

City Council Chamber, City Hall, Tuesday, February 22, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 22, 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; Mr. David M. Feldman, City Attorney; Mr. Nelson Espitia, Director Citizens Assistance; and Ms. Marta Crinejo, Acting Agenda Director, present. Council Member Ann Clutterbuck out of the city.

At 1:41 p.m. Mayor Parker stated that presentations would begin with Council Member Hoang. Council Member Hoang invited those present to the podium and stated that he welcomed the Sharpstown Super Neighborhood Council; that today they congratulated them for their leadership and looking beyond neighborhood borders; that they satisfied all requirements and today were recognized as the Sharpstown Super Neighborhood Council; and presented a Proclamation to them for showing a strong commitment and dedication to working with their neighborhood and proclaimed today as "Sharpstown Super Neighborhood Council Day" in the City of Houston, Texas. The President of the Civic Club thanked all for their involvement in the effort and Mayor Parker and Council Member Hoang for all their assistance. Council Members Johnson, Sullivan, Pennington, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Members Stardig and Gonzalez thanked all for their hard work and dedication to the community. Council Members Johnson, Sullivan, Pennington, Rodriguez, Costello, Lovell and Jones absent. (NO QUORUM PRESENT)

At 1:51 p.m. Mayor Parker called on Council Member Bradford who invited Bishop James Dixon with Community of Faith Church to lead all in prayer and Council Member Bradford led all in the pledge. Council Members Sullivan, Rodriguez and Lovell absent.

At 1:55 p.m. the City Secretary called the roll. Council Member Clutterbuck out of the city. Council Members Adams and Lovell absent.

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

Mayor Parker stated that there were a number of speakers but not enough for the one minute per person and called on the City Secretary to read the Rules of Council; and the City Secretary stated that there were 141 minutes collectively and partially read the Council Rules for Public Speakers, in the Code of Ordinances Chapter 2- Section 2-2, Rule 8, "Only one person at a time shall be permitted to stand at the speaker's podium, unless the speaker requires an interpreter or other special assistance or during a presentation by a Council Member; (b) No person making an appearance before the City Council shall have in his or her possession while at the public speakers' podium any paper bag, plastic bag, handbag, briefcase, purse, satchel, box, envelope, tape recorder or other container of any sort. A drawer shall be provided near the speakers' podium in which handbags, briefcases and other small items may be placed during an appearance. (c) No person within public aisles or seating area of the City Council Chambers shall applaud, boo, clap, or otherwise audibly express approval or disapproval of the actions being taken at the City Council table or the public speakers' podium in a loud and raucous manner calculated to disturb the meeting, except for public recognition initiated by City Council."

Council Member Sullivan stated that there was not the requisite number of minutes to

adjust the speaking time, but would the Mayor entertain a motion so all speakers would be given a chance; and Mayor Parker stated that if he was trying to invoke the one minute rule; and if he received a second...; Council Member Sullivan moved the rules be suspended for the purpose of invoking the one minute limit for all speakers, seconded by Council Member Hoang. Council Member Lovell absent.

After further discussion Council Member Adams requested a Roll Call Vote on Council Member Sullivan's motion.

ROLL CALL VOTE:

Mayor Parker voting no	Council Member Gonzalez voting no
Council Member Stardig voting no	Council Member Rodriguez voting no
Council Member Johnson voting no	Council Member Costello voting no
Council Member Clutterbuck out of the city	Council Member Lovell voting no
Council Member Adams voting no	Council Member Noriega voting no
Council Member Sullivan voting aye	Council Member Bradford voting no
Council Member Hoang voting aye	Council Member Jones voting no
Council Member Pennington voting aye	MOTION 2011-0124 FAILED.

At 2:05 p.m. the City Secretary began calling the public speakers.

Mr. Roger Watkins, 816 Arlington, Houston, Texas 77007 (281-415-6322) had reserved time to speak but was not present when his name was called. Council Member Adams absent.

Mr. Bill Pellerin, 256 E. 5th, Houston, Texas 77007 (713-880-8061) appeared and stated that he lived in what they hoped would be the Heights South Historic District and he thought it was time; that 51% supported the creation; that all involved in it worked hard within the rules; and he encouraged all to accept the results and vote to finalize their district as originally defined. Council Member Adams absent.

Council Member Pennington stated that it was his understanding there was no additional vote for the districts already created unless there was a proposed change in the boundaries and he wondered how relevant all today's testimony was if they were not to vote; and Mayor Parker stated that they were hearing from the public today and Ms. Gafrick would be delivering to Council Offices today maps and the substance of her report, but if there was a recommendation of no change and Council concurred the process was over; and Mayor Parker called on Mr. Feldman for further explanation; and Mr. Feldman stated that if the Planning Director recommended no change then Council would accept or reject the report; and Mayor Parker stated that if the recommendation was no change she would see if Council Members wanted further action, this was a Mayor's Report and no vote tomorrow. Council Member Adams absent.

Ms. Gabriella Nissen, 1400 Tulane, Houston, Texas 77008 (832-722-8572) appeared and stated that she lived in Heights Historic District West and supported this and would urge not to change boundaries; that citizens made it clear they wanted preservation and Council should move on and preserve districts. Council Member Adams absent.

Ms. Ruth Johnston, 408 Avondale, Houston, Texas 77008 (281-610-5469) appeared and stated they purchased their home in December as a part of the Avondale Historic District and that was in their deciding factor; that she would hate seeing any of their district chopped up; and urged maintaining the minimal districts the city now had Council Members Adams and Lovell absent.

Mr. Greg Mouser, 609 Avondale, Houston, Texas 77008 (832-689-5830) appeared and

stated that he was a homeowner in the Avondale West Historic District and served on the board; that their homes represented a significant time in history and they should be protected; that they were pleased Council voted them historic, the resurvey was complete and their recommendation was for nothing to be done, the people had spoken. Council Members Stardig, Adams and Lovell absent.

Mr. Roger Watkins, 816 Arlington, Houston, Texas 77007 (281-415-6322) who was not present when he was previously called appeared and stated that he lived in Heights South and he was in favor of the historic district; that the process was fair and their message had been out and Council should make them historic. Council Member Lovell absent.

Mr. Steve Longmire, 602 W. Main, Houston, Texas 77006 (832-655-5657) appeared, presented information and stated that he was on the board of the First Montrose Commons Neighborhood Association and he thanked all for their time spent on the matter; that his district was established by petitions and Council's vote; that information presented showed 80% did not support the appeal of the First Montrose Commons Historic District. Council Member Lovell absent.

Upon questions by Council Member Adams, Mr. Longmire stated that his board met and discussed the boundaries and they had additional discussion and one property owner on the northwest corner requested to be excluded and their boundaries redrawn. Council Member Adams absent.

Upon questions by Mayor Parker, Mr. Longmire stated that he supported the previous resolution in November to support the district boundaries unchanged so he abstained from the vote, but the remainder of the board because of his circumstances, where his property fell, voted to allow the individual the option out if Council voted, but they wanted it clear they did not want their boundaries opened up for any thing other than what they originally submitted. Council Members Sullivan and Lovell absent.

Council Member Stardig stated that as a practice she always asked to have such things in writing in the minutes from organizations so they would have documentation to support; and Mayor Parker stated that was an excellent suggestion and they could receive it at a later date. Council Members Sullivan and Lovell absent.

Council Member Adams stated that they would like that submitted in writing for when it came up for a vote; and Mr. Longmire stated that their secretary would speak today and could provide the information. Council Members Sullivan and Lovell absent.

Ms. Betty Chapman, 6166 Olympia, Houston, Texas 77057 (713-974-4970) appeared and stated that she appreciated all Council had done for historic preservation; that she did not live in a historic district unfortunately, but they were very important; that many relocated to Houston to live in one and they brought character and stability and were environmentally sound; and implored that Council accept maintaining boundaries and join other cities in recognizing how important historic preservation was. Council Members Sullivan and Lovell absent.

Mayor Parker thanked Ms. Chapman for her years on the Archeological and Historical commission; and Ms. Chapman stated that she was term limited and no longer on the commission, but very much involved in historic preservation. Council Members Sullivan and Lovell absent.

Mr. Devinder Bhatia, One shadow Lawn, Houston, Texas 77005 (281-397-7000) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Lovell absent.

Ms. Barbara Skerrett, 247 W. 16th, Houston, Texas 77008 (713-861-4333) appeared and stated that she owned a home in Heights Historic West; that the resurvey process was fair and there was no historic change within the districts so the districts should remain intact. Council Members Sullivan and Lovell absent.

Ms. Maryanne McRayer, 4021 Montrose, Houston, Texas 77006 (713-523-5679) appeared and stated she was the secretary for First Montrose Commons and she would email the minutes to Council Member Adams for distribution; that there was a campaign to do away with their designation, but 80% showed they wanted to retain the district as it was; that the vote was in on all districts and the majority should rule so why should this be in question. Council Members Sullivan and Lovell absent.

Mayor Parker on a point of personal order stated that former Council Member, Representative Sheila Jackson Lee was present, and asked that she stand to be recognized. Council Members Sullivan and Lovell absent.

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

Mr. Geoffrey Walker, 1705 North Boulevard, Houston, Texas 77098 (713-220-4757) appeared and stated that he lived in Boulevard Oaks Historic District and a notebook was delivered to all Council Member's; and they encouraged Council to bring the process to a close as results were absolutely clear. Council Members Sullivan and Lovell absent.

Mr. Tim Womble, 412 Avondale, Houston, Texas 77006 (713-526-1000) appeared and stated that he thanked Council for a stronger historic ordinance and asked boundaries be kept as they currently were; that the majority of owners in districts he was in did not want boundaries touched and Council did not need change anything. Council Members Stardig, Sullivan and Lovell absent.

Ms. Roxana Ramirez, 8111 Colgate, Houston, Texas 77061 (713-944-4990) had reserved time to speak but was not present when her name was called. Council Members Stardig, Sullivan and Lovell absent.

Mrs. Sharie Beale, 316 W. 15th, Houston, Texas 77008 (713-594-2199) appeared, presented information and stated that she lived in Houston Heights Historic District West and the majority supported the historic preservation; that districts wanted protected status with borders as presented; that their facts of historic significance had not changed and cities Houston competed against had protected districts. Council Members Sullivan, Lovell and Jones absent.

Mr. David Beale, 316 W. 15th, Houston, Texas 77008 (713-594-2199) appeared and stated that he was co chair of the Coalition of Houston Historic Districts and Houston was at a good place in historic preservation; that they went through a long process and it was determined all historic districts be protected, no one got all they wanted, but with lack of support against the districts boundaries should be kept as they were. Council Members Sullivan, Lovell and Jones absent.

Mr. Don Cook, 7954 Glen Heath, Houston, Texas 77061 (713-705-5594) who previously was not present, appeared and stated that he and many others were present to speak on establishing a police oversight committee; that independents of such a board suggested a board should be elected rather than appointed to someone they should be beholdng to. Council

Members Sullivan, Hoang, Lovell and Jones absent.

Ms. Karen Hartman, 803 Kipling, Houston, Texas 77006 (979-525-4195) appeared and stated that she was in favor of the historic commission and what they were doing was great, however, she did not think all realized how it affected others; that her mother's property they had been trying to sell for two years and had many buyers, but they disclosed the historic district and each one withdrew their offer. Council Members Sullivan and Lovell absent.

Mr. Calvin Simper, 1410 Thornton, Houston, Texas 77018 (713-868-5192 had reserved time to speak but was not present when his name was called. Council Members Sullivan and Lovell absent.

Ms. Jerry McGahan, 1643 Arlington, Houston, Texas 77008 (713-890-2535) had reserved time to speak but was not present when her name was called. Council Members Sullivan and Lovell absent.

Mr. Robert Spragg, 407 E. 5th, Houston, Texas 77007 (713-539-7194) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Lovell absent.

Ms. Ann MacCuluso, 15014 Parkville, Houston, Texas 77068 (281-444-1613) appeared and stated that her sister just spoke, but since the city took their property rights each buyer withdrew their offer; that they had a beautiful piece of property and could not sell and she was asking if there was any other recourse for them as they were stuck. Council Members Sullivan, Gonzalez and Lovell absent.

Council Member Jones stated that if her property was on the outskirts could it be carved out; and Mayor Parker stated that there would be a presentation tomorrow; and upon questions, Ms. Macaluso stated that the property was in Avalon Place; and Mayor Parker stated that they did not have a reconsideration so she could not be carved out; that in tomorrow's meeting Ms. Gafrick would make a recommendation and the map would speak for itself, but all would be explained. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Upon questions by Council Member Stardig, Ms. Macaluso stated that their property was located at the corner of Kipling and Stanford and the price was negotiable, but it was on the market for \$360,000. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Mr. Paul Lucia, 1237 Oxford, Houston, Texas 77008 (713-880-4877) appeared and stated that he lived in Houston Heights East District and they had ample evidence to show more than 75% of the people in their district were in favor of correcting the historic vote, but because of their fellow Houstonians present who had far more pressing issues would concede their time. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Upon questions by Council Member Jones, Mr. Lucia stated that he spoke for the Heights East people; that he wanted to live in a historic district but not the way Council did it; that they bought under the old rules and that was what they wanted. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Mr. Devinder Bhatia, One shadow Lawn, Houston, Texas 77005 (281-397-7000) who previously was not present when his name was called, appeared and stated that he lived in the

Shadow Lawn District and did not have much fight in this game, but definitely supported leaving things the way they were. Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Bhatia stated that he lived in Shadow Lawn; and Mayor Parker stated that he was not in one of the reconsidered districts as far as she could tell. Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Mrs. Barbara Simper, 811 Harvard, Houston, Texas 77008 (713-476-9417) had reserved time to speak but was not present when her name was called. Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Mr. Lance McKnight, 3900 Milam, Houston, Texas 77006 (713-385-6186) appeared and stated he lived in First Montrose Commons Historic District and lived in the old Hofheinz house; that he was a strong supporter of historic preservation and spent a great deal to make this a nice historic property; that his problem was the fact the rules had changed on their historic district; that they barely got support for their district and it took 6 to 8 months to do so and now they were hearing 80% supported it, he did not think it was a true reflection under the new rules and if this continued he would beg to be taken out, he was on the edge of the property, it was their home, but also his wife's business. Council Members Stardig, Sullivan, Rodriguez, Costello and Lovell absent.

Mr. Lee Girard, 817 N. 3rd, Bellaire, Texas (281-236-4401) appeared and stated that he wanted to file a complaint about being a property owner in First Montrose Commons; that he was denied on numerous occasions to speak because he did not live in the neighborhood and it was a clear violation of his private property rights and a blatant discrimination against him and real estate owners not homesteading; that he had been slandered as investor, townhouse developer, etc., he was denied time to state his opinion and only found out by circumstance he was included in the district; and he was opposed to being forced in the district and demanded to be removed; and he had the same problem in the Heights. Council Members Stardig, Adams, Sullivan, Rodriguez, Costello and Lovell absent.

Mr. Robert Reeves, 2121 Kirby #106, Houston, Texas 77019 (713-269-4044) appeared and stated he wanted to speak about Boulevard Oaks Historic District Designation; that he owned a property but had not occupied it in 15 years as they were unable to obtain signatures to reinstate deed restrictions and his concern on the historic ordinance was the 1800 to 1900 block of South Boulevard had between 60% – 70% of structures were new construction and he did not know how it could be designated historic, it reflected poorly on the Planning Department and parties who would not sign the deed restriction reinstatement were the ones pushing for the blocks to be designated historic, so they built their million dollar mansions and now he was being precluded of building because of the Historic Commission. Council Members Stardig, Sullivan, Rodriguez, Costello and Lovell absent.

Mr. Micah Simms, 4 Eve, Houston, Texas 77013 (832-880-4417) appeared and stated that he was present with a basic need of sewer and water; that he had been everywhere trying to find a tie-in for his street, for his house, but was told he would have

to run a 8" and 6" header to a sewer line in excess of over \$20,000 and he was disabled and not ethical; and was asking the city get involved. Council Members Sullivan, Rodriguez and Lovell absent.

Upon questions by Mayor Parker, Mr. Simms stated that he was on well water; that about 500 feet from his house was a connection; and Mayor Parker stated that Mr. Medina with Public Works was present and she would ask he visit with him; that if the area was already developed and city utility lines were not there he was on his own, if they had a CIP project going on they would make every effort to work with him. Council Members Adams, Sullivan, Rodriguez and Lovell absent.

Rev. Joe Lopez, 1333 Wellsriver, Houston, Texas 77041 (832-891-2724) appeared and stated that he came two weeks ago and suffered a savage beating by gang members in the southwest part of Houston; that he planned to go after them, gave a name and address and said he would be coming; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Pennington and Rodriguez absent.

Pastor James Nash, 8418 Colonial Lane, Houston, Texas 77051 (713-725-1664) appeared and stated that he wanted to weigh in on the Chad Holley situation as it was his duty to come as a community leader and pastor to offer his opinion; that officers were hired for good character; that he remembered and wondered what happened to the Annise Parker he remembered who would have been standing in line asking for a citizen review committee with subpoena powers; that he remembered her standing with him against racism, etc. Council Members Sullivan and Pennington absent.

Council Member Johnson moved the rules be suspended for the purpose of hearing Minister Robert Muhammad after Bishop James Dixon II, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Members Sullivan and Pennington absent. MOTION 2011-0125 ADOPTED.

Mr. Johnny Lennon, 7243 Chasewood, Houston, Texas 77489 (713-494-0072) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Pennington absent.

Bishop James Dixon II, 1023 Pinemont, Houston, Texas 77018 (713-688-2900) appeared, presented information and stated that Houston had a problem, cries of police brutality and unnecessary use of force was systemic and proved this was a larger issue than one Administration; that a concentrated focus needed to be given to the matter and demanded local, state and federal attention and collaboration; that all here were doing something different before the Chad Holley tape was released to the media and they were not grandstanding; that officers acted in an animalistic way and now thousands of diverse cultures were waiting justice; and over 60 people stood in line last week to give testimony about their cases; that those suspected and convicted of crimes were human beings; that they had respect for law enforcement, but this could not become an excuse and a just process needed to be insured; and read his recommendations which were turned in to all at the Council Table. Council Members Sullivan and Pennington absent.

Upon questions by Council Member Stardig, Mayor Parker stated that to the best of her

knowledge in implementing her two executive orders she had done everything in her power to do, but deferred to the City Attorney; and Mr. Feldman stated that they could not under existing state law, specifically Chapter 143 of the Local Government Code, which controlled the discipline of police officers would not enable the creation of a civilian panel which had subpoena power nor would the Code of Criminal Procedure permit any form of prosecutorial authority placed in such a board or committee; and in order to accomplish what was suggested either by way of subpoena power or prosecutorial authority there would have to be a change in state law and for purposes of prosecutorial authority there would have to be a dramatic change in state law; that Senator Ellis, in particular, had offered some omnibus legislation which would include provision for creation of citizen review board type entities in cities over a certain population within the state and as his legislation was designed it would provide for subpoena, but also included changes to Chapter 143 of the Local Government Code which dealt with police officer discipline and in no event had anyone introduced any form of legislation that would grant prosecutorial authority because that was reserved under Texas law to district attorneys and criminal county attorneys; and Council Member Stardig stated that she wanted the public to understand they could not go further than what Mayor Parker had done. Council Members Sullivan and Lovell absent.

Upon questions by Council Member Gonzalez, Bishop Dixon stated that with the proposed legislation by Senator Ellis would the Mayor and Council support it; and Mayor Parker stated that she was in conversation with Senator Ellis about his legislation and she hoped to be able to support it once in its final form. Council Members Sullivan and Lovell absent.

Council Member Noriega moved the rules be suspended for the purpose of extending time for questions of Bishop James Dixon II, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Sullivan absent. MOTION 2011-0126 ADOPTED.

Upon questions by Bishop Dixon; Mayor Parker stated that Chad Holley was represented by legal counsel and this Council would take no action, it was not in the hands of attorneys and it could not be discussed here at the Council table. Council Member Sullivan absent.

Council Member Johnson stated that he appreciated all coming today; that this was in the hands of the DA and while he believed officers in this particular incident should be charged with a felony it was also in the hands of the DA, but he would continue being an advocate for a citizen review board with subpoena power because there should be a third party completely independent. Council Member Sullivan absent.

Council Member Jones stated that she would be willing to participate in special meetings and constructive summits and to hear from people; that she would let the civil case run its course. Council Member Sullivan absent. Council Member Sullivan absent.

Council Member Jones moved the rules be suspended for the purpose of extending time for questions of Bishop James Dixon II, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Sullivan absent. MOTION 2011-0127 ADOPTED.

Upon questions by Council Member Jones, Mayor Parker stated that yes, if Council so chose they would put in their legislative agenda the issue for the city's lobby team; that she did want to remind Council there were five townhall meetings chaired by the Public Safety Committee of Council, there was a series of meetings in the community since the incident and she assumed Council would be interested in holding more; and Council Member Jones stated that as they went to meetings in the Black and Brown neighborhoods people did not trust police and in the non Black and Brown neighborhoods they believed police protected and served; that

Council Member Noriega came up with recommendations, but this was a big deal and requested that they seriously consider the recommendations by Bishop Dixon; and Mayor Parker stated that they would be discussing the two executive orders in the appropriate Council committee and Council Member Noriega indicated all recommendations did go before the full committee; that her executive orders did all in her power and all else needed to go to state legislature; that Senator Ellis had a number of amendments and they were sorting through them and she would be happy to go to committee and see if Council wanted to endorse them, but they were still a work in progress. Council Members Sullivan and Lovell absent.

Council Member Pennington stated that he attended hearings held by Council Member Noriega and his view was the same as Council Member Jones that there was distrust in many communities, one problem was with lawlessness among the police force and he spoke with the Chief and they needed leadership in communities and he hoped he would take leadership in working with the police and help change citizens in neighborhoods; and Bishop Dixon stated that this issue was too large for one person. Council Members Sullivan and Lovell absent.

Council Member Hoang moved the rules be suspended for the purpose of extending time for questions of Bishop James Dixon II, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Members Sullivan and Lovell absent. MOTION 2011-0128 ADOPTED.

Bishop Dixon stated that this was grave enough for Council, State Legislatures, Congressional Representatives, clergy, etc., they needed to talk on how to resolve this long-term; and he felt the Mayor executive orders should be suspended until those conversations took place because the appearance was that the Mayor and a few well meaning persons had discussed it and made a decision and it brought further distrust. Council Members Stardig, Sullivan, Lovell and Jones absent.

Council Member Adams moved the rules be suspended for the purpose of hearing Pastor D. Z. Cofield after Minister Robert Muhammad, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Members Stardig, Sullivan, Lovell and Jones absent. MOTION 2011-0129 ADOPTED.

Council Member Adams stated that she was looking at Bishop Dixon's recommendations and leadership summit she thought it a great idea and would support it, but maybe the NAACP could take the lead and then the city provide support he wanted, it was wonderful to bring all policing agencies together so if he could get someone to write it; and Bishop Dixon stated that he did not mind writing it, but wanted to make sure they would attend. Council Members Stardig, Sullivan, Lovell and Jones absent.

Council Member Hoang stated that he commended Mayor Parker and the Police chief for reacting swiftly in this matter, however, in HPD it was not only discrimination and oppression on the African American community but on the Asian community; that they thought they would be retaliated against. Council Members Stardig, Sullivan and Lovell absent.

Council Member Hoang moved the rules be suspended for the purpose of extending time for questions of Bishop James Dixon II, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Clutterbuck out of the city.

Council Members Stardig, Sullivan and Lovell absent. MOTION 2011-0130 ADOPTED.

Council Member Hoang stated that he agreed with Bishop Dixon this needed to be taken further to prevent this culture; that he also thought this a felony and justice needed to be brought to everyone and there should be subpoena power with the civilian review board; and he would encourage the Asian community to work with the African American community. Council Members Stardig, Sullivan and Lovell absent.

Council Member Bradford stated that he appreciated the discussions; that he had disciplined and fired officers, hired and buried officers, etc., but what they saw on the Holley tape he would not stand for or condone, wrong was wrong and to Mr. Feldman there were things they could do which had not been done and it included broad, substantive input from the community; that there was a system which investigated complaints and it was more than 25 years that the current process was not modified in any substantive way and the community lost faith; that he was concerned when he heard of going outside the city to get people to come in and review how the city trained police, use of force and policies as they did not need outside entities when they had expertise in his view at the University of Houston, Texas Southern University and Sam Houston State University and they could be called in. Council Members Stardig, Sullivan, Hoang, Lovell and Jones absent.

Council Member Gonzalez stated that like Council Member Bradford he too was with HPD and he served proudly; time for Council's questions once again ended and Mayor Parker acknowledged that there were not enough Council Members present to extend time. Council Members Stardig, Sullivan, Hoang, Lovell and Jones absent.

Minister Robert Muhammad, 4443 Old Spanish Trail #45, Houston, Texas 77021 (713-741-2747) appeared and stated that he had advised five Mayors and six Police Chiefs and there was change, but the more things changed the more they seemed the same; that police brutality and civil unrest was bad for business and he was upset because somehow they were being cast because they came to have grievances redressed, somehow they were cast as being against police and city good, but they were making sure nothing happened; that he did not think the Council body was really seeing what was going on and they were bringing reasonable requests; and if Council wanted something the lobbyist would be working on it to make it happen and they should quit hiding behind the law. Council Members Sullivan, Hoang and Pennington absent.

Council Member Gonzalez stated that it pained him as a former officer that the city was going through this and it should be corrected and the video spoke for itself; that they did not need to have public discourse to allow people to speak and their voices be heard and resolutions be found; and he loved the idea of a summit. Council Members Sullivan, Hoang and Pennington absent.

Council Member Adams stated that she knew Senator Ellis and state legislators were looking to draft something; and upon questions, Minister Muhammad stated that Reverend Dixon and the coalition were asking the Mayor and Council to show leadership and allow a consensus built and go to the legislature; that they wanted the Mayor and Council standing with them. Council Members Sullivan, Hoang and Pennington absent.

Pastor D. Z. Cofield, 2612 Cleburne, Houston, Texas 77004 (281-850-8990) appeared and stated it was the opinion of the NAACP, Houston Branch that the re-tasking and renaming of two civilian panels, hiring of a fulltime ombudsman and establishment of an independent police oversight board was nothing more than putting a dress and makeup on a pig; that it could relieve pressure but not solve problems; that they appreciated efforts and statements it was all she could do, but he begged to differ; that according to the Texas Local Government Code, Chapter 143, Section 123 referred to by the City Attorney the IAD of the Houston Police Department was not functioning in compliance with the code and proceeded to give reasons why such as according to state mandates people who had to file a complaint were mandated to make a verified statement in front of a notary or anonymously to IAD but HPD had different requirements with the threat of perjury charges filed if a person did not file a true affidavit and it intimidated people and discouraged them from coming forward; that there were good officers, but they had stated about 20% of HPD were not people concerned about the best interest of the community, but said they could not come forward because there was no zero tolerance policy to protect them. Council Members Sullivan, Hoang and Pennington absent.

Council Member Noriega stated that James 1:5 said if anyone lacked wisdom they should ask God who gave generously to all; that trying to decide what really needed to be done was a part of the question and she thought they could argue all day about subpoena power, but would like to set it aside for now; that her concern was they did have five meetings and at the ones in African American neighborhoods there was clearly distrust and fear and one said that what they saw as standing up for themselves police saw as insubordinate or threatening and would taze them; that they would have to partner with police to solve things and what concerned her was what went on when there was no video camera; and she would say they needed to work forward with whatever was effective, this was not new; that she was okay with subpoena power and felt a summit was an excellent idea, but they did have to get to the real problems; and Mayor Parker stated that she was at Pastor Cofield's church for the first big summit and suggested perhaps the community defined better what they would like to see happen than what was at the large community meeting; and it was hard to respond when she did not hear clear expectations and until today had not done so; that she thought there was support of Council for more meetings and she was meeting with Senator Ellis. Council Members Sullivan, Hoang and Pennington absent.

Council Member Noriega moved the rules be suspended for the purpose of extending time for questions of Pastor D. Z. Cofield, seconded by Council Member Stardig. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Members Sullivan, Hoang and Gonzalez absent. MOTION 2011-0131 ADOPTED.

Council Member Noriega stated that she felt a summit was a good way to begin. Council Members Sullivan, Hoang and Gonzalez absent.

Upon questions by Council Member Stardig, Pastor Cofield stated that he believed the required signature intimidated as there was a distinct difference between a verified statement which the state did mandate and an affidavit subject to perjury charges; and why would HPD require more from a citizen that the state required and put upon them

intimidation; and Council Member Stardig stated that she had a very diverse community and they worked on things with HPD and a Hispanic community in Spring Branch were not comfortable but with meetings they could get to know each other. Council Members Johnson, Sullivan and Hoang absent.

Council Member Bradford stated that the more discussion went on the more it highlighted why they were present today; that verified statement versus affidavit, it was not taking anyone's word...; that restraints should not be put there that did not need to be, but there would still be an investigation; that meetings were held last summer and nothing happened. Council Members Johnson, Sullivan and Hoang absent.

Council Member Bradford moved the rules be suspended for the purpose of extending time for questions of Pastor D. Z. Cofield, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Members Johnson, Sullivan and Hoang absent. MOTION 2011-0132 ADOPTED.

Council Member Bradford stated that they held meetings last summer and he submitted two reports with recommendations but it was not acted on and today they were here because a tape was released with more promises of doing things and action needed to be taken; and Pastor Cofield stated that he appreciated the Mayor coming to their meeting, but all Council Members needed to understand how rules were set now and if you were beaten by an officer and filed a complaint with IAD and they investigated the complaint, even if there was video footage you could not get a copy, even if a civil lawsuit was filed. Council Members Sullivan and Hoang absent.

Council Member Jones stated that she agreed with Council Member Bradford that officers were entitled to a fair process, but she would submit so were citizens and discussed a difference in statement which was not a lie but not remembering exactly and how police always took it as a lie and if it was in a sworn affidavit police could go after you for perjury and that was intimidation. Council Members Sullivan and Hoang absent.

Council Member Lovell moved the rules be suspended for the purpose of extending time for questions of Pastor D. Z. Cofield, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Members Sullivan and Hoang absent. MOTION 2011-0133 ADOPTED.

Council Member Lovell stated that she wanted to share some observations; that having subpoena power meant to her that they wanted to get to facts to get to punishment of a bad action and her concern in watching the video was officers were very comfortable doing what they were doing and leadership did not step in and stop the others and that indicated to her a real level of concern; that also she was concerned on why they were even talking about this; that she did not think subpoena power stopped actions which needed to be stopped, but thought the recruitment process and training should be reviewed; and she hoped Pastor Cofield would be a leader on those issues also. Mayor Parker, Council Members Adams, Sullivan and Hoang absent.

Council Member Noriega stated that she had no problem with the suggestions, but her problem was they could do them all and still not fix this; that she would like to ask

the Administration to ask Legal to review the city process for people filing complaints and see where they did exceed state law; and Mr. Feldman stated that they had looked and using the term affidavit and appearing before a notary and having a signature verified could be the same thing if you looked at it in a civil sense; that what he thought Pastor Cofield was talking about; that he was correct under Chapter 143 it said the statement merely needed to be verified which was appearing before a notary but what they found was when a statement was given to IAD, they would include on the form language this was subject to penalties for perjury, etc., one thing the Mayor did which seemed to be lost in the shuffle was the creation of an office of an ombudsman who was not an officer or IAD and they only had to have it verified by a notary, so they did understand the issue raised and it was being addressed; and releasing video tapes was a matter of state law, there was prohibition of release of any document or material gathered by IAD in a course of investigation unless and until such time the matter was completely closed; that if he released a tape to someone before from IAD before it was closed he would be subject to criminal prosecution. Council Members Stardig, Sullivan, Hoang, Pennington, Hoang and Rodriguez absent.

After further discussion, Mayor Parker stated that she did not know anyone ever accused her of not being clear on an issue; and there were not enough Council Members present for a motion to continue discussion. Council Members Stardig, Sullivan, Hoang, Pennington, Hoang and Rodriguez absent.

Council Member Jones on a point of personal privilege stated that there were two present not on the speakers list, first Ms. Pam Hobont who had a son with mental issues and killed by law enforcement, but not HPD and another present was a sister to Joe Campos Torress who was killed by HPD and thrown in Buffalo Bayou and asked they stand to be recognized; that this was not just a Black issue, but a Brown and White issue and she recognized them both because it was not just a Black issue. Council Members Stardig, Sullivan, Hoang, Pennington, Hoang and Rodriguez absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was also present because of police brutality as she was also a victim; that it had been about a year since she reported someone or some persons coming in her home; that police came but did nothing and said she should find a way to catch the person and show them a picture; that she purchased cameras and police did nothing and they were probably in her house as she now spoke Council Members Stardig, Sullivan, Hoang, Pennington, Hoang, Rodriguez, Lovell and Jones absent. (NO QUORUM PRESENT)

Ms. Susan Hartnett, 3600 Jeanetta #2708, Houston, Texas 77063 (713-952-2489) appeared and stated that she too was present to speak on excessive and or deadly force and other civil right violations by HPD; that in October 1998 her son was killed by police with seven officers surrounding his truck beat out his windows and beat him and when an officer tripped all seven officers opened fire, 59 bullets and he was still in his truck, 14 of which killed him and all officers were no billed and none fired even though they violated their own procedures and in the case of Chad Holley she felt it was reverse bullying; that officers who killed only had to say they feared for their life and all was excused and in 1999 and 2000 HPD had the second highest police killings in the nation. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez and Jones absent.

Council Member Noriega thanked Ms. Hartnett for coming and sharing and stated that she could not imagine what it took for her to come today and she was very sorry. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez and Jones absent.

Rev. Andrew Burks, 5606 Beldart, Houston, Texas 77033 (713-738-4117) had reserved time to speak but was not present when his name was called. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez and Jones absent.

Ms. Crystal Jean, P. O. Box 16026, Sugarland, Texas 77496 (832-646-3516) appeared, presented information to Council Members and stated that she was present to voice dissatisfaction with the Houston Police Department and the DA's Office; that she lived with HIV because a young man took her choice away by not disclosing his status; that she was in a relationship and thought she could trust him, but he abused the trust; that HIV and AIDS were the third leading cause of death among women and African Americans represented 12% of the population in the U. S. and half of HIV infections and AIDS and nothing was done about addressing the rising number of infections; that assault laws already in place to protect people from intentional infection and reckless spread of the virus were not enforced and her information lists prosecutions in Texas on the matter and police and DA's should be sensitive and deliver a message that reckless behavior would not be tolerated; and discussed some of her recommendations. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez and Jones absent.

Council Member Adams thanked Ms. Jean for coming; and upon questions, Mr. Feldman stated that her better recourse was to go to the Health Department who would have the means of looking into something, it would not be a matter for police; that there was nothing in place for aggravated assault, etc., under the Texas Penal Code; and Ms. Jean stated that there was nothing in place with the City Health Department for such situations and assault did include and entail a situation such as this and they could see people were prosecuted in Dallas and one in Houston; and Council Member Adams stated that she did not know if someone in Health was present, but her concern was the gentleman was still around and infecting others and Ms. Jean was saying he was doing this and no one was stopping him; and Mayor Parker stated that she could ask various departments to respond in writing, she was not sure whether there was anything beyond a civil suit on her part which could appropriately be done, but she would ask both Legal and Health to see if anything could be done. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez and Noriega absent.

Council Member Jones stated that Ms. Jean called her office and she was sitting with Director Williams in Health and intended to speak to Chief McClelland about it and she absolutely believed this was an assault and HPD often called the DA when a crime was committed and the DA decided whether to accept charges or not so they could do something and it frustrated her to hear it was not an assault when it was and had seen HPD call on a lot lesser issue; that this was bodily injury and she believed could qualify as murder; and would at least like proper authorities notified. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mayor Parker stated that she would ask different city departments to respond in

writing to response to Council Member Adams question; and she was called out earlier for not being an activist and would point out that Council Member Lovell, much more than her, but they were both around in the beginning of the AIDS crisis and this was not a new issue and unless things had changed at the HIV and AIDS service agencies they were 100% opposed to any criminalization of transmission of AIDS and they needed to go carefully in that direction. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mr. Tim Campbell, 715 Valentine Way #N, Houston, Texas 77019 (713-739-7576) appeared and stated that he was present for a different reason, but on police brutality he would state that he lived in Allen Parkway Village and was a gay rights activist; that he had never known a gay rights activist who did not support a strong citizen review panel with subpoena power and today voiced support; that today he was present regarding a young man murdered at APV; that in November a young Black male was killed by a man claiming he was trying to get money out of him in his home and he shot him in self defense and it seemed police would be letting him off and that was the second murder there in two years and no one was prosecuted in the previous case either; that HPD would not report the name of the guy who shot him and it irked him that someone could shoot, kill and claim self defense and police did not have to tell the public who; that his other issue was it seemed the Houston Housing Authority seemed to be in the process of selecting a new permanent CEO and Housing would not give the names of those being considered. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that they were meeting today to select a new one and she did not know who, but believed as of this afternoon there would be a new Housing Director and she was looking forward to getting the answer also. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Mr. Robert Fickman, 440 Louisiana #400, Houston, Texas 77002 (713-655-7400) appeared and stated that the Mayor Parker he knew who served with him previously did not tolerate police brutality and knew she was sitting in front of him; that he had faith she would do the right thing; that he practiced criminal law in Houston 27 years and would say no one he knew trusted IAD, for as long as he lived in Houston he had seen police get away with brutality and read recommendations on how to address the persistent problem which included the civilian review committee, the DA's Office indicting and prosecuting officers, etc., it was important to note the DAs office was not the only prosecutorial authority in this city and believed the solution lay in the hands of federal government. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mayor Parker asked Mr. Fickman if he wanted to submit his information in writing and Mr. Fickman stated that he did. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones stated that Mr. Fickman was the former president of the Harris County Criminal Lawyer's Association; and upon questions, Mr. Fickman stated that the quickest solution to the problem was to rely on federal authorities already in place, the U. S. Attorneys Office and FBI and if the Mayor and Council called upon the

Attorney General and or elected congress persons to put together a joint task force of FBI agents and US attorneys to act on the matters and take over the investigation of police brutality cases it would send a loud and clear message to rogue officers and the community that this city took this seriously. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington and Rodriguez absent.

Mayor Parker stated that she had no control over the DAs Office, but did have some authority within the Police Department and particularly in the Chad Holley case she would say they did an outstanding job of investigation, there may be a problem with some officers, but in her opinion there was not one in the Internal Affairs Division. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington and Rodriguez absent.

Council Member Jones stated that one thing she did was give people numbers to the FBI and US Attorneys Office, it was called Color of Law and you could go to the FBI website and put in Color of Law in google and you could file it anonymous, etc., and it was really easy and she too believed the larger battle was not here. Council Members Johnson, Sullivan, Hoang, Pennington and Rodriguez absent.

Upon questions by Mayor Parker, Mr. Feldman stated that he would like to point out one of the first things they did after the Holley tape was given to Chief McClelland in addition to giving it to the DA they contacted the FBI and the Justice Department and he personally spoke with the U. S. Attorney; that the federal government was given every opportunity and what they were told was that they would wait to see how the prosecution went in state court and depending on how it worked out they would decide what to do at that point in time; and Mr. Fickman stated that he would suggest the City of Houston had the ability through the Council body or Mayor to make it a priority by asking the federal government to make it a priority and they would do so he believed; and Mayor Parker stated that she had faith in the investigation of the Chad Holley case and whether or not the DAs Office did their part was another issue. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Ms. Sandra Massie Hines, 4421 Alvin, Houston, Texas 77051 (832-374-5585) appeared and stated god did not call the qualified but qualified those called and crimes in this city were continuing, meetings mentioned with the safety department and Council Member Noriega had the issue of moratorium and cease fire to stop police from shooting minorities and Black men and she supported the end to police brutality and requested the implementation of a civilian review board with full subpoena power. Council Members Johnson, Sullivan, Hoang, Pennington and Rodriguez absent.

Council Member Jones stated that she shared before how her son who graduated college was jacked up by the police at her car and she knew it would happen, just not when, but was always hopeful when it happened he would be safe; that she understood the Justice Department was contacted on the Chad Holley case, but had they requested they look at the entire department and not just his case and if they had not after the summits could they consider doing so; that the reason they let her son go was because they recognized her name. Council Members Sullivan, Hoang, Pennington and Rodriguez absent.

(713-545-3028) appeared and stated that he thanked those Council Members who stayed; that he had a children's foundation and no one ever gave him a dime; that people wanted a civilian review board with subpoena and prosecutorial powers and if they did not do that one day what happened in Egypt and other places was going to happen here; that a White man worked with him and police knocked all his teeth out last week; that in Dallas they were saying all young Black boys needed to put on bulletproof vests; and present today was a Hispanic boy who was shot four times and charged with assault with a deadly weapon and he lost his house, car, etc., while in the hospital and got a lawyer and beat it and still he was not apologized to. Council Members Sullivan, Hoang, Pennington and Rodriguez absent.

Mr. Ramesh Kapur, 3427 Ashton Park, Houston, Texas 77082 (281-455-7998) appeared and stated he was present regarding Neighborhood Protection; that buildings were demolished, burned, especially on Noah Street; that some buildings were categorized dangerous buildings because they had been broken into, no windows, and the meaning should be changed; that some could have been rehabilitated but the department made them give up hope and left them to destiny, break-ins, etc., the problem needed to be cured and not through writing citations. Council Members Sullivan, Hoang, Pennington, Rodriguez and Bradford absent.

Council Member Adams thanked Mr. Kapur for coming and stated that she chaired the Neighborhood Protection Quality of Life Committee and she was looking at the response sent from Neighborhood Protection and the hearing was in February 2006 and the order expired in March 2006; that inspection was performed July 2006 and they were asking for an extension and this was 2011 and she could not figure out how...; and Upon questions by Mayor Parker, Mr. Kapur stated that he owned a property in South Park; and Mayor Parker stated if he was willing to clean his property they were willing to help and he should speak with her neighborhood services people who were present. Council Members Sullivan, Hoang, Pennington, Rodriguez and Bradford absent.

Mr. Rudy Zavala (did not wish to give address) (832-497-5901) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Hoang, Pennington, Rodriguez and Bradford absent.

Mr. James Kinney, 503 Elton, Houston, Texas 77034 (713-946-5872) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent.

Ms. Kathy Wilson, 701 San Jacinto, Houston, Texas 77002 (no phone) appeared and stated that she was with the Harris County Housing Authority and then left Houston; that she came back and selected the Houston Housing Authority to give her the voucher, but she went to about 13 properties and when going to properties one person said she needed to leave town; another said go where you came from; that she went back to the Housing Authority and they said they were going to sell her voucher to the highest bidder. Council Members Sullivan, Hoang, Pennington, Rodriguez, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Council Member Adams stated that Ms. Gail Melvin with the Houston Housing Authority was present and could speak with her. Council Members Sullivan, Hoang,

Pennington, Rodriguez, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mayor Parker stated that the Housing Authority was voting on a new director this morning; that both finalists were outstanding and they would be well served by either. Council Members Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent.

Mr. Oscar Saleh, 7513 Bellerieve, Houston, Texas 77036 (713-656-4276) appeared and stated that he was present to ask that the procedure in the Municipal courts regarding traffic violations be reviewed; that it took forever trying to get a trial by jury, he had a ticket in 2008 and he was still in the progress, he had to go to the Court House two to three times a year and spend all day to just reschedule; that he had no vacation time and it was offensive to him having to be there at 8:00 a.m. and called the roll every hour or two to be sure he was there and the officer was scheduled to be there at 1:00 p.m. and felt this could be improved; and he would suggest scheduling time that was supposed to be the trial and then if they did not show up have them pay and issue the warrant. Council Members Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent.

Mayor Parker stated that she brought in a new Chief Judge last year and a number of changes were made; that she apologized for him having to deal with this for so long and Mr. Soto representing the Municipal Courts was present and he should speak with him at this time and see if he could be moved forward for a speedy trial. Council Members Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent.

Council Member Jones stated that this was a perfect example of why people came to Council speaking about officers having to be there; that they made a financial decision with overtime, etc., but citizens at a minimum should be treated with amenities as was law enforcement and it was discouraging even as a lawyer to go and have trials reset, things still needed to be worked out and to have to lose work really hurt in this economy; and Mr. Saleh stated that he would be glad to help in any way. Council Members Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent.

Council Member Gonzalez stated that they had this discussion before; that they were concerned with the difficulty being placed on citizens; that this was a work in progress and Judge Hartle indicated Council would receive updates to see how this was working. Council Members Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent.

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. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Ms. Robin Givens, 15011 Bathurst, Houston, Texas 77053 (713-434-2703) appeared and stated that the community wanted a civilian board with proper funding and prosecutorial power; that they also wanted HPD officers living within the City of Houston; that New York had a civilian review board and they were given this year prosecutorial power mandated through the City Charter. Council Members Johnson,

Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mr. Conrad Ary, 2201 W. Orem #323, Houston, Texas 77047 (713-828-1447) appeared and stated that he was present as he was a teacher who taught government and always had students attend such a meeting so he modeled what he wanted of them, but today none were present; that his main issue was that of police brutality and misconduct, he had been victim to such; that he believed the vast majority of the men and women in HPD were wonderful public servants, but in seeing the Chad Holley tape obviously there were problems and the officers should be identified and rooted out of the department; and he was commending Mayor Parker for her restoring confidence in HPD and offer a critique as one of the committees she was creating would be comprised of 20 people and he would ask that be considered and opened to as many as possible who wanted to communicate. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mayor Parker stated that there was a limit to how many people could serve on the police independent oversight board because one responsibility was looking at case files, reviewing officer records and there were confidentially provisions, etc., and it was not intended to be a public body; that the oversight committee was intended to be the body which was more representative. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Council Member Jones stated that she was asked by a number of people about the committee and there were a number of concerns about her having the attorneys, judges, etc., thinking they would all have the same mindset and that would not be helpful and why did they all need to be professional and why all appointed by the Mayor and she did intend to put into writing what was being asked of her; and Mayor Parker stated that it might be helpful if she waited until they did get to the Public Safety Committee. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Council Member Noriega stated that this would be discussed at a Public Safety Meeting on March 2nd at 2:30 p.m., and they were welcoming people's comments; that she too had comments there should be regular people on this and they could discuss it at the meeting or comments could be sent to her email and it would be brought up at the meeting. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Mayor Parker stated that there was a CIP Meeting tonight, her CIP number 5, and she would be leaving shortly to get there. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Mr. William Beal, 5814 Overdale, Houston, Texas 77033 (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Ms. Kimberly Bennett, 11319 Raven View Drive, Houston, Texas 77067

(832-282-2557) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Ms. Patricia Martin, 3401 Fannin, Houston, Texas 77004 (832-630-3717) appeared, presented information to Council and stated that she had a visual impairment and she had given Council a copy of civil rights violations, of her civil liberties; and continued expressing her personal opinions until her time expired. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Council Member Jones stated that she just received something which said notice of trial by jury; and Mayor Parker stated that she did not know what she had, but could they handle this after the public; and Council Member Jones agreed. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Ms. Krystal Muhammad, 7125 Reed Road, Houston, Texas 77087 (713-261-3558) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Ms. Arlene Kelly, 2715 Lazy Spring Drive, Houston, Texas 77080 (713-462-3808) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Mr. Clyde Bryan, 10802 Pepper lane, Houston, Texas 77079 (713-545-4878) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford 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 United States President and requesting more time; and continued expressing his personal opinions until his time expired. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

At 5:28 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, February 23, 2011. Council Member Clutterbuck out of the city. Council Members Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, February 23, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Wanda

Adams, Oliver Pennington, Mike Sullivan, Al Hoang, Edward Gonzalez, James G. Rodriguez, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David Feldman, City Attorney; and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Anne Clutterbuck out of the city. Council Member Stephen C. Costello absent on personal business.

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

At 9:11 a.m. Mayor Parker called the meeting to order. Council Members Johnson, Sullivan, Pennington and Jones absent.

### **MAYOR'S REPORT** - Historic Preservation Reconsideration Results

Mayor Parker stated that they should have in front of them a large packet showing maps and asked Ms. Gafrick if she had a PowerPoint Presentation, and Ms. Gafrick stated that she did and that packages were delivered to the Council Members offices yesterday, and Mayor Parker stated that in the backup materials they had all of the maps that Ms. Gafrick was going to be showing. Council Members Johnson, Sullivan, Pennington and Jones absent.

Ms. Marlene Gafrick, Director, Planning Department, reviewed a PowerPoint Presentation titled "Mayor's Report Historic District Reconsideration", a copy of which is on file in the City Secretary office for review. Council Member Johnson absent.

Mayor Parker stated that today they were talking about six districts, next week they would talk about districts that were not formally through the process when they started, that she wanted Council Members to know that it was not that they had forgotten those other districts, Glenbrook, Heights South and Woodland Heights, that they would be talking about them next week because they were in a different category. Council Member Johnson absent.

Upon questions by Council Members, Ms. Gafrick stated that as to the surveys that were returned, that she, Courtney Splane, Diana Ducroy and Michael Schaffer were primarily the four that worked on the surveys in the department, they created databases, and Mayor Parker stated that once the maps were created they looked to see whether they could easily carve out those who wanted to be out of the district, they then scheduled a meeting with her and she invited each of the affected District Council Members, they saw the maps when she saw the maps, so the District Council Members did get a heads up on this, so the opportunity to go back and consult with the districts would be with Council Members Adams and Clutterbuck, but it was now in Council's hands, that it was entirely done by staff and now that the maps were up and available if there errors, if they had made a mistake, these maps, she was sure, would be widely discussed in those neighborhoods; that when they had a doughnut hole in the district what happened was that it affected the blocks around the doughnut hole, so it created a problem in terms the properties that were contributing, that across the street they were impacted by the development that was in the doughnut hole, so in the doughnut hole area if they did not have a minimum lot size provision then they could have a multi family project built in the middle of the district that would not be in keeping with the historic district, so it kind of started to destroy the fabric of the community, so that was the reason why they were looking at not creating any doughnut holes, that they also somewhat looked at not only the whole blockfaces because what was across the street was also impacted when they looked at certificate of appropriateness, so if they had one block face that was out then what happened was that they could build to any height that they wanted or any type of structure and that impacted the contributing structures across the street, so that was what they were trying to balance as they looked through that.

Upon further discussion and questions by Council Members, Ms. Gafrick stated that as to the returned surveys being accurate as to the appropriate residents and property owners they

utilized HCAD records so they mailed out the ballots to the property owners and compared the name on the ballot to what was shown on Harris County Appraisal District records, there were a few ballots that were returned that the name was different and there were a few instances where the ownership had changed so the date that they used on the ownership date was the date that they mailed out the letter notifying about the community meeting, so if the ownership changed before that date then they would count it, if the ownership changed after the letter mailing about the community meeting then they did not count it, there had to be some cutoff period in there, they had a couple of instances where a property owner signed a survey that sold the property six months earlier and tried to get an extra vote in there and they did not count that. Council Members Adams and Sullivan absent.

After further discussion and questions by Council Members, Mayor Parker stated that they did have to take action on districts where there were recommended changes, that if Council accepted the reports as is then the districts were intact and then there would be no further action, but there was a least one where there was a recommendation for further action, that would be First Montrose Commons and if Council Members wished to move other changes, that this was a recommendation from the Planning Director, that Council had the ultimate authority on these districts, that some were not on the agenda today and would be posted at some future time, that the intent was that the maps were available and while she thought they were very careful trying to not allow errors into the process they processed a lot of reconsideration surveys, this would allow the public to see if there were mistakes, that the first time she saw the maps she drew some properties out of Avondale West, First Montrose Commons and a block out of Heights East, then she could not find any other blocks and the recommendation from the director was in essence that none of those changes would be included in the proposals, that they could look at the maps and see if they could come forward with something, that at least the First Montrose Commons would be posted at a later date because the recommendation was that they make a change to their boundary; that she was assuming that every Council Member was going to look at the maps and see if there was a way to satisfy the desires of those neighbors to be out of the districts, that in only three of them she personally saw where she might make some modifications, she was also deferring to the wishes of the larger neighborhoods and the District Council Member; that the recommendation from the department was that they do not; that Glenbrook, Woodland Heights and Heights South were in process so they were in a different category, that Council had never voted on Glenbrook Valley, that they wanted to make sure that they separated the ones that were existing historic districts, they were reconsidered from a brand new historic district that was moving forward under the new ordinance. Council Members Lovell and Noriega absent.

Upon further questions and discussion by Council Members, Ms. Gafrick stated that in the current ordinance there was a section that said that they could not have doughnut holes in a historic district, that removing whole block faces was their guiding principle that they put forward recognizing that if they started cutting out individual properties they would create a saw tooth effect and they did not think that made sense therefore they recommended looking at the whole block face. Council Members Lovell and Noriega absent.

Upon further questions and discussion by Council Members, Mayor Parker stated that Ms. Gafrick's recommendation was her professional recommendation, they did discover what they considered to be an error in the original district boundaries which was why Avondale was coming forward, that in fact they heard from the Avondale District yesterday that they did not originally intend for that property, that parking lot, to be included in the district boundaries so they were going to make the correction, that she meant First Montrose Commons, not Avondale, but as she said yesterday the maps were going to speak for themselves so look at the maps; that Ms. Gafrick was charged with implementing the ordinance and following the rules of the ordinance, that Council had the ultimate discretion, that she did not want anyone to think that they had gone into a backroom and decided that they would make changes to the map, that this was

recommendation from staff, that absent some compelling reason she had only intended to bring the First Montrose Commons back up for a modification of boundaries but she would certainly encourage Council Members to consider the ordinance that was passed overwhelmingly by Council and whether they could make modifications to these districts that did not violate the ordinance and they would be glad to deal with it at the appropriate time while everybody had the chance to study the maps; that her intention was in two weeks to bring forward only that district which they had to change, that she was required to bring the one forward that they had to change the boundaries, otherwise they were done with these districts, that if Council Members wished to change the boundaries of the district, and there was a strong sentiment of Council, she would be happy to bring all of them forward so they could vote on them all one by one, but it was not necessary to do so by a legal standpoint. Council Members Stardig, Johnson, Adams and Sullivan absent.

Mayor Parker stated that they would move to the consent agenda. Council Members Stardig, Johnson, Adams and Sullivan absent.

### **CONSENT AGENDA NUMBERS 1 through 31**

#### **ACCEPT WORK** – NUMBER 2

2. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,660,811.00 and acceptance of work on contract with **D. L. MEACHAM, L.P.** for construction services at Sylvester Turner Park - 9.98% over the original contract amount **DISTRICT A – STARDIG** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Stardig, Johnson, Adams and Sullivan absent. MOTION 2011-0134 ADOPTED.

Council Member Rodriguez moved to suspend the rules to consider Item No. 37 out of order, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. MOTION 2011-0135 ADOPTED.

37. ORDINANCE approving Tri-Party Development Agreement between **BUFFALO BAYOU PARTNERSHIP, HARRIS COUNTY FLOOD CONTROL DISTRICT** and the City of Houston concerning the Greenway on Buffalo Bayou Project - **DISTRICTS D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** – **(This was Item 15 on Agenda of February 16, 2011, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and RODRIGUEZ)** – was presented. Council Member Johnson absent.

After discussion by Council Members Rodriguez and Gonzalez a vote was called on Item No. 37. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0119 ADOPTED.

#### **PROPERTY** - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Chris McCall, on behalf of University of Houston, Downtown, for abandonment and sale of Steam Mill Street, from San Jacinto Street ±176.99 feet to its terminus, in exchange for the conveyance to the City of a full-width utility easement, all located in North Side Buffalo Bayou, out of the John Austin Survey, A-1, Parcels SY10-030, SY10-053 and VY10-037 - **DISTRICT H** -

**GONZALEZ** - was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. MOTION 2011-0136 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 5 through 9A

5. **FORD AUDIO VIDEO SYSTEMS, INC** for Audio Control System Replacement Parts for the Houston Airport System - \$1,250,000.00 - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. MOTION 2011-0137 ADOPTED.
7. ORDINANCE appropriating \$6,996,593.37 out of Water & Sewer System Consolidated Construction Fund for Emergency Repairs to the 84" Sanitary Sewer Overflow Line at the Northside Wastewater Treatment Plant for the Public Works & Engineering Department; providing funding for Project Management and Construction Oversight Services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0120 ADOPTED.
- 7a. **REPIPE CONSTRUCTION, LTD** for Emergency Repairs to the 84" Sanitary Sewer Overflow Line at the Northside Wastewater Treatment Plant for the Department of Public Works & Engineering \$6,406,279.40 and contingencies for a total amount not to exceed \$6,726,593.37 - Enterprise Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. MOTION 2011-0138 ADOPTED.
9. ORDINANCE appropriating \$679,470.20 out of Equipment Acquisition Consolidated Fund for the Purchase of Earth Moving Equipment for Various Departments - \$729,316.78 - Enterprise Fund - had been pulled from the Agenda by the Administration, and was not considered. Council Member Johnson absent.
- 9a. **JOHN DEERE COMPANY- A Division of Deere & Company** - \$178,367.98 and **HI-WAY EQUIPMENT COMPANY** - \$615,919.00 for Purchase of Earth Moving and Street Maintenance Equipment through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for Various Departments - had been pulled from the Agenda by the Administration, and was not considered. Council Member Johnson absent.

**ORDINANCES** - NUMBERS 10 through 31

10. ORDINANCE approving first amendment to Credit Agreement relating to City of Houston, Texas, Combined Utility System First Lien Refunding Bonds, Series 2004B-1; approving and authorizing certain officers and employees to act on behalf of the City with respect to the Series 2004B Bonds; resolving other matters incident and related thereto; authorizing a Bond Counsel Agreement; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0121 ADOPTED.
13. ORDINANCE approving amendment to third amended and restated Strategic Partnership

Agreement between the City and **CY-CHAMP PUBLIC UTILITY DISTRICT** authorized by Ordinance No. 2010-0975 - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0122 ADOPTED.

- 13a. ORDINANCE approving amendment to annexation for limited purposes of a certain area located within **CY-CHAMP PUBLIC UTILITY DISTRICT**, authorized by Ordinance No. 2009-1174 - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0123 ADOPTED.
14. Omitted
15. ORDINANCE relating to prescribing the standards for installing fire hydrants by Public Utilities in residential areas within the City - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0124 ADOPTED.
19. ORDINANCE appropriating \$60,599.10 out of Parks & Recreation Dedication Fund and approving and authorizing issuance of Purchase Order to **PLAYCORE WISCONSIN, INC dba GAMETIME** for Purchase of Playground Equipment for Jaycee Park - **DISTRICT A - STARDIG** - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0125 ADOPTED.
23. ORDINANCE approving and authorizing an agreement between the City of Houston and the **EAST ALDINE MANAGEMENT DISTRICT** for Right-of way Improvements - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0126 ADOPTED.
24. ORDINANCE authorizing Harris County Municipal Utility District No. 407 to issue bonds for certain Recreational Facilities subject to certain terms and conditions - **DISTRICT G - PENNINGTON** - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0127 ADOPTED.
25. ORDINANCE consenting to the addition of 27.5274 acres of land to **CINCO MUNICIPAL UTILITY DISTRICT NO. 8**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0128 ADOPTED.
26. ORDINANCE consenting to the addition of 145.883 acres of land to **HARRIS-MONTGOMERY COUNTIES MUNICIPAL UTILITY DISTRICT NO. 386**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0129 ADOPTED.
28. ORDINANCE appropriating \$3,395,153.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** 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 - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0130 ADOPTED.

29. ORDINANCE appropriating \$3,010,988.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Busting 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 - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0131 ADOPTED.
31. ORDINANCE No. 2011-102 passed second reading February 16, 2011  
ORDINANCE granting to **SOS LIQUID WASTE HAULERS, LTD, 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; and making certain findings related thereto - **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0102 ADOPTED THIRD AND FINAL READING IN FULL.

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

**ACCEPT WORK**

1. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$20,487.50 and acceptance of work on contract with **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank Removal at Bureau of Animal Regulation and Care - 17.39% under the original contract amount - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. MOTION 2011-0139 ADOPTED.
3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$881,046.46 and acceptance of work on contract with **MCKINNEY CONSTRUCTION, INC** for FY09 Water Distribution System Rehabilitation and Renewal - 28% under the original contract amount - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell, and tagged by Council Member Jones. Council Member Johnson absent.

**PURCHASING AND TABULATION OF BIDS**

6. ORDINANCE appropriating \$1,064,620.00 out of Equipment Acquisition Consolidated Fund for the purchase of Capital Equipment for the Houston Fire Department - was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city.

Council Member Costello absent on personal business. Council Member Johnson absent.  
ORDINANCE 2011-0132 ADOPTED.

- 6a. **STRYKER CORPORATION** - \$301,290.00, **ORR SAFETY CORPORATION** - \$527,964.00 and **CON SPACE COMMUNICATION, INC** - \$195,880.00 for Purchase of Capital Equipment for the Houston Fire Department - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. MOTION 2011-0140 ADOPTED.
8. **INFOR GLOBAL SOLUTIONS** - \$605,440.44, **RFD & ASSOCIATES, INC** - \$1,694,195.37 and **GLOBALNET SERVICES, INC** - \$132,642.56 for Drainage Charge Customer Service System Software and Installation Services from the General Services Administration Advantage Contract, the State of Texas Procurement & Support Services Contract and the City's Master Agreement with the Texas Department of Information Resources for the Department of Public Works & Engineering - Stormwater Fund - was presented. Council Member Johnson absent.

Council Members Noriega and Jones stated that they would tag Item No. 8. Council Member Johnson absent.

After discussion by Council Members, Council Member Sullivan asked if there was any connection between this item and Prop One Rebuild Houston, was there a tie or connection and if not could there be to achieve some savings, and Mayor Parker stated that yes it was very directly tied to what they were doing with Rebuild Houston but was going to the committee to discuss; and Council Member Stardig stated that just as a best practice she still wanted to push forward with an inventory of all of their technology so that they could evaluate it properly. Council Member Johnson absent.

After further discussion by Council Members, Mayor Parker stated that this was one of the building blocks, they knew that they had to have a method for evaluating the impervious cover on the property, they had to integrate all of that information into their billing system and they did not have anything in the City that currently would do that, that the current water billing system was inadequate for the needs of Rebuild Houston, that they did know that they had to create bills and knew that those bills had to go out in June and they knew that they wanted to send a sample bill out in May and they knew they were going to be voting on the final structure of Rebuild Houston the ordinance itself and the rate schedule by April 1, 2011 so they were trying to move all of these items forward, that it was going to go to the committee for a full discussion but this was one of the critical building blocks, they had to have the software to be able to do that billing otherwise they would get caught at the other end unprepared. Council Members Johnson and Noriega absent.

After further discussion by Council Members, Council Member Adams stated that she wanted to add her tag as well to Item No. 8, that she knew that Gary was present in the audience and asked if he could take these notes so when they came before the BFA (Budget and Fiscal Affairs Committee) that they could add in their presentation, what would be the mechanisms in place when they did those individual bills, if an individual did not pay how would they collect those funds, and Mayor Parker stated that would not be until they did the ordinance, so they could not answer that question. Council Members Johnson and Noriega absent.

## **ORDINANCES**

11. ORDINANCE amending Ordinance Nos. 2009-0208, 2009-0288, 2009-0526 and 2009-0689 (original ordinances) to revise the maximum contract amount; authorizing first

amendments to contracts with **RONALD L. NORSWORTHY, INC d/b/a HOME HELPERS FORT BEND** and **DINSMORE MEDICAL SYSTEMS, LLC**; and second amendments to contracts with **PERRYLEE HOME HEALTH CARE SERVICES, INC** and **THE SHELTERING ARMS, HOUSTON, TEXAS** to extend the terms of the contracts for elderly services – was presented. Council Member Johnson absent.

Council Member Sullivan stated that he wanted to make sure that they continued to look out for their seniors and the Meals on Wheels process, that he continued to ask Kathy Barton in the Health Department for reports and they were responsive and he appreciated that, that he was absolutely not going to quit looking at Meals on Wheels and the fact that they needed to take care of their seniors and provide meals for them. Council Member Johnson absent.

A vote was called on Item No. 11. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Member Johnson absent. ORDINANCE 2011-0132 ADOPTED.

12. ORDINANCE amending City of Houston Ordinance No. 2010-372 to include the Neighborhood Stabilization Program - Round Three Proposed Action Plan in the 2010 Consolidated Plan, also referred to as the 2010-2014 Consolidated Plan & 2010 Action Plan; authorizing the submission of a grant application for the third round of funding for the Neighborhood Stabilization Program in the amount of \$3,389,035.00 and the acceptance of the aforementioned grant funds, if awarded **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GONZALEZ and I – RODRIGUEZ** – was presented. Council Member Johnson absent.

Council Member Jones stated that this was the NSP3 Application and she was going to vote for it because if they did not vote for it there was no way they would get the money from HUD, that she received on email from Housing on February 11, 2011, that said the NSP3RC would not be a part of the February Housing Committee meeting, that she, sent an email, and Mayor Parker was copied on, that said that the NSP3 funds were very important as they helped with improvements to low and moderate income housing, that the funding was very limited and not regularly offered by HUD in normal cycles, that she received an email from Director Noteware on February 12, 2011 and they thought she was wrong on her interpretation and he was surprised that she wanted to come before the committee, that they wanted to bring it to her March committee meeting, which would be after the March 1, 2011 deadline, that she spoke with Mr. Tinnermon who said they needed to place it on her Housing Committee meeting, that they wanted to discuss the NSP3 the very next day, which would not be properly posted because they did not understand what she wanted to help them understand, that now they had an untaggable item that had not been vetted, that she had spoken to HUD and now it was going to be rejected and they were going to have to try to fix it afterwards, that for the record, if it did not get voted on today there was no way that they would get the money and the City needed the money. Council Members Johnson and Lovell absent.

Council Member Adams stated that she was disappointed to hear that the previous NSP3 money that they received last year, when she asked for information on how many buildings they tore down and how many multi families they tore down, that it was sad when she asked for the report, Director Noteware and his team sent the information to her and it was not used to tear down and that was the problem that she had, that moving forward with Director Noteware and everyone that the money they started getting in that it was used specifically for what they said they had to use it for, which was tear down buildings, and that was what this money was for today, to demolish abandoned buildings in those communities that needed buildings to be torn down, multi family, that she would ask that this administration, under Dr. Noteware, that they utilize for what they were deemed for, that out of the \$13 million they received last year not one dollar was used for demolishing and tearing down using the NSP3 money. Council Members

Johnson and Lovell absent.

Mayor Parker stated that this administration did not have to be told that it was HUD money and they were going to follow the rules. Council Members Johnson and Lovell absent.

Council Member Stardig stated that she wanted to commend the administration for Mr. Noteware's due diligence and work on all of the initiatives because she was sure it had taken a great initiative and a lot of work to unravel a lot of these puzzles, that she appreciated that they were able to move forward on a lot of the things that the Chair of the Neighborhood Protection and Quality of Life Committee was highlighting, and appreciated what the Mayor and City Attorney were doing as always. Council Members Johnson and Lovell absent.

A vote was called on Item No. 12. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Johnson and Lovell absent. ORDINANCE 2011-0134 ADOPTED.

16. ORDINANCE approving and authorizing contracts for Professional Independent Internal Audit and Consulting Services between the City of Houston and 1) **HORN SOLUTIONS, INC**, 2) **MCCONNELL & JONES, L.L.P.**, 3) **JEFFERSON WELLS INTERNATIONAL, INC**, 4) **PROTIVITI INC**, 5) **NULL-LAIRSON, P.C.**, 6) **WEAVER AND TIDWELL, L.L.P.**, 7) **MGT OF AMERICA, INC**, 8) **MFR, P.C.**, and 9) **UHY ADVISORS TX, LLC**; providing a maximum contract amount - \$3,000,000.00 - General, Enterprise and Grant Funds – was presented, and tagged by Council Member Jones. Council Members Johnson and Noriega absent. Council Members Johnson and Noriega absent.
17. ORDINANCE approving and authorizing Lease Agreement between the City of Houston, Texas, as Landlord, and **SOUTH CENTRAL HOUSTON ACTION COUNCIL, INC dba CENTRAL CARE COMMUNITY HEALTH CENTER, as tenant**, for space at 3315 Delano, Houston, Texas, for use as a facility to provide health care services to low-income City residents for the Health and Human Services Department - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Johnson and Lovell absent. ORDINANCE 2011-0135 ADOPTED.
18. ORDINANCE appropriating \$28,075.00 out of Parks Consolidated Construction Fund for issuance of Purchase Order to **PAUL E. ALLEN COMPANY, INC** for Picnic Tables for Hermann Park **DISTRICT D – ADAMS** – was presented. Council Member Johnson absent.

After discussion, Council Member Hoang stated that tables like these were about \$1,800 each and thought they ought to get another company to bid on this or find other tables, that it was too costly for the City, and Mayor Parker stated that they were very heavy wood tables designed for durability and they were expensive because they were meant to last, that this was coming out of the Construction Bond Funds, and Council Member Hoang asked if metal material would be cheaper and last longer, and Mayor Parker stated that he may bring that issue up with the Parks Director and she was sure he would be happy to explain why they wanted one type of picnic table rather than another. Council Member Johnson absent.

Council Member Hoang stated that he would tag Item No. 18. Council Member Johnson absent.

Council Member Adams stated that she wanted to commend Mr. Turner for really looking at ways, that it was only 15 tables he could have budgeted for more, that she would yield to the District F Council Member but to make sure they had those questions asked before it came to

the Council table so they could move the progress forward that occurred in District D. Council Member Johnson absent.

Mayor Parker stated that there were a lot of kids climbing on those picnic tables in Hermann Park and they did have to be very sturdy and had to be anchored into the ground and they had to stand up to years of abuse, that the item had been tagged. Council Member Johnson absent.

20. ORDINANCE amending License Agreement with **AMERICAN TOWERS, INC, Licensor**, and the City of Houston, Texas, Licensee, approved by Ordinance No. 2009-0881, to allow for the payment of \$20,000.00 for remediation costs associated with structural improvements to accommodate additional equipment in connection with a new Public Safety Radio System, located at 12411 Dawn, Houston, Texas – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Johnson and Lovell absent. ORDINANCE 2011-0136 ADOPTED.
21. ORDINANCE appropriating \$3,761,243.00 out of FY11 Equipment Acquisition Consolidated Fund as an additional appropriation to the Court System Management and Resources Technology Implementation Project for the Municipal Courts Department – was presented, and tagged by Council Members Jones, Adams and Hoang. Council Member Johnson absent.
22. ORDINANCE amending Ordinance No. 2011-70 to expand the purposes for which funds appropriated may be expended in support of the design and implementation of the Houston Permitting Center – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Johnson and Lovell absent. ORDINANCE 2011-0137 ADOPTED.
27. ORDINANCE approving and authorizing the execution of an Untreated Water Supply Contract between the City of Houston and **KINDER MORGAN LIQUID TERMINALS** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Johnson and Lovell absent. ORDINANCE 2011-0138 ADOPTED.
30. ORDINANCE appropriating \$126,216.20 out of Parks Consolidated Construction Fund; awarding construction contract to **AAR INCORPORATED** for Soil Remediation, Removal and Replacement at Tony Marron Park Property; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management and construction oversight, and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Johnson and Lovell absent. ORDINANCE 2011-0139 ADOPTED.

**MATTERS HELD** - NUMBERS 32 through 40

32. **CONTINUATION OF HEARING** for **JUSTICE TRAX** to protest award to Porter Lee Corporation for Laboratory Information Management System for the Police Department – **(This was Item 1 on Agenda of February 16, 2011, RECESSED BY MOTION # 2011-118)** – was called. Council Member Johnson absent.

Mayor Parker stated that this was a public hearing that they conducted last week, the questions should be about the procurement and selection of vendor by the Houston Police Department, that they had representatives of the department present and representatives, she believed, of the losing vendor, that the Department of Justice was not concerned with the winning bidder, they were concerned whether it was a fair process for the losing bidder, and asked Mr. Feldman what did they need to do at this point. Council Member Johnson absent.

Mr. Feldman stated that as a continuation of the hearing the sole issue, as the Mayor stated, was the procurement process itself, not performance under the contract and the only question now was whether Council Members had any additional questions because presentations had already been made, and Mayor Parker asked Mr. Feldman what were the solutions available to Council, and Mr. Feldman stated that the Council had no obligation to act, that if it desired to act that would have to be placed as an item for a subsequent agenda, the only option they would have with respect to action would be to rescind the existing contract and redo the procurement, but he had to advise Council that if they were to rescind the existing contract it would have exposure to the current contractor since there was no basis for a termination for cause, it would simply be for convenience and they had already expended, he thought, approximately \$600,000 out of a total of \$865,000 on that procurement, that there was no way for them to look to a performance bond because in fact there was no cause for termination of the contract, so the options were quite limited and unappealing. Council Member Johnson absent.

Council Member Gonzalez asked if they could hear from Mr. Al Garcia, because they had questions about the technology aspects and buying off shelf and maybe he could explain because he was part of the process. Council Member Johnson absent.

Upon questions by Council Members, Mr. Al Garcia, currently the Chief Technology Officer out of the Houston Emergency Center, stated that in July 2009 he was the Chief Technology Officer for the Houston Police Department and it was while he was there that they did the solicitation for the LIMS, Laboratory Information Management System, that he thought the question on the table was whether or not this was an off the shelf procurement and as he recalled from last week's presentation the losing vendor, Justice Trax, was concerned about the use of Oracle as a database versus Microsoft SQL as a database, that he thought what they anticipated with this procurement was a two phase implementation where they would implement the system initially on Oracle, because that was what the vendor provided, and then they would be responsible for migrating from Oracle to SQL at no cost to the City, and that was, from what he understood, the current plan for the vendor to perform and convert from Oracle to SQL, that if he could just give an analogy, which was dangerous sometimes, but it would be kind of like buying a car with one brand of tires and then having them changed within a certain time period, the users of the system do not see Oracle or SQL, that was transparent to them, they see the application, which was Laboratory Information Management System, the Oracle and the SQL were the guts inside the application that stored the data, so that was probably the best way to describe it, both systems, Justice Trax and Porter Lee, were off of the shelf, they had to be configured and customized, but they were off of the shelf products, so that was one of the things that was brought up last week also; that the other assertion or insinuation, was that there was preferential treatment given to Porter Lee, they did some verification on that and 9 of the 10 evaluators on the committee had no involvement with Porter Lee whatsoever on the EM System, (Evidence Management System), that the Evidence Management System and the Property Room was actually run by a different portion of HPD, the Crime Lab and Property Room were two separate organizations and two separate procurements, that in fact the RFP was very clear about strict dividing line between the Evidence Management System and the Laboratory Information Management System; that the final question was why did they select Porter Lee, that he guessed, as one of the Council Members stated, they had the better product and the Evaluation Committee, they in the IT side of the house, had their preference for systems

but they never let that override what the users wanted, that the most important thing in an automated system was for the users to want to be able to use it and if the technology people had to do a little more work because maybe it was not exactly what they wanted, they were willing to go that extra mile because in the final analysis it was the users being able to use the system that was important; that as to it being clear that it was a two phase implementation he believed that was part of the negotiation process, if he recalled, in fact during this week of preparation for the Council meeting he believed Justice Trax even submitted a two phase implementation, he thought they were going to implement three six initially and upgrade to version 4.0, so both vendors had the mind set of having multi phase implementation, and again the key for them was the migration from Oracle to SQL was at no cost to the City; that he could not speak to much to what happened after July when he went over to the Emergency Center, but these were complicated systems, if they looked at the Laboratory Information Management System it had to integrate with the Property Room System, it had to integrate with the existing Legacy OLO, the On Line Offense System, which was HPD's record management system, plus they had to train all of the personnel, that he believed that there was about 80% to 90% of the system currently implemented; Council Members Johnson, Sullivan and Lovell absent.

After further questions by Council Members, Mr. Feldman stated that he could not conceive of any other remedy if the procurement was to be redone, they would have to rescind the existing contract, forego the \$600,000 investment that had already been made, which would be money lost, that it would have to be an item on the agenda for next week, they had no obligation to decide anything, they had the obligation to hear it, if there was going to be any action it would have to be taken as a separate item. Mayor Parker and Council Members Stardig, Johnson, Pennington, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

After further question by Council Members, Mr. Garcia stated that he believed they were talking about the contract start date of October 2008, that was in the original RFP and those were all just tentative planning dates, they did not award the contract until July 2009, so it took about a year from the time they issued the RFP to the time they signed the contract, which was not a long period of time for a high tech procurement, the current Tiburon System that they were implementing took them two and a half years from RFP to award, that he thought a lot of that was tied to the grants at the time, the grants were going to expire in December 2008, that he believed, that the City team who was putting together the solicitation picked October. Mayor Parker and Council Members Stardig, Johnson, Pennington, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

After further questions by Council Members, Mr. Steven Sale, Attorney from Washington, D. C. representing Justice Trax, stated that as to what could be done, an ordinance was enacted and that ordinance would be repealed and the contract would be rescinded and as to why the process was not unfair, that an analogy that he thought of would be that HISD said they wanted to buy a truck load of apples, and only good apples for their students, every vendor wanted to sell them a truck load of apples, bring your apples around today and they would make their choice and send them out to the various schools, well all of the vendors who had the best apples showed up with their apples, but somebody showed up with a truckload of oranges and the buyer decided they wanted that truckload of oranges, that they all went to all of the trouble selecting their best apples, they had great oranges back at the warehouse why did they not tell them, well they did not tell them because they did not tell them, but basically that was what happened here, that what happened was that they said it had to be Microsoft SQL Server, it had to be off the shelf for use with Microsoft SQL Server, that Porter Lee said they did not have any Microsoft SQL Service, they did not have that in June 2008 or February 2011, that 32 months later they said they did not have it and the City said they fooled them, they changed their specs in the negotiation process, without amending the RFP, without letting any of the bidders know, they sat on it as long as they could sit on it, Justice Trax found out about it in September, some

of their competitors did not find out about it until October, but basically if everybody was going to get a chance to bid on the new specs they should have amended the RFP and let everybody bid on the new specs. Mayor Parker and Council Members Stardig, Johnson, Pennington, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Bradford asked Mr. Garcia, for the record, that he had said there were some things in the negotiations process that were not in the RFP, and Mr. Garcia stated that they would have made the same offer to any of the top rated vendors; that he was not part of the team that rejected Justice Trax; that all products would require customization and configuration; that as to the emergency status, he would only say that the current product was about 90% implemented, and he got the information from the Crime Lab folks, that Fire Arms Latent, Toxicology Controlled Substances, Forensic Biology, Photo and Audio Video had all been implemented, so about 90% of the current product was in use and working; that as to emergency status, he knew there was a grant involved and some concern about the grant expiring so that drove some of the schedule as far as trying to get it done as soon as possible, but he believed that the department was successful in getting the grant extensions approved so they were currently on extensions of the grant. Council Members Stardig, Johnson and Rodriguez absent.

After further discussion by Council Members, Mr. Feldman stated that in response to the last question on emergency, that term was only used in a procedural context for purposes of the matter being placed on the agenda, it was not relevant to the actual procurement itself, it was a procedural point. Council Members Stardig, Johnson and Rodriguez absent.

After further discussion by Council Members, Council Member Hoang requested a copy of the email exchange between Mr. Sales company and the City Attorney and the department of HPD, and Mr. Sale stated yes, that he provided that to the City Attorney's office with a supplement to his proposal, it had all of the emails in there, that they presumed that they would have distributed it to the Members of Council, that they would send Fed Exp to every Member of Council directly.

After further questions and discussion by Council Members, Mr. Feldman stated that the language would be a standard to the RFP and obviously negotiation did occur here and if in fact Justice Trax had been selected the same process would have been followed. Council Members Johnson and Rodriguez absent.

After further questions by Council Members, Mr. Garcia stated that off of the shelf could mean two things, one was if they were buying a commodity product, like a Microsoft Office or something, there was not customization or configuration of that, they just buy the product, load it onto their computer and it works; that when they buy an off the shelf major system like an SAP or TIBURON or AMASS or a dispatch system, those systems were so complicated and the users they were supporting were so complicated that there was quite a bit of configuration, that configuration was basically setting up the menus and making the screens look the way they wanted them to and there was some level of customization if they were features that they needed, say in the Police Department they needed a feature for homicide that the vendor did not provide, they had to make an extension to the basic product to give them that feature or then the users were not going to want to use it; so there was a difference between customization and configuration, but when they got into these very complicated systems there was no such thing as a Microsoft Office for Crime Labs. Council Members Johnson and Rodriguez absent.

Council Member Bradford asked that Mr. Garcia go on record as to what those discussions were in the negotiation process that he mentioned earlier, and Mr. Garcia stated

that he was not a member of the negotiation team, but from what he could assume, there were discussions that related to the fact that the winning vendor, the one who had the best functional proposal, the one the Crime Lab liked the best, Porter Lee, came in number one and the protesting vendor, Justice Trax, came in number three after their on site demo, that the three top rated vendors were asked to come on site and do a demo, that Justice Trax came in number two after the initial paper evaluation and then after the final on site demo they came in as number three, so they were not the top rated vendor, that during the negotiation process Porter Lee asked if they could implement in two phases, implement first on Oracle and then, at no cost to the City, migrate that product to SQL, that again his assertion, and he thought the team's assertion, was that was software that was under the covers, the user never sees that, that was the database where the information was stored, so it was not anything that the Crime Lab would ever see. Council Members Johnson and Rodriguez absent.

Upon further questions by Council Member Jones, Mr. Feldman stated that he thought that Justice Trax provided the emails that Council Member Hoang had asked about, but they also included on top of it additional argument and he concluded that the additional argument was inappropriate because the hearing was conducted in the first instance last Council meeting, where the argument was presented, and the sole purpose for the continuation was to give Council Members the opportunity to ask additional questions; and Council Member Jones stated that she actually requested the hearing and it was a continuation, it was not a just to answer questions, that she was the person who made the motion and it was to continue the hearing so they could get in proper testimony, that was what she requested and it was seconded and voted on, and Mr. Feldman stated that he was sorry, that he was the individual who conversed or communicated with the Justice Department, and what they were attempting to do here was simply comply with what the Justice Department asked them to do which was to give Justice Trax 15 minutes to present an argument, he did not think it was appropriate, under the circumstances, to them permit them to provide additional argument. Council Members Johnson and Rodriguez absent.

Mayor Parker asked Council Member Jones what it was she wished her to accomplish, how this hearing process could provide her with the information that she needed, that they were not required to take any action, and at this point the administration was not contemplating any action, that if Council Members decided that they wanted to overturn the bid they would deal with that, and Council Member Jones asked if a Council Member wanted to overturn the bid does the Council Member submit something in writing, and to who, asking to overturn the bid, and then they could just vote it up or down, was that how it worked, and Mr. Feldman stated that they would have to follow the rules of Council with respect to placing a matter on the agenda, and Council Member Jones stated that the Mayor was the only one who could place something on the agenda, although they could amend it then, and Mayor Parker stated that was correct, that the hearing was for the Council Members to gather information, if the information was not here and they needed more information to decide whether this was a fair bid or not she was trying to achieve that in this narrow window that they had here, that they were not required to take any action unless there was absent some compelling information saying that they had an error in their bid process, that if Council Members wished to vote on this she would be happy to bring it forward for Council Members to vote on, that she was not placing it on the agenda because she had not heard anything that convinces her that the previous administration, because again she wanted to be clear that it was not her deal, but if Council Members wished to vote on it she would accommodate that vote, that what she wanted to know in this hearing process was there information that she still needed, and Council Member Jones stated that she received all of the information that she needed, she was just trying to figure out what to do next. Council Members Johnson and Rodriguez absent.

Council Member Hoang stated that he had a copy of the email exchanges and believed that the City already emailed to Ms. Mary Cook that the contract was awarded, and then later on

the City cc to Ms. Joyce Hayes in September and it seemed that the company already got the notice of the matter and then immediately Mr. Jeff Braucher also wrote back to the City stating that the City listed Ms. Joyce Hayes as the contract or the Purchasing Agent for the company and they did not write anything to protest immediately complaining about this issue up until later on, that if he reads the email exchange, to him they already got notice, they did not do their due diligence and did not protest immediately, and Mr. Sale stated that the letter from Ms. Joyce Hayes was never received, that they talked to a number of competitors and they never received it, that the City Purchasing Agent dealt with everybody by email, in fact at the pre proposal conference they did not ask for a street address, that they listed in their proposal the primary contact was Simon Key, the letter went out to Jeff Braucher, it even had a different address than they listed in their proposal, so everything was done by email, they made them give fax and email, they were ISO 9000, they had to image every letter that they get, they never got Ms. Hayes letter nor did any of their competitors, if they had sent it fax or email they would have a permanent record, but there was no record of this, there was no affidavit of mailing, no certificate of mailing, just a statement that they sent it, and Council Member Hoang stated that in the email Mr. Jeff Braucher sent in on September 18, 2009 at 3:31 p.m. stating the contact information and they got some notice that the contract was awarded and immediately, he believed, at that time if the company wanted to do business with the City of Houston should write something in protest immediately and request for a hearing and they waited from September 2009 until today and requested a hearing and he thought it was way to long, and Mr. Sale stated that was why they gave the supplement, they explained that was not what happened, they filed their protest one week later, September 25, 2008, and then the City took a long time to decide it and then once it was finally decided they took it to the Justice Department in late 2009 and then beginning in February 2009 the City's Attorney, Aiken Gump, started saying that they had to bring it back before the City Council, it was an administrative remedy, they were never told that if they came to City Council they would not get any action or get due process, they were told the same thing the City Council was told, that it was their administrative remedy but they filed their protest one week later, they had no control how fast it went after that, they had been very diligent in making filings all the time once they did get notice September 18, 2009, and Council Member Hoang stated that he thanked him that he gave his information that they filed the protest with the Department of Justice, but they did not file any protest with the City of Houston, and Mr. Sale stated they did, they filed it September 25, 2009 and believed even the City Attorney would admit that, and Mr. Feldman stated that the answer was yes. Council Members Johnson and Rodriguez absent.

After further discussion Council Member Bradford stated that he would like to have a vote on whether they move forward or accept what had been presented, would he make a motion on that or what. Council Members Johnson, Sullivan and Rodriguez absent.

Mayor Parker stated that someone would either need to make a motion to close the hearing and take no further action or refer this item to City Council for a vote on some remedy, and Council Member Bradford stated that he would move the later at this time to refer to Council for further action, seconded by Council Member Jones. Council Member Johnson absent.

Mayor Parker stated that there were no other speakers and they would move to a vote. Council Member Johnson absent.

A roll call vote was called on the motion to refer Item No. 32 to City Council for further remedial action.

ROLL CALL VOTE:

Mayor Parker voting no	Council Member Gonzalez voting no
Council Member Stardig voting no	Council Member Rodriguez voting no
Council Member Johnson absent	Council Member Costello absent on personal business

Council Member Clutterbuck out of the city	Council Member Lovell voting no
Council Member Adams voting no	Council Member Noriega voting no
Council Member Sullivan voting no	Council Member Bradford voting aye
Council Member Hoang voting aye	Council Member Jones voting aye
Council Member Pennington voting no	MOTION 2011-0141 FAILED.

Mayor Parker recognized Council Member Adams for a point of personal privilege. Council Member Johnson absent.

Council Member Adams stated that she wanted to recognize a group of students present in the audience from Stafford, Texas, the Micro Economic Department and the AP Government Class, that she wanted to thank all of them for coming down and was sure they learned a lot in AP Government and asked that they stand and be recognized. Council Member Johnson absent.

33. MOTION by Council Member Lovell/Seconded by Council Member Gonzalez to adopt recommendation from Director General Services Department for approval of final contract amount of \$392,745.00 and acceptance of work on contract with **ARC ABATEMENT, INC** for Asbestos Abatement at 1200 Travis Parking Garage - 4.90% over the original contract amount - **DISTRICT I - RODRIGUEZ – (This was Item 3 on Agenda of February 16, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Member Jones voting no, balance voting aye. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Johnson and Hoang absent. MOTION 2011-0142 ADOPTED.
34. MOTION by Council Member Lovell/Seconded by Council Member Gonzalez to adopt recommendation from Director General Services Department for approval of final contract amount of \$137,167.60 and acceptance of work on contract with **AIA GENERAL CONTRACTORS, INC** for Fuel System Upgrade at Solid Waste Maintenance Facilities 2.42% over the original contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK and H - GONZALEZ - (This was Item 4 on Agenda of February 16, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Member Jones voting no, balance voting aye. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Johnson, Adams and Hoang absent. MOTION 2011-0143 ADOPTED.
35. ORDINANCE amending Ordinance No. 2009-1359 to increase the maximum contract amount for contract between the City and **RON SMITH & ASSOCIATES, INC** for Latent Print Support services - \$300,000.00 - General Fund – **(This was Item 13 on Agenda of February 16, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented.

After discussion by Council Members, Mayor Parker stated that the issue had been brewing for decades, they were still struggling through the best way to do this, it was caught up partially in what they were doing in the crime lab, she did not have a resolution yet to bring forward to Council, but was happy to bring Chief Oettmeier in for an update to Council of the current status, that there were operational issues that had not been worked out; that this would only fund through the end of the year, that they were still working through operational and funding issues, that if this were easy she was sure that the previous administration would have taken care of it. Council Members Johnson and Adams absent.

A vote was called on Item No. 35. Council Members Bradford and Jones voting no, balance voting aye. Council Member Clutterbuck out of the city. Council Member Costello

absent on personal business. Council Members Johnson, Adams and Hoang absent.  
ORDINANCE 2011-0140 ADOPTED.

36. ORDINANCE amending Ordinance No. 2010-0223 (Passed by City Council on March 24, 2010) to increase the maximum contract amount; approving and authorizing first amendment to contract between the City of Houston and **BUSINESS ENTERPRISE MAPPING, INC** for Consulting Services to attain ISO 9001:2008 Certification for the Houston Police Department Emergency Communications and Property and Supply Divisions - \$35,900.00 - General Fund – **(This was Item 14 on Agenda of February 16, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Johnson, Adams and Hoang absent. ORDINANCE 2011-0141 ADOPTED.
38. ORDINANCE appropriating \$175,000.00 out of Street & Bridge Consolidated Construction Fund and \$132,000.00 out of Water & Sewer System Consolidated Construction Fund and awarding contract to **SET ENVIRONMENTAL, INC** for Handling and Disposal of Hazardous Materials for Various Departments; establishing a maximum contract amount - 3 Years with two one-year options - \$2,194,454.19 - General, Enterprise and Revolving Funds – **(This was Item 17 on Agenda of February 16, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Johnson, Adams and Hoang absent. ORDINANCE 2011-0142 ADOPTED.
39. ORDINANCE appropriating \$1,601,325.00 out of Parks Consolidated Construction Fund; awarding construction contract to **CARRERA CONSTRUCTION, INC** for Sagemont Park; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and materials testing services, air monitoring services, Civic Art Program and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund and Texas Parks and Wildlife Department Fund \$1,000,000.00 - Grant Fund - **DISTRICT E – SULLIVAN** - **(This was Item 19 on Agenda of February 16, 2011, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. Council Members Johnson, Adams and Hoang absent.

Council Member Sullivan stated that the community in the Southbelt area was very excited about this community center and he wanted to be able to vote for it to show his support, that he appreciated Mayor Parker working with them on this because she and Andy Icken made it happen along with Joe Turner who was instrumental in making sure that they did not miss the opportunity to capture the \$1 million grant from Texas Parks and Wildlife, that was the biggest part of the success of the project and GSD had been helpful along the way as they improved the park and the surrounding area. Council Members Johnson, Adams and Hoang absent.

Mayor Parker stated that spoke to the importance of these State Park Grant Funds that they may not see again. Council Members Johnson, Adams and Hoang absent.

A vote was called on Item No. 39. All voting aye. Nays none. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Johnson, Adams and Hoang absent. ORDINANCE 2011-0143 ADOPTED.

40. ORDINANCE appropriating \$545,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RESICOM, INC** for Chemical Feed Station

Repairs and Containment Walls at Dollywright, Garden Villas and Eddington Lift Stations; 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 - **DISTRICTS B - JOHNSON and I - RODRIGUEZ – (This was Item 23 on Agenda of February 16, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Member Jones voting no, balance voting aye. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Johnson, Adams and Hoang absent. ORDINANCE 2011-0144 ADOPTED.

Mayor Parker stated that they took a vote on Council Member Bradford's motion to refer the item (Item No. 32) to Council for further remedial action, the public hearing, and asked if that was also a motion to close the hearing, and Mr. Feldman stated yes, and Mayor Parker stated that motion failed and asked if they needed another motion to formally close the public hearing, and Mr. Feldman stated that it was not necessary, and Mayor Parker stated that the question was raised and he had answered it. Council Members Johnson, Adams and Hoang absent.

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

Council Member Lovell stated that they had a lot of talk about the Houston Police Department, but to wake up this morning and watch the news and hear about Houston Police Lieutenant Harry Zamora who pulled a motorist from a burning car on Tuesday afternoon was good to hear about the good side of the Police Department, there was an accident on the Southwest Freeway near Newcastle about 1:40 p.m., he spotted the collision, it was a Ford Escape that struck a Cadillac and caught on fire, that Lieutenant Zamora and bystanders pulled the driver, an elderly man, from the Cadillac, that Lieutenant Zamora suffered second degree burns on his hand and was treated and released from the hospital, the driver remained in critical condition, that she wanted to say to Lieutenant Zamora that he showcased what was best about the Police Department with total disregard for his own safety, that she wanted to thank him for doing that; that this past week there was some sad news in Houston, Ms. Nancy Palm died in Houston, that she was the leader of the Republican Party from 1968 to 1975, that she watched her work along side her dear friend, Billie Carr, a grassroots activist and a member of the Democratic Committee, at the same time Ms. Palm was working hard for the Republican Party, that it was a privilege to watch these two women disagree with each other, and they did all the time, but they disagreed in a way that was respectful, that the State of Texas was much better for both of them having done what they did in the political process during those times. Council Members Johnson, Stardig, Adams, Sullivan and Hoang absent.

Council Member Gonzalez stated that he wanted to thank all of the residents who came out last night to Jeff Davis High School for their annual CIP Meeting, and thank Mayor Parker for coming and doing a great job with the Rebuild Houston Presentation and their citizens had good questions and were engaged in the entire process; that on Saturday, February 26, 2011 at 9:00 a.m. they would plant trees along Jensen Drive and Tidwell Road; that Woman Heart and General Mills were teaming up once again to provide free cholesterol screenings for women in need and raise awareness about heart disease through the 2011 Cheerios Circle of Helping Hearts Tour; that the Near Northside Bond March on Crime Parade would be on March 5, 2011 at 10:00 a.m. Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she was going to fill in for two of her colleagues, that she wanted to announce, for Council Member Johnson, that he was having an Airport Workshop, a program industry day event at the Houston Airport Services Technical Services

Building at 18600 Lee Road in Humble, Texas, on February 24, 2011 from 10:00 a.m. to 11:00 a.m.; that the District B CIP Meeting would be on Thursday, February 24, 2011, from 6:00 to 8:00 p.m. at the Kashmere Multi Service Center; that there would be a Redistricting Townhall meeting on Tuesday, March 29, 2011, from 6:30 p.m. to 8:30 p.m. at the Acres Homes Multi Service Center, 6719 West Montgomery Road; for Council Member Adams, she was going to be riding in the Rodeo Parade on Saturday; that Council Member Adams would be at the Sunnyside Storefront Black History Month celebration at 3511 Reed Road at 12:30 p.m.; that Council Member Adams would be having a March 3, 2011, Redistricting Hearing at the Museum of Fine Arts from 6:30 p.m. to 8:00 p.m. Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Gonzalez, Rodriguez, Lovell and Bradford absent. (NO QUORUM PRESENT)

Council Member Pennington stated that he looked forward to seeing Mayor Parker at the CIP Meeting at the Tracey Gee Community Center at 3599 West Center; that there would be a Redistricting Meeting scheduled for March 21, 2011 at Briargrove Elementary from 6:30 p.m. to 8:00 p.m.; that throughout the year his office had been contacted by numerous residents who were eager to offer their talents and time to volunteer for City services for parks, libraries and security events and he thought that during these challenging times they should be promoting citizens to volunteering their time, that he knew there was training and supervisory problems and security problems particularly with HPD, that what they usually got was not a "no" but with cumbersome and time consuming processes, that he could remember a breakfast that he and Mayor Parker had several years ago where they talked about using volunteers more effectively, that he knew Mayor Parker had someone in her office who worked on that and perhaps they were not using him effectively, that he thought they ought to have people assigned in his department who looked at that issue and urged that she do that; that the Y.M.C.A. supporters for what had been known as the Post Oak Y rededicated that as the Trodder Family Y in honor of Jack Trodder who was a distinguished Houstonian who did a lot of favors for people, that they raised about \$7 million, basically from people whom he had done favors for over the years; that there were five security cameras up and working in the Willcrest and Briarforest area as a result of Operation Westside, which was begun by Mattress Mack and his wife, Linda, that there would be a ribbon cutting today at 4:00 p.m., that from his office Mark Kirksey worked very closely with them to find a place to put up the cameras on private property and then get them hooked into the Westside HPD, that as a matter of fact the camera feeds could actually be received in the patrol cars, that Bill Beckslly, of Iron Sky the vendor, had actually donated the cameras, that Captain Linsky and the Westside staff were all to be congratulated. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Mayor Parker stated that she would strongly suggest a visit with Cameron Waldner, Chief Services Officer for the City, that was his job, not just to put volunteers in City positions but to also capture the work that citizens were doing on behalf of the City out in the community and if he had volunteers that Mr. Waldner was not aware of that was part of his job, tracking that, that she would ask Cameron to contact his office, that they had an on-line application process and other than those areas that required a background check they tried to turn it around very fast, that she wanted to thank him for bringing to her attention. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Council Member Jones stated that the IBI Committee meeting tomorrow would not be at it's ordinary 2:00 p.m. time, that it would be at 3:30 p.m. in the Council Chamber, that it was very important that they reach out to their international communities, especially communities that had a language barrier, that after a hurricane like Ike and certainly Alicia they certainly understood the importance of disaster preparedness, but she did not think she had an understanding of how it was more than natural disasters like hurricanes, that the Health Department Director, Stephen Williams, said that if they got to a point where some virus got lose and people had to take a shot or pill within 48 hours otherwise they would die and how would the City respond to that and if

somebody did not know them or did not speak the language who was going to take a pill or shot from someone they did not know, that there was a Disaster Preparedness Conference coming up in Houston and they were working with the Consulate Generals to make sure they reach out to language challenged people, that they would be making that presentation tomorrow and it would be done in three languages, English, Spanish and Vietnamese; that she wanted to commend Officer Zamora, that she to was faced with the same thing, where a car was burning and someone was trapped in it, that the got they had him saying on the news when she watched it was "There was no way I was going to sit by and let that man die", that she absolutely believed he was a hero and all of the other bystanders who were with him. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Bradford stated that she wanted to commend all of the citizens who had been vigilant and those who showed up at City Hall yesterday to express a concern and willing to participate in a process to help bring back the trust and respect in the process which receives and investigates allegations of police misconduct, that they had a very volatile situation on hand, but they should continue to work together, move the process forward, fix it and restore the trust in the blue uniform that was worn by many men and women of the Houston Police Department; that he also wanted to commend and than Lieutenant Harry Zamora, that he had known Harry for a number of years and he was a fine police officer and fine gentlemen and his actions yesterday were just typical of what Harry did each day when he suited up, that also to all of the fine officers in the department and civilian employees as well, and to the citizens of Houston, there were citizens who played a very important role yesterday as well. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that a meeting of the Ethics and Governance Committee would be this afternoon at 2:00 p.m. in the Council Chamber; that he was out of town last week and did not have a chance to offer any comments about the Census numbers, but he was formally asking that Mayor Parker not proceed with the plan to add two new district Council seats to Houston City Council, that at the time when the City Budget was at least \$53 million short this year and an estimated \$125 million short next year they could ill afford to waste taxpayer money on this needless process, that the numbers spoke for themselves and it was a bad deal for taxpayers, that it would cost \$2 million for Council office renovations, administrative expenses for the new Council offices would be \$800,000 per year and there were numeral other costs that taxpayers would have to bear, that Mayor Parker's plan grows City government by 15% and he just thought it was a bad idea right now, that the Census numbers were what they were and they could not simply add or subtract from them at will, that he had no reason to believe that the numbers were incorrect, they were the official government numbers and they needed to respect that, whatever they may be, that additionally adding two new Council seats would make a super majority of Council 12 instead of 10, and he thought that would take an extraordinary amount of power away from the City Council and he would ask himself publicly if that was a good idea for a body that already worked under a strong Mayor form of government. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez Lovell and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that she would be presenting a memo to Council very shortly on the Census and he was right, those were the government's official numbers, but they did sometimes make mistakes and they had already identified, not in terms of an under count, but where they had the lines for the City of Houston in the wrong place, that they were in fact over 2.1 million in population and as they suspected they were just a few hundred in population under, the memo was being drafted right now by the Legal Department, they had an opportunity to point out to the Census Bureau where they had made errors in defining what was inside the City of Houston and what was outside, that they also apparently left off most of the limited purpose annexations

and they were going to ask them to formally correct their number but it was going to take them a little while to do that, that Mr. Cameron Waldner, the Chief Services Officer was sitting in the audience and she wanted to point him out, that he did all of the volunteer coordination and tracked the volunteer efforts, that she wanted him to make the connection while he was present. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he appreciated the update and looked forward to receiving the memo but it was a process that the federal government had established and he thought they needed to follow it and stick with it, that no one was completely happy with numbers on either side and he thought they just needed to do what was right, that adding more people to the body, he thought, was unnecessary because he felt like everybody was represented at City Council, by gender, race, ethnicity, education levels, whatever criteria they wanted to use, he did not think there was a group of Houstonians that were not represented and the consent degree from the lawsuit, frankly he thought that number spoke for itself and they were just not there yet. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez Lovell and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that Go Texan Day was coming up and she encouraged everybody to put on the boots and belt buckles and celebrate Texas heritage on Friday and come out to the parade on Saturday. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she wanted to remind everybody that the opening day for the Houston Livestock Show and Rodeo was March 1, 2011. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Bradford stated that concerning the Census numbers, the Census Bureau was the final authority, that his issue had to do with the Census not declaring that they had reached the 2.1 million mark that required the City to go forward and do the redistricting and adding the two new seats, were they going to make a recommendation to the Census Bureau that additional limited purpose annexation areas be considered and those numbers be counted and wait before they went forward or were they going to move forward, if they were going to move forward the question was what authority were they moving forward on in that they did not reach the 2.1 million mark, that did it not require the vote of Council, since they did not have the 2.1 million number to trigger them, to declare a material imbalance and then voluntarily go forward as a body with the redistricting and adding the two new seats.

Mayor Parker stated she had not expected Council Member Sullivan's popoff but they jumped into it, that Mr. Feldman was preparing a memo to Council, the Census Bureau would in fact correct what was in essence a clerical error in which the boundaries of Houston were laid out and what they should have included in the boundaries, they were in fact above the 2.1 million and were going to proceed on that basis, but at some point, even if they had not reached the 2.1 million, Council would have looked at the demographics of the districts and declared that there was a material imbalance and they would have had to redistrict, they would not have had to expand however, but they believed, not in terms or an undercount or statistical analysis, but in fact on the ground they made an error in where the lines were and they were above the 2.1 million and were going to proceed on the redistricting schedule that they laid out; that the request to the Census Bureau was being prepared, the Census Bureau had a lot on it's hands right now in rolling out the numbers and she did not know how long it would take for them to reconsider the request. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that with respect to the LPAs and the SPAs he was not going to profess to be an expert in that area but he studied the contracts very closely for those that were in his Council district and what he had seen by contract and with all of the parties signing that was that they were not full citizens of the City of Houston, they did not have all powers that all citizens did, they could not vote on bonded indebtedness to the City, they could not vote for the City Controller and he thought that if they were Houstonians they were able to do all things, and LPAs and SPAs did not allow for that and did not allow them to be counted, that he had read that very closely and that was his interpretation of it, that Director Feldman worked for the Mayor and he expected that he would come forward with a determination that more satisfied the Mayor's argument than his, but he just wanted to say publicly that LPAs and SPAs were not citizens of the City of Houston and he would also like to ask what method she had used and who had she used to determine these extra citizens that all of sudden had been found, that it reminded him of Duval County in South Texas and he did not want to be known as another Duval County on election day, and Mayor Parker asked Council Member Sullivan if he was not seriously suggesting that she wanted to go through redistricting, that she just wanted to make sure that it was not high on her list, and Council Member Sullivan stated publicly that he fully supported redistricting, a fact, and second, he absolutely opposed adding two new Council seats, and Mayor Parker stated that she truly believed, not speculation, but fact, that they were above the 2.1 million and they were required to do redistricting and they could not avoid it, that Council Member Sullivan was correct that it was going to cost more to operate two new Council offices, but it was about representation for the citizens and was about an agreement they made years ago, they had already fended off one lawsuit about redistricting with the commitment in front of the judge that if they in fact passed the 2.1 million that they would immediately redistrict and they believed they had no choice, but she would ask that they allow Mr. Feldman to prepare all of the notes and provide them all to Council Members so it was not just the three or four of them to debate it so that everybody would have a shot. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated with respect to the lawsuit and the decree by those parties he would encourage the administration to ask the parties if they would be willing to sit down at the table and negotiate and once again he did support the Mayor in redistricting, absolutely wanted to be part of that process, that his opposition was adding the two new Council districts for financial and other reasons. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez Lovell and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:53 a.m. Council Member Clutterbuck out of the city. Council Member Costello absent on personal business. Council Members Stardig, Johnson, Adams, Hoang, Gonzalez, Rodriguez Lovell and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary