absent.

Council Member Lovell stated that the Attorney General of the State of Texas said Texas had no comprehensive statutes specifically governing auto repairs so there was no way you could get relief; that what he described had been happening about 18 months and she was sorry his business was not included; that nothing in the ordinance would put small business out of business; that her focus was for the people being overcharged and not getting their cars back. Council Member Noriega absent.

Council Member Gonzalez stated that Mr. Arzola did a good job expressing his concerns; and upon questions, Mr. Arzola stated that he would be more comfortable if the effective date was six months later and if the insurance was reduced to \$100,000; and he would be more than happy to serve on advisory groups. Council Member Noriega absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Mr. Erick Arzola, seconded by Council Member Costello. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Noriega absent. MOTION 2011-0923 ADOPTED.

Council Member Gonzalez stated that regardless of what happened, Auto Dealers expressed an interest in working closer with the community and he and others had good input and thanked him for attending. Council Member Noriega absent.

Mayor Parker stated that she had already indicated her willingness, it was not her intention to enforce the ordinance for six months for a learning period, but she would not object to having it codified in the ordinance. Council Member Noriega absent.

Council Member Sullivan stated that Council Member Rodriguez held a townhall meeting last night in his district and because of the unusual amount of phone calls, etc., received in his office he attended also; that it had a lot of attention from the Administration and he would like to share his personal observation, in looking out over the ordinance he saw a group of hardworking blue-collar families, people trying to make ends meet; that he worked in the shipyards and that was a foundation for who he was and how he treated others, with respect; that anything burdening good families like that was counter productive; that they say they did not want people on welfare, not want illegal immigrants taking advantage of programs and no one in that audience was there to take advantage of anything, it looked like the government was trying to take advantage of them and he was offended by it; that his last comment was dealing

with Sergeant Provost from Auto Dealers, he was the lead presenter and he found him to be insensitive, condescending, authoritative and intimidating to the audience and if he was the city's face to this industry he thought they had a problem and he would bring it up with HPD later, it needed to be addressed; and he thought it fair not to push this through and get it right. Council Member Noriega absent.

Mayor Parker stated to the audience, who applauded, that the City had a long standing policy, a rule of council, there be no public displays or outbursts during the speakers presentation and if it persisted she would ask the Chamber be cleared. Council Member Noriega absent.

Council Member Jones stated that as Council Member Sullivan stated Sergeant Provost was...; that someone asked her to translate for them because Sergeant Provost confronted everyone, he did not listen to anyone, he was patronizing, condescending and it was like a woman in an abused relationship talking to her husband who abused her; that people were afraid and one was threatened with arrest; that she found it offensive he was talking to business people like children and she found it offensive. Council Member Noriega absent.

Council Member Sullivan moved the rules be suspended for the purpose of extending the time for questions of Mr. Erick Arzola, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Noriega absent. MOTION 2011-0924 ADOPTED.

Council Member Jones stated that people were trying to explain how it would increase their cost; that they would have to hire lawyers to figure out the ordinance, invest in cost of forms, etc., there was a four page letter ASA gave with recommendations, but when you made it to ASA you sort of had made it, not all could afford to join ASA; that SafeClear was told in five years they would have a chance to compete and when four years came it was given without competitive bidding and because they say they would go back and do something it did not mean they would and she feared small shops would be run out of business; and she did not see why they had to pass this now, they wanted to do it because a colleague was leaving and they wanted it under her watch, tell the truth and shame the devil, but this was going to put people out of business and have a trickle effect, no insurance, losing your home, getting a record, etc.. Council Members Clutterbuck, Adams, Lovell and Noriega absent.

Council Member Gonzalez stated that he was in attendance and he felt it was a good and productive meeting; that they allowed the community to voice concerns; and moved the rules be suspended for the purpose of extending the time for questions of Mr. Erick Arzola, seconded by Council Member Bradford . All voting aye. Nays none. Council Member Johnson absent on personal business. Council Members Clutterbuck, Adams and Lovell absent. MOTION 2011-0925 ADOPTED.

Council Member Gonzalez stated that Council Member Rodriguez did an excellent job hosting the meeting, Legal was not asked any questions and personally, under the circumstances thought Sergeant Provost did a good job trying to answer every question asked. Council Member Clutterbuck, absent.

Council Member Costello stated that he would echo the sentiments of Council Member Gonzalez; that he thought Sergeant Provost did an excellent job trying to dispel some misinformation about the ordinance; that there was confusion this was a new law when they were trying to just modify it and he disagreed that Sergeant Provost was rude, he was trying to stress points; that he understood about the six month period and insurance, but he thought the meeting went well. Council Members Stardig and Clutterbuck, absent.

Mayor Parker stated to Council Member Rodriguez that all who attended the meeting she spoke with thought it was an excellent idea and that he handled it well; and Council Member Rodriguez stated that this was a heated topic, talking about people's future and their livelihood and they had to get this right; and Mayor Parker stated that it was not unusual to pass an ordinance with a long implementation date when things like forms had to be changed. Council Members Stardig and Clutterbuck absent.

Council Member Gonzalez stated that Mr. Arzola could wrap up what he had to say; and Mr. Arzola stated that on the enforcement of the policy, he understood if it passed they had six months, but who would enforce it and would they be charged and could small business owners sit in on the trainings to know what they would be judged against; and Mayor Parker stated that it would be Auto Dealers and if he was willing to volunteer his time as an advisory group as they implemented the ordinance it would be great. Council Members Stardig, Clutterbuck, Noriega absent.

Mr. Jyoti Patel, 10708 W. Bellfort, Houston, Texas 77090 (281-575-6013) had reserved time to speak but was not present when his name was called. Council Members Stardig, Clutterbuck and Noriega absent.

Mr. John Ferrato, 3030 Ella Blvd., Houston, Texas 77019 (713-862-5544) appeared and stated that the bottom line with him was he made his living in this business and two children worked in the business; that he hoped they felt the gravity of what they were voting on, they needed to get out in the community, you could not regulate ethics and those messing it up now would still find a way to do so; that his point was they needed to be sure it was right the first time and that it did what it was intended to do; and the complaints from the BBB compared to cars repaired in Houston came to about three hundredths of a percent, were they really focusing on that. Council Members Stardig and Clutterbuck absent.

Upon questions by Council Member Lovell, Mr. Ferrato stated that he did not know the threshold, from a shop that did not do any unauthorized repair he did not know how to begin to answer, every car they had got an approval and they did what they said and could afford. Council Members Stardig and Clutterbuck absent.

Council Member Costello moved the rules be suspended for the purpose of extending the time for questions of Mr. John Ferrato, seconded by Council Member Lovell . All voting aye. Nays none. Council Member Johnson absent on personal business. Council Members Stardig, Clutterbuck and Rodriguez absent. MOTION 2011-0926 ADOPTED.

Council Member Lovell stated that his standards was what they wanted applied to other businesses and she commended him for what he did; and upon further questions, Mr. Ferrato stated that you get a surprise on your bill with plumbers, restaurants, etc., and Council Member Lovell stated that some had not been involved and a year from now you would hear some were not involved, stakeholders had done a good job and the compromise was good. Council Members Stardig, Clutterbuck and Rodriguez absent.

Council Member Pennington moved the rules be suspended for the purpose of extending the time for questions of Mr. John Ferrato, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Members Stardig, Clutterbuck, Costello and Noriega absent. MOTION 2011-0927 ADOPTED.

Council Member Pennington stated that Mr. Ferrato's testimony was similar to many other operators and he believed there were come complaints, but he made a motion not to delete the authorization to do work, but the formalities of increasing amount of work; that Council Member Lovell stated there was a large number of complaints and the industry stated it was very

expensive to do her record keeping; that they were changing assertions of underlying facts and he did not think they should move until facts were right and he thought a further examination of facts was warranted. Council Members Stardig, Clutterbuck and Rodriguez absent.

Upon questions by Council Member Jones, Mr. Ferrato stated that the bottom line was this was not refined enough to be implemented; that all scenarios were not thought through, originally there were provisions for fleet service work and it was removed and that was 25% of his business; that it needed to be refined and have much more regulation. Mayor Parker, Council Members Stardig, Clutterbuck and Rodriguez absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. John Miller, 13403 Murphy Road, Stafford, Texas 77477 (281-850-5254) appeared and stated that he was host of the Car Council Show on 950 KPRC for the past eight years and he talked with hundreds of vehicle owners and motorists and business owners monthly; that complaints brought up by Council Member Lovell were legitimate and consumers did get ripped off, but there was a venue to address it through the Better Business Bureau and they had a final resolution on almost everyone of them and if not they were listed as unresolved complaints and anyone could check and then not do business with them; that he was a proponent of shop licensing and technician certification and worked with the legislature to try and have the law which Council Member Lovell stated there was not, but they were not successful as yet; that no state law required a business to carry insurance, no garage liability insurance, and in Texas 40% of shops have none and it was needed in any bill passed; that the mistake was in trying to modify an existing ordinance, they needed to start all over with key players such as BBB and Triple A and address problems. Mayor Parker, Council Members Stardig, Clutterbuck, Costello and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Lovell stated that she was trying to do what he said, people in the industry did not do the right thing and protection was needed and the BBB had a five step process and many probably did not have time; that no one has convinced her how checking for someone to call you before work or not call you could drive you out of business; and upon questions, Mr. Miller stated that in this meeting now there was not one of those shops represented, not one fly by night, shade tree, shop which would come to city hall and address the issue; that people who cared and who were heavily invested in it were here and their feelings were this was a good idea, but not a good ordinance; that they had not eliminated roof contractors from ripping off clients or window installers from ripping off clients and regulating them would not eliminate that sector of the industry it would be there forever and it went back to the consumer protecting themselves; and if they would just hunt down shops with no license it would correct the problem. Mayor Parker and Council Member Clutterbuck absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Ed Jones, 7731 Hillmont, Houston, Texas 77040 (281-734-1206) appeared and stated that many heard what this proposal would do to the business, but what about the customer who needed their car back at noon or the end of the day; that all the approvals needed may slow it down with phone tags all day and then you still needed proof by fax or email; that the customer was going to be inconvenienced and instead of half a day it could take one to two days to fix; that he saw the BBB process work and it was normally handled over the phone or internet; that all customers should be considered and not just those having a problem. Council Members Clutterbuck and Gonzales absent.

Upon questions by Mayor Parker, Mr. Jones stated that he had not read the ordinance; and Mayor Parker stated that she wanted him to know basically they were asking for lines on the intake form which said only repair if you ask me or check box which said do whatever you need to do. Council Members Clutterbuck and Gonzales absent.

Council Member Jones stated that was a complaint she heard, you take your car in early and think you're getting maintenance work and you sign, but then they had to reach you and you were in a meeting and now it was not done and they were going to be mad at the shop there was a delay; and Mr. Jones stated that even if they did sign something in the morning and you started adding on expense you better have proof they said okay and that would be with a recording phone, email or fax or someone would take you to court because you would not start something on a car when expense went up or you would be in trouble. Council Members Clutterbuck, Adams, Sullivan and Noriega absent.

Council Member Lovell stated that there would be a box to sign and waive the right of notification and they could just finish the work and they would not need to call, but showing up and having a \$500.00 increase on your bill was hard and this box could allow them to go on with the work or let them know ahead. Council Members Clutterbuck, Adams, Sullivan and Noriega absent.

Council Member Lovell moved the rules be suspended for the purpose of extending the time for questions of Mr. Ed Jones, seconded by Council Member Costello. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Members Stardig, Clutterbuck, Costello and Noriega absent. MOTION 2011-0928 ADOPTED.

Upon questions by Council Member Lovell, Mr. Jones stated that she was talking about checking a box, but he was talking about someone saying they authorize \$200.00 and then they find out it would be more and over the phone they say go ahead, but they would need proof; and Council Member Lovell stated that there was a box you could check that says they can just okay over the phone. Council Members Stardig, Clutterbuck, Adams and Rodriguez absent.

Mayor Parker stated to Council Members that they had a dozen or more speakers on this issue plus speakers on other issues and respectfully suggested it would be nice to hear from the public. Council Members Stardig, Clutterbuck, Adams and Rodriguez absent.

Mr. Costa Kouzounis, 2438 Tangle, Houston, Texas 77055 (713-526-3781) appeared and stated that he appreciated all listening to his legitimate concerns; that the ordinance prejudices small businesses through land use requirements and restrictions; that small business was the driving force of cities and they were successful because they served the needs of the community; and they succeeded by maintaining high levels of trust and they kept cost low with quick vehicle turn around; that the proposal would make it difficult on the customer, increase cost and create a burden; that he did a questionnaire regarding fax machines, another vehicle for transportation, etc., and 24% did not have any of the above and on how important it was to have same day service with a company you trust and every customer said it was highly important and this proposal would cripple his and others businesses. Council Members Stardig, Clutterbuck, Adams and Rodriguez absent.

Council Member Pennington thanked Mr. Kouzounis for doing the survey and coming today; and upon questions, Mr. Kouzounis stated that currently they did not ask for written authorizations on any repair work besides the normal ticket written up when the vehicle was brought in and with the ordinance it was another step; that if the vehicle was towed how do they get the waiver when 24% of the customers did not have the means of authorization and the holding period for collision parts due to land use requirements would put a costly burden if they had to hold parts seven days. Council Members Stardig, Clutterbuck, Adams and Rodriguez absent.

Council Member Jones stated that she would like a copy of his statement. Council Members Stardig, Clutterbuck, Adams and Rodriguez absent.

Mr. Louis Campbell, 16419 Red Bed Berry Lane, Cypress, Texas 77433 (281-455-3460)

appeared and stated that he was with the National Insurance Crime Bureau representing over 1,100 companies throughout the U. S. and they supported the ordinance as written; that he too did believe in good government, but all should be held accountable; that it was a small percentage of business owners who would violate the ordinance, but accountability was important; and he did support the ordinance. Council Members Stardig, Clutterbuck, Adams and Rodriguez absent.

Upon questions by Council Member Pennington, Mr. Campbell stated that he represented a non profit association the National Insurance Crime Bureau, they investigated insurance fraud. Council Members Stardig, Clutterbuck, Adams, Hoang and Rodriguez absent.

Mr. Henry Holeman, 822 Hidden Valley, Houston, Texas 77088 (713-694-4647) appeared and stated that he was at the meeting last night with Sergeant Provost cramming things down peoples throat, strong-arming from the podium; that if Provost could not answer questions then he should go to another position and a calmness would be in this town; that the towing industry was a monopoly and this was fixing to be another one; that good people in Auto Dealers were deprogrammed, just like him, he had been in too long; that he had a problem with Service King, his daughter worked for Service King and now adjusters were being made out of policemen; and he was appalled last week and Roberts Rules of Order needed to be thrown in the trash. Council Members Stardig, Clutterbuck, Adams, Hoang and Rodriguez absent.

Upon questions by Council Member Jones, Mr. Holeman stated that in '09 they had 124 complaints and '10 had 83 and '11 had 23 and he wanted to know what was down the road here; that the proposal would affect business, it would put more out of business, cause taxes to go up and then they would have to subsidize something somewhere; that bad guys needed to go and there were some n Harris County, but he did not think they were going to get rid of them the way they were doing this. Council Members Clutterbuck, Adams and Hoang absent.

Mr. John Saxon, 1710 Red Bud, Kingwood, Texas 77339 (281-802-5584) appeared and stated that he read the proposed ordinance, different versions with the last being 11/29/11, his business did medium and heavy duty truck repair and ASA was an automotive thing and they were not tuned in; that they paid over \$500.00 a year on permits and you would think they would have been notified; that if this passed and applied to his business he would be out of business; that over 100 of his jobs a week were in the field with third party maintenance managing companies. Council Members Clutterbuck, Hoang and Costello absent.

Council Member Sullivan yielded time to Mr. Saxon; and Mr. Saxon stated that Auto Detail had come to his shop talking about licensing and what he was asking for he did not see in the ordinance, but was told that was the interpretation and he then sent the Mayor's Office and Police Chief emails asking for clarification and a month later Auto Detail came back saying he had been right and no further expenses were needed, but they could have pulled his license and put him out of business for their interpretation; and upon questions by Council Member Sullivan, Mr. Saxon stated that a broad blanket was thrown over the ordinance and his type of business fell through the cracks and was not even considered; that they got dispatches from other states, etc., and given a job and it was all verbal and there could be no written authorization, they were eighteen wheelers, etc., loaded down and needing to be fixed and on the road in two hours. Council Members Clutterbuck, Hoang, Pennington, Lovell and Noriega absent.

Ms. Cindy Moore, 1111 Wilcrest Green Drive, Houston, Texas 77042 (713-706-2152) appeared and stated that she worked for Geico Insurance and representing the company and customers; that she was involved in the process since the first stakeholder meeting over a year and a half and many compromises were made; and urged a yes vote on the ordinance tomorrow. Council Members Clutterbuck, Hoang, Lovell and Noriega absent.



Upon questions by Mayor Parker, Ms. Moore stated that she considered this consumer protection and so did Geico. Council Members Clutterbuck, Hoang, Lovell and Noriega absent.

Upon questions by Council Member Jones, Ms. Moore stated that she did represent the insurance industry, Geico Insurance. Council Members Clutterbuck, Hoang, Lovell and Noriega absent.

Upon questions by Council Member Stardig, Ms. Moore stated that customers were being shortchanged; that GEICO did get steering fee charges, \$300 to \$500, that the steering fees needed to be regulated. Council Members Clutterbuck, Hoang and Lovell absent.

Mr. Itzhak Karib, 6703 Bissonnet, Houston, Texas 77004 (713-777-2727) appeared and stated that he was offended that half the Council Members were not present as many present to speak today had left their business unsupervised which was adding to the problem Council was trying to solve; that Council Member Lovell studied answers all controversial to what was being said today and it appeared she was trying to push the bill and get it over with, but how would they feel if he worked on their vehicle and then just put a part whether they needed it or not, it was not good practice; that the bill was presented by an officer and they tried over a year to fix it, but it was not fixable and still had many flaws, what would it take to separate body and mechanic shops into two ordinances; that Council Member Lovell stated that she had 500 complaints, but that was a very small percentage. Council Members Stardig, Clutterbuck, Hoang and Lovell absent.

Council Member Jones thanked Mr. Karib for coming and stated that someone just spoke about fleet and now he was asking about collision and mechanical and this was three specialties in the industry; and upon questions, Mr. Karib stated that every type of business should be dealt with separately, collision, mechanical, etc., that he was in mechanical. Council Members Clutterbuck, Sullivan, Hoang and Lovell absent.

Mr. Wyatt Wainwright, P. O. Box 16550, Sugarland, Texas 77496 (281-980-3434) appeared and stated that he was president of the Houston Automobile Dealers Association and they were comprised of 177 new car and truck franchises in the Houston area and they tried being cooperative with the proposed ordinance but felt more time was needed to refine it and pinpoint intended objectives; that they were heavily regulated by the State of Texas and increased regulation could have negative effects slowing down repairs, etc., and urged not voting on the ordinance until it would not burden those businesses who were doing things right; that if it did pass they understood there was a six month trial to work on issues and that would be vital to the process. Council Members Clutterbuck, Adams, Sullivan, Hoang and Lovell absent.

Mr. Harold R. White, 6166 Westheimer Road, Houston, Texas 77057 (713-782-8981) appeared and stated that he owned an auto repair shop on Westheimer and it was his life's work; that a consumer protection ordinance was proposed with no legal remedy for the consumer, most protection would have some sort of ramification to take place with a wrong doing and there was no way to sue for damages from the shops; that when they began working on a car they could not give an all inclusive estimate as they were not magicians and could not read the future and it took time to come to a conclusion doing the best they could. Council Members Clutterbuck, Adams, Sullivan, Hoang and Lovell absent.

Council Member Stardig thanked Mr. White for coming and reminding all of the sincerity of his work; that it was his livelihood and his future; and upon questions, Mr. White stated that anytime you found additional work needed you should call the customer and it did not matter if it was written; that auto repair was generally around \$300.00 and personally did not see why it

needed to be in writing though it could protect the shop keeper, but his good position was most of his customers cared more about getting the car fixed correctly and longevity of repair rather than the cost, but it was his location; and he too felt it should be better written and maybe all have input. Council Members Clutterbuck, Adams, Sullivan, Hoang and Lovell absent.

Council Member Jones thanked Mr. White for coming and for being a business owner for over 32 years; that she would apologize to him as clearly this affected him as he was emotional, a grown man paying taxes a longtime and doing something he wanted to continue doing; and government should not be in the business of causing this type emotion with business owners. Council Members Stardig, Clutterbuck, Adams, Sullivan, Hoang and Lovell absent.

Ms. Shyllo Delacruz (did not wish to give address) (832-724-9595) appeared and stated that she was the regional business development manager for Service King in Houston, all 11 locations, those with the most exposure in Houston fully supported the ordinance in its current form and felt approval and implementation would be in the best interest for consumer protection; that she had 15 years experience in the insurance industry and their main goal was to pay claims and the reason there were not more consumer complaints was because the claims were being paid; that previously it was brought up that Britney Provost was a Service King employee and she could say each employ was employed based on their own merit and not for any other reason. Council Members Stardig, Clutterbuck, Adams, Hoang and Lovell absent.

Upon questions by Council Member Jones, Ms. Delacruz stated that she could confirm Ms. Provost was employed by Service King and she earned it based on her own performance and merit. Council Members Stardig, Clutterbuck, Adams, Hoang and Lovell absent.

Upon questions by Council Member , Ms. Delacruz stated that customer pay, which was what they considered anyone coming in aside from going through an insurance company, was about 10% so most of their work was through insurance companies, liability, about 90% of their work was insurance companies. Council Members Stardig, Clutterbuck, Adams, Hoang and Lovell absent.

Council Member Sullivan stated that there was a Service King location in Kingwood on 59 North and when he drove by and saw individual insurance company signs in parking spaces in front of their business then it was a preferred arrangement and it appeared to him they pursued mostly insurance business; and Ms. Delacruz stated that he was correct, they had relationships directly with insurance carriers as a preferred vender as many others in the room most likely did and they were held to very high standards. Council Members Stardig, Clutterbuck, Adams, Hoang, Lovell and Noriega absent.

Mr. Steve Sikes (did not wish to give address) (972-670-4289) appeared and stated that he also represented Service King Collision Repair and in his experience Houston had more issues with towing and storage and collision repair related fees and charges than anywhere else in the state; that as someone who represented multiple shops they had more exposure to the regulation and he was saying they wanted it; that he was a consumer also and the ordinance as is was needed. Council Members Stardig, Clutterbuck, Adams, Hoang, Lovell and Noriega absent.

Mr. Mike Kacal, 5030 Old Spanish Trail, Houston, Texas 77021 (281-415-8470) appeared and stated that the only ones wanting the proposed ordinance approved seemed to be insurance companies or those related to insurance companies and it seemed there was no problem with mechanical repair and that was who was speaking against it; that he was for insurance in the ordinance but thought it should be based on the number of bays or technicians present; that he also was not against their being licensed, but the sublet on page seven, they considered themselves a one stop shop and would request the sublet say if requested; that if

the ordinance was passed he would like six months to review it and address concerns and there would be a problem with signatures, they too did fleet work, maybe something should cover if it was towed in or if it was fleet and maybe the person could take their own part instead of the shop having to keep it seven days. Council Members Stardig, Clutterbuck, Adams, Hoang and Noriega absent.

Mayor Parker stated that she thanked him for thoughtful suggestions and for those who did fleet work if they had a contract with a company for their fleet work it served as their signature authorization, they would not need to get anything else; and Mr. Kacal stated that typically they had no contract, most of his work done for fleets did not even have companies here, they were not a contractor, but did work on an as needed basis. Council Members Stardig, Clutterbuck, Adams and Hoang absent.

Upon questions by Council Member Jones, Mr. Kacal stated that his business was auto and truck repair and did fleet and walk in customers. Council Members Stardig, Clutterbuck, Adams and Hoang absent.

Upon questions by Council Member Rodriguez, Mr. Kacal stated that he had been in business since 1949, his Dad started the place and in 1982 he bought it and in 2001 he built a new state of the art facility; that he had never seen anything talked about in such magnitude as this before, he was past president of the ASA and would recommend those not informed to join so they could be informed, but he did understand as stated previously that all paid for their license at the city and the city was aware of them and had their address and they could have sent information to all. Council Members Stardig, Clutterbuck, Adams and Hoang absent.

Council Member Sullivan stated regarding the fleet service not all customers did have contracts so the Mayor stating if a contract was had they were protected did not apply in every case, some customers were subcontractors to a particular commercial entity and then there were lease trucks and trucks for hire and it was a complicated industry; that on insurance there were also different types of policies for businesses and they were very different in cost. Council Members Clutterbuck, Hoang and Lovell absent.

Mr. John Juanopulos, 2207 Eastex Freeway, Houston, Texas 77026 (713-227-5207) appeared, presented information and stated that he was owner of J & A Paint and Body Shop on the Eastex Freeway and he studied the ordinance the last couple of days and agreed with work orders, etc., but the problem he saw was years ago they were kicked off freeways and still had to pay the same as everyone else; that they had an increase in license this year, 140%, all should have license and insurance but many did not have license, such as those working at their house and those in Auto Dealer should be more educated about ordinance, even Sergeant Provost was not well educated and he asked him once to violate his own department policy and he would not do it so he pulled his license, but he got it back the next day because he knew the law. Council Members Clutterbuck, Sullivan, Hoang, Lovell and Noriega absent.

Upon questions by Mayor Parker, Mr. Juanopulos stated that what he presented was the form he currently used; and Mayor Parker stated that he would not need much modification at all, just add a box for authorization. Council Members Clutterbuck, Sullivan, Hoang, Lovell and Noriega absent.

Upon questions by Council Member Gonzalez, Mr. Juanopulos stated that many had one vehicle and did not have time to go back and forth and sign; that the major problem was insurance companies who made delays. Council Members Clutterbuck, Sullivan, Hoang, Lovell and Noriega absent.

Upon questions by Council Member Jones, Mr. Juanopulos stated that on some parts of

the proposed ordinance he agreed 100%, but some parts insurance caused delays. Mayor Parker, Council Members Clutterbuck, Sullivan, Hoang, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Ray Moon, 4209 H Street, Houston, Texas 77072 (281-933-6603) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Clutterbuck, Sullivan, Hoang, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Celso Suarez (did not wish to give address) (713-926-1605) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Clutterbuck, Sullivan, Hoang, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Ronell Peters, 3200 Mechom Road, Houston, Texas 77032 (832-309-4439) appeared and stated that he was vice president of business development for TD Industries and present to give a brief history of TD Industries which he did including their being founded in 1946 in Dallas, now being in major Texas cities and ownership was in the masses of the 1,500 partners; that they managed facilities such as the George R. Brown, art districts and airport systems, etc., and they were active in donations and contributions. Mayor Parker, Council Members Clutterbuck, Sullivan, Hoang, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Mr. Peters for coming; and upon questions, Mr. Peters stated that he could not explain specifics of those managing airports, but TD Industries was a \$325 million company and consistently had over 25% MWBE; and Council Member Adams stated that she understood what they did and what jobs they had, but on this particular project and where they were now was what she was talking about in reading their history. Mayor Parker, Council Members Clutterbuck, Hoang, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Jones stated that she listened to many competing for city business and like Council Member Adams stated they identify small and minority business and women owned business to get the job and then did not use them, rarely did the city rate people satisfactory, but she found it curious when people talked about what they had done otherwise with minority and for this Council Member it was irrelevant to the honor and privilege to be able to do business with the City of Houston and she wished he could have bragged on the level of inclusion and diversity on the contract here. Mayor Parker, Council Members Clutterbuck, Hoang, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Rodriguez stated that he agreed with his two colleagues who were very articulate in expressing those points; that it was great to brag about your company and what you did in the community, but he had not demonstrated when performing city work and city obligations and they wanted opportunity created for all and have small businesses utilized; and he had thought they should sanction his company and did not have much confidence in them. Mayor Parker, Council Members Clutterbuck, Hoang, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Dennis King, 7425 Major, Houston, Texas 77061 (281-481-0700) appeared and stated that he was general manager for Star Service, Inc. and they had submitted a proposal for the HVAC operations and maintenance of airports and their original offer was a fixed cost approach as authorized in the RFP and it would have saved the city much money, but the airport director did not want it and as a result they went to a best and final process where they submitted a second offer which was currently \$5 million lower than the TDI price in Agenda Item

46; that Star Service was a highly regarded and qualified and experienced maintenance contractor which performed work on a daily basis and they had strong references from customers; that their project team set a target of 35% minority participation and fully intended to meet it and they focused on long-term relationships with clients; that they spent nearly \$50,000 putting this proposal together and as a result felt they offered the best qualified and lowest price offer and represented a \$5 million savings, a million dollars a year, the evaluation process seemed to be bias toward the incumbent contractor; that they had information only they would have known and it would have lowered Star Service's price substantially and such things discouraged qualified companies from providing the city with benefits they deserved; that other contracts they had coming up at the museums, etc., were to come up for bid this spring and why would they spend such time and money again to bid the project when the evaluation process was bias toward the incumbent; and requested... Mayor Parker, Council Members Clutterbuck, Sullivan, Hoang and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Rodriguez, Mr. King stated that the bias he referred to was there was a significant amount of equipment in the airport idle and redundant, over 50% redundancy, if something went down comfort could continue being provided; that another example was Project 621 coming up would have a significant amount of capital improvement, new chillers, new blowers, new pumps, etc., and they would have been brand new requiring less repair and capital and would have warranties. Mayor Parker, Council Members Clutterbuck, Sullivan, Hoang and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Jones thanked Mr. King for sharing and stated that she was not surprised to hear what he said as they heard it all the time; that she pushed for more RFPs and to have them be fair; that \$50,000 was a lot of money and it appeared the city was in the business of creating monopolies which they did with SafeClear; that as a city they needed to commit to being fair and she hoped with the new Council things would get better and she apologized to him. Mayor Parker, Council Members Clutterbuck, Sullivan, Hoang and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Pennington, Mr. King stated that he saw opportunity with the city because of the way staffing was, the RFP required a 38% increase in mandatory staffing for maintenance and it required a 147% increase in material costs and they looked at numbers and they made no sense and knew they could maintain for less cost. Council Members Clutterbuck, Sullivan, Hoang and Noriega absent.

Council Member Costello moved the rules be suspended for the purpose of extending the time for questions of Mr. Dennis King, seconded by Council Member Jones. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Members Clutterbuck, Sullivan and Hoang absent. MOTION 2011-0929 ADOPTED.

Upon questions of Council Member Pennington, Mr. King Stated that approval from an addendum would allow a fixed cost alternative which allowed them to do everything in the RFP plus all repairs plus all replacements, it was like apples and oranges, a different scope completely; that the director's interpretation was understood as their offer was more expensive, but they were including things in the capital budget not a part of the project, when he made it clear he did not want that they submitted an alternate based on the RFP and that number was \$5 million lower than the TDI price. Council Members Clutterbuck, Sullivan and Hoang absent.

Council Member Costello stated that he competed on an RFP basis and understood the process and his allegations were that he believed the process was flawed and if that was the case and if the city redid the process would he participate; and Mr. King stated that he would have to decide; that the process should be evaluated, here they should look at the best and final offers and make a comparison on the best and final which both parties had done. Council

Members Clutterbuck, Sullivan and Hoang absent.

Council Member Adams stated that some questions brought forward from Mr. King was receiving the best and final offer; that all companies spent an enormous amount of money putting their proposal together, \$50,000 plus each, so why could they not take a best and final offer as Legal had found inconsistencies; and Mayor Parker stated that the Administration was looking at this at the request of council and believed the bid process was mishandled; that the cleanest and most transparent way to deal with it was to start the process all over again and the burden would be equal on the three companies; that she did have to maintain a contract in place while it was being done and proposed extending the current contract until the new one could be in place, the intent was to completely rebid from scratch; that there had been other contracts with rounds of bafos, and it was possible to do what she asked, but not most transparent. Council Members Clutterbuck, Sullivan and Hoang absent.

Upon questions by Council Member Bradford, Mr. King stated that to reengage in the bid process again, if it were not substantially changed, would not be that big a number, but the incumbent had a significant advantage because they were intimate with the facility and if you were not that familiar you spent a tremendous amount of time research developing, etc., to price it. Council Members Clutterbuck, Sullivan and Hoang absent.

Council Member Costello moved the rules be suspended for the purpose of extending the time for questions of Mr. Dennis King, seconded by Council Member Jones. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Members Clutterbuck, Sullivan and Hoang absent. MOTION 2011-0930 ADOPTED.

Upon further questions by Council Member Bradford, Mr. King stated that this time around the cost would not be that bad, it was mostly administrative; that it would still require much time, maybe 100 hours. Council Members Clutterbuck, Sullivan and Hoang absent.

Mayor Parker stated to be clear a memo was sent forward asking for a maximum extension of one year, but with the intent as soon as an RFP process could be rerun they would go with whoever the new vender was and internal estimates were three months; and Mr. King stated that the one hard one he had with that was now their new low price was exposed; and Mayor Parker stated yes, once they screwed up a bid there was something wrong with everything they did to try and fix it. Council Members Clutterbuck, Sullivan, Hoang and Pennington absent.

Council Member Jones stated that regarding the city moving forward when they determined it was screwed up, what happened to the person who screwed it up; that now they had to stay in the contract another year and cost was associated with that and this company now had to do 100 hours and she did not know the value on it; that people with perfect evaluations were fired and she would like the city to hold who ever was responsible to it; that she wanted the city to hold itself accountable and then they were still losing on \$100 million savings. Council Members Clutterbuck, Sullivan, Hoang and Lovell absent.

Mr. Tommy Phipps, 5719 Knightwood, Houston, Texas 77016 (713-202-2979) appeared and stated that he had a problem occur about 4-1/2 years ago when he put up a carport and it was tagged by Building Enforcement; that he lived in the northeast part of the city and he was tagged, paid the fine and that was going on two years now and he just received another tag; that now he did not know what to do. Council Members Clutterbuck, Sullivan, Hoang, Pennington and Lovell absent.

Mayor Parker stated that Mr. Norman was present and would talk with him at this time; that she thought what happened was he was tagged for an illegal carport and paid the ticket

and heard nothing else and now he was cited again; and they would see if this could be worked out. Council Members Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Gonzalez stated that he was going to try and help, but as the Mayor stated Mr. Norman was present and could assist him. Council Members Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Jones stated that she wanted to encourage people who came to this public session voicing concerns to come back and let Council know if they were helped or not; and encouraged Mr. Phipps to return. Council Members Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Mr. William Beal, 5814 Overdale, Houston, Texas 77033 (713-738-3410) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Mr. Mark Anthony Rodriguez, 23 Delmar, Houston, Texas 77011 (832-816-9673) appeared and stated that he was president of their civic association and yesterday he found out about the meeting being held by Council Member Rodriguez and he went to small businesses and only about three knew of the meeting; that the city or whoever was to notify businesses did a poor job informing all about the ordinance; that it would not just affect the business owner, but all the employees and their families; that they were told they had a Spanish version, but after reading it found it to be the wrong one and everyone at the meeting raised hands opposing the proposed ordinance. Council Members Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Upon questions by Council Member Jones, Mr. Rodriguez stated that he was president of the Oakland Civic Association off Harrisburg and Lockwood; that the ordinance translated in Spanish turned out to be the wrong version; and Council Member Jones stated that it was actually the towing ordinance as opposed to storage; and upon further questions, Mr. Rodriguez stated that he felt Auto Dealers would come and hit his shop because of the tension and he felt tension from the officer hosting the meeting who said they were doing this to help the small businesses but they were not or they would not be doing the ordinance; that many he called could not come as they were going out of town for Christmas. Council Members Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Gonzalez thanked Mr. Rodriguez for coming and for coordinating the toy drive and stated that he did raise a good point, translation was there if needed, but it would be helpful if when working on such a big ordinance to have an executive summary in Spanish and easy to understand. Council Members Clutterbuck, Sullivan, Hoang, Pennington, and Lovell absent.

Council Member Bradford stated that he was concerned about the enforcement arm of the statute, it was highly improper and unethical for HPD to have a leadership role as they were the enforcement side; that the enforcement side should not be the side in the community advocating this particular statute, it put a perception that you had to fall in line or if not they felt their shop would be hit. Council Members Clutterbuck, Sullivan, Hoang, Pennington and Lovell absent.

Mr. Anthony Moten, 5208 Noble, Houston, Texas 77020 (832-418-5675) appeared and stated that he was Pastor of the Pure Light Church in the Fifth Ward, the church was founded in 1963 and completely paid off in 1979; that they were serving the community nearly 50 years and in December 2008 the previous Pastor was able to sell the campus without the church or director's knowledge or consent and details were in the Sunday's Houston Chronicle for

reference; that it came to their attention they were a part of a larger fraternity of victims and today his plea was to eliminate such theft to any congregation to any size; that it seemed such people doing this escaped any criminal consequences and he would like to know if something could be done to pursue them and to make aware small congregations things which would guard them against such. Council Members Clutterbuck, Sullivan, Hoang, Pennington and Lovell absent.

Mayor Parker stated that she had read the story and it was very sad and certainly begged the question as to whether small congregations were being deliberately targeted by folks who realized there was the possibility to scam them. Council Members Clutterbuck, Sullivan, Hoang, Pennington and Lovell absent.

Council Member Gonzalez stated that he too followed the story and appreciated Mr. Moten's efforts in the Fifth Ward Community to step up, it seemed money was being raised; and upon questions, Mr. Moten stated that their church address was 5208 Noble, Houston, Texas 77020 and they could be contacted at 713-675-1894; that they were trying to raise funds to facilitate a legal battle, this was expensive for a small congregation; that upcoming events were on hold, but the community had turned out in a great way and it was very appreciated. Council Members Clutterbuck, Sullivan, Hoang, Pennington and Lovell absent.

Council Member Jones stated that she had some of the same questions as Council Member Gonzalez and thanked Mr. Moten for coming; that this was televised and she hated his congregation was taken advantage of, he could contact the State Bar Association and see if lawyers were willing to help pro bono. Council Members Clutterbuck, Sullivan, Hoang and Pennington absent.

Council Member Adams stated that she enjoyed fellowshiping with him yesterday and she would challenge her colleagues and churches to call him off line and sow seed, give on good ground; and she commended him. Council Members Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Mr. Andrew Patterson, 6207 Fondren, Houston, Texas 77036 (832-276-1712) appeared and stated that regarding the proposed ordinance for mechanics he thought the statute should read with a 90 day grace period and going before committee to request being excluded and also they should include a section for delays on repairs because often delays were caused by adjusters; that he was present as way too often there were high speed chases often resulting in fatalities and then finding a small amount of marijuana and Dallas seemed to have resolved this problem, but Houston took a heavy hand; that Dallas had it as a Class C ticket and that was all they paid, but here they put people in jail and the community incurred the cost of incarceration; that the same statute applied in Dallas as in Houston, but the Mayor in Dallas interpreted the statute and urged Mayor Parker to contact Sheriff Garcia, etc., and maybe it would keep some from chases for just a small amount of marijuana; that he also wanted to thank Council Member's Lovell and Jones for all they did while on Council. Council Members Clutterbuck, Hoang, Pennington and Lovell absent.

Council Member Rodriguez thanked Mr. Patterson for his comments and stated that he would give a recap and set some things straight; that Mr. Rodriguez had made some misstatements, they asked initially at the beginning of the meeting if anyone needed a translator and no one did; that information which was translated came from the Agenda Office and they made clear it was not an official translation, they were trying to come with a document on short notice; that they tried reaching out to small businesses and were working with the Suarez family who initially contacted them and who had a meeting with about 50 people a couple of weeks before; that people were out there like Mr. Rodriguez who wanted to disrupt the process for some reason and Council should be mindful of those who were informing them. Council



Members Clutterbuck, Hoang and Pennington absent.

Ms. T. C. Smythe, 12922 Avenida Vaquero, Houston, Texas 77077 (832-715-5226) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Hoang and Pennington absent.

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

Mr. James "JJ" Freeman, 200 Rusk, Houston, Texas 77002 (no phone) appeared and stated that he was a member of the Occupy Houston movement and was present with a concern of vandalism; that graffiti was on the City Hall walls and he felt they would be blamed but they did not advocate graffiti and were disgusted by things going on in the park such as graffiti, defecation and urination; and urged Council to ask officers to do more than say they were just there to watch. Council Members Clutterbuck, Hoang and Pennington absent.

Mayor Parker stated that she appreciated Mr. Freeman coming and the Occupy Houston protest location did attract a lot of folks without the same interests, but there had been excellent communication between the police and protestors and she hoped it would continue; that it was costing the city a significant amount of money to make sure they were safe and her patience and theirs would probably not be endless, but so far there was good dialogue and all were safe, but she did expect if people were coming in the park and doing what they should not and it was reported she would expect them to take action on certain activities. Council Members Clutterbuck, Hoang and Pennington absent.

Council Member Jones commended Occupy Houston for a peaceful protest and upon questions, Mr. Freeman stated that one instance was the underground parking lot had people urinating and defecating in stairwells and Occupy Houston was getting the blame; and Council Member Jones stated that if that was seen they should bring awareness to HPD and if the officer said they were just watching it would be helpful to get their name and report it. Council Members Clutterbuck, Hoang, Gonzalez and Pennington absent.

Mayor Parker stated that she looked forward to hearing what the next phase of the Occupy movement would be. Council Members Clutterbuck, Hoang and Pennington absent.

Mr. Doug Endicott, 9311 Katy Freeway, Houston, Texas 77024 (832-775-6767) appeared and stated that he was with the Texas Association of Special Investigation Units and was present urging Council to pass the proposed amendments to Chapters 8 and 28 of the Code of Ordinances; that someone was towed to a storage lot and had his vehicle moved to a body shop and it was deemed a total loss and when he went to take his belongings out of the car he was told he had to sign a form. Council Members Clutterbuck, Hoang, Pennington and Lovell absent.

Upon questions by Council Member Noriega, Mr. Endicott stated that someone was told he had to sign a form, it was a blank repair order form and in tiny print, he was told it was a release for his personal belongings, but the small print allowed additional charges, it was parked there five days and charges were \$2,178. and it was time to take action. Council Members Clutterbuck, Hoang, Pennington and Lovell absent.

Upon questions by Council Member Jones, Mr. Endicott stated that the Texas Association of Special Investigation Units was the South Texas Chapter of the International Association of Special Investigation Units which was an organization comprised of insurance fraud investigators, law enforcement and claims professionals. Council Members Clutterbuck,

Hoang, Pennington and Lovell absent.

Council Member Gonzalez stated that the example stated seemed to relate to a collision situation; and upon questions, Mr. Endicott stated that it was rare he engaged with mechanic repair shops on his side of the business; that 99.99% of his time was on collision repair facilities, storage lots and wrecker services; and his comments were geared to that side of the equation. Council Members Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Jones absent. (NO QUORUM PRESENT)

Mr. Joel Ramirez, 3334 Richmond, Houston, Texas 77098 (682-234-0274) appeared and stated that he was present on behalf of United Auto Insurance, he was a claims investigator and was present supporting the ordinance which was regulating body and collision shops and the towing companies; that he too dealt mainly with those facilities. Council Members Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Mr. Byron Rusk, 1604 Cortlandt, Houston, Texas 77008 (713-303-4133) appeared and stated that he was present against the proposed ordinance; that it needed further refinement, reorganization and restructuring, it needed to eliminate one size fits all as mechanical shops did not have the same concerns and he was deeply troubled from last night's meeting which had clear misrepresentation of the ordinance by Sergeant Provost and many left the meeting intimidated and afraid of their Police Department. Council Members Clutterbuck, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Jones stated that she was at the meeting and had the same take on it; that if you listened to those who would be impacted by this they were all saying the same thing; that most at the table were saying how great the meeting was and she would like as they go forward into the new year for them to listen to what the people said and stop having a mutual admiration society; that someone asked her to interpret for him because he was afraid; and upon questions, Mr. Rusk stated that fleet, collision and mechanical industries each had strongly different operating paradigms, they worked differently and the work product and process was different and they needed an ordinance respecting the differences; that this was the wrong management approach; that he was current vice president and board member of ASA, their dues was about \$500.00 give or take and most in the room last night were not represented by an association as this was not a small expense to a small business; and urged the ordinance be restructured and rethought. Mayor Parker, Council Members Clutterbuck, Hoang, Pennington and Rodriguez absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Brenda Lopez, 1200 Duke, Baytown, Texas 77520 (832-414-8284) appeared and stated that the question of how people holding an automotive license and renewing them annually were notified; that Sergeant Provost stated that they enforced 4,000 shops and she knew there were about 8,000 in the City of Houston, with and without licenses and Code Enforcement and the BBB could not find those without licenses. Council Members Clutterbuck, Hoang, Pennington, Rodriguez and Costello absent.

Upon questions by Council Member Sullivan, Ms. Lopez stated that she was at the meeting last night; and today since the beginning and she did hear his comments about Sergeant Provost; and Council Member Sullivan stated that she should forget what he said and this was starting over; and upon questions, Ms. Lopez stated that one shop had five citations and someone in another area was cited and he was present today but did not want to say he was cited because more reprimand would come his way; that someone else pulled her out last night and said they would be hitting him hard too; and Council Member Sullivan stated that he would continue asking speakers because he thought it important; that there was a perception on the Administration's part there were stakeholder meetings two years now and the point was if they were handled that way it was no wonder people were fearful of retaliation. Council

Members Clutterbuck, Hoang, Pennington, Rodriguez and Costello absent.

Council Member Jones stated that she just met Ms. Lopez last night and a gentleman last night had limited English and he asked that she speak for him and he was extremely nervous; that she would commend him because even though he was afraid he felt he needed to say something because if it passed it would put him out of business and she found it troubling that a licensed business owner would ask her to stand with him so nothing would happen to him; that when insurance supporters came before Council it was friendly and when people came knowing it would affect their business people then left not wanting to hear; and she hoped those elected going forward would listen to the people as they really did have an effect on them. Council Members Clutterbuck, Hoang, Pennington, Rodriguez and Costello absent.

Ms. Hilda Suarez (did not wish to give address) (713-926-1605) appeared and stated that she came to Council December 6th after having a small gathering of shop owners in the eastside, it was her first time to ever come, then on December 8th she received a call from Council Member Rodriguez office saying he wanted to talk and to see if she could get the 50 people together again and they told her December 13th, but then and after it was set she was told it had to be the 19th and she said she would call everyone. Council Members Clutterbuck, Hoang, Pennington, Rodriguez and Costello absent.

Council Member Lovell stated that she thanked Council Member Rodriguez for holding the meeting last night; that stakeholder meetings held were held in the spirit of cooperation and there was no intimidation, it was good give and take, and that was how they arrived at this ordinance; that she worked a lot with Sergeant Provost and what she was hearing was not the Sergeant Provost she knew and some Council Members said he was not being portrayed correctly; that the stakeholder meetings were good meetings and the insinuation they were conducted any other way was not true. Council Members Stardig, Clutterbuck, Hoang, Pennington, Rodriguez and Costello absent.

Council Member Jones stated that at the meeting she went to last night was absolutely intimidating and there was no cooperation and those who spoke with her said it was a waste of their time; and upon questions, Ms. Suarez stated that Gracie called her and said Council Members Rodriguez and Gonzalez wanted to come talk to the community and find the problems and try and make clarifications and she said fine, but at the first meeting nothing was in Spanish and even if people could communicate in English on smaller things when trying to understand something in depth and legal they would prefer Spanish and she asked her for it, but at the end of the day was told funding was not available to put the document in Spanish; that some wanted to know why the Council Members did not speak and she could not answer; that some said they would just have to wait and see when they would need to close their business. Council Members Stardig, Clutterbuck, Hoang, Pennington, Rodriguez and Costello absent.

Council Member Gonzalez stated that his understanding of the meeting last night was to hear from the community and they had a lot of speakers and out of courtesy and respect to those who came on a rainy night was to listen; that he got good input in the end with his comments that he appreciated all for coming, there were constructed comments and he gave the feedback to the Administration; that Sergeant Provost was the expert on the ordinance and felt it more important for him to answer questions and he apologized if he did not take more time, but that was his explanation. Council Members Stardig, Clutterbuck, Hoang, Pennington, Rodriguez and Costello absent.

Ms. Kathryn Vanderpol, 4610 North Shepherd, Houston, Texas 77018 (713-695-5071) appeared and stated that this ordinance brought her to Council for the first time and now she had been coming a lot; that all her colleagues made many good points and expressed many concerns; and there was no outcry from consumers. Council Members Stardig, Clutterbuck,

Hoang, Pennington, Rodriguez and Costello absent.

Upon questions by Council Member Jones, Ms. Vanderpol stated that she would request a roll call vote so all could remember how to vote the next election; and Sergeant Provost stated that the ordinance came about because the city lost a lawsuit as there was no definite description for record keeping; and Council Member Jones stated that one request she made of Legal last night was Sergeant Provost brought that up as why this started and she wanted the record to reflect she had not know about this since February and others had known about it longer, but Sergeant Provost made reference to the lawsuit and she went to Legal and said she wanted a copy of the pleadings and also the order Sergeant Provost said they did not have and Legal said they did not know what he was talking about, but would try and find it for her and she had not heard about it; and upon further questions, Ms. Vanderpol stated that ASA wanted Council to slow down and form a working group with Legal and shop owners and do it right the first time. Council Members Stardig, Clutterbuck, Hoang, Pennington, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Mr. Sybren Vanderpol, 4610 North Shepherd, Houston, Texas 77018 (713-695-5071) appeared and stated that most legitimate shops wanted regulation to help regulate the bad shops, but the problem was the ordinance had issues with separation of shops, etc., and it needed more work and it should be right before being voted. Council Members Stardig, Clutterbuck, Hoang, Pennington, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Upon questions by Council Member Gonzalez, Mr. Vanderpol stated that if a car was on the lot and an officer suspected it should not be there he could ask if there was a repair order for it and if there was not they could issue a citation. Council Members Stardig, Clutterbuck, Hoang, Pennington, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Mr. Kevin Spencer, 9225 Manchester, Houston, Texas 77012 (713-928-3286) appeared and stated that when shop owners found out about the ordinance it was the same everywhere as last night; that people could not shut down their business and come talk and it was bad because it would probably affect the outcome; that he was hearing there was a need for the ordinance, but wished it could be refined and not put mechanical and collision into one; and urged all be considered tomorrow while voting. Council Members Stardig, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Costello absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Spencer stated that he did say last night he had no criminal record and worried if an officer came and asked for a box of invoices he may be ticketed as sometimes people with expensive cars did not want you to know where they lived and did not want to give an address; that he kept good records, but it scared him he could become a criminal over paperwork; and he too would like to see a roll call vote and would prefer a committee formed and things reconsidered. Council Members Stardig, Clutterbuck, Hoang, Pennington, Rodriguez and Costello absent.

Mr. Michael Qutob, 14429 Auto Parkway, Houston, Texas 77083 (281-935-5920) had reserved time to speak but was not present when his name was called. Council Members Stardig, Clutterbuck, Hoang, Pennington, Rodriguez and Costello absent.

Mr. Larry Cernosek, 6030 Cherryhill, Houston, Texas 77087 (832-655-5738) appeared and stated that "the people are the city" it said in the chamber and they were, not insurance investigators, etc., and he would like to see the ordinance worked on until it was corrected; that someone said the insurance industry was the most regulated industry there was and it was a lie as they were deregulated by the legislature and when they found they could not follow rules they formed county mutual; that Service King admitted they had 90% of their business from

insurance companies and business had to be steered to them and that was against the law in Texas; that in the first four months of 2011 there were 1,482 complaints against insurance companies for auto claims. Council Members Stardig, Clutterbuck, Hoang, Pennington, Rodriguez and Costello absent.

Council Member Adams stated that she had a question for Mayor Parker; that all today seemed to be against the ordinance and if it did not pass tomorrow where would they be; and Mayor Parker stated that it was depending on the will of Council, it was her expectation if it passed tomorrow there may be minor amendments offered, but if the revision went away there was an existing ordinance and much of what they said on having to be made to do this or that was already in the existing ordinance; that the major complaint was they did not want to get a signature from the customer and she had a hard time swallowing that, but the direct answer for her was if it was voted down there was an existing ordinance; and she did not intend to convey they would pass it and then come back and fix it in six months, but they could pass it with an implementation date of six months and give them time to comply; and Council Member Gonzalez had talked about putting a working group together after it was passed and as they implemented it to make sure if there were issues of interpretation they be worked out and a small group from the industry she thought to be a good idea. Council Members Clutterbuck, Hoang, Pennington, Rodriguez, Costello and Noriega absent.

Council Member Jones stated that it troubled her that all those who would be effected had come here and all at the table were still saying it was their expectation it would pass tomorrow and her rhetorical question was what good did it come and tell Council anything in public session, it was just like last evening and she was at the meeting and it was frustrating for people who voted them in office to say what they wanted and then they acted like they knew what was best for them. Council Members Clutterbuck, Hoang, Pennington, Rodriguez, Costello and Lovell absent.

Mr. Chris Newhouse, 5823 Edgemoor, Houston, Texas 77081 (713-661-8189) appeared and stated that he owned Rays Electric and at the meeting last night Sergeant Provost was saying didn't they know what was in the ordinance, but many who spent money on their fees was not one time sent information; and they did not have a chance to read it as it kept changing and they were never sent anything telling them the latest information would be on a website; that they paid \$400.00 to the city and they could not spend 50¢ to mail a card about information. Council Members Clutterbuck, Adams, Hoang, Pennington, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Newhouse stated that he was at the meeting last night and he would like stakeholders asked what they wanted; and he did not appreciate Sergeant Provost taking things so lightly when people in the audience were so worried; and Council Member Jones stated that small business owners, big business owners, etc., did not support this and the only ones who were coming who supported it were insurance people; that Sergeant Provost had a relative who worked for Service King and it was her understanding certain people at the Council Table had relatives working at Service King and this reeked, it stunk; and she also heard Sergeant Provost was taking on trips by insurance companies and that would be important to know; and Mayor Parker asked if Council Member Jones was making a sworn complaint against a Houston Police Officer; and after Council Member Jones stated that she was the City Secretary administered the oath; and she further stated that she swore she was telling the truth based on what she heard that Sergeant Provost was making money doing insurance stuff related to this; that he had been paid for by the city to take insurance classes or whatever and that he consulted or advised insurance companies on the very nature of the ordinance they were doing and she believed that problematic; that she heard he threatened people and though she did not have personal knowledge of it his behavior last evening confirmed in her mind he could; that someone had visited with Council Member

Noriega and the next day they were visited and given five citations; that she hoped someone would bring a copy of the taped meeting last night because she thought it would show a lot, it was absolute intimidation; and she was respectfully requesting that they find out who around the Council Table had relatives working for Service King, people knew what was going on and it was wrong and she hoped people threatened by Auto Detail had courage to come forward and tell it; that she also heard someone in the Mayor's Office threatened someone that they better come up and say something and she could say more but her time expired; and Mayor Parker stated that her time had expired and she hoped she would reduce her formal complaint against the Houston Police Officer, Sergeant Provost, into writing; and Council Member Jones stated that she could get someone to transcribe it as she had just said it. Council Members Clutterbuck, Hoang, Pennington, Rodriguez, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that this was new territory for him and he did not know if the ball was germane, but if anyone was giving a sworn statement he would like them to finish and not be cut off by the bell; and Mayor Parker stated that there was a longstanding policy if someone was making allegations against an employee of the City of Houston they had to swear it, although Council Member Jones said she finished her complaint she was speaking of Council Members at that point and not Sergeant Provost, but if she had more to add to her complaint on Sergeant Provost she would give her more time; and Council Member Jones stated that for the most part she did it, but people came to her because they were afraid and her complaints based on what she heard had been made and there was a film of it and she could have it put down in writing and she would sign when she got back from vacation. Council Members Clutterbuck, Hoang, Pennington, Rodriguez, Costello and Lovell absent.

Ms. Hattie Morgan, 2828 Collingsworth #48, Houston, Texas 77022 (832-405-6855) appeared and stated that her and her three sons first amendment rights were being violated; that school records conflicted with the name he went by and she went to St. Joseph Hospital on November 12th and was denied medical treatment; and she was told her son was deceased and when she went to visit was not allowed to. Council Members Clutterbuck, Adams, Sullivan, Hoang, Pennington, Rodriguez and Costello absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he was the President and had before them a police case number on his property which he paid for in cash and squatters were on his property; and continued expressing his personal opinions until his time expired. Council Members Clutterbuck, Adams, Sullivan, Hoang, Pennington, Rodriguez and Costello 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 Clutterbuck, Adams, Sullivan, Hoang, Pennington, Rodriguez and Costello absent. (NO QUORUM PRESENT)

Mr. Reginald Moore, 8619 Barronwood Circle E, Houston, Texas 77083 (281-495-1869) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Adams, Sullivan, Hoang, Pennington, Rodriguez and Costello absent. (NO QUORUM PRESENT)

Mr. Joe Roche, 400 Walker, Houston, Texas 77002 (no phone) appeared and stated that they were now into four hours and fifteen minutes of the meeting and he wanted to wish God Speed to Council Member Stardig and thank her for what she did over the years and the same to Council Member Jones who gave all something money could not buy. Council Members Clutterbuck, Adams, Sullivan, Hoang, Pennington, Rodriguez and Costello absent. (NO

QUORUM PRESENT)

Council Member Jones thanked Mr. Roche for his comments; and upon questions, Mr. Roche stated that they had a meeting nightly at 7:00 p.m. in Tranquility Park and he wanted to invite all to attend; and Council Member Jones thanked Mr. Roche and Occupy Houston, she was impressed with their paying attention to what was going on. Council Members Clutterbuck, Adams, Hoang, Pennington, Rodriguez and Costello absent.

At 6:17 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, December 21, 2011. Council Member Johnson absent on personal business. Council Members Clutterbuck, Adams, Hoang, Pennington, Rodriguez and Costello absent.

The Houston City Council reconvened at 9:00 a.m. Wednesday, December 21, 2011. Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office, present.

At 8:12 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:28 a.m. Mayor Parker called the meeting to order and recognized Council Member Adams for a point of privilege. Council Member Jones absent.

Council Member Adams moved to suspend the rules to hear from Congresswoman Sheila Jackson Lee, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2011-0931 ADOPTED.

Congresswoman Lee appeared and stated that in the beginning of December she initiated the Yellow Ribbon Welcome the Troops Home Tribute and was glad to say that it had taken hold in their school districts and was asking where possible to have their facilities and offices have a yellow ribbon and had a yellow ribbon for them to wear as a symbol of welcome, that this was the largest return of soldiers since Viet Nam, that she had distributed a letter to the Council Members and would hope that the City Council would be encouraged to do this over the month of December and January.

Members of Council thanked Congresswoman Lee and for being present and applauded any effort that communicated to those who were coming home how much they appreciated their sacrifice. Council Members Rodriguez and Lovell absent.

Congresswoman Lee further stated that through the 18th Congressional District their CDBG money was coming and was about \$34,644,000.00, that the funding from the Federal Government obviously was skewed both by way of budget and structure as it related to earmarks, so in thanking the City for reaching challenges and dealing with the economy she wanted to offer an enhanced collaboration with City Council Members and the Mayor on Federal Funding, it was not only directly to the City but entities within their jurisdiction that they could partner with for federal funds. Council Members Rodriguez and Lovell absent.

Mayor Parker thanked Congresswoman Lee for coming to Council and stated that she would certainly consider her first among equals of their local Congressional Delegation in fighting for dollars in Houston, that she appreciated her Veterans Welcome Initiative, that they had a veterans hiring preference in the City of Houston, as well as a Hire Houston Preference, that they looked forward to welcoming a number of returning veterans, in fact many of them would be entering the Police Department, that she did not want this opportunity to pass without

tell her that she had a good conversation with Director Melaki about Cops Grant Funding and that was something that had been seriously slashed, they missed the first round and got a good grant with the Congresswoman's help in the second round, that there was going to be another round but each time there were fewer and fewer dollars, that while she would like to see some of those dollars coming to Houston, Cops Funding was one of those Federal Programs that really made a difference in communities and she knew that the Congresswoman would help advocate for that. Council Members Clutterbuck and Rodriguez absent.

Congresswoman Lee stated that with the City coming to her and indicating that they were unfairly treated and the formula was how bad their economy was, they turned the formula around because of the input of the Houston Police Department to the needs per capita and she was going to keep fighting to keep that in place and to make sure that Houston, which was the fourth largest City in the nation, got their fair share. Council Members Clutterbuck and Rodriguez absent.

Council Member Johnson stated that he wanted to say thank you to all of the Council Members that he had worked with over the last six years, that the rose placed in front of them was chocolate covered and some of them received apple cider, that he wanted to recognize Sergeant Charles Young, who was in the audience, and who made the delicious chocolate roses for the ladies and chocolate cups for the men, that he wanted to thank Sergeant Young for doing this, that it was his way of saying thank you to all of them. Council Member Lovell absent.

Council Member Stardig stated that she wanted to thank everyone, and to recognize her parents, that yesterday her Dad received the news that he was Cancer free, that she was so proud of them, that people who went through Cancer and life threatening illnesses, and were care givers her Mom should be recognized, that everyone did not recognize or realize how hard it was until they had gone through it and for them to continue to support her through this process with what they were going through they needed to be recognized and asked that her parents, who were in the audience, stand and be recognized; that she wanted to thank her colleagues for their professionalism, their passion for the City and their passion for their fellow neighbors, that was what important, that please do not lose track of what they were at Council for, it was about the good neighbors of the City of Houston and the good neighbors in the Country, to please not be derailed by politics, it was about the people.

At 9:46 a.m. Mayor Parker stated that they would move to the consent agenda.

## **MAYOR'S REPORT**

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

#### **MISCELLANEOUS** - NUMBERS 1 through 3

1. RECOMMENDATION from Director Mayor's Office of Business Opportunity to set Airport Concessions Disadvantaged Business Enterprise (ACDBE) goals for airport leasing (concession) contracts for the period October 1, 2011 through September 30, 2014 in compliance with DBE Ordinances 89-226 and 99-893 and DOT/FAA requirements based upon 49 CFR Parts 23 and 26 – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. MOTION 2011-0932 ADOPTED.
2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2012 Operations and Maintenance Budget for the Lake Houston Facility Project operated by the **COASTAL WATER AUTHORITY** - \$2,754,284.00 - Enterprise



Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. MOTION 2011-0933 ADOPTED.

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2012 Operations, Maintenance and Consolidated Construction Budgets for the Trinity River Water Conveyance Project operated by the **COASTAL WATER AUTHORITY** - \$21,606,672.00 Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. MOTION 2011-0934 ADOPTED.

**ACCEPT WORK** - NUMBER 4

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$341,590.00 and acceptance of work on contract with **O'DONNELL/SNIDER CONSTRUCTION, LP** for Wortham Theater Hot Water Piping Replacement - 19.86% over the original contract amount - **DISTRICT I – RODRIGUEZ** – - had been pulled from the Agenda by the Administration, and was not considered.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 5 through 8

5. **J&J CLOTHIERS** for Classified Winter Jackets for the Houston Fire Department - 2 Years \$124,055.50 - General Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. MOTION 2011-0935 ADOPTED.
6. **B-CYCLE, LLC** for a bicycle share demonstration system for the Fleet Management Department \$104,934.00 - Grant Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. MOTION 2011-0936 ADOPTED.
7. **PITNEY BOWES, INC** for Lease of One Digital Mailing System and Postage Meter from the State of Texas Procurement and Support Services Contract for the Department of Neighborhoods 60 Months - \$172,380.00 - General Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. MOTION 2011-0937 ADOPTED.
8. **AMEND MOTION #2008-910, 12/17/08, TO INCREASE** spending authority from \$5,320,200.00 to \$7,448,280.00 for Chemical, Liquid Gaseous Chlorine for the Department of Public Works & Engineering, awarded to **ALTIVIA CORPORATION** - \$2,128,080.00 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. MOTION 2011-0938 ADOPTED.

**ORDINANCES** - NUMBERS 11 through 43

11. ORDINANCE Canvassing the Returns of the City of Houston Runoff Election held on December 10, 2011; making various findings and provisions related to the subject; declaring the Official Results of the Runoff Election - was presented. All voting aye. Nays none. ORDINANCE 2011-1182 ADOPTED.
15. ORDINANCE approving and authorizing contract between the City of Houston and **CYPRESS CREEK VOLUNTEER FIRE DEPARTMENT** for supplemental firefighting services within an area of the City of Houston known as the Willowbrook Mall Area; providing a maximum contract amount - 3 Years with two one-year options - \$305,000.00 -

General Fund - **DISTRICT A - STARDIG** - was presented. All voting aye. Nays none. ORDINANCE 2011-1183 ADOPTED.

16. ORDINANCE approving and authorizing contract between the City of Houston and the **GREENSPPOINT DISTRICT OF HARRIS COUNTY** for the FY2012 Operation Greensweep to provide overtime on a reimbursement basis to the North Division of the Houston Police Department for Operations in the Greenspoint District that fall within the incorporated limits of the City of Houston - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2011-1184 ADOPTED.
17. ORDINANCE approving and authorizing the submission of an application for and acceptance of a **U.S. DEPARTMENT OF TRANSPORTATION FY12 MOTOR CARRIER SAFETY ASSISTANCE PROGRAM HIGH PRIORITY GRANT**; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. ORDINANCE 2011-1185 ADOPTED.
19. ORDINANCE amending Ordinance No. 2009-98, as amended, to increase the maximum contract amount for contract between the City of Houston and **DENTON, NAVARRO, ROCHA & BERNAL, P.C.** for Legal Services relating to Cause No. 4:08-CV-2404; Dwight Bazile et al. v. City of Houston; in the United States District Court, Southern District of Texas - \$230,511.56 - Property and Casualty Fund - was presented. All voting aye. Nays none. ORDINANCE 2011-1186 ADOPTED.
20. ORDINANCE appropriating \$251,824.70 out of Equipment Acquisition Consolidated Fund; approving and authorizing the execution of Lease Agreements with the Best Respondent, **BAKER NISSAN SOUTH, LP**, to lease low or zero emission vehicles for the Fleet Management Department; providing a maximum contract amount - \$99,957.08 - American Recovery and Reinvestment Reimbursement Fund - was presented. All voting aye. Nays none. ORDINANCE 2011-1187 ADOPTED.
21. ORDINANCE approving and authorizing contract between the City of Houston and **NORTHROP GRUMMAN SYSTEMS CORPORATION** for the Implementation of the Gulf Coast Law Enforcement Information Exchange System for the Houston Police Department; providing a maximum contract amount - 3 Years - \$190,183.37 - Grant Fund - was presented. All voting aye. Nays none. ORDINANCE 2011-1188 ADOPTED.
24. ORDINANCE approving and authorizing Amendment No. 2 to agreement for Heating, Ventilating, and Air Conditioning Systems and Associated Plumbing, Electrical and Control Systems Operations and Maintenance for the Houston Airport System between the City of Houston and **TDINDUSTRIES, INC** - 60 days – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
25. ORDINANCE appropriating \$3,900,000.00 out of Airport System Bonds 1998B AMT Construction Fund; \$2,062,992.00 out of Airport Improvement Fund (Project No. 500N; Contract No. 46000010038); and approving and authorizing Amendment No. 1 to Construction Management At Risk Agreement between the City of Houston and **MANHATTAN CONSTRUCTION COMPANY** for Phase I Construction Services for Terminal D Improvements at George Bush Intercontinental Airport/Houston; providing funding for engineering testing services, and for contingencies, and the Civic Art Program relating to construction of the facilities financed by such funds - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2011-1189 ADOPTED.

27. ORDINANCE appropriating \$269,239.00 out of Parks Special Fund, awarding Construction Contract to **SPECIALTY CONSTRUCTION** for Keith Wiess Park; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, and contingencies relating to construction of facilities financed by Parks Special Fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2011-1190 ADOPTED.
29. ORDINANCE approving and authorizing first amendment to the agreement between the City of Houston and **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for reimbursement for design and construction of a pilot project to develop local data for Storm Water Quality Best Management Practices (Approved by Ordinance No. 2010-0353) - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. ORDINANCE 2011-1191 ADOPTED.
32. ORDINANCE approving and authorizing agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** for connection capabilities to the City's High Water Detection System at Holcombe and Fannin Underpass - **DISTRICTS C - CLUTTERBUCK and D - ADAMS** - was presented. All voting aye. Nays none. ORDINANCE 2011-1192 ADOPTED.
33. ORDINANCE approving and authorizing consent to removal of pipeline between the City of Houston and the **WEST HARRIS REGIONAL WATER AUTHORITY** related to the Ley Road Paving and Drainage Project - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2011-1193 ADOPTED.
36. ORDINANCE appropriating \$1,539,312.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **T CONSTRUCTION, LLC** for Wastewater Collection System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - (4235-55) - was presented. All voting aye. Nays none. ORDINANCE 2011-1194 ADOPTED.
37. ORDINANCE appropriating \$3,558,926.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - (4257-121) - was presented. All voting aye. Nays none. ORDINANCE 2011-1195 ADOPTED.
38. ORDINANCE appropriating \$644,831.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated

Construction Fund - (4277-63) - was presented. All voting aye. Nays none. ORDINANCE 2011-1196 ADOPTED.

39. ORDINANCE appropriating \$2,887,910.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Park Place Area; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2011-1197 ADOPTED.
40. ORDINANCE granting to **EXPRESS DUMPSTER INC, A Texas Corporation**, 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 - **FIRST READING** - was presented. All voting aye. Nays none. ORDINANCE 2011-1198 PASSED FIRST READING IN FULL.
41. ORDINANCE granting to **GARNER ENVIRONMENTAL SERVICES, INC, A Texas Corporation**, 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 - **FIRST READING** - was presented. All voting aye. Nays none. ORDINANCE 2011-1199 PASSED FIRST READING IN FULL.
42. ORDINANCE granting to **COVENANT WASTE SERVICES, LLC, A Texas Limited Liability Corporation**, 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 **FIRST READING** - was presented. All voting aye. Nays none. ORDINANCE 2011-1200 PASSED FIRST READING IN FULL.
43. ORDINANCE No. 2011-1164, passed first reading December 14, 2011  
ORDINANCE granting to **GERARDO BERMUDEZ d/b/a GREASE RECYCLERS CO-OP & GREASE TRAP, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** - was presented. All voting aye. Nays none. ORDINANCE 2011-1164 ADOPTED SECOND ANF FINAL READING IN FULL.

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

9. ORDINANCE **AMENDING ARTICLE IV, CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the operation of chauffeured limousine services - was presented. All voting aye. Nays none. ORDINANCE 2011-1201 ADOPTED.
10. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 35-foot-wide storm sewer easement along Ella Boulevard at Judiway Street, W. P. Morton Survey, A-539, Harris County, Texas; vacating and

abandoning the easement to Bob-Don Company, Ltd., abutting owner, in consideration of owner's dedication to the City of a 25-foot-wide storm sewer easement, payment of \$5,099.00 and other consideration - **DISTRICT A - STARDIG** - was presented. All voting aye. Nays none. ORDINANCE 2011-1202 ADOPTED.

12. ORDINANCE approving and authorizing Economic Development Agreement between the City of Houston, Texas, and **SCHLUMBERGER TECHNOLOGY CORPORATION** for the establishment and operation of a Western Hemisphere Financial Services Center - **DISTRICT G – PENNINGTON** – was presented.

After discussion by Council Members, Council Member Costello stated that he was a little concerned about the source of funding that was indicated on the RCA and would like the opportunity to visit with the administration and the development manager to talk about it.

A vote was called on Item No. 12. All voting aye. Nays none. ORDINANCE 2011-1203 ADOPTED.

13. ORDINANCE providing for an ad valorem tax exemption on the significant historic structure located at **300-304 Main Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT I – RODRIGUEZ** – was presented. Council Member Sullivan voting no, balance voting aye. ORDINANCE 2011-1204 ADOPTED.

14. ORDINANCE delegating to the Mayor the limited authority to select, approve and authorize an Electric Supply Agreement with a retail electric provider; providing a maximum contract amount – was presented, and tagged by Council Member Sullivan. Council Members Johnson and Clutterbuck absent.

Mayor Parker stated that Council Member Pennington had an amendment to Item No. 14 and requested that Council Member Sullivan release his tag to discuss that, and Council Member Sullivan agreed. Council Members Johnson and Clutterbuck absent.

Council Member Pennington moved to amend Item No. 14 as follows:

“By delegating to the Mayor the limited authority to select, approve and authorize an Electric Supply Agreement with a retail electric provider, to require the Mayor to consider “Additional Consolidation” prior to making a final determination, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Johnson and Clutterbuck absent. MOTION 2011-0939 ADOPTED.

Mayor Parker stated that Council Member Sullivan tagged Item No. 14 as amended. Council Members Johnson and Clutterbuck absent.

18. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **BARNES & TURNER**, Attorneys at Law, for the provision of legal services in connection with the Single Family Home Repair and Down Payment Assistance Programs – was presented. Council Member Sullivan voting no, balance voting aye. ORDINANCE 2011-1205 ADOPTED.
22. ORDINANCE awarding contract to **BFI WASTE SERVICES OF TEXAS, LP d/b/a REPUBLIC SERVICES INC** for Non-Hazardous Waste Collection, Transportation and Disposal Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options \$3,982,978.56 - General, Enterprise, Fleet Maintenance

and Other Funds – was presented. Council Member Sullivan voting no, balance voting aye. ORDINANCE 2011-1206 ADOPTED.

23. ORDINANCE approving and authorizing contract between the City of Houston and **KIMLEY-HORN & ASSOCIATES, INC** for City-wide Parking Management Strategic Master Plan and Best Practices Assessment for the Administration & Regulatory Affairs Department; providing a maximum contract amount - \$438,140.00 - Parking Management Special Revenue Fund – was presented, and tagged by Council Member Sullivan.
26. ORDINANCE approving and authorizing Lease Agreement between **UCM/GP - 1301 FANNIN, L.P. as Landlord**, and the City of Houston, Texas, as Tenant, at 1301 Fannin Street, Houston, Texas, for ten years, for use by the Houston Police Department - **DISTRICT I – RODRIGUEZ** – was presented.

Council Member Sullivan stated that it was not clear that the department looked at other alternatives to the site, other than perhaps City of Houston facilities, that the lease being taken was right in the middle of the Business District and he thought the purpose of it was to service the Police Department, which was located off of Memorial and he would like to see in future presentations such as this evidence that the department had looked either through the City Real Estate Department or through lease brokers for other facilities that may be available and less expensive and to make sure this was the best facility available. Council Member Noriega absent.

Mayor Parker stated that it was noted, that she believed it was specialized location for servers and not generalized lease space, that they did always consider alternatives if possible. Council Member Noriega absent.

A vote was called on Item No. 26. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2011-1207 ADOPTED.

28. ORDINANCE appropriating \$334,000.00 out of General Improvement Consolidated Construction Fund, \$168,000.00 out of Public Health Consolidated Construction Fund, \$271,000.00 out of Police Consolidated Construction Fund, \$195,000.00 out of Fire Consolidated Construction Fund, \$235,000.00 out of Parks Consolidated Construction Fund, \$186,000.00 out of Public Library Consolidated Construction Fund, and \$33,000.00 out of Solid Waste Consolidated Construction Fund; approving and authorizing Professional Services Contract between the City of Houston and **PARSONS COMMERCIAL TECHNOLOGIES GROUP, INC** for Comprehensive Facility Condition Assessments for various City facilities – was presented.

After discussion by Council Members, Council Member Costello stated that he was looking forward to having Director Minnix and his staff come before the Budget and Financial Affairs Committee and give them an update as to what was going on.

Mayor Parker stated that a complete assessment of all of their facilities was long overdue in the City of Houston and to be able to do comprehensive preventive maintenance was also long over due; that Director Minnix was well aware of the budget amendment that fire stations be at the top of the list, that obviously they had some new fire stations that would not be included, that the only consideration that would absolutely trump was that they did make an agreement to place the police building, the Travis Building, on the market in January so that facility's assessment was at the top of the list, but yes they intended to fill their obligation to meet the budget amendment for the fire stations.

A vote was called on Item No. 28. All voting aye. Nays none. ORDINANCE 2011-1208

ADOPTED.

30. ORDINANCE appropriating \$1,744,543.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Grade Crossing Signal Installation Agreements between the City of Houston and **BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY** for the Greater Inwood Quiet Zones located on Watonga Boulevard, Acorn Street, Pinemont Drive, Creekmont Drive, West Tidwell Drive, West Little York Drive; approving and authorizing a Highway-Rail Signal Interface Agreement between the City and **Burlington Northern Santa Fe Railway Company** at W. 43rd Street; providing funding for CIP Cost Recovery and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT A – STARDIG** – was presented.

After discussion by Council Members, a vote was called on Item No. 30. All voting aye. Nays none. ORDINANCE 2011-1209 ADOPTED.

31. ORDINANCE appropriating \$1,680,000.00 out of Street & Bridge Consolidated Construction Fund for services associated with the establishment of the East End I and East End III Quiet Zones by the **UNION PACIFIC RAILROAD COMPANY**; providing funding for CIP Cost Recovery and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2011-1210 ADOPTED.

34. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **PATE ENGINEERS, INC** for Rehabilitation of existing water wells at various facilities – was presented. All voting aye. Nays none. ORDINANCE 2011-1211 ADOPTED.

35. ORDINANCE approving and authorizing Professional Engineering Services Contract between the City of Houston and **PARSONS TRANSPORTATION GROUP, INC** for Pilot Wetlands Project at Lake Houston - \$128,060.00 - Enterprise Fund - **DISTRICT E – SULLIVAN** – was presented.

After discussion by Council Members, a vote was called on Item No. 35. All voting aye. Nays none. ORDINANCE 2011-1212 ADOPTED.

**MATTERS HELD** - NUMBERS 44 through 47

44. ORDINANCE **AMENDING CHAPTERS 8 AND 28 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive businesses; containing findings and other provisions relating to the foregoing subject; providing for severability – (This was Item 93 on Agenda of December 7, 2011, POSTPONED BY MOTION #2011-895) – was presented.

After discussion by Council Members, Council Member Bradford moved to postpone Item No. 44 until February 15, 2012, seconded by Council Member Pennington.

After further discussion on the motion to postpone Item No. 44 a vote was called. All voting aye. Nays none. Council Members Adams and Lovell absent. MOTION 2011-0940 ADOPTED.

45. MOTION by Council Member Lovell/Seconded by Council Member Gonzalez to amend Item 45A below as follows:

“by striking Sec. 42-274(a)(6) and substituting the following:

(6) The area is comprised of contiguous tracts and contains no out tracts as determined by the director in his sole professional judgment; except that the non-contiguous tract of approximately 25.78 acres conveyed to the Texas Medical Center, Inc, by Special Warranty Deed dated June 30, 1976 and recorded under File No. E809678 in the Official Public Records of Real Property of Harris County, Texas, may be included in the Texas Medical Center Major Activity Center designation – **(TAGGED BY COUNCIL MEMBERS SULLIVAN, RODRIGUEZ, JONES)** - was presented. Council Member Adams absent.

Mayor Parker stated that the administration would request a motion to table Item No. 45. Council Member Adams absent.

Council Member Sullivan moved to table Item No. 45, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Adams absent. MOTION 2011-0941 ADOPTED.

45a. **ORDINANCE AMENDING THE CONSTRUCTION CODE AND CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to subdivision and development and residential buffering; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause – **(This was Item 15 on Agenda of December 14, 2011, TAGGED BY COUNCIL MEMBERS SULLIVAN, RODRIGUEZ, JONES)** - was presented.

Mayor Parker stated that they were going to consider a change to a portion of Chapter 42 and she wanted to be very clear for everybody at the table and everybody watching, there were a package of major changes to Chapter 42 having to do with the Development Code and suburban and urban style development, whether they moved the boundaries of the urban style development out to the beltway from I-610, that was not being considered today, that was delayed into the new year and was actually referred back to the administration so that they could move it forward more slowly and give the super neighborhoods an opportunity to engage more completely on that, that this was a limited change to Chapter 42 having to do with the buffering of vertical development, mid to high rise development to provide more space between the buildings and the nearby residential areas, that it was a narrowly tailored ordinance designed to do a specific thing.

Council Member Pennington moved to postpone Item No. 45a for 60 days or until the administration determined that various parts of the City had been offered an opportunity to participate at a public hearing on this matter, seconded by Council Member Rodriguez.

After discussion by Council Members, Mayor Parker stated that the item before them was a procedural motion calling for a delay and stated that Mr. Feldman had signaled that he might want to weigh in.

Mr. Feldman stated that a delay of this item, unlike the delay of Chapter 8, did have a legal consequence, in the Ashby High Rise litigation one of the most frustrating things they had to deal with was that although the original application was filed over 4 years ago, in 2007, the only laws that could be applied to that project, to this day, were the laws that were in place as of the date that the original application was filed, so any permit application that was filed between now and whenever this ordinance may be adopted in whatever form would not be subject to the ordinance and that was something he believed, from a legal standpoint, had to be considered.

After further discussion by Council Members, a vote was called on Council Member



Pennington's motion to postpone Item No. 45. Mayor Parker and Council Members Johnson, Clutterbuck, Adams, Hoang, Gonzalez, Costello, Lovell, Noriega and Bradford voting no, Council Members Pennington, Stardig, Sullivan, Rodriguez and Jones voting aye. MOTION 2011-0942 FAILED.

A vote was called on Item No. 45. Mayor Parker and Council Members Johnson, Clutterbuck, Adams, Hoang, Gonzalez, Costello, Lovell, Noriega and Bradford voting aye, Council Members Pennington, Stardig, Sullivan, Rodriguez and Jones voting no. ORDINANCE 2011-1213 ADOPTED.

46. ORDINANCE approving and authorizing HVAC Operation and Maintenance Services Agreement for the Houston Airport System between the City of Houston and **TDINDUSTRIES, INC**; providing a maximum contract amount - 3 Years with two one-year options - \$32,599,317.74 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – **(This was Item 31 on Agenda of December 14, 2011, TAGGED BY COUNCIL MEMBERS ADAMS, GONZALEZ, RODRIGUEZ, JONES, JOHNSON and BRADFORD)** - was presented. Council Member Sullivan absent.

Council Member Adams offered the following motion to amend Item no. 46:

The proposed HVAC Operation and Maintenance Services Agreement for the Houston Airport System between the City and TDIndustries, Inc. ("Agreement"), set forth as Item 46 on the Agenda of December 21, 2011 is hereby amended as follows:

1. Article IV (4) of the Agreement is deleted and replaced with the following language:  
City Council delegates to the Director the authority to approve up to \$3,151,131.67 in supplemental allocations (inclusive of the 10% change order contingency) for this Agreement without returning to Council.
2. The first and second sentences of Article IV (5) of the Agreement are deleted and replaced with the following language:  
The Original Allocation plus all supplemental allocations are the Allocated Funds, which include a 10% contingency in the amount of \$572,933.03 (inclusive of the 10% change order contingency appropriated as part of the Original Allocation). For purposes of Change Orders in Section IV.F (3)(c) below, the Original Agreement amount is \$5,729,330.32.
3. The first sentence of Article V A of the Agreement is deleted and replaced with the following language:  
This Agreement is effective on the Effective Date and continues for one year from the date set forth in the Notice to Proceed, unless sooner terminated under this Agreement.
4. Article V B of the Agreement is deleted in its entirety.
5. Section 4.9.1.1 of Exhibit "A" of the Agreement is deleted and replaced with the following language:  
  
Hydro Static-perform hydro static test on tubes on each boiler during the Term.
6. Section 8.2.6 of Exhibit "A" of the Agreement is deleted in its entirety.
7. Section 20.6.12 of Exhibit "A" of the Agreement is deleted and replaced with the following language:

Hydrostatic Test Reports-provide hydrostatic reports during the Term and when boiler tubes are replaced.

8. Exhibit "B" of the Agreement is deleted in its entirety and replaced with Exhibit "B" (in Office of the City Secretary attached to motion) attached hereto.

Mayor Parker stated that she wanted to thank Council Member Adams for offering the amendment, that many Council Members noted potential problems in the procurement process, that they had to have some contract in place, they were asking for in essence of a maximum extension of one year, with the intention of ending it sooner, as soon as they could get a new RFP completed.

Upon questions by Council Members, Mr. Feldman stated that any procurement process, in order to stand the test of time, had to be one that had integrity, which meant that it was fair and consistent, that all those who were interested in the first instance, as well as all those who actually decided to bid, were on the same playing field, to give consideration to the best and final would be to deprive all others who could have submitted a bid in the first place and who did submit a bid, to have a like opportunity, that it was his legal opinion that not only should that not be considered but rather that the RFP, the procurement, should be redone. Council Member Sullivan absent.

After further discussion by Council Members, Mayor Parker stated that this was an issue that had come up several times in the past and knew that Council had asked Legal to look at a way to improve their procurement processes, that she thought they had to consider two different issues, one, the general procurement, which they had been looking at, and then the RFP process for some of the big items where they had an evaluation team, that there were different sets of problems inherent in those and frankly they really had not had the bandwidth to get there yet, that she did not want to put him on the spot but had asked Council Member Bradford if he would consider representing Council and helping chair an effort with some private sector representatives that they were identifying to look at that as they went forward. Council Member Sullivan absent.

Upon further questions by Council Members, Mr. Feldman stated that as the Mayor was indicating there was going to be a taskforce that was going to look at procurement processes overall for the City, but with respect to this particular procurement this one year contract gave the City the opportunity to put this item back on the street, expeditiously, in order to insure that the process was done correctly this time, that there were flaws in the process and this was what was necessary to remedy that, but the new procurement process would begin as soon as the Council acted to award a one year contract or extension to TDI, and Mayor Parker stated that it would be conducted by Aviation but under supervision of the Legal Department for this specific contract, that it was up to one year and the intention was if they got the RFP process done in a timely manner it would end sooner, that all of them had cancellation for convenience but a year took the time constraints of, that it was \$3,100,000.00.

After further discussion by Council Members, a vote was called on Council Member Adams motion to amend Item No. 46. All voting aye. Nays none. Council Members Stardig and Sullivan absent. MOTION 2011-0943 ADOPTED.

A vote was called on Item No. 46. All voting aye. Nays none. Council Members Sullivan and Stardig absent. ORDINANCE 2011-1214 ADOPTED AS AMENDED.

47. ORDINANCE approving Interlocal Agreement between the City of Houston, Texas and **MIDTOWN MANAGEMENT DISTRICT** for the maintenance of Elizabeth Baldwin Park **DISTRICT I - RODRIGUEZ** – **(This was Item 42 on Agenda of December 14, 2011,**

**TAGGED BY COUNCIL MEMBER RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1215 ADOPTED

At 11:19 a.m. Mayor Parker stated that it would take about 5 minutes to reset the microphones, if they wished to speak to the public they were going to need to do that, that they would take a 5 minutes recess.

At 11:27 a.m. Mayor Parker stated that they would move to Council presentations.

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

Council Member Costello read the names of people who had died who were homeless, from a Houston Chronicle article titled “Somber service to pay homage to Houston’s homeless”, that today they would mark the day as the longest night of the year which was the winter solace, that out in front of City Hall tonight, at 5:30 p.m., they would be reading off names of 82 homeless men and women who had passed away, that he and his staff were personally working on the permanent support of housing for individuals who had chronic illnesses or diseases; that he wanted to thank his colleagues Council Members Stardig, Clutterbuck, Johnson, Jones and Lovell for a wonderful two years working together, that he really appreciated everything that they had done. Council Members Sullivan and Rodriguez absent.

Council Member Bradford stated that he wanted to say thank you and God speed to those who had served in public service, that he wanted to thank Council Members Stardig, Clutterbuck, Jones, Lovell and Johnson. Council Members Sullivan, Rodriguez and Jones absent.

Council Member Lovell stated that it had been a pleasure to serve with Mayor Parker, that she had made some really bold decisions and that was what leaders did, that she wanted to commend the Mayor for being a good leader; that the work would be what she would miss the most, the people who came to her with their problems, the most interesting people that they would ever meet and would never meet in any other job, would ask them to help and they could actually help them in a way that really impacted their lives in the City, that was the best thing about being a public servant, that they had done some big issues, that it was the day to day things that people asked them to do and their ability to do it was what she thought was the best, that what she would miss the most was the people that she was able to meet by being in office; that the people she would really miss were the City of Houston employees, they were the best and delivered the best services to the City probably with the least amount of pay, that she wanted to thank all of the department heads and liaisons that had worked with her on issues, that she wanted to thank them for making her look really good as they moved through some of their issues; to her staff, she would miss on a daily basis seeing them, but she knew they would stay in touch, that she had tried to wean herself of having staff, which she thought was the downside of leaving, that she was going to take computer classes so she could learn to be proficient on the computer, that she wanted to thank her staff, she had always said they did the work and she took all the credit; to her family, her sons, who through six years of all of this and all the campaigning thank you; that she would have a lot of free time and would stay busy and active in the City; to the citizens, thank you, it had been a privilege and honor to sit at Council and to serve them and she wanted to thank them for the opportunity, when she took on the issue of graffiti, which was her first accomplishment her sons were appalled that she would do that, that she thought now they were proud. Council Members Sullivan, Rodriguez and Jones absent.

Council Member Johnson stated that he wanted to thank all of his staff, Amy Francis, Candice Hurt, Emily Barrier, Stephen Taylor, Derrick Mohammed and Alvin Byrd; that he wanted to thank his family, his wife, who for six years endured the long nights and early

mornings, that she stepped up and took care of the family the way she needed to and he thanked her for that, that he wanted to thank his children, Jarvis and Nalyah, that he wanted to applaud both of them, they had done well and were honor roll students; that he wanted to thank his mother for being there for him and allowing him to be who he was, that he wanted to thank his father, who worked at KTSU, for all the support that he had given him; that he was looking forward to the private sector and looking forward to an opportunity of going out and being in private and doing his own thing, that he wanted to appreciate all of his colleagues, that he had an opportunity of getting to know each and everyone of them, that he appreciated the Mayor and the mutual respect that they had agreed to disagree, but also agreed on a lot of things, that she had recognized his desire to see District B grow, that he was going to miss everyone around the table, that he wanted to thank the City of Houston and wanted to thank everyone for the memories. Council Members Sullivan, Rodriguez, Lovell and Jones absent.

Council Member Gonzalez stated that he wanted to thank and acknowledge his outgoing colleagues, Council Members Lovell, Clutterbuck, Johnson, Jones and Stardig, it had been an honor to serve with each and everyone of them and wished them the very best in their future endeavors; that today Santa would make his final District H Library visit at the Flores Library; that he would like to thank the Cliff Tuttle, Heights, Carnegie and Moody Library Branches for opening their doors to Santa and welcoming the District H Team; that he wanted to wish a safe and happy holiday season to his neighbors and friends in District H and throughout the city. Council Members Sullivan and Rodriguez absent.

Council Member Noriega stated that she wanted to thank the Solid Waste Department and Director Harry Hayes in recognition of their partnership with Keep Houston Beautiful, that last Wednesday the Director and staff, along with Keep Houston Beautiful folks donated bicycles to needy families and they were able to help, that this was the fifth year that the Solid Waste and Director Hayes and made young faces smile; that she wanted to thank her staff, Sherry Weesner, Georgia Lewis, Toya Ramirez and Rasheed Core and all of the interns they had had over the last four years and all the folks that had been in and out of their office; that she wanted to thank each of the outgoing colleagues staff, who had been collaborative and worked with their offices, that she wanted to say goodbye to each of her friends that she had gotten to know, Council Members Stardig, Clutterbuck, Johnson, Lovell and Jones. Council Members Sullivan and Rodriguez absent.

Council Member Adams stated that she wanted to express her gratitude to Council Members Clutterbuck, Johnson, Jones and Stardig, for all the things they had done for her, that she was saving Council Member Lovell for last, that she had a personality that sometimes they had to connect, no matter if they liked or disliked what she said, that she was who she was because of all the hard work she had done for her community, that they could agree to disagree at the Council table, that she wanted to thank the media because they allowed all of their stories out, whether they were good or bad, that she wanted to thank all of the staffs, especially her staff, because they were who they were as leaders because of who they were connected to in their offices every day, that she wanted to thank all of the directors for their leadership, that she wanted to thank the Mayor for her leadership, that she wanted to thank the constituents of District D and all of her supporters; that Council Member Costello mentioned that tonight they would be celebrating the homeless population with a candle memorial light vigil on the steps of City Hall. Council Members Sullivan and Rodriguez absent.

Council Member Clutterbuck stated that a large main broke in front of her house last night, that the guys that were working that site last night were truly amazing and kept it all together and calm, that she wanted to thank Autrey Haygood, Christopher Miller, Hazel Carter, Jose Arredondo, Marcus Kennedy, Daniel Janada, Derrick Arbor and Oron Smith, Managing Engineer, that she asked for their names so she could thank them on the mike and promised that Director Krueger would know their names and of the amazing work they did; that she

wanted to thank her colleagues and wanted to thank the public that every single person at the Council table was tremendously hard working; that she wanted to thank her husband John and daughter Caroline and William Clutterbuck, who was at home recovering from his wisdom tooth removal, that she wanted to thank her staff, that Sharon Shanahan and Barbara Hite were the original staffers who started with her six years ago, to John Newport and Katherine Murphy thank you for their service and always providing her amazing information and attention and helping her to look thorough and staff who was not with her still, Tim Douglass, Marta Crinejo, Abby Nobles and Lilly Segal Gardner, that she wanted to thank the citizens of District C for the amazing privilege of serving them. Council Members Stardig, Sullivan, Rodriguez and Jones absent.

Council Member Hoang stated that he wanted to thank Mayor Parker for giving the Council Members a chance to sit in her chair; that for the last couple of weeks he had been out with the Mayor's Anti Gang Division giving out gifts to the children at Westwood Mall and then with the Mayor's Assistance Office to give gifts to children at the Plaza Medical Center; that he had been at Council for two years and had learned a lot from his colleagues and staff, especially the outgoing Council Members; that tomorrow was his wife's birthday; that he appreciated and thanked all of the directors who had been so helpful to him, that he appreciated his staff, they had been very helpful to him. Council Members Sullivan, Gonzalez and Rodriguez absent.

Council Member Stardig stated that her parents and Aunt Wanda were in the audience and she was very grateful, that they had deep routes in the community and she was proud of that fact, that it had been a great joy and pleasure to work with the Mayor, that she did have the best of intentions and vision for the City and what needed to be done to move them forward, that she worked hard and whether they agreed with her or not they needed more people like that who worked hard and were willing to take on the hard issues, that of their colleagues she would say the same thing, Council Member Costello took on one of the hardest issues the City had ever faced and survived to tell about it, that she admired and respected him for that, doing what he believed was right, that Mr. David Feldman was still her rock star, anyone who was willing to take on the slum lords the way he did and stepped out of his comfort zone, that Council Member Pennington, talking about insight into the City, intellect and the understanding of the financial issues that saved the City, that was the wealth of knowledge to move them forward, to make it right for the City of Houston, that she and Council Member Adams came from very different background but had so much in common, passion for their community and the people they serve and to do the right thing at all costs and she admired and respected that, that Council Member Lovell was a scrapper and they needed lots of scrappers, that Council Member Rodriguez had done a great deal of work, that Council Member Gonzalez had the sense of humor that got them all through, that Council Member Hoang admired and respected the fact that he did a lot of outreach to the International Community and thought that was important to all of them, that Council Member Johnson had done a lot in the north side of town and she thought there was a lot to be done in the Antoine Corridor and the more they could demolish she was there to support, that State Representative Turner had that moving in the right direction, that all those folks needed to be supportive of the Near Northwest Management District and hoped everyone continued to do that, that she was not going anywhere, she had always been involved in her community and would continue to do so, that she served on a number of boards and had been asked recently to join some more; that during the New Year Celebration she wanted to remind everyone of Crime Stoppers Anti Celebratory Gun Fire Campaign. Council Members Sullivan, Gonzalez and Rodriguez absent.

Council Member Pennington stated that 2010 and 2011 had been very good for him and his wife and he appreciated the voters of District G for electing and re-electing him to the office, that it had given him a great opportunity to have a second career, but also to provide public service, that he was doing his best to discharge the trust that he had been given, that he wanted to thank the Mayor and senior City Council Members, as well as his contemporaries and their

staffs for sharing their wisdom with him and their ideas about how to move the City forward; they always had great celebrations around the City thanks to Susan Christian and her staff, they had a great Christmas atmosphere here and they all enjoyed it; that Tom Combs of DRC and Carolyn Boosier, a resident of Piney Point were able to donate a new bicycle to a deserving constituent, Deshare Rivera, that Johnson Moss went out and got the bicycle and gave him an extra \$20 to buy the helmet, that he was very happy; that he wanted to give thanks to his staff, John, Mark Kirschke, Mary Harmon, Kristen Sandbig and Christina Manera, who worked part time, for the great work that they had done; that for those who would not be at Council next week, he had already recorded his specific thoughts about them, but the thing they had in common was that they all made distinct contribution to the Council table, each of them had a different perspective and he listened to what each of them had to say and what he thought it confirmed was the diversity on the Council and the quality of the people who chose to run, that he wished them all well. Council Members Sullivan, Hoang, Gonzalez and Rodriguez absent.

Council Member Jones stated that she wanted to thank her family, her son, who went through the ringer with her, her Mom and Grandmom for teaching her that if there 100 people in the room and 99 were doing wrong that she better have the courage to do what was right, that Channel 26 asked her yesterday where she got her courage to speak the truth at the Council table and she told Channel 26 that it did not take courage to speak the truth at the table, that courage was relative, that it did, however, take courage for her to withstand four years of sexual abuse by her uncle when she was a very young girl and he was a very big man and he told her that if she said anything to anyone he would kill her and her mom, that was courage, that the stuff at the Council table, to her, was not courage, that her theme, as she exited, was truth, that she wanted to thank her fabulous staff, they had a commitment to public service and were one of the lowest paid staffs, that she wanted to thank her colleagues because this was a hard job, sometimes they had to make really tough decisions and it was not easy, that before she got elected she was helping people, that she and her son helped save Megan Caplan's life, that was important, that as an elected official she helped non classified workers a lot because they were the disenfranchised and continued to be in the City, that she was always a reluctant elected official because her gut instincts were not political, they were human, that as a Council Member she stood up for people regardless of the consequences, she would not change anything she had done and quite frankly she was so thankful to God for what he did in that election, because she was free to be herself because elected officials were not free to be themselves because they had to worry about who was going to vote for them and who was not, whether it was the right thing to do or not, which led her to the last thing and they needed to know how things happened at Council, that everyone sat around the Council table and swore they were friends, but people stabbed each other in the back, it was what it was, she suspected it before she got elected and learned about it as an elected official; that there were some serious concerns on the auto dealers thing brought to her over a period of time, that if what they say was true they were wrong, that she met a gentlemen at a meeting two days ago, who was present in the Chamber, and he was threatened with arrest; that she was going on vacation, and she deserved it, after this was over, that her family deserved it, that she did not get to spend Thanksgiving with her son because of politics, that she had heard allegations and if they were true they needed to be investigated so she was requesting a formal investigation, that Sergeant Provost threatened people, that she would get into details when she got back into town, that it concerned her, that he had family members who worked for Service King, that there was a colleague at the Council table, who she had been told and if it was true, had a family member who worked for Service King, that was problematic. Council Members Adams, Sullivan, Hoang, Gonzalez and Rodriguez absent.

Mayor Parker stated that she knew they were going to gather in a few minutes to wish well the outgoing Council Members and she wanted to tell them that it had been an honor to serve with them and was not going to add to the dialog today but wanted the opportunity to thank each one of them individually for their service and to tell them how much she appreciated it, that it

had been a very difficult two years and they had done more heavy lifting in two years than any similar period that certainly she had experienced down here and they could look back and be proud. Council Members Adams, Sullivan, Hoang, Gonzalez and Rodriguez absent.

There being no further business before Council, the City Council adjourned at 12:24 p.m. Council Members Adams, Sullivan, Hoang, Gonzalez and Rodriguez 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