

City Council Chamber, City Hall, Tuesday, February 1, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 1, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, 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; Ms. Carolyn Hanahan, First Assistant City Attorney, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Anne Clutterbuck absent on personal business.

At 1:43 p.m. Mayor Parker stated that presentations would begin with hers being first and invited Ms. Barbara Adamson to the podium. Mayor Parker stated that Ms. Adamson was founder and director of the Care Van Program, one of the most comprehensive immunization outreach programs in the State of Texas and for the last three years worked with the Mayor's Citizens Assistance Office to provide immunizations at various back to school events held across Houston; that currently Ms. Adamson and the Houston Fire Department were offering free immunizations at several fire stations and the immunization drive was being held from January 20th through May 19th; that immunizations saved lives and because of her wonderful work presented her a Proclamation proclaiming today as "Barbara Adamson Day" in the City of Houston, Texas. Ms. Adamson thanked all for their support and recognition; and introduced Ms. Alejandra Leall their lead nurse and Deputy Chief Herrera with the Houston Fire Department. Council Members Rodriguez and Jones absent.

Council Members thanked Ms. Adamson for the program which did benefit all families all over Houston and thanked her team for their extraordinary work. Council Members Rodriguez and Jones absent.

Council Member Gonzalez invited all those present for his presentation to the podium and stated that he was very excited today to make a presentation to the H.E.A.R.T. Program (Housing Entrepreneurship and Readiness Training Program) started by Ms. Jane Cummings and Dr. Roth Castillo to promote structure and independence for persons living with developmental disabilities by providing innovative education, training, housing and employment programs; that participants helped to train other participants and over 50 in Houston had now received jobs; that today H.E.A.R.T. was celebrating five years of service to low income Houstonians and Mayor Parker presented them a Proclamation proclaiming today as "Housing Entrepreneurship and Readiness Training Program Day or H.E.A.R.T. Day" in Houston, Texas. Council Members Adams, Rodriguez and Jones absent.

Council Member Noriega congratulated all for doing such a super job; that getting up and going to work daily was what made all citizens; and she thanked all for providing the opportunity and being a model for all others. Council Members Adams, Rodriguez and Jones absent.

Ms. Cummings thanked all for their support and recognition; and invited all to their open house celebration tonight from 5:00 p.m. to 7:00 p.m. at their facility located at 6717 Stuebner Airline #207 off I-45 North. Council Members Adams, Rodriguez and Jones absent.

Council Members thanked and congratulated Ms. Cummings, the trainees and the organization on all their work and all they continued to do. Council Member Rodriguez absent.

At 2:11 p.m. Mayor Parker called on Council Member Pennington who led all in the prayer and pledge. Council Member Rodriguez absent.

At 2:12 p.m. the City Secretary called the roll. Council Member Clutterbuck absent on personal business.

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

At 2:13 p.m. the City Secretary began calling the public speakers.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas (713-466-4477) appeared, presented information and stated that he was present regarding Agenda Item 24 and was asking the deal for the stadium be rejected as it was not good for taxpayers, they must stop taxpayer subsidized giveaways. Council Members Sullivan, Hoang and Jones absent.

Mr. Terry Franklin, 17326 Candela Drive, Houston, Texas 77083 (832-641-2172) appeared and stated that he was president of HAMR (Houston Area Motorcycle Riders); that in January many riders met with legislators and a Proclamation from governor Perry was read and recorded dedicating May as Motorcycle Safety and Awareness Month in Texas; that his group would like the City of Houston to be the first large city showing its support and requested a Proclamation designating the month of May as Motorcycle Safety and Awareness Month in the City of Houston. Council Members Sullivan, Hoang and Jones absent.

Mayor Parker stated that if Mr. Franklin would visit with her Citizens Assistance Office who was present she would be happy to issue the Proclamation, it was a great idea. Council Members Sullivan, Hoang and Jones absent.

Mr. Michael Ray, 7246 Rio Blanco, Houston, Texas 77083 (281-513-7195) appeared and stated that Mr. Franklin had already made their point regarding motorcycle safety and awareness, but it was also national awareness month; that they wanted to make motorcycle safety priority in Houston as many young people would soon be riding motorcycles as main transportation because of fuel costs and HAMR would like to sit with the Mayor, Council Members, HPD, etc., and advance motorcycle safety here in Houston. Council Members Sullivan and Pennington absent.

Mayor Parker stated that she looked forward to working with them on motorcycle safety and the best thing all could do driving vehicles was to be aware of them on the road. Council Member Sullivan absent.

Mr. Donald Burns, 13021 Dongeal, Houston, Texas 77047 (713-882-0307) appeared, presented a display board for viewing and stated that he was present regarding Shamrock Manor deed restrictions; that he had been present in 2008 and 2009; that they wanted to dismiss the prosecution on the deed restrictions the city litigated him on behalf of four individuals running a business; that he owned 13 pieces of property he inherited and the trailer park they got rid of he had held the mortgage to it; that they harassed people with Neighborhood Protection and Code Enforcement; that the picture with the young man was recorded yesterday and the manhole covers were spray painted yesterday and what the city Attorney was doing on behalf of Shamrock Manor was unacceptable. Council Member Sullivan absent.

Mr. Haywood Wade, 3939 North Freeway #251, Houston, Texas 77022 (832-687-6144) appeared and stated that he was present to discuss the mental health system; that he was a product of the mental health system in Harris County and they were asking for Council's support to help them accomplish goals; that one thing was early intervention, with proposed budget cuts the bottom-line for Texas children was pay now or pay later, it was important to save the babies; that a deep cut in budget would also effect the county jail which was the largest mental health care in the state though not by design; that they needed Council's support

as they knew how to address such issues; that he was a parolee and his longest time to stay out of prison had previously been one year, but now with the support of MHMRA he had now been out 30 months. Council Members Sullivan, Hoang and Noriega absent.

Council Member Adams thanked Mr. Wade for coming and giving his testimony; that she knew they were sending legislative items to Austin for their Agenda and one thing they did need to be mindful of was mental health care; that if the state was going to look at funding cuts here it would impact those on medicine and those creating crimes because they did not have it; that this was a serious issue and the City of Houston needed to continue to be advocates. Council Members Stardig, Sullivan, Hoang and Noriega absent.

Upon questions by Council Member Jones, Mr. Wade stated that HPD had a response team; and Mayor Parker stated that it was the Crisis Intervention Team; and Mr. Wade stated that at a city level he wanted them to support their cause, to be a lobbyist for them. Council Members Stardig, Sullivan, Hoang and Noriega absent.

Mr. William Beal, 5814 Overdale, Houston, Texas 77033 (no phone) appeared in a Superman Suit and stated Mr. Ronald Wilson Reagan, the Republican National Party and Trinity Broadcast Network; that he had been in the headquarters of both and there was a problem with diplomacy in America; and continued expressing his personal opinions until his time expired. Council Members Stardig, Sullivan, Hoang and Noriega absent.

Reverend Joe Lopez, 1333 Wellsriver, Houston, Texas 77041 (832-891-2724) had reserved time to speak but was not present when his name was called. Council Members Stardig, Sullivan, Hoang and Noriega absent.

Mr. Kenneth Scott, 1822 Esther Drive, Houston, Texas 77088 (713-658-5890) appeared and stated that he was present as he worked for the City of Houston from 1980 to 1989 and then was railroaded out of his job; that he filed an appeal but it never came up; that he was told he appeared to be sleeping; and he was trying to find out what to do to get that appeal. Council Members Sullivan and Noriega absent.

Upon questions by Council Member Jones, Mr. Scott stated that he was fired in 1989; that it was 21 years ago, but he was told to do all he could do and get a job so he did; that he was never given due process and he was told it could take years before getting to his case so he wanted his fair hearing. Council Members Sullivan and Noriega absent.

Upon questions by Council Member Bradford, Mr. Scott stated that he had no hearing at all; that he had appealed for the hearing and he felt with the hearing he may get an appeal and then get retirement and back pay. Council Member Sullivan absent.

Mr. Don Hooper, 3547 Woodvalley, Houston, Texas 77025 (713-553-8955) appeared and stated that he noticed in last week's Council Meeting they stepped up to the plate and would be subject to the Proposition I fees just like all other county governments and he wondered if it would include the streets and if so how would it be calculated, etc. Council Members Stardig and Sullivan absent.

Council Member Jones stated that was interesting to think who owned the streets; and Mayor Parker stated that the streets were part of the conveyance system and they would not be charging themselves for the streets, but for the buildings, the streets carried the water to the larger drainage system; and Council Member Jones stated that if the impervious cover was a part of the drainage system then it was exempt; and Mayor Parker stated yes; that she would be happy to have those in Public Works have a more complete discussion with her; in terms of giving credit they calculated how fast the water was released from the private property into the

public space and whether it involved detention and retention, it was a complicated calculation and she would rather have experts speak with her. Council Members Stardig and Sullivan absent.

Council Member Bradford stated that his point of the streets brought to the forefront things which warranted discussion; that their body did need to make a decision having to do with an implementation ordinance and discussions had already commenced regarding exemptions, if any, should be applied to Proposition I; and upon questions, Mr. Hooper stated that his personal belief was once the church was taxed the church was beholding to the city and it was a road never gone down before and bad public policy. Council Member Sullivan absent.

Council Member Bradford moved the rules be suspended for the purpose of extending the time for questions of Mr. Don Hooper, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Clutterbuck absent on personal business. Council Member Sullivan absent. MOTION 2011-0064 ADOPTED.

Upon further questions by Council Member Bradford, Mr. Hooper stated that he thought this was a discussion which would merit a full debate and wondered where the storm drain improvements were; that he did not believe you taxed churches, schools, etc., things you were already paying taxes for. Council Member Sullivan absent.

Council Member Gonzalez stated that voters of Houston approved Proposition I and Council was charged with creating the best ordinance they could to make sure it was effective and that they deliver what the citizens requested; and upon questions, Mr. Hooper stated that in talking about flooding he would suggest the church, the school, etc., did not cause the flooding problems, it was the engineers who designed them and they were not being taxed; that there was nothing on what Council Member Costello got through which said you had to tax anyone, just that you had to come up with the \$125 million and to put residents and commercial properties at the front of the fees being paid he thought disingenuous and again would ask what projects, how much was it to fix them, etc., and was not METRO money being already used for it; and Council Member Gonzalez thanked Mr. Hooper for coming and for his input. Council Member Sullivan absent.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Mr. Don Hooper, seconded by Council Member Jones. All voting aye. Nays none. Council Member Clutterbuck absent on personal business. Council Member Sullivan absent. MOTION 2011-0065 ADOPTED.

Upon questions by Council Member Pennington, Mr. Hooper stated that he and others discussed this and thought churches and schools should be exempted, but they needed to first look at what the problem was and there were many ways to get to \$125 million, ways to mitigate, Houston was a fairly new city with great infrastructure; and Council Member Pennington stated that there were many subdivisions created years ago with different drainage standards; that hopefully he would attend the hearing Thursday night with Council Member Costello's Drainage Committee and he was interested in the financing; that METRO money was already being spent and if he had specific ideas on how to raise the funds he would be interested. Council Member Sullivan absent.

Mayor Parker stated that METRO was on an 18 month payment plan to get caught up, though it was not available for drainage it was mobility dollars. Council Member Sullivan absent.

Council Member Adams stated that Mr. Hooper was an advocate against this since the beginning and did bring suggestions, but she did not know if he had opportunity to review the

slideshow presented a couple of weeks ago; and Mr. Hooper stated that he had seen the Mayor's presentation and got an ear full from the Tax Office it was inaccurate. Council Member Sullivan absent.

Upon questions by Council Member Adams, Mayor Parker stated that the amount in each category was laid out in the power point presentation, it was a relatively small amount of property held by churches across the City of Houston and they simply whopped off the property from the calculation and recalculated the amount everyone else would have to pay. Council Member Sullivan absent.

Mr. Clyde Bryan, 10802 Pepper Lane, Houston, Texas 77079 (713-545-4878) appeared and stated that he was a business leader on the Westside and served on the board of the West Houston Chamber of Commerce and was involved with the Independent Electrical Contractor Association serving as their governmental affairs chair and was involved on the finance committee at his church and president of the Executive Council which met at the Lakeside Country Club and was present today concerning concerns of the Westside business leaders; that he met with three Council Members about Proposition I and his concern was the fee on the churches; that for his church it would equate to about \$20,000 a year and over the 20 year period it would equate to \$400,000, a significant amount of money; that Chase Tower, a 70 story building, would pay approximately \$2,500 and in looking at the number of people in the building and street miles they drove daily it was not an equitable deal; that he wondered how much would be spent on streets and how much on drainage and it needed to be made equitable, this was not a fair equation; that also taxing the county was ridiculous. Council Members Adams, Sullivan and Hoang absent.

Council Member Jones stated that he made her think of something, it was her understanding of this based on the Charter amendment was to fee property owners for their contribution to flooding, but there was a street component of it so why would the city not consider...; how could they make this equitable for all reasons why it was implemented, but then what about the areas neglected for decades which did not have much traffic; and Mayor Parker stated that they were talking about drainage as it was a drainage fee, it was not a street assessment, the streets were included in so much as they were a part of the drainage conveyance system for the City of Houston and the fact the Charter amendment required the city put all current street work money into this same special fund and so out of that special fund they would be doing drainage as funded by the drainage fee and street work when it was in association with drainage work as part of their flood conveyance system and then also street work they previously had done, but they were talking of drainage because it was a drainage fee under state law and it must relate in some way to the runoff from properties; that in general the street grid system was a part of the storm water conveyance system and especially in a curb and gutter neighborhood, it was a large part of the storm water conveyance system; and Council Member Jones stated that she would like Public Works to pull out the streets which were not a part of the conveyance system; and Mayor Parker stated that she had no idea, but would ask them; that as a part of this ordinance, as a part of the CIP discussion they would have a prioritized list of projects based on drainage needs and have a prioritized list of projects based on pavement assessment going on across the city with the intention of marrying the two different sets of projects so they could get the best value for their dollar by combining work wherever possible; and Council Member Jones stated that she asked what part of the streets were not a part of the conveyance system and that was separate from what she just said; and Mayor Parker stated that she would ask Public Works to visit with her in detail on that. Council Members Sullivan and Hoang absent.

Upon questions by Council Member Bradford, Mr. Bryan stated that he was trying to say Mayor Parker stated this was a drainage referendum, but to put the drainage in you had to tear up the streets so there was a component built into this and he was getting at how much of a

percentage was that component. Council Members Sullivan and Hoang absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Mr. Clyde Bryan, seconded by Council Member Jones. All voting aye. Nays none. Council Member Clutterbuck absent on personal business. Council Member Sullivan absent. MOTION 2011-0066 ADOPTED.

Upon further questions by Council Member Bradford, Mr. Bryan stated that he thought schools and places of worship should be exempt; that never before in the city's history had they taxed schools, nonprofits, churches, etc., and he would not support such a public policy. Council Member Sullivan absent.

Council Member Pennington stated that he did not think all nonprofits were exempt; that he thought most people thought of streets as mobility facilities rather than drainage facilities and he thought if you rebuilt the drainage on one side you would not have to redo the entire street; there were also some streets which had ditches and were blacktopped and the road may not be a part of the drainage facility; that this was complex and worth discussion on how to do it; and perhaps there was other ways to raise money and worth considering; and Mayor Parker stated that as long as a fee was set which did guarantee a minimum of \$125 million the Charter amendment was silent on how it was done. Council Member Sullivan absent.

Council Member Costello stated that he and Mr. Bryan had known each other a long time and he appreciated his support, etc., but first of all the program "Rebuild Houston" was about four significant silos of money and yet the opposition continuously harped on the drainage user fee and mislabeled it a tax, it was not a tax, it was a drainage user fee subject to runoff and he did not see any difference between a nonprofit, school district or church paying for water, sewer, electricity or gas and no drainage; that he was going to continue to argue the case and that no one should be exempted; that other municipalities across the state have the program and the simple fact of what they were omitting in the discussion was the pay as you go plan when they were converting \$2.3 billion of debt to pay as you go. Council Member Sullivan absent.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Mr. Clyde Bryan, seconded by Council Member Jones. All voting aye. Nays none. Council Member Clutterbuck absent on personal business. Council Member Sullivan absent. MOTION 2011-0067 ADOPTED.

Council Member Lovell stated that Council Member Costello explained this very thorough and simplistically and schools and churches did contribute to the problem with their large parking lots and they could raise money and help defray their costs; and upon questions, Mr. Bryan stated that in looking at HISD the state legislature was cutting their budget significantly so they were operating in a deficit and now the city would be adding another \$3 million to their liability; that many came into Houston and used the streets and would not be paying a dime; and Council Member Lovell stated that was not fair, but she saw no way to remedy it unless they attached it to the sales tax; and Mayor Parker stated that she thought Mr. Bryan was advocating a commuter tax in the City of Houston. Council Members Johnson and Sullivan absent.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Mr. Clyde Bryan, seconded by Council Member Stardig. All voting aye. Nays none. Council Member Clutterbuck absent on personal business. Council Members Johnson and Sullivan absent. MOTION 2011-0068 ADOPTED.

Upon questions by Council Member Adams, Mr. Bryan stated that he did review the presentation previously, but was not an accountant; that he would take their word the calculations were true; and Council Member Adams stated that this Council would have to look

at actual formulas and see if the numbers were correct; that Council Member Costello mentioned four funding sources and one source was the \$125 million; and upon questions, Mayor Parker stated about \$100 million; that they were currently spending, it said they had to put all they were currently getting, all METRO money, 11.8¢ of ad valorem tax, various other funds into the same pot; and Council Member Costello stated that over the life of the program which would be 20 to 25 years 40% of the money came from the drainage user fee and the balance came from pay as you go and about 5% or 10% came from the development impact fee and the balance from the METRO dollars so there was a significant amount of money people did not talk about because they were advocating for a certain cause within the drainage user fee; and Council Member Adams stated that when they went out she would like those numbers shown as well so there could be a total understanding, she would like the numbers for the other three funding sources shown so the message to the constituents could be clear. Council Members Stardig, Johnson, Sullivan and Lovell absent.

Mayor Parker stated that they would still do street work, under the drainage fee some work could apply to streets in addition to drainage, but they were spending almost \$0.00 on drainage right now; that all money currently being spent on streets they were required by Charter to continue to spend on streets; that one big lie being circulated was that this was somehow intended to replace the METRO money coming into the City of Houston and the Charter amendment actually addressed it and said METRO money had to continue to go into this; and Council Member Adams stated that in District D they had streets with no drainage at all and she wondered how they would label and place them. Council Members Stardig, Johnson, Sullivan and Lovell absent.

Mr. Nigel Ross, no address (713-734-7329) appeared and stated that he was present regarding a Municipal Court issue; that he tried to renew his drivers license and his CDL and was told there was a ticket going back to 2005; that the judge had no evidence but still found him guilty; that he went through the proper chain of command, Internal Affairs and felt Council was his last resource. Mayor Parker, Council Members Stardig, Adams, Sullivan and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Jones, Mr. Ross stated that the city said he owed \$450.00 for a ticket from 2005 and it was not true, it was not him; that he went to court and asked to be shown the ticket he signed or something; that he had trial by judge and the judge found him guilty with no evidence; and upon further questions, Ms. Hanahan stated that the timeframe for appeal may have expired, but she would check into this; and Mr. Ross stated that he did not find out about this until he went to renew his license. Mayor Parker, Council Members Stardig, Adams, Sullivan, Pennington, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez stated that Mr. Jose Soto with the Municipal Courts was present and could follow-up with him; that there were not enough Council Members to suspend the rules, but would move to Council Member Johnson for questions. Mayor Parker, Council Members Stardig, Adams, Sullivan, Pennington, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that his staff member would speak to him; and he should go ahead and speak with Mr. Soto at this time. Mayor Parker, Council Members Stardig, Adams, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Patricia Martin, 3401 Fannin, Houston, Texas 77004 (832-630-3717) appeared and stated that she was visually impaired and present to address Council Member Jones who said what she was bringing up in the Council Meetings had nothing to do with this city; and continued

expressing her personal opinions until her time expired. Mayor Parker, Council Members Stardig, Adams, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Stardig, Adams, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Stardig, Adams, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Hoang stated that he wanted to ask the Legal Department what the final report was on prior allegations; and Mayor Parker stated that there was a report which would be coming out soon, it was not released as yet and she did not want to speak on this, but as a courtesy to him they found there was no inappropriate behavior in any allegations researched.

At 3:28 p.m. Vice Mayor Pro Tem Gonzalez stated that City Council was recessed until 9:00 a.m., Wednesday, February 2, 2011. Council Member Clutterbuck absent on personal business. Mayor Parker, Council Members Stardig, Adams, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, February 2, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Oliver Pennington, Al Hoang, 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; Mr. Xavier Herrera, Mayor's Citizens Assistance; and Ms. Marta Crinejo, Assistant Agenda Director, present.

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

At 9:08 a.m. Mayor Parker called the meeting to order and stated that they had both the Monthly Operations and Financial Report and a Mayor's Report, that they were starting a few minutes late this morning for a simple reason, they were in the midst of a weather event in the City of Houston, they actually had not hit historic lows yet, but it was pretty cold outside and apparently there had been some scattered blackouts across the City, it was a very windy situation and there had been a lot of power demands, that actually she would say it was a matter of rolling brownouts, so she strongly urged folks to turn off all appliances that they did to need, particularly if they were not going to be home, they did not want to have the situation where there may be power surges when the power comes back on, that it was her understanding that the Controller was caught up on one of these brownouts where the power went off as he was getting dressed this morning, but she knew that there were a lot of other folks who were experiencing, that it was not a joking matter to be without power, it was brutally cold outside, that they had not had any unusual situations because of the weather because to date they had not had precipitation, there were some isolated ice patches, what they needed to watch out for right now was if they were broken pipes, that they could have ice on the roads, the freezing precipitation was scheduled more for tomorrow, they had the CHAT trucks and de-icing materials available when that happens, but simply be alert, be careful and stay warm and they would keep them apprised as the weather changes and be on top of it. Council Members Stardig, Clutterbuck, Adams, Sullivan, Lovell, Noriega and Jones absent

Note: Council Member Stardig requested that the record reflect that she would be late due to jury duty. Council Members Stardig, Clutterbuck, Adams, Sullivan, Lovell, Noriega and Jones absent

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

Mayor Parker recognized Mr. Ronald Green, City Controller, and Mr. Kelly Dowe, Acting Director of the Finance Department, for the Monthly Operations and Finance Report and Quarterly Investment Report.

Mr. Green and Mr. Dowe reviewed the Monthly Operations and Finance Report, and Mr. Green reviewed the Quarterly Investment Report, copies of which are on file in the City Secretary's office for review.

Mayor Parker stated that she wanted to repeat that the Mayor's Report next week would actually be on what they had done to date to stand up a collections operation, very similarly to the problems they had in fees for cost recovery of special services, that as they look at collections there was no mechanism existing in the City, apparently it was not something that the City had worried about in the past, so there was some heavy lifting going on, a lot of staff hours, that would be presented more fully in a stand alone presentation next week; that she had seen some correspondence with concerns about the fact that they were losing money in their SWAPS, that she knew that Mr. Green had stated during the presentation that if there was a negative value in the SWAPS that was only if they decided to abandon them, was it correct that they had actually made money in their SWAP positions, and Mr. Green stated absolutely, they were still in good shape, in the positive as it related to their cash flow, and Mayor Parker asked if there was no recommendation from the Controller's office to make changes, and Mr. Green stated no, they would not unwind those SWAPS right now; and Mayor Parker stated that she was very pleased to see that they were in alignment in the sales tax projection, obviously that was a difficult item to track, but now that they were through the holiday season did Mr. Green or Mr. Dowe see any continued improvement in sales taxes, and Mr. Green stated that they had increased their projections by about 2%, obviously last month was one of those outliers and they did not want to project to optimistically or overly aggressively, but they did increase by 2% and he thought they would see the trend go up, but they needed to still be conservative about that because as they knew it was still the most elastic part of the budget, and Mayor Parker stated that when Mr. Green actually certifies the budget when did he anticipate that would be, and Mr. Green stated that as quickly as they got him the ordinance and they all were ready, that they were ready and thought that they both were almost there, that he and Kelly had both talked about this and hopefully it would be in the late February or early March agenda. Council Members Stardig, Costello and Jones absent.

Council Member Bradford asked that those employees who stepped up and voluntarily took furlough days with an expectation that they were going to help with the General Fund, were they saying that those savings did not go back to the General Fund, and Mr. Dowe stated that they were in their projections, the voluntary furloughs helped bring down the projection to where it was right now, and Mayor Parker stated that they would see that reflected in the expenditure page in the MOFAR, page 2, where they would see the actual changes by department, that it helped the General Fund, but they reflected them back to the department so they could see how much of the savings was by each department; and Council Member Bradford asked if the City had done layoffs in any other departments other than the Housing Department, and Mayor Parker stated that she would give the number back to him, that through a combination of

attrition and layoffs they were down 400 civilian employees over the course of last year, that chart had been distributed to Council Members and it was up on the City's website, but she would get him more details; and Council Member Bradford again requested from Mr. Dowe what was the dollar amount that the City spends to provide services on Saturday and Sunday and what did they spend on a Tuesday, he wanted to compare and see that being discussed as an option on the table, and Mr. Dowe stated that he understood his request. Council Members Stardig, Johnson, Sullivan, Rodriguez, Lovell, Noriega and Jones absent.

Council Member Clutterbuck moved to accept the Monthly Operations and Finance Report and Quarterly Investment Report, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Stardig, Johnson, Sullivan, Rodriguez, Lovell, Noriega and Jones absent. MOTION 2011-0069 ADOPTED.

Mr. Green stated that the Controller's office had launched their E Vendor Disbursement, their check register on line, that it was being beta tested right now but was searchable, but if anyone, including Council Members, wanted to see who they wrote checks to as it related to vendors it was now on line, that it had been live for about a week and they were doing it all in house so they were making it a lot more robust and look a little more inviting. Council Members Stardig, Sullivan, Rodriguez, Noriega and Jones absent.

Mayor Parker stated that she had looked at it, it was available through the Controller's website and was actually available through the City's main website on the Fiscal Responsibility page, they had a link there.

Mayor Parker stated that they had another presentation, the second phase of Rebuild Houston to talk about the ordinance building process, and recognized Council Member Adams. Council Members Stardig, Sullivan, Rodriguez, Noriega and Jones absent.

Council Member Adams moved to suspend the rules to consider Item Numbers 16, 16a, 22, 24 and 25 before the Mayor's Report, and for Item Numbers 24 and 25 if they could ask Mr. Icken to take the dais and be able to answer questions by the Council, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Stardig, Sullivan, Rodriguez and Jones absent.

16. ORDINANCE appropriating \$1,156,007.78 out of Equipment Acquisition Consolidated Fund for Purchase of Special Duty Vehicles for the Houston Police Department and Houston Airport System - \$174,916.00 - Enterprise Fund – was presented, and tagged by Council Member Adams. Council Members Stardig and Jones absent.

16a. **MCCALL-T, INC d/b/a STERLING MCCALL TOYOTA** - \$157,440.00, **HUB BUICK COMPANY, d/b/a HUB HYUNDAI** - \$154,950.00, **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD** - \$644,129.00, **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET** - \$315,763.00 and **JOHNSON GRAYSON AUTOMOTIVE, INC d/b/a HOLIDAY CHEVROLET** - \$58,641.78 for Special Duty Vehicles for the Houston Police Department and the Houston Airport System - \$1,330,923.78 - Enterprise and Equipment Acquisition Consolidated Funds – was presented, and tagged by Council Member Adams. Council Members Stardig and Jones absent.

22. ORDINANCE **AMENDING CHAPTERS 1, 10, 28, and 34 OF THE CODE OF ORDINANCES** relating to dangerous and other substandard buildings – was presented, and tagged by Council Members Adams and Bradford. Council Members Stardig, Clutterbuck and Jones absent.

24. ORDINANCE approving and authorizing Economic Development Agreement between the City of Houston, Texas, and **DYNAMO STADIUM, LLC** for the development, construction, operation, and maintenance of a Multi-Purpose Sports and Entertainment Facility in the City - **DISTRICT I – RODRIGUEZ** – was presented. Council Members Stardig and Clutterbuck absent.

After discussion by Council Members, Mr. Icken stated that 10 days ago, Chris Canadi, President, Dynamo, made a presentation to the MWBE Committee and what he would tell them was that the lease that was signed by the Sports Authority committed the Dynamo, even though that was a private investment that would ultimately be turned over to the City to be involved with and relate to all of the City's ordinances as it related to MWBE, that they had demonstrated a plan and willingness to do that, they obviously had not broken ground yet so he suspected there were a number of things going on, that when and if they passed these items they would likely initiate a set of activities that would move fairly swiftly, their plan was to break ground and have that stadium operating 14 months from right now, they had been very much engaged in the discussions that he and the Sports Authority had, the model that was used for engagement was Toyota Stadium, that he thought that the general feeling and their feedback was that had worked well in involvement engagement, but he would like to turn it over to Council Member Rodriguez to make some comments on the committee presentation. Council Members Stardig and Clutterbuck absent.

Council Member Rodriguez stated that as his colleagues were well aware they had a presentation by the Houston Dynamo, Chris Canadi and the Manhattan Group and they had committed to the 30% goal and had also committed to do outreach in the respective Council Districts, that he and Council Member Adams talked about hosting something at TSU so as soon as they move forward with this process he thought they could begin that type of outreach, that as with any new project there were going to be bumps in the road and some issues and was up to this body to start working closely with the Dynamo, that he wanted to commend the Mayor and her team and Interim Director Robert Gallegos who was actually meeting with the Manhattan Group and the Dynamo today, there were a couple of issues that he thought came up at another event regarding bonding and packages and making sure they were giving out accurate information to their minority subs, that was the goal, they wanted to make sure that this was an open process, that there were opportunities for all to participate and to make it easier for folks to participate, that he was committed as Chair to continue to hold the Dynamo and the Manhattan Group accountable and if they had any instances where people felt that they were not getting the opportunity they needed to let his or the Mayor's office know and they would work with the Dynamo to get that accomplished. Council Members Stardig and Clutterbuck absent.

Mr. Icken stated that the sales tax exemption was a part of the early negotiations, that actually was the early part two and a half years ago when that part was agreed, that the logic of that was very much like the logic of their other exemptions, the exemption just applied to what occurs on the 12 acre site, the analysis that they had done through others showed that the sales tax that was in adjoining areas would more than make up for that, and in addition to the total package that the City was receiving as part of this was, of course, after the private investor invests \$60 million the stadium was being donated to the City of Houston and Harris County, that as they recalled this was a 50/50 venture between the two, the economic analysis they did of that it was a good positive story and part of the total package and was something that they supported happening as part of this; that the sales tax that was generated on that site would go back to the team, that none of the sales tax dollars were being used for the construction itself, that Dynamo LLC was the lessee, that TSU would also be a part of that as would other venues, and as part of that lease agreement that the Council approved the City and County had the right to use that stadium also. Council Members Stardig and Clutterbuck absent.

After further discussion by Council Members, a vote was called on Item No. 24. All voting aye. Nays none. Council Members Stardig, Clutterbuck and Bradford absent. ORDINANCE 2011-0073 ADOPTED.

25. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston, Texas, Harris County, Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone) and the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY** relating to the participation of Harris County in the Reinvestment Zone - **DISTRICTS H - GONZALEZ and I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Stardig, Clutterbuck and Bradford absent. ORDINANCE 2011-074 ADOPTED.

Council Member Rodriguez stated that he wanted to thank the Mayor, administration and Council for their vote today, that this was a significant day for the City of Houston and a historic day, that he thought they were going to have a wonderful product and keep the hometown Dynamo in the stadium for years to come, that they looked forward to the positive economic development, the job creation and the opportunity that this was going to give the citizens, that he appreciated his colleagues support. Council Members Stardig, Clutterbuck and Bradford absent.

Council Member Noriega moved to suspend the rules to consider Item Numbers 3 and 4 out of order, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Stardig and Bradford absent. MOTION 2011-0071 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment of **Associate Judge SHERILYN DAVIS EDWARDS** to serve as Municipal Court Judge, for a two-year term – was presented, moved by Council Member Gonzalez, seconded by Council Member Adams. All voting aye. Nays none. Council Members Stardig and Bradford absent. MOTION 2011-0072 ADOPTED.
4. REQUEST from Mayor for confirmation of the appointment of **Municipal Court Judge GLADYS T. BRANSFORD** to serve as Associate Judge of Municipal Courts, for a two-year term – was presented, moved by Council Member Costello, seconded by Council Member Adams. All voting aye. Nays none. Council Members Stardig absent. MOTION 2011-0073 ADOPTED.

Mayor Parker stated that they just confirmed an appointment of an Associate Judge, Sherilyn Davis Edwards and the appointment of a new Municipal Court Judge, Gladys Bransford. Council Member Stardig absent.

Judge Hartle stated that Judge Gladys Bransford had been a fulltime Municipal Judge for a number of years and had opted to retire from fulltime status and was wanting to continue to serve the City as a Associate Judge, that she wanted to thank her for her continued service, that she also wanted to recognize Judge Sherilyn Davis Edwards, that she had been an Associate Judge for over five years and now would be moving to full time status. Council Members Stardig, Johnson and Adams absent.

Mayor Parker stated that she wanted to thank them for being at Council and looked forward to their continued service as Municipal Court Judges. Council Member Stardig absent.

MAYOR'S REPORT - Rebuild Houston: Part Two

Mayor Parker stated that as they promised last week they would come back and have further discussions on Rebuild Houston with the focus more on elements on the ordinance that

they needed to pass, that the presentation would jointly be brought by Mr. David Feldman, City Attorney, and Mr. Andy Icken, Chief Development Officer, that they would not spend a whole lot of time going over what they had gone over before, but it was in the presentation and all of the items that they were bringing here they had a link from the City's web page to Rebuild Houston and every PowerPoint Presentation from last September was available on that site, that they had not fully populated the site yet, they would notice that there were a lot of box canyons still, but they did intend, as the information was available, they would bring it to Council but would also post it to the website, and recognized Mr. Feldman and Mr. Icken. Council Member Stardig absent.

Mr. Feldman and Mr. Icken reviewed a PowerPoint Presentation titled "Rebuild Houston, Phase 2", a copy of which is on file in the City Secretary's office for review. Council Members Stardig, Lovell and Jones absent.

After discussion by Council Members, Mr. Feldman stated that he might suggest that he could cover all of the issue with Council Members in separate meetings that they were going to have, that it was going to be at least 30 days to have intense, one on one, discussions with the Council Members, that it would be addressed at CIP meetings, that the process that they were following was not a uniquely Houston process, the only thing that was unique was that it came to them by way of a Charter Amendment and other jurisdictions, that it was the Council itself that raised the issue in the first place, and to answer some of what they asked, the process that they were following was a statutory process, they did not decide that this was the way it would be rolled out, the statute dictates how it is done and they were simply following the dictates of the statute, that it had to begin with the publication and then there had to be a public hearing and only after the public hearing on the draft ordinance could the Council act, and in the course of parliamentary procedure it could adopt amendments, that they were not required, nor would it be logistically practical or feasible to then go back and have to republish every time there was an amendment, that was not what the statute envisioned, that it envisioned the process that they laid out, and Council Member Jones requested a copy of the statute. Council Members Stardig, Adams, Rodriguez, Lovell and Noriega absent.

Upon further discussion by Council Members, Council Member Bradford stated that he would like on the record his other concerns about the oversight committee as well, that he believed that the oversight committee should have authority, if not he did not want to solicit people about serving on a committee when there was not much for them to do if Public Works was going to make a decision, if the City Council was going to make a decision, which he thought the City Council should make the decisions, that he did not know the value of an oversight committee that did not have authority, and there needs to be clarification in his view to as to what would bar them from participating as a member of an oversight committee, that having done City business or planning to do City business, etc., that needed to be clarified as well, that in the document it indicated that they could not participate as an oversight committee member if they were participating currently in any City drainage street project, that they had a discussion yesterday where they talked about streets were part of the conveyance system so now they were saying that anyone who was doing any work on any City street did not get a chance to participate on this particular committee because they were doing the work on any particular street, and Mayor Parker stated "yes", and Council Member Bradford stated that he appreciated the response but thought that those were the type of responses that needed to be in writing in the document, not just sporadic bursts at the table, because people were going to be asking these questions and they did not have anything to fall back on other than trying to remember what date and pull what tape and who said what on the tape; that again he wanted to reiterate, as soon as they could determine what date the body would entertain amendments to please let them know and make that clear. Council Members Stardig, Adams, Gonzalez, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that March 9, 2011 was the target date to receive amendments, that once the item comes to the Council agenda it would go through the full posting process, so the draft document, any amendments, she could easily envision a whole substitution rather than a line by line amendment process at Council where there was a substitute document brought forward but it would be posted properly as was appropriate. Council Members Stardig, Adams, Rodriguez, Lovell and Noriega absent.

Council Member Gonzalez moved to remain in session beyond the scheduled noon recess to continue the agenda, seconded by Council Member Jones. All voting aye. Nays none. Council Members Adams, Sullivan, Rodriguez and Noriega absent. MOTION 2011-0074 ADOPTED.

Upon further discussion by Council Members, Mr. Feldman stated that in reference to exemptions the definition that they referred to in the ordinance was the definition that was set forth in Title III of the Education Code so they had to be institutions of higher learning that were accredited by the State Coordinating Board; and Mayor Parker stated that March 9, 2011 was not the deadline for amendments, that was when it would come to Council and they would have the tag process and then amendments could clearly be circulated at any time by Council Members, so they were not surprising their colleagues, and then they could, at the table, delay the item to make sure they accommodate all of the proposed amendments, but they had a ticking clock for July 2, 2011.

At 11:57 a.m. Mayor Parker stated that they would move to the consent agenda. Council Members Adams, Sullivan, Rodriguez and Noriega absent.

CONSENT AGENDA NUMBERS 1 through 33

MISCELLANEOUS - NUMBERS 1 through 4

1. CONFIRMATION of the appointment or reappointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one year terms to expire December 31, 2011:

Position One -	Mayor Annise Parker
Position Two -	Council Member Anne Clutterbuck
Alternate At-Large Positions -	Council Members Melissa Noriega and Sue Lovell

- was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Stardig, Adams, Sullivan, Rodriguez and Noriega absent. MOTION 2011-0075 ADOPTED.

2. CONFIRMATION of the appointment or reappointment of the following to the **HOUSTON READ COMMISSION**, for three-year staggered terms:

Position 18-	MS. MARY ALMENDAREZ , appointment
Position 20-	MS. AIESHA ODUTAYO , appointment
Position 21-	MS. MARTY DANIEL , reappointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Stardig, Adams, Sullivan, Rodriguez and Noriega absent. MOTION 2011-0076 ADOPTED.

ACCEPT WORK - NUMBERS 8 and 9

8. RECOMMENDATION from Director Department of Public Works & Engineering for

approval of final contract amount of \$3,832,065.72 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, INC** for Generic Citywide Overlay Package #13 (Work Order Contract) - 15.10% under the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ** - was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0077 ADOPTED.

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,204,989.64 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION CO.** for 42-inch water line along Allum, Player and Tidewater from Hiram Clarke to Candleshade - 1.87% under the original contract amount - **DISTRICT D - ADAMS** - was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0078 ADOPTED.

PROPERTY - NUMBERS 10 through 14

10. RECOMMENDATION from Director General Services Department that City Council declare surplus and authorize the sealed bid sale of the following properties:

Parcels SY7-077, SY7-057 801 Gillette Street **DISTRICT I - RODRIGUEZ**
Parcel SY9-058 6440 West Bellfort **DISTRICT C - CLUTTERBUCK**
Parcel SY9-065 10803 Ella **DISTRICT B - JOHNSON**
Parcel SY9-057 3100 West Fuqua **DISTRICT D - ADAMS**
Parcel SY10-028 1822 Rankin Road **DISTRICT B - JOHNSON**
Parcel SY7-127 3300/3400 Main Street **DISTRICT D - ADAMS**
Parcel SY11-048 820 Marston **DISTRICT D - ADAMS**
Parcel SY11-044 1995, 2001 Dairy Ashford **DISTRICT G - PENNINGTON**
Parcel SY11-046 1301 Dart **DISTRICT H - GONZALEZ**
Parcel SY11-047 3000 block of West Bellfort **DISTRICT C - CLUTTERBUCK**

- was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0079 ADOPTED.

11. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court and pay the costs of court in connection with eminent domain proceedings styled City of Houston v. LMT Tradewinds L.P., a Texas limited partnership, et al., Cause No. 934,856, for acquisition of Parcel AY3-050; for **KEEGANS' BAYOU BIKEWAY PROJECT - DISTRICT F - HOANG** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0080 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Brown & Gay Engineers, Inc., on behalf of BGW, Properties, Ltd., [BGW Management, L.L.C., (Bernard S. Wolf, President) General Partner], for sale of ±1,300 square feet of excess fee-owned Commonwealth Street, being a portion of Lots 1, 2 and 8, Block 69, Montrose Addition, out of the Obedience Smith Survey, A-696, Parcel SY11-024 - **DISTRICT D - ADAMS** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0081 ADOPTED.

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Daniel N. Pinnell, The Pinnell Group, on behalf of Fisk Acquisition, Inc. (Larry C. Brookshire, President), for abandonment and sale of a 15-foot-wide prescriptive easement, from T. C. Jester Boulevard to Detering Street, in exchange for the conveyance to the City of 15 feet of right-of-way for the widening of Detering Street, between Schuler Street and Washington Avenue, out of the John Reinerman Survey, A-642, Parcels SY11-013 and AY11-020 - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0082 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel LY10-002, located at 7515 Cook Road, owned by Sunshine Development One, L.P., a Texas limited partnership [Sunshine GP, LLC, a Texas limited liability company, General Partner, Terry Cheng, Sole Manager and Sole Member], for the **BELLAIRE WEST DRAINAGE IMPROVEMENTS PROJECT - DISTRICT F - HOANG** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0083 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 15 through 18

15. **CUMMINS SOUTHERN PLAINS, LLC** for Portable and Trailer-Mounted Generators through the Houston-Galveston Area Council for the Houston Department of Health & Human Services \$370,911.00 - Grant Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0084 ADOPTED.
17. **FACILITIES MECHANICAL, INC** to Replace a 225 Ton Air Cooled Chiller for the Department of Public Works & Engineering - \$121,367.00 and contingencies for a total amount not to exceed \$127,435.35 - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0085 ADOPTED.
18. **R & B GROUP, INC** for Replacement of a Pneumatic Ejector System for the Department of Public Works & Engineering - \$140,000.00 and contingencies for a total amount not to exceed \$147,000.00 - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0086 ADOPTED.

ORDINANCES - NUMBERS 19 through 33

19. ORDINANCE **AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to adjudication of parking citations; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2011-0075 ADOPTED.
26. ORDINANCE relating to the Fiscal Affairs of the Hardy/Near Northside Redevelopment Authority on behalf of Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone; containing findings and other provisions related to the foregoing subject; containing a

- repealer - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2011-0076 ADOPTED.
27. ORDINANCE making findings pursuant to Chapter 26 of the Texas Parks and Wildlife Code concerning the proposed lease of Joplin Street Park by Houston Independent School District for Playground and Green Space Use; approving a certain Lease Agreement to **HOUSTON INDEPENDENT SCHOOL DISTRICT - DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2011-0077 ADOPTED.
28. ORDINANCE disannexing a certain area located within the municipal boundaries of the City of Houston in Harris County, Texas - **DISTRICT E - SULLIVAN** - had been pulled from the Agenda by the Administration, and was not considered. Council Members Adams and Noriega absent.
- 28a ORDINANCE amending Ordinance No. 2008-392 relating to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 494** to change the conditions for the City's consent to the creation - had been pulled from the Agenda by the Administration, and was not considered. Council Members Adams and Noriega absent.
29. ORDINANCE approving and authorizing Professional Consulting Services Contract between the City of Houston and **ROGER H. BATES**, for general financial advisory services for the Houston Airport System; providing a maximum contract amount - 1 Year with 1 one-year option \$500,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2011-0078 ADOPTED.
30. ORDINANCE amending License Agreement with **AMERICAN TOWERS, INC**, Licensor, and the City of Houston, Texas, Licensee, approved by Ordinance No. 2009-1131, to allow for an increase of the monthly license fee from \$4,699.50 to \$4,749.50 to accommodate the additional equipment, all in connection with a new Public Safety Radio System, located at 310 Englewood, Houston, Texas - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2011-0079 ADOPTED.
31. ORDINANCE approving and authorizing contract between the City of Houston and **SANTA MARIA HOSTEL** providing up to \$294,988.00 in Housing Opportunities for Persons With AIDS Funds for the operation of a Community Residence and the provision of Supportive Services Grant Fund – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2011-0080 ADOPTED.
32. ORDINANCE appropriating \$300,000.00 out of Water & Sewer System Consolidated Construction Fund, \$150,000.00 out of the Drainage Improvement Commercial Paper Series F Fund and \$150,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Materials Engineering Laboratory Contracts between the City of Houston and **ASSOCIATED TESTING LABORATORIES, INC** and **PARADIGM CONSULTANTS, INC** for Engineering and Testing Services – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2011-0081 ADOPTED.
33. ORDINANCE appropriating \$585,000.00 out of Street & Bridge Consolidated Construction Fund awarding contract to **ISI CONTRACTING, INC** for On-Call Bridge Repairs City Wide Work Order Contract; 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 Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2011-0082 ADOPTED.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

ACCEPT WORK

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$46,577.00 and acceptance of work on contract with **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition at Langwood Park Maintenance Barn and 830 W. 23rd Street - 4.14% over the original contract amount - **DISTRICTS A - STARDIG and H - GONZALEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0087 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,285,097.22 and acceptance of work on contract with **TOTAL SITE, INC** for Paving Extension of West Belfort Road from South Main Street to Buffalo Speedway 1.12% over the original contract amount - **DISTRICT C - CLUTTERBUCK** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0088 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$593,205.77 and acceptance of work on contract with **ISI CONTRACTING, INC** for Construction and Installation of Speed Humps - 4.74% over the original contract amount - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams and Noriega absent. MOTION 2011-0089 ADOPTED.

ORDINANCES

20. ORDINANCE **AMENDING SECTION 26-10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, clarifying the fines for parking violations, including the fine for parking in a space designated for persons with disabilities; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented. All voting aye. Nays none. Council Members Adams and Noriega absent. ORDINANCE 2011-0083 ADOPTED.
21. ORDINANCE **AMENDING VARIOUS PROVISIONS OF CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to ethical conduct; containing findings and other provision relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Costello. Council Members Adams and Noriega absent.
23. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in several Series Designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance,

final payment, and discharge of Certain Outstanding Water and Sewer System First Lien Revenue Bonds; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for Certain Escrowed Securities; authorizing Escrow Verification and Engagement of an Escrow Agent, a Co-Bond Counsel Agreement, and Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams and Noriega absent. ORDINANCE 2011-0084 ADOPTED.

MATTERS HELD - NUMBERS 34 through 37

34. MOTION by Council Member Lovell/Seconded by Council Member Costello to adopt recommendation from Director General Services Department to incorporate the Glenbrook Park Pool Project into the Professional Landscape Architectural Task Order Contract with **CLARK CONDON ASSOCIATES, INC** for the Parks and Recreation Department - **DISTRICT I - RODRIGUEZ** – **(This was Item 6 on Agenda of January 26, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams and Noriega absent. MOTION 2011-0090 ADOPTED.
35. MOTION by Council Member Gonzalez/Seconded by Council Member Hoang to adopt recommendation from Purchasing Agent to award to **GRAYBAR** - \$287,099.30, **ELLIOTT ELECTRIC SUPPLY** - \$471,587.30 and **TURTLE AND HUGHES, INC** - \$283,595.40 for Electrical Switchgear and Motor Controls and Various Departments - 5 Years - General and Enterprise Funds – **(This was Item 13 on Agenda of January 26, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Members Clutterbuck, Adams and Noriega absent.

Council Member Jones stated that the reason that she tagged the item was because when they went back and looked at the MWBE history it showed that they had 19 contracts, and of the 19 there were 1 or 2 where it said that they had met a small goal, that she still had not received all of the information but of the information that she had received it turned out that this company had done very well on the ones they had done, that they exceeded by far, so her question was why when they went back and checked the history was it inaccurate, that she learned that this company had not been trained in inputting data, that there was still some other information that they needed to find, were they going to fix that. Council Members Clutterbuck, Adams and Noriega absent.

Mayor Parker stated that they were in the process of a national search for a new director of that department, that they appreciated Council Member Jones bringing it to their attention and they were going to try to fix the problem, that she asks why a lot. Council Members Clutterbuck, Adams and Noriega absent.

A vote was called on Item No. 35. All voting aye. Nays none. Council Members Clutterbuck, Adams and Noriega absent. MOTION 2011-0091 ADOPTED.

36. ORDINANCE approving and authorizing contract between the City of Houston and **ACCELERATED TECHNOLOGY LABORATORIES, INC** for Laboratory Information Management System for the Department of Public Works & Engineering; providing a maximum contract amount 3 Years with two one-year options - \$159,529.40 - Enterprise Fund – **(This was Item 17 on Agenda of January 26, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented, Council Members Jones and Bradford voting no, balance voting aye. Council Members Adams and Noriega absent. ORDINANCE 2011-0085 ADOPTED.

37. ORDINANCE awarding contract to **SC HYDRAULICS, INC dba SOUTH COAST HYDRAULICS** for Aerial Devices / Bucket Trucks Maintenance and Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,051,870.60 General, Enterprise and Fleet Management Funds – **(This was Item 18 on Agenda of January 26, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented, Council Members Jones and Bradford voting no, balance voting aye. Council Members Adams and Noriega absent. ORDINANCE 2011-0086 ADOPTED.

Mayor Parker stated that she wanted to apologize to the Council Members, the Farmers Market was kicking off today, there were some very cold people downstairs and she normally tried to stay for the complete Council Member presentation but out of deference to the fact that they were probably freezing and were expecting her to go down and kick it off; that she wanted to congratulate Council Member Hoang on the investiture of his sister as the new President of the Vietnamese Community of Houston and vicinity, that she was at the Marzio memorial and was not able to be there but understand it was a great event. Council Members Adams, Costello and Noriega absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Bradford stated that he received several contacts from citizens in the City about the rolling blackouts by an electrical standpoint, that it was not like they did not expect the temperatures to drop to the extent that it did, that they had schools who thought they would have heat this morning to greet little boys and girls and that did not happen, neighborhoods could have been better prepared if there had been some notice given that they were going to do rolling blackouts and to give information to citizens in the City and preferably to which neighborhoods, would allow citizens to prepare for inclement weather, and Mayor Parker stated that she would ask for a written response from CenterPoint, that she wanted to thank him, that was an excellent suggestion. Council Members Adams, Sullivan, Pennington, Costello and Noriega absent.

Council Member Bradford stated that disaster could strike at any time and the citizens of Houston should be prepared, that INCERT, the Inner City Emergency Response Team, would hold a disaster training drill on Thursday, February 3, 2011, at 6:30 p.m. at Saint Mary's United Methodist Church, 6731 Scott Street; hats of to Galilee Missionary Baptist Church, and Dr. Edwin Davis, Pastor, there would be a 23rd Pastor's Appreciation Banquet honoring Dr. Davis to be held at the Sheraton North Hotel Intercontinental Airport on February 4, 2011. Mayor Parker and Council Members Stardig, Johnson, Adams, Sullivan, Pennington, Costello and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he would like to thank Mayor Parker and staff and his colleagues for the passage of the Dynamo initiative, that they could not have done it without the support of Commissioners Court, the Dynamo, AEG, Harris County Houston Sports Authority, that he wanted to give kudos to former Mayor Bill White and the previous Council for starting the process, purchasing the land and getting them going, that he also wanted to thank Andy Icken for his tremendous leadership for the past several years negotiating the contract on behalf of the City and the agreement, that he thought it was a win win for the City and the County and the community, and all of the residents that had sent letters and emails and who came to Council to testify in support of the project from the inception, that he wanted to thank his staff and some of his key advisors for all of their help during this process, that again they hoped that this was a transparent process and that there would be opportunity for their businesses to participate and they were going to continue to make sure that there was opportunity for all. Mayor Parker and Council Members Stardig, Johnson, Adams, Sullivan, Pennington, Costello and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO

QUORUM PRESENT)

Council Member Lovell stated that on Saturday, February 5, 2011, she would be a sponsor for an event honoring Ruby Mosley, the incredible community activist, on that day the City of Houston would name the auditorium at the Acres Homes Multi Service Center in her honor; that she wanted to welcome their new intern, Dillon Osborne, that he was a Political Science Major at the University of Houston Downtown; that to everyone please only use the electricity that they really needed to use in their homes right now, that the storm did not just impact the Houston area, it had actually impacted about a third of the Nation and where they could draw down on energy reserves from other places they could not do that. Mayor Parker and Council Members Stardig, Johnson, Adams, Sullivan, Pennington, Rodriguez, Costello and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Hoang stated that volunteers planted dozens of trees at Hackberry Park, that he appreciated the International Management District, Alief Super Neighborhood, Royal Oaks Lions Club and his staff for their support in this matter; that tomorrow the Flooding and Drainage Committee would be meeting at night, 6:00 p.m., to discuss the drainage fee, that it would be held at the Southwest Multi Service Center, 6400 Highway Drive; that this week the Alief Park would have another cleanup; that tomorrow was the Asian Lunar New Year, that Vietnamese and all Asians would be celebrating, the Chinese would be celebrating the Year of the Rabbit and the Vietnamese celebrate the Year of the Cat; that he appreciated the proclamation for the inauguration of Teresa Hoang, his sister, that Controller Green and Director Noteware were there to celebrate the event. Mayor Parker and Council Members Stardig, Johnson, Adams, Sullivan, Pennington, Rodriguez, Costello and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she was not able to go to Teresa Hoang's event, that she was not feeling well; that the 62nd Republic Day of India was on Friday, January 28, 2011; that she to was a sponsor of the celebration of Ruby Mosley; that the City of Houston had the Olympic Marathon Trials for the men and women for 2012, that they were working with the Sports Authority to raise money so that they could showcase Houston, that they were hoping to raise sufficient money so that they could have two hours of coverage on television and follow the race course; that on Sunday there was recognition of Mrs. Clara Caldwell with the National Counsel of Negro Women, that she was the Regional Director of APRI, A. Philip Randolph Institute; that she wanted to thank Council Member Bradford, Charles F. White and Director Williams of the Health Department, there was a Disaster Preparedness Meeting and they all participated but one of the things that Director Williams stated was that God forbid that some disease or something comes and people had to take a shot or pill within 48 hours or they die, that he was going out and meeting with people because if someone did not trust the government they were not going to take a pill or shot and die, that the Health Department was trying to figure out a way to develop the trust with the residents so that in the worse case scenario they were able to respond to them; that Controller Green had the Big Brothers Big Sisters event yesterday, that it was his goal to have 28 new Black Big Brothers to young men to help them find positive ways to do things; that she wanted to thank the Covenant House who was moving in the right director for some issues they had, that she wanted to thank Andrea Moore because she believed her to be the catalyst for that. Mayor Parker and Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Pennington, Rodriguez, Costello, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez stated to stay fit this year, discover the do's and don'ts of exercising and maintaining a health heart, join the M.D. Anderson Y.M.C.A. for their free seminar, "Love Your Heart", on February 3, 2011 at 7:00 p.m. at 705 Cavalcade Street; that the Houston Parks and Recreation Department's 2011 Grand Slam for Youth Baseball Program was now open for registration, that boys and girls ages 4 to 18 may participate in this free

baseball, softball and t-ball league, for more information they could call 832-395-7277 or 832-395-7294; to mark their calendars for the Conoco Phillips Rodeo Run Community Cleanup on Saturday, February 19, 2011 from 7:30 a.m. to 12:00 p.m. at 1906 Cochran in the Near Northside. Mayor Parker and Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Pennington, Rodriguez, Costello and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:20 p.m. Mayor Parker and Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Pennington, Rodriguez, Costello and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary