

City Council Chamber, City Hall, Tuesday, November 29, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, November 29, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Ann Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division,, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Mr. Xavier Herrera, Citizens Assistance Office; and Ms. Marta Crinejo, Agenda Director, present. Council Member Oliver Pennington absent on personal business. Council Member C. O. "Brad" Bradford absent due to being ill.

At 1:39 p.m. Mayor Parker stated that presentations would begin with Council Member Noriega. Council Member Noriega invited those present with The Information Group for Asian American Rights (TIGAAR) and the U. S. Department of Labor and the Equal Employment Opportunity Commission to the podium and stated that (TIGAAR) launched efforts with a press conference with objectives to foster collaboration between government agencies and the Asian American organizations, educating them about their rights, etc.; and Mayor Parker stated that she wanted to recognize their efforts and presented a Proclamation to the group proclaiming today as "The Information Group for Asian American Rights Day" in Houston, Texas. Council Members Johnson, Hoang, Rodriguez, Lovell and Jones absent.

A Spokesperson stated that on behalf of the Department of Labor, Wage and Hour Division and the TIGAAR Partnership she wanted to thank all for recognizing their continued efforts and for their support. Council Members Johnson, Hoang, Rodriguez, Lovell and Jones absent.

Council Member Adams thanked the group for educating all on labor laws and asked all present with the group to stand to be recognized. Council Members Johnson, Hoang, Rodriguez, Lovell and Jones absent.

Council Member Sullivan invited those present with Parents of Murdered Children, Houston Chapter, to the podium and stated that he had a Proclamation he wished they did not have to present, it was a group founded in 1978; that it was to support families who lost a child to murder and he could think of no worst thing to have to do; that he did pride himself on working to represent victims and their families and today they were recognizing their work over the last 30 years; and Mayor Parker agreed it was sad the group was needed; thanked them for all their support and assistance to family members going through a horrific event; and presented a Proclamation to the group proclaiming today as "Parents of Murdered Children Houston Chapter Day" in Houston, Texas. Council Members Johnson, Rodriguez and Lovell absent.

A Spokesperson for the group stated that she wished the group was not needed and tomorrow it could go away, but as Council looked at each of them they knew it happened every single solitary day; and thanked all for the recognition. Council Members Johnson, Rodriguez and Lovell absent.

Vice Mayor Pro Tem Gonzalez, Council Members Noriega, Jones and Stardig thanked the group for all their efforts and standing with others in support. Council Members Johnson, Rodriguez and Lovell absent.

Council Member Adams stated that on behalf of Council Member Bradford she would invite Director Williams and participants present on the See to Succeed Program to the podium; that all were instrumental in providing free vision exams and glasses to children between the ages of six to eighteen; and Mayor Parker stated that she saw See to Succeed in action and it

was amazingly efficient and absolutely critical; thanked each for what they had done to help children with their future; and presented a Proclamation to the group proclaiming today as "See to Succeed Day" in Houston, Texas. Council Members Stardig, Johnson, Sullivan, Rodriguez and Lovell absent.

A Spokesperson for the group stated that Houston was a great city and the Health Department started the initiative; that two academic institutions, the University of Houston and San Jacinto College made major contributions, the Berkley Eye Center was instrumental, all lab work was by Wal-Mart and they and others gave frames; that Eye Care for Kids, Eschler Foundation, etc., that all provided eye care for children in need and 90% of their budget was donated; and he thanked all for their assistance and for the recognition. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Council Member Jones stated that some did not even realize their sight was bad; that she was glad so many took a proactive effort; and thanked each for what they did. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Vice Mayor Pro Tem Gonzalez thanked Director Williams for what he did; and upon questions, Director Williams stated that he thanked all partners for insuring children could see and were ready to learn; that this was community and state resources coming together with the city. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

At 2:15 p.m. Mayor Parker called on Council Member Adams who led all in the prayer and pledge. Council Members Sullivan, Rodriguez and Lovell absent.

At 2:20 p.m. the City Secretary called the roll. Council Member Pennington absent on personal business. Council Member Bradford absent due to being ill.

Council Members Gonzalez and Costello moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Bradford absent due to being ill. MOTION ADOPTED.

Mr. Chris Newhouse, 5823 Edgemoor, Houston, Texas 77081 (713-661-8189) appeared and stated that he was present regarding the ordinance amending Chapter 8 of the Code of Ordinances, he was in the auto repair business and they were looped in with auto parts and recycler and rebuilder; that needing a fence around the enclosure seemed unreal, people complained mostly about body shops; that they fixed the verbal okay pretty good, but it still conflicted and it seemed unfair, it was off track. Council Member Jones absent.

Mr. James Brown, 1517 Silber Road, Houston, Texas 77055 (832-515-9609) appeared, presented information and stated that he was president of the Houston Auto Body Association and he was presenting minor changes in his handout; that every industry had a bad element and they policed themselves; thanked all for their assistance; and read changes being presented such as the amount of days to return parts to customers, etc., until his time expired. Council Member Jones absent.

Upon questions by Mayor Parker, Mr. Brown stated that he was speaking for the Houston Auto Body Association and he worked with Captain Banbridge and Sergeant Provost then all of a sudden was left out; and Mayor Parker stated that some things on his list were addressed; and Mr. Brown stated that some things may be, but the bounties were not even mentioned. Council Members Johnson and Jones absent.

Upon questions by Council Member Gonzalez, Mr. Brown stated that changes were submitted to Captain Banbridge and Sergeant Provost; and Council Member Gonzalez thanked

Mr. Brown for his handout and stated that he should speak with Sergeant Provost who was present; and Mr. Brown stated that if they could get their amendments they would support the ordinance they already did over 90% of what was in the ordinance already. Council Members Johnson and Jones absent.

Council Member Adams moved the rules be suspended for the purpose of adding Mr. Adam Omar and Mr. Richard Gonzales to the three minute Agenda list and to move Ms. Kathryn Vanderpol, Mr. Michael Qutob and Mr. Larry Cernosek to follow Mr. Gonzales for one minute each, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Bradford absent due to being ill. Council Members Johnson and Jones absent. MOTION 2011-0860 ADOPTED.

Mr. Kevin Spencer, 9225 Manchester, Houston, Texas 77012 (713-928-3286) appeared and stated that he was the current president of the Automotive Service Association; that the board cast a vote on November 23rd reflecting a majority in favor of an ordinance draft only with further revision and were not in favor of any previous draft of the ordinance; that he thanked them for addressing revisions to the ordinance and urged they continue working with ASA to amend the ordinance further. Mayor Parker, Council Members Johnson, Hoang and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Sybren Vanderpol, 4610 N. shepherd, Houston, Texas 77018 (713-695-5071) appeared and stated that he was owner of a garage and urged the ordinance not be passed at this time because of inconsistencies such as in Section 8-92 requiring some shops to have all equipment and others able to be back yard body shops. Mayor Parker, Council Members Johnson, Hoang and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Adam Omar, who was previously added to the Speakers List, appeared and stated that he was a board member of the TSCA and he thanked all for working with them on the ordinance; that no ordinance would be perfect, but they believed the version on November 23rd they could support and hopefully if there were issues they would revisit them in the future with the channels of communication kept open. Mayor Parker, Council Members Johnson, Hoang and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Richard Gonzalez, who was previously added to the Speakers List, appeared and stated that he thanked all for their work and understood not everyone would be happy; that they were trying to protect consumers and thought during upcoming months they could better the ordinance. Mayor Parker, Council Members Johnson, Hoang and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Kaythryn Vanderpol, 4610 N. Shepherd, Houston, Texas 77018 (713-695-5071) appeared and stated that she was the immediate past president of ASA, a national organization representing 14,000 independent, mechanical and collision businesses; that they did support the amended version they received this morning though they had not seen all final changes, but they stood in opposition to the November 3rd version presented to Council November 9th. Council Members Johnson and Hoang absent.

Mayor Parker stated that she was glad to hear she thought the final version may be the one and hoped as she read through the final version she was hoping it could pass tomorrow. Council Members Johnson, Hoang and Costello absent.

Council Member Jones stated that she had not gotten through the final version yet and hoped her questions would be answered; and upon questions, Ms. Vanderpool stated that she was going by what she was told; and Council Member Jones stated that she would like her to read what was there, she liked things right the first time and did not understand the urgency;

and upon further questions, Ms. Vanderpool stated that she did not see the sense of urgency, but knew there was one, she was responding to that. Council Members Johnson, Sullivan, Hoang and Costello absent.

Council Member Gonzalez stated that this process was ongoing for some time now and she had been in the loop to all revisions and helped create some of the changes. Council Members Johnson, Sullivan, Hoang and Costello absent.

Mr. Michael Qutob, 14429 auto Parkway, Houston, Texas 77083 (281-935-5920) appeared and stated that he was president of Texas Storage and Collision Association and present with concerns on the proposed ordinance; that overall they supported the edited version and would like a chance to visit in six to nine months if needed; that they too would like to keep parts three days. Council Members Johnson, Sullivan, Hoang, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that last time he was present he was in opposition; and upon questions, Mr. Qutob stated that they had meetings with the Mayor's staff, Legal, etc., and most concerns were taken up. Council Members Johnson, Sullivan, Hoang, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Stardig stated that her concern was that she had not seen the final draft either and there was a lot of work on it, but she wanted to remind all there was no verbal agreements here, this was the real world and she would like to know once it was in writing and according to what they understood ...; that they were listening to what they were saying today based on the understanding of what was being proposed and they should read it and contact her office; and Mr. Qutob stated that it was faxed to him and he had the chance to go through it and most of their changes were addressed. Council Members Johnson, Sullivan, Hoang, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams thanked the Mayor for working with the community and Captain Banbridge and Sergeant Provost for all they continued to do; and thanked all who came and stated that she hoped their businesses would continue to prosper. Council Members Sullivan, Hoang, Costello, Lovell and Noriega absent.

Mayor Parker stated that she thanked Council Member Adams, but she knew they could work on an ordinance in committee and until it came public and to the Council Table they did not get all issues out and she appreciated everyone's patience. Council Members Sullivan, Hoang, Costello, Lovell and Noriega absent.

Council Member Jones stated that she was listening to all, but she would read it herself; that changing things at the last minute, there could be material changes; and she would rather be safe than sorry. Council Members Sullivan, Hoang, Costello, Lovell and Noriega absent.

Mr. Larry Cernosek, 6030 Cherryhill, Houston, Texas 77087 (832-655-5738) appeared and stated that he was a board member of the Houston Auto Body Association and as Council Members stated, they needed to see the final ordinance, if there were amendments just give them out, be honest and then they would live with it or go out of business. Council Members Sullivan, Hoang, Costello, Lovell and Noriega absent.

Council Member Jones stated that if the industry wanted more regulation she was for it, but it needed to be what they thought it would be; that people thought the drainage fee would be \$5.00 and it wasn't; that the ordinance was large and complicated and it needed to be looked at in advance and she did not understand the urgency. Council Members Adams, Sullivan, Hoang and Costello absent.

Mayor Parker stated that if Council Member Stardig would help her out; that all noticed the closed captioning was off and they were working to correct it; and Council Member Stardig stated that if all would bear with her a moment she would make an announcement in sign language in case anyone in the audience was hearing impaired. Council Members Adams, Sullivan, Hoang and Costello absent.

Ms. Chelsea Reid, 1601 Rice Blvd., Houston, Texas 77005 (832-233-2285) appeared and stated that she was present regarding an alarming social trend which led to a new phrase, nature deficit disorder, today many stay inside and a study found children eight to twelve could identify over 1,000 corporate logos, but few plants or animals in back yards; that the shift from nature was being compounded by a physical one; that many lacked park space within walking distance and had no connection to outdoors and lack of nature was linked to obesity, ADD, high blood pressure and violent crimes and early death; that access to nature reduces mental fatigue and stress known to cause aggression and violent outburst; that failing to address nature deficit disorder at the city level was immensely expensive and green space should be viewed as a cost effective means to alleviate the issues; and urged parks, etc., be kept at the forefront of Council's minds. Council Members Stardig, Adams, Sullivan, Hoang, Rodriguez, Costello and Noriega absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that Chelsea and the following four students were present from Rice University; that she made a very compelling point and was sure they would consider that while discussing next years Parks budget; and thanked her for appearing. Council Members Stardig, Adams, Sullivan, Hoang, Rodriguez, Costello and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones stated that she agreed and all parks should be treated equally across the city; that she also believed children needed to be outdoors playing as it made strong bodies and minds. Council Members Stardig, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Ms. Meredith Jackson, 6340 Main Street, Houston, Texas 77002 (602-334-3208) appeared and stated that she was a bike commuter and in the past months she had narrowly avoided Houston's unaware drivers, went over broken sidewalks, etc., and had to get creative; that only half a percent of commuters traveled by bike and among 75 major U. S. cities Houston ranked 52 in that number; that more bike lanes, better sidewalks, wider roads, etc., would encourage others to bike and lead to a safer, cleaner and healthier Houston; that if 50% of car trips were instead made by bicycle annual mortality would decrease by 1,100 deaths as a result of better air quality and increased exercise and studies showed diabetes and obesity was lowered; and encouraged to expand the development of bikeways, etc. Council Members Stardig, Sullivan, Rodriguez and Costello absent.

Council Member Adams thanked all students for coming and stated that Houston was trying to do bike lanes, but she traveled to China and their bikeways had dedicated lanes just for bikes and not just a small sidewalk; that they had a similar agenda of livable communities, air quality, etc., and if she had any ideas on making bikeways better she would like an email. Council Members Stardig, Johnson, Sullivan, Rodriguez and Costello absent.

Council Member Jones stated that she biked Monday through Friday and it was not very safe; that infrastructure was more than streets or bike lanes it was also showers and most companies committed to transportation alternatives and healthy employees provide gyms, showers, etc.; and with a comprehensive transportation system METRO and the train would have more equipped for bicycles and all facets had to be dealt with or they would always be where they now are. Council Members Stardig, Johnson, Sullivan, Rodriguez and Costello

absent.

Council Member Clutterbuck stated that on the Agenda tomorrow were three items involving bike lanes, close to \$1 million in projects so they were working on it. Council Members Stardig, Johnson, Sullivan, Rodriguez and Costello absent.

Mr. Lawson Gow, 3523 Sunset Blvd., Houston, Texas 77005 (713-857-0128) appeared and stated that he was present regarding sleep deprivation and consequences beyond individual health; that society was increasingly depriving themselves of adequate amounts of restful sleep and it affected all aspects of lives; that sleep deprivation led to a plethora of adverse health affects and it had led to some of the most devastating human and environmental health disasters; that he felt this was underestimated, 20% of auto accidents was because of it and 98,000 deaths a year occurred in hospitals as a result of surgeons, etc., who were sleep deprived; and all should work toward better sleep habits. Council Members Stardig, Johnson, Sullivan, Rodriguez and Costello absent.

Council Member Gonzalez thanked Mr. Gow for coming and stated that he watched a documentary and was amazed as it showed being sleep deprived was almost or worst than driving intoxicated; and Mr. Gow stated that one night of poor sleep gave you the impairment of being just right at the legal limit; and thanked all for bringing awareness on issues which sometimes slips to the bottom. Council Members Stardig, Johnson, Sullivan, Rodriguez and Costello absent.

Ms. Oanh Truong, 99 Sunset Blvd., Houston, Texas 77005 (410-979-7445) appeared and stated that when the federal government stopped funding for the noise pollution and abatement act in 1981 they passed the responsibility to local and state government; that 30 years had passed and Houston continues to treat noise largely as a nuisance and not as a significant health risk; studies showed not only did workers performance decrease but they also had higher blood pressure and children's reading comprehension lowered; that Houston's roadwork is often done at night and some other cities cut that work at 6:00 p.m.; that asphalt pavement decreases sound to four decibels; and until all recognize dangers of noise pollution nothing would change. Council Members Stardig, Johnson, Sullivan, Rodriguez and Costello absent.

Ms. Melody Yee, 99 Sunset Blvd., Houston, Texas 77005 (832-607-9220) appeared and stated that she was present regarding light pollution which was defined as inefficient, unnecessary, etc., and had lasting adverse affects on both human and wildlife health; that it could be the many street lights, etc., that the bedroom glow from bright buildings, etc., disrupted quality of sleep and interrupted the melatonin hormone which could lead to increased risk in the development of breast, prostate, colon and skin cancers as well as depression and obesity; that it could be reduced by replacing street and parking lot lights with shielded upward lights, etc., and urged precautions and ensure the quality of life. Council Members Stardig, Sullivan, Hoang, Rodriguez and Costello absent.

Ms. Tiffany Mooney, 7676 Hillmont #206, Houston, Texas 77040 (832-744-7200) had reserved time to speak but was not present when her name was called. Council Members Stardig, Sullivan, Hoang, Rodriguez and Costello absent.

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

Mr. Richard White, 2824 Seaside Drive, Seabrook, Texas 77586 (214-924-0001) had reserved time to speak but was not present when his name was called. Council Members Stardig, Sullivan, Hoang, Rodriguez and Costello absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that jobs were being exhausted by Hispanics and Mexicans and in every entity, hotels, banks, schools; and she wanted to know why Blacks were not working as well. Council Members Stardig, Adams, Sullivan, Hoang, Rodriguez and Costello absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that he disagreed with her statement as to where all the jobs were going; that if she would check current numbers with the Department of Labor she would find the unemployment rates in both the Hispanic and African American communities were extremely high and jobs were a problem across the board. Council Members Stardig, Clutterbuck, Adams, Sullivan, Hoang, Rodriguez and Costello absent. (NO QUORUM PRESENT)

Council Member Jones stated that she did not know statistics, but unemployment was high, but the city had no authority to tell businesses how to run themselves; and upon questions, Ms. Taylor stated that she wanted to know what the problem was, why Blacks were not being hired; that if they were not ready to work she wanted the city to work with her and her group, Beautification and Restoration, to get them ready to work; that they were a 501c3; and Council Member Jones stated that unions had apprentice programs and Rebuild Houston would have work; and she would give her information on her job seminar, etc. Council Members Stardig, Clutterbuck, Adams, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Ms. Michelle Thompson, 4631 Crocker Ridge Drive, Houston, Texas 77053 (832-279-9080) had reserved time to speak but was not present when her name was called. Council Members Stardig, Clutterbuck, Adams, Sullivan, Hoang, Rodriguez and Costello absent. (NO QUORUM PRESENT)

Mr. Jawad Foty, 12430 Oxford Park, Houston, Texas 77082 (832-641-4270) had reserved time to speak but was not present when his name was called. Council Members Stardig, Clutterbuck, Adams, Sullivan, Hoang, Rodriguez and Costello absent. (NO QUORUM PRESENT)

Mr. Lorenza Butler, Jr., 3906 Daphne, Houston, Texas 77021 (832-393-3855) appeared and stated that he was chairman and publisher of Freedmen's Publishing Company and around since 1893; that it was the oldest Black company west of the Mississippi; that the Southern Chinese News Group published various newspapers around America and launched its newest addition, ITV International Television, Channel 55.5, programming was various international language presentations such as news, movies, sports, etc., their goal was to build a strong international media center; that they looked forward to the City of Houston's advertising as they did in the Chronicle and would be giving in 2012 to them pro bono television commercials; and introduced his staff present. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Costello and Lovell absent. (NO QUORUM PRESENT)

Council Members Noriega, Hoang and Jones thanked Mr. butler for his work and congratulated him on their television endeavors. Council Members Stardig, Sullivan, Costello and Lovell absent.

Mr. Tony Jones, 1950 Spenwick Drive #318, Houston, Texas 77055 (713-932-6625) appeared and stated that he was present on behalf of the blind and visually impaired of which he was one; that the ring Library had no assessable computer and he was told no library in the city had it; that he has now found the downtown library had an access room; that they had four or five assessable computers there and he would like them spread around to other libraries,

especially one at the Ring Library. Council Members Stardig, Sullivan, Costello and Lovell absent.

Mayor Parker stated that she would contact the Library Director and see what could be done; and Ms. Davidson was present and would speak with him when he concluded. Council Members Stardig, Sullivan and Costello absent.

Council Member Jones stated that Mr. Jones had met with her office and she was thinking since the West Gray facility was for those with disabilities and it seemed a good place for one of the computers; and Mr. Jones stated that the Multi Service Center was a great idea and METRO was trying to throw the blind off the service and his review was coming in April; and Council Member Jones stated that was another issue and the Mayor appointed five to the board and something should be said. Council Members Stardig, Johnson, Sullivan, Hoang and Costello absent.

Mr. Cyrus Reed, 4205 Avenue F, Austin, Texas 78751 (512-740-4086) appeared, presented information and stated that he was present with the Lone Star Chapter of the Sierra Club and was present about two weeks ago for the committee meeting; that he was speaking on an ordinance which would come up next week, the residential energy building code ordinance, about 5,000 members wanted clean air and water and energy and he would commend the CIC and those who worked on the ordinance; that there was a requirement all new homes be solar ready, etc., and that they would go above the minimum state code by 5% and they supported it, but more could be done; that Texas had energy issues, drought, etc., the City of Austin went 10% above state minimum codes and Arlington was looking at 15% over; that he did not even live in Houston but did support 15% over; and encouraged it be looked into. Council Members Stardig, Johnson, Sullivan, Hoang and Costello absent.

Council Member Lovell stated that the code came through her committee last week and one reason it was not on this Agenda was they wanted to look at it a little differently; that the priority now was for people to qualify to move into homes and as he knew efficiency added into homes caused the price to go up; that she knew they saved on the backend, but it was important to qualify and move in and the 5% did not really stop a lot of people from buying; that she would like someone to look at this yearly, the home building and the qualifying and whether it would affect them; that if moving into a home was then easier they could make a leap from 5% to 10%; and Mr. Reed stated saving on utilities saved right off the bat; and Council Member Lovell stated that if he could convince those with the loans it would help people meet their mortgage it would be great, but they were not there in the industry as yet. Council Members Stardig, Sullivan, Hoang, Costello and Noriega absent.

Ms. Tassa McClellan, 3001 Cherrywood Road, Austin, Texas 78722 (206-898-5503) appeared, presented information and stated that she was a field associate with Environment Texas which was a statewide citizen funded advocate for clean air, water and open spaces; that she had been present asking Houston go 15% above code in energy efficiency, but they were supportive of the 5% if it was as close as they could get; that over the past summer there were blackouts and the electric grid needed to be as strong as possible; that over the next 20 years Houston was predicted to gain half a million homes adding to the demand on the grid and a report showed Houston as the sixth smoggiest large metropolitan area in the country and they were seeing global warming in the heat this past summer; that those in low income housing would save right away, \$15.00 a month from the very beginning on energy bills and various low income housing groups indorsed their campaign as they understood someone buying a home needed to be able to maintain it and the inability to pay utility bills was the second leading cause of foreclosures and that low income groups supporting them made the point as well. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Costello and Noriega absent. (NO QUORUM PRESENT)

Council Member Lovell thanked Ms. McClellan for coming from Austin to Houston and stated that they did do research and would love to do the 15% but they were balancing how the effect was on people and doing this on an incremental basis should not stop them from looking at programs as there was preparation already in the walls and once people moved in they could look at how to help them become energy efficient and not hurt them moving in but help them save on the backend. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Costello and Noriega absent. (NO QUORUM PRESENT)

Minister Johnny Jeremiah, 5406 Burma, Houston, Texas 77033 (713-225-6161) appeared, as others stood in support, and stated that they had a clear cut case, a Doctor Greg Buhler diagnosed open wounds head injury and an analysis of laceration to the lip, assault and a nurse and someone at the Fire Department would testify, four officers almost beat the young man to death, knocked out six teeth, 56 stitches were needed, had two black eyes, a busted nose, head and ear and then later pistol whipped a college student and almost put him in a coma; that this was consistent and he and others had a meeting with the Police Chief Thursday; that the wrong people were being hired and this had gone on too far. Council Members Stardig, Sullivan, Rodriguez, Costello and Noriega absent.

Council Member Johnson thanked Minister Jeremiah for coming and stated that this did need to be brought to attention; and upon questions, Minister Jeremiah stated that there was an investigation, no findings as yet; that they wanted this a felony with all four officers off the force; that they were still on the force and the incident was October 2nd; that they wanted them off the force without pay while being investigated; that three officers messed their hands up beating him enough to cause him to blank out two times. Council Members Stardig, Sullivan, Rodriguez, Costello and Noriega absent.

Mayor Parker stated that there was an IAD investigation and by state law officers were relieved of duty with pay, the Police Chief had no discretion to do otherwise; that she would follow-up and see if they were relieved of duty, but there was a due process. Council Members Stardig, Sullivan, Rodriguez, Costello and Noriega absent.

Council Member Jones stated that Minister Jeremiah waved two documents and she would like a copy of those documents; that she was at TSU not too long ago and many students told her they were unnerved about the student at Texas Southern; and they did need a Civilian Review Board with subpoena power. (At the end of the meeting Minister Jeremiah turned in information for the City Secretary's Office) Council Members Stardig, Sullivan, Rodriguez, Costello and Noriega absent.

Mr. Anthony Childress, 3017 Isabella, Houston, Texas 77004 (832-921-7326) appeared, as others stood in support, and stated that he was the one assaulted by the four officers on October 2nd; that he was riding his bike down the sidewalk alone and no one was on the street; that as he crossed a car almost ran him over as it was so dark; after he passed a ditch he saw two immediately in blue and black and no badge on their shirt running at him; that he was dodging dogs and trees and looked back and one hit him in the face, they knocked him out and beat him up constantly to the point he passed out twice and when he woke they were still beating on him; that he wanted them removed from the force and believed there was a review board needed so witnesses could be subpoenaed and the board needed subpoena and prosecutorial powers. Council Members Stardig, Sullivan, Rodriguez, Costello and Noriega absent.

Council Member Jones stated that if what he said was true she did apologize; that peace of mind was a quality of life issue and this could have easily happened to her son; that she talked about it before and before she took him to college, leaving work he and a friend were

accosted, spread eagle on her car and accused of breaking in even though they had her keys; and she knew he was not through previously but was gathering his thoughts; that her son no longer trusted officers and she was thankful the officer recognized it was her car and her son; that there were good officers, but the bad needed to be weeded out and there needed to be independent review, not even one bad officer should be condoned. Council Members Stardig, Sullivan, Rodriguez, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mr. Benjamin Franklin Craft-Rendon, 1209 Herkimer, Houston, Texas 77008 (832-297-8595) appeared and stated that he was present regarding the lack of protection Houstonians had dealing with housing bias, but first what brought him here today was he was a member of Occupy Houston and housing bias was one of the many injustices they were protesting against, but for it to be fought you must have accountability and there was a breakdown of accountability within the country; that the Fair Housing Act had a list of things to protect which were ignored; that if you had children or were a person of color you would not be told when a home was for rent, be denied on second mortgages, etc., and this was an issue of fairness. Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Ms. Emily Nghiem, 1111 Genesee, Houston, Texas 77019 (713-867-5998) appeared, presented information and stated that she was a resident of Freedmen's Town where she served as a liaison between the Vietnamese and African American members who developed a campus plan for restoring public housing there and the greater neighborhood; that she was present today speaking on saving the ten historic houses on Victor Street for churches to help vets with jobs and housing; that she applauded the city for working to save six of the ten houses by moving four, however, she believed they should enforce federal plans through HUD for developing the APV community as a campus for housing, etc., HUD agreements stated that an equal number of affordable houses in Fourth Ward would be established for each unit demolished and when the government failed to uphold the terms she and Mr. Lenwood Johnson used their own resources to defend the APV Campus Plan; that they now had more volunteers and were trying to purchase the three blocks to save the last ten houses as the last intact row left in their national historic district where freed slave ministers built churches and brick streets using their own labor and resources; and urged people responsible to help pay back by donating \$10.00 each toward buying the last ten houses; that lot owners were pressured to remove the houses by the end of December and they were asking support of the City of Houston and its residents to help meet the deadline and save history. Council Members Stardig, Johnson, Sullivan, Gonzalez, Rodriguez, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones thanked Ms. Nghiem for coming and bringing this up and stated that it was consistent when receiving federal funding if you demolish low and moderate income housing units you have to replace it unit for unit and they wanted to follow that not just in Fourth Ward but in other places and eventually that money would have to be paid back, but if the city was able to buy the houses she wondered about the maintaining of them and with veterans housing there were social services needed; and upon questions, Ms. Nghiem stated that under the plan Gladys House originally wrote they were trying to get the houses since 2009 and the problem was funding issues through Bill White, he wanted to preserve them as a land trust and her plan was to house vets there with living assistance and even the Allen Parkway Plan was to create student and service jobs on site; and she could get her a copy of Ms. House's proposal. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Hattie Morgan, 2828 Collingsworth #48, Houston, Texas 77022 had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello, Lovell and Noriega absent. Vice Mayor Pro

Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Joe Roche, 400 Walker, Houston, Texas 77002 (no phone) appeared and stated that he was present regarding Item 9 on the Agenda; that it would be good to get \$50 million in grant money from the Federal Aviation Administration, it was a significant economic figure and he did want to point out that Occupy Houston was protesting the vast inequality of wealth in this country, some first class tickets cost over \$20,000.00 and many employees were paid less than that; and they entrusted Council to be responsible with that money. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that as much talk as there was about Occupy Houston she was pleased to see them trying to participate in government, going to committee meetings, reading agendas and sharing thoughts and opinions and she was glad to see it. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Remington Alessi, 4620 Clay, Houston, Texas 77023 (281-323-0535) appeared and stated that he was present as several from Occupy Houston had been trying to open dialogue with Mayor Parker and her office and unfortunately had not met much success; that he was given the honor of hosting a radio show on KPFT called Occupy the Air Waves on Thursday at 6:00 p.m. and he was personally extending an invitation to her to join them on their show as they would love to interview her. Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Mayor Parker stated that if he would contact her communications office as she had no idea what she would be doing as they did the scheduling. Council Members Stardig, Johnson, Sullivan, Rodriguez and Costello absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he was a crime victim and the President of the U. S.; and continued expressing his personal opinions until his time expired. Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

At 4:22 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, November 30, 2011. Council Member Pennington absent on personal business. Council Member Bradford absent due to being ill. Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, November 30, 2011. Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David Feldman, City Attorney, Legal Department; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:07 a.m. Mayor Parker called the meeting and stated that it was a light agenda, no Mayor's Report and no public hearings so they would go straight to the consent agenda. Council Members Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Noriega absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 26

ACCEPT WORK - NUMBER 1

1. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,358,089.16 and acceptance of work on contract with **SCOIL CONSTRUCTION SERVICES, L.L.C.** for Water Line Replacement in Link Valley Areas 24.42% under the original contract amount - **DISTRICTS C - CLUTTERBUCK and D - ADAMS** – was presented, moved by Council Member Lovell, seconded by Council Member Costello. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Noriega absent. MOTION 2011-0861 ADOPTED.

PROPERTY - NUMBERS 2 and 3

2. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw the City's objections to the Award and settle the case in connection with eminent domain proceeding styled City of Houston v. R. B. Hill, aka Rufus B. Hill and Mary Hill, aka Mary T. Hill, et al., Cause No. 984,306; for acquisition of Parcel AY10-031; for **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT (Little York - W. Gulf Bank) - DISTRICT B - JOHNSON** – was presented, moved by Council Member Lovell, seconded by Council Member Costello. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Noriega absent. MOTION 2011-0862 ADOPTED.
3. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mark Kirkland, on behalf of Park Memorial Condominium Association, Inc (Sameer Soleja, President), for abandonment and sale of a 15-foot-wide sanitary sewer easement, out of the John Reinerman Survey, A-642, Parcel SY12-001A - **DISTRICT G - PENNINGTON** – was presented, moved by Council Member Lovell, seconded by Council Member Costello. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Noriega absent. MOTION 2011-0863 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 through 7

4. **MD HELICOPTERS, INC** for Professional Training Services for Police Department - \$78,750.00 Police Special Services Fund – was presented, moved by Council Member Lovell, seconded by Council Member Costello. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Noriega absent. MOTION 2011-0864 ADOPTED.
6. **HARTWELL ENVIRONMENTAL CORPORATION** for Emergency Filter Repair Services for Department of Public Works & Engineering - \$330,000.00 - Enterprise Fund – was presented, moved by Council Member Lovell, seconded by Council Member Costello. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Noriega absent. MOTION 2011-0865 ADOPTED.
7. **ALL BUSINESS MACHINES, INC** for Gas Chromatograph from the State of Texas Procurement Support Services Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering Department - \$59,845.97 - Enterprise Fund – was presented, moved by Council Member Lovell,

seconded by Council Member Costello. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Noriega absent. MOTION 2011-0866 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 10 through 26

10. ORDINANCE approving and authorizing Updated Carrier Incentive Program for the Houston Airport System; providing a maximum program amount - 2 Years - \$12,000,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON and I – RODRIGUEZ** - had been pulled from the Agenda by the Administration, and was not considered. Council Members Clutterbuck, Adams, Sullivan and Noriega absent.
16. ORDINANCE approving and authorizing submission of an application for grant assistance to the **TEXAS DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION** to support a Child and Adult Care Food Program; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams, Sullivan and Noriega absent. ORDINANCE 2011-1001 ADOPTED.
18. ORDINANCE appropriating \$5,500,000.00 out of Equipment Acquisition Consolidated Fund for the Records Management System for the Houston Police Department – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Clutterbuck, Adams, Sullivan and Noriega absent.
19. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to the Run-Off Election to be held on December 10, 2011; providing a maximum contract amount - \$1,600,000.00 - General Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Clutterbuck, Adams, Sullivan and Noriega absent.
20. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams, Sullivan and Noriega absent. ORDINANCE 2011-1002 ADOPTED.
21. ORDINANCE appropriating \$368,797.00 out of Contribution for Capital Projects Fund; approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of the Brays Path Project - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams, Sullivan and Noriega absent. ORDINANCE 2011-1003 ADOPTED.
22. ORDINANCE appropriating \$165,485.00 out of Contribution for Capital Projects Fund; approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of the Cullen Park Path Project - **DISTRICTS A - STARDIG and G - PENNINGTON** – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams, Sullivan and Noriega absent. ORDINANCE 2011-1004 ADOPTED.

23. ORDINANCE appropriating \$401,569.00 out of Contribution for Capital Projects Fund; approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of the IMD (International Management District) Bikeway Project - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams, Sullivan and Noriega absent. ORDINANCE 2011-1005 ADOPTED.
24. ORDINANCE appropriating \$6,346,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CALCO CONTRACTING, LTD.** for Sewer Service to Unserved Areas Package 1: - Shared Facilities (Regional) Sanitary Sewer Improvements - Magnolia Point Lift Station, Force Main and Trunk Main; Strange's Camp Lift Station and Force Main; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams, Sullivan and Noriega absent. ORDINANCE 2011-1006 ADOPTED.
26. ORDINANCE granting to **CELESTINE HOLCOMB d/b/a HOLCOMB ENVIRONMENTAL WASTE OIL SERVICE, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams, Sullivan and Noriega absent. ORDINANCE 2011-1007 PASSED FIRST READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PURCHASING AND TABULATION OF BIDS

5. **APPROVE** spending authority to Address Emergency On-site Water Treatment Sludge Dewatering, Transport and Disposal Services at the Northeast Water Purification Plant in an amount not to exceed \$1,000,000.00 for the Department of Public Works & Engineering to **TERRA RENEWAL WEST, LLC** - Enterprise Fund - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Members Clutterbuck, Adams, Sullivan and Noriega absent. MOTION 2011-0867 ADOPTED.

RESOLUTIONS AND ORDINANCES

8. RESOLUTION authorizing loan application to the **TEXAS WATER DEVELOPMENT BOARD** – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams, Sullivan and Noriega absent. RESOLUTION 2011-0029 ADOPTED.
9. ORDINANCE approving and authorizing the Mayor to accept Federal Aviation Administration Grant offers up to \$50,000,000.00 for projects at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport; declaring the City's eligibility for such grants **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams and Noriega absent. ORDINANCE 2011-1008 ADOPTED.

11. ORDINANCE approving and authorizing Amendment No. 3 to Parking Operations and Management Concession Agreement between the City of Houston and **NEW SOUTH PARKING - TEXAS** for the Houston Airport System; providing a maximum contract amount for Amendment No. 3 - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams and Noriega absent. ORDINANCE 2011-1009 ADOPTED.
12. ORDINANCE approving the assignment of Lease and Development Agreement between the City of Houston and **IAH LAND PARTNERS, LP**, for certain premises at George Bush Intercontinental Airport/Houston; approving and authorizing Amendment No. 1 to the agreement - **DISTRICT B - JOHNSON** – was presented. Council Members Clutterbuck, Adams and Noriega absent.

After discussion by Council Members, Council Member Lovell moved to postpone Item No. 12 until the end of the agenda, seconded by Council Member Costello. All voting aye. Nays none. Council Members Clutterbuck, Adams and Noriega absent. MOTION 2011-0868 ADOPTED.

13. ORDINANCE approving and authorizing submittal of the Community Development Block Grant Disaster Recovery Program 2011 Housing Program Application for General Housing Applicants, setting forth the City's General Housing and Subsidized Housing Applications, related to Hurricanes Dolly and Ike (Round 2.2); authorizing the acceptance of funds requested in the application – was presented, and tagged by Council Member Jones. Council Members Clutterbuck, Adams and Noriega absent.
14. ORDINANCE approving and authorizing contract between the City and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS**, for the purchase of Employee Transit Fare Media; providing a maximum contract amount - 1 Year - \$1,200,000.00 - General, Enterprise and Other Funds – was presented. Council Member Sullivan voting no, balance voting aye. Council Members Clutterbuck, Adams and Noriega absent. ORDINANCE 2011-1010 ADOPTED.
15. ORDINANCE relating to the rental of certain spaces in the Julia Ideson Library for public use; authorizing and approving agreement between the City of Houston and the **JULIA IDESON PRESERVATION PARTNERS**; establishing the fees for the use of the Julia Ideson event spaces and authorizing adjustments thereto; amending Section 7 of Ordinance No. 2009-278 to create an account within the Historic Preservation Fund for the deposit and use of gifts and the net revenue from the rental of certain spaces in the Julia Ideson Library - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck, Adams and Noriega absent. ORDINANCE 2011-1011 ADOPTED.
17. ORDINANCE approving and authorizing the Chief of the City of Houston Police Department to accept grant funds from the National Institute of Justice for funding for Strategic Approaches to Sexual Assault Kit (SAK) Evidence: Phase II Houston SAK Task Force; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented, and tagged by Council Member Jones. Council Members Clutterbuck, Adams and Noriega absent.
25. ORDINANCE appropriating \$490,163.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS REEXCAVATION, L.C.** for New Front Easement Reconnections; 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, and tagged by Council Member Jones. Council Members Clutterbuck, Adams and Noriega absent.

NON CONSENT AGENDA - NUMBERS 27 and 28

MISCELLANEOUS

27. RECEIVE nominations for the City of Houston representative of the **HARRIS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS**, for a two year term – was presented. Council Members Clutterbuck, Adams and Noriega absent.

Council Member Pennington nominated Mr. Ray A. Holtzapple as the City Council representative of the Harris County Appraisal District Board of Directors and stated that he had passed out his resume. Council Member Adams absent.

Council Member Gonzalez moved to close nominations for the City Council representative of the Harris County Appraisal District Board of Directors, seconded by Council Member Costello. All voting aye. Nays none. Council Member Adams absent. MOTION 2011-0869 ADOPTED.

28. **SET A PUBLIC HEARING DATE** to consider amendments to Chapter 42, Code of Ordinances - **SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - DECEMBER 7, 2011** – was presented. Council Member Adams absent.

Council Member Gonzalez moved to set a public hearing for 9:00 a.m., December 7, 2011, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Adams absent. MOTION 2011-0870 ADOPTED.

MATTERS HELD - NUMBERS 29 through 31

29. ORDINANCE **AMENDING CHAPTERS 1 AND 8 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive towing and storage; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 30 on Agenda of November 9, 2011, POSTPONED BY MOTION #2011-817)** – was presented. Council Member Adams absent.

After discussion by Council Members, Mayor Parker stated that she was aware of no controversy on Item No. 29, that Item Numbers 29 and 30 were related items, but she was not aware of issues or concerns with Item No. 29 and no attempts to amend Item No. 29. Council Member Adams absent.

A vote was called on Item No. 29. Council Member Jones voting no, balance voting aye. ORDINANCE 2011-1012 ADOPTED.

30. WRITTEN MOTION by Council Member Pennington to amend Item 30A below by amending Section 28-34 (a) to read as follows:

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

with other applicable laws, nevertheless be renewed or transferred – (**POSTPONED BY MOTION #2011-818, 11/9/11**) - was presented.

After discussion Council Member Pennington moved to table Item No. 30, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2011-0871 ADOPTED.

30a. ORDINANCE **AMENDING CHAPTERS 8 AND 28 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive businesses; containing findings and other provisions relating to the foregoing subject; providing for severability – (**This was Item 31 on Agenda of November 9, 2011, POSTPONED BY MOTION #2011-818**) - was presented.

After discussion Council Member Lovell moved to substitute a revised ordinance, which she had distributed, amending chapters 8 and 28 of the Code of Ordinances of Houston, Texas relating to the regulation of automotive businesses; containing findings and other provisions relating to the foregoing subject; providing for severability, for Item 30A previously distributed.

Mayor Parker stated that the item before them was a substitute ordinance which had been distributed to Council Members, that she wanted to thank Council Member Lovell for the yeoman's work she had done in creating the base document and then everybody working on it, that as she had indicated yesterday once an item came to the Council table they hear from a lot more folks that did not know they were interested before, that she wanted to also thank Marta Crinejo who in the two weeks delay did the final polishing on the item to create a consensus document.

After discussion by Council Members, Mayor Parker stated that there was an email that was sent to all Council Members and staff with a line by line of the changes, it was not a redline version of the ordinance but was a line by line version of the change.

After further discussion by Council Members, Council Members Pennington, Bradford and Noriega stated that they would tag Item No. 30a as substituted, and after discussion by Council Member Jones stated that she would tag the item also.

Mayor Parker stated that she knew the item was going to be tagged, the main item was not taggable, the substitute was taggable, what she needed was that they adopt the substitute was the formal item they were dealing with and then tag that, that she would need a motion, which Council Member Lovell essentially had made, to substitute the new document for the one that was previously before them.

A vote was called on Council Member Lovell's motion to substitute a revised ordinance for Item No. 30a, seconded by Council Member Gonzalez. All voting aye. Nays none. MOTION 2011-0872 ADOPTED.

Mayor Parker stated that Item No. 30a was tagged by Council Members Pennington, Noriega, Bradford and Jones had tagged Item No. 30a.

31. RECOMMENDATION from Purchasing Agent to award to **COBURN SUPPLY COMPANY, INC** for Boxes, Plastic Meter and Covers for the Department of Public Works & Engineering - 5 Years \$956,246.00 - Enterprise Fund – (**This was Item 9 on Agenda of November 16, 2011, TAGGED BY COUNCIL MEMBER JONES**) – was presented, moved by Council Member Gonzalez, seconded by Council Member Adams. All voting aye. Nays none. MOTION 2011-0873 ADOPTED.

Mayor Parker recognized Council Member Clutterbuck for a point of personal privilege.

Council Member Clutterbuck stated that they had two scouts in the audience, both were from Troop 320, Mathew Barber, who was getting his Communication Merit Badge and Matt Cobb his Citizenship in Community Badge.

Items received during meeting

The City Secretary stated that Item Numbers 18 and 19 had been received.

18. ORDINANCE appropriating \$5,500,000.00 out of Equipment Acquisition Consolidated Fund for the Records Management System for the Houston Police Department – was presented. All voting aye. Nays none. ORDINANCE 2011-1013 ADOPTED.
19. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to the Run-Off Election to be held on December 10, 2011; providing a maximum contract amount - \$1,600,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2011-1014 ADOPTED.
12. ORDINANCE approving the assignment of Lease and Development Agreement between the City of Houston and **IAH LAND PARTNERS, LP**, for certain premises at George Bush Intercontinental Airport/Houston; approving and authorizing Amendment No. 1 to the agreement - **DISTRICT B - JOHNSON** – was again before Council.

After discussion by Council Members, Council Member Bradford stated that JDDA was a local company (the developer) and was a company that many of them had had experiences with that company in some capacity or another and wanted to go on record as saying that the experiences he had for a number of years had been positive experiences and they had done well for the City of Houston; and asked Mr. Feldman as it related to the right-of-entry period and the expiration, according to the RCA, was December 13, 2011, if a delay impacted the issue today and what would happen if they went past the right-of-entry period.

Mr. Feldman stated that if the item was delayed it would be acted on December 7, 2011, which would obviously be before December 13, 2011 so that would be acceptable, if they went beyond December 13, 2011, however, they would need to go back out on the street.

After further discussion by Council Members, Council Member Pennington asked if they had a record of how the contract was awarded back in 2009, was there public solicitation and Mr. Feldman stated yes.

Council Member Sullivan stated that he would tag Item No. 12.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Stardig stated that the Lillian Beard Deaf Connection Center would be holding a food drive now through January 3, 2012 to help support the food pantry at the center at 9920 Long Point and for more information contact Ashley Martinez at 713-464-8509; that on Friday she would join Bike Houston at their Action 2020 Workshop at the University of Houston; that on Saturday the Houston Police Department Northwest Division would be holding their Christmas fund raising party at the VFW at 1516 Foley Street, 11:00 a.m. to 2:00 p.m., that proceeds would go to the Northwest PIP Organization that assisted the Officer Foundation and Crime Stoppers, for more information they could contact Officer Chris Engelhardt at 832-394-0104 or her Council office at 832-393-3010; that Council confirmed the next public hearing date to discuss Chapter 42 as it related to residential buffering, to please make sure they were involved in those discussions and come join them. Council Members Gonzalez and

Rodriguez absent.

Council Member Jones stated that she wanted to give a shout out to Susan Christian and the Mayor's Office of Special Events because the Thanksgiving Parade was wonderful, that she was excited to see so many people from other places who chose to participate in their parade, that she had the opportunity to ride on a fire truck from Albuquerque, New Mexico, it was a vintage truck; that Representative Boris Miles, School Board Member Paula Harris and herself chipped in and bought 1,500 turkeys and they handed them out to families in the southeast part of Houston for Thanksgiving; that she wanted to commend the City because they worked in Sunnyside and helped feed the elderly there; that she went to Anna Dupree a senior home in Sunnyside and feed the seniors there on Thanksgiving; that she wanted to thank the Alpha Kappa Alpha Sorority, Inc., specifically Alpha Kappa Omega Chapter who had been working hard to get food and yesterday they handed out bags of food at Cuney Homes, a Section 8 property; that they lost someone who was awesome for working families, Ruby Jensen, whose funeral services were this morning, that she fought for what was right, that her death was unaccepted. Council Members Stardig, Hoang, Pennington, Gonzalez, Rodriguez and Lovell absent.

Council Member Bradford stated that each of them had the opportunity to invite college students to participate in their offices as interns and he wanted to recognize Ms. Shanna Moses, that she was a University of Houston student, graduating this semester and had an interest in government, that not only had she fulfilled her internship duties in his office but had volunteered throughout the semester to assist in community type duties and he appreciated this, that he wanted to congratulate her and her family and to get her degree from the U of H.; that to the citizens of Houston he would ask that they be mindful of the fact that that it was the holiday season, they could enjoy it and have fun and be happy but know that the criminals were alive and well in Houston and wrecked havoc during the holiday season as well, a few pointers, if they were going to shop if possible shop in pairs or groups if they could and be mindful of their surroundings and be aware of what was going on around them and do not display large sums of cash nor jewelry which would be attractive to suspects out there and take time to secure their vehicles, they would be surprised at the number of people who simply did not secure their vehicles and the old advise of not to display gifts and packages and items in plain view in their vehicles still held true, either conceal it, place it in the trunk of their vehicles or leave it at home, etc. Council Members Stardig, Hoang, Pennington, Gonzalez, Rodriguez and Lovell absent.

Council Member Sullivan stated that he wanted to thank Mayor Parker for participating in the proclamation yesterday to Parents of Murdered Children and he wanted to let everyone know that on December 10, 2011 at 1:00 p.m., Saturday, the Victims Remembrance Tree Decorating Ceremony would take place in the City Hall Annex; that he visited Fire Station No. 70 last night in the south belt area since he would be losing it after redistricting and wanted to go and thank the guys for their service; that he also wanted to thank Fire Station No. 3 in Kingwood for allowing him to stop and have breakfast with them the morning after Thanksgiving; that Sunday night Houston had the opportunity to participate at Congregation Beth Yeshurun to honor Israel, it was a program called "Night to Honor Israel", that it was quite moving to see Christians come together to support the Jewish Community and put politics aside and try to do what was right; that this week the Houston Police Department had two press conferences and both related to holidays and he wanted to thank HPD and the officers who volunteered their time to serve in these programs like the "Comida Holiday Food Drive", that he thought they ought to recognize Fiesta for being another partner in that program for another Christmas season, that yesterday the Blue Santa flew into town and appeared with Andre Johnson, Houston Texans, and laid out what they were going to do for under privileged children this holiday season as well. Council Members Stardig, Hoang, Pennington, Rodriguez and Noriega absent.

Council Member Lovell stated that on Saturday the Friends of Emancipation Park would

host their annual tree lighting ceremony in the park, that each year her office had donated a Christmas Tree to the park, volunteers decorate it and they were looking for some volunteers still to help, that it was on the corner of Dowling and Elgin; that go Houston Cougars Football team, they would play on Saturday and when they win that game and win the Conference USA they would go to a major BCS Bowl Game, which they were hoping would be the Sugar Bowl in New Orleans. Council Members Stardig, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent.

Council Member Johnson stated that they would have a ribbon cutting at the Stuebner Airline Park on Thursday, December 8, 2011 at 1:30 p.m., they would be joined by Mayor Parker, Director Joe Turner and a lot of community leaders, that they would be cutting the ribbon on a park that they recently just renovated for \$1.8 million, that it was a wonderful park and was already being utilized; that he hoped that everyone had a wonderful Thanksgiving Holiday; that he hoped as they moved into the Christmas Season that they remembered that this was the holiday season and knew that everyone was talking about going out and spending lots of money but he hoped they could keep in mind those that were a little less fortunate, that there were many people out there during the cold weather that did not have heat or blankets and maybe they could take the time to invest some money into those who were a little less fortunate. Council Members Stardig, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent.

Council Member Gonzalez stated that today marked the end of the collection period for their First Annual District H Troop Drive and he was proud of their efforts over the last few weeks, they had worked to collect essential items, letters and holiday cards to send to their brave men and women on the front lines in time for Christmas, that he wanted to once more acknowledge and thank their key partners in this effort, Operation Interdependence, the City of Houston's Office of Veterans Affairs, Walgreen's, Kroger's and the 18 HISD Elementary Schools which provided awesome writers and talented artist for the letters and cards; that he was proud to join his former colleagues at the Houston Police Department as they kicked off the 26th Annual Comida Food Drive on Monday, that the Comida Drive was an effort to help feed those in need in their City and had benefited thousands of families since it began in 1985 by the late Office Joe Dominguez, that 14 Fiesta Stores would be collecting food and cash donations from 12:00 p.m. to 8:00 p.m. on December 1 and 2, 2011 and from 9:00 a.m. to 5:00 p.m. on December 3 and 4, 2011, that he would like to thank the Pepsi Bottling Group and Fiesta Mart, Inc. which had been Comida partners since the inception of the program; that SNAP and BARC continued to help tackle the Ferrell Cat population in their neighborhoods this Sunday starting at 7:30 a.m. at Ripley House at 4410 Navigation Boulevard, this weekend for zip codes 77011 and 77023, for more information please contact Susan Lamb at 713-661-3565; that Season's Readings was back at the Houston Public Libraries, spend a day at their local library branch and visit with an author, enjoy holiday performances and make sure to check out their favorite holiday book; that METRO finally signed a full funding grant agreement with the FTA for \$900 million for the north and southeast lines. Council Members Stardig, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Adams stated that she wanted to thank Mathew Shaler, with the International Protocol Office, for their wonderful service in making sure she traveled to China safely, that they sent their condolences to Houston for Ms. Helen Chang; that the reason she traveled to China was to attend the International Expo and had the opportunity to speak on two panels on a global stage, that they wanted to give their thanks to Houston and built an international garden within a year and picked the cities that they were really grateful, that they commended Mayor Parker for the fellowship and business opportunities and thanked the Mayor, that they named the garden "Houston" and the architects for that design were Doug Childers and Doug Oliver of Morris Architects; that she met with the public safety personnel in Beijing, the school districts, the police, the air quality and the Solid Waste Department, that it was a

wonderful event and experience for her; that for many months she had been harping on the game room issue, on Monday there was a deadly shooting and the game room was hidden behind a tire shop, that she did not know what they had to do in the City of Houston to get those regulated because they were causing crimes in their neighborhoods, that she wanted to thank the Legal Department, the week that she was away they actually shut down a game room and she wanted to thank City Attorney Feldman and his team, they shut down the game room before it ever got started, that she wanted to thank HPD for being proactive. Council Members Stardig, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Lovell absent.

Council Member Clutterbuck stated that this past week Houston lost an outstanding citizen in the father of their former colleague Bill White, that Mayor's White's father, also Bill White, was an amazing American, that she wanted to extend her sympathies and condolences to Andrea and Bill and to the entire White Family for the loss of Bill White; that Council Member Adams was getting ready to graduate and get her Master's on December 10, 2011 and she wanted to congratulate Council Member Adams, it was a huge accomplishment; that when she came into the office on Monday she found out that a wonderful young citizen had been visiting, the granddaughter of Sharon Shanahan, her name was Bella, and she left a number of notes all over the office, that she chose two to bring with her, "God is here" and the other was a letter to those who worked there, "Love, peace, live, I love Houston, Houston is so awesome, I have lived here all my life, I am proud that I live here, I hope any person that works here see's this, give yourself a pat on the back for working here, it is a fun place, my grandparents live here which makes it better, Bella, Houston", if that did not give them encouragement she did not know what did, that Bella was welcome in their office anytime. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Costello and Lovell absent. NO QUORUM PRESIDENT.

Mayor Parker stated that she wanted to remind everybody that there were four run-off elections for City Council and early voting started today through December 6, 2011, that the run-off was December 10, 2011 and she encouraged everyone to go out to day and early vote, but certainly vote in the run-off election. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. NO QUORUM PRESIDENT.

Council Member Jones stated that the advice she got from a good friend of her's who was HPD, if they went Christmas shopping do not go straight home, take the securest route and always have their car keys ready before they got there; that she forgot to mention her Alma Mater, the Cougs, that Case Keenum was the quarterback and had broken the NCAA record for passing and hopefully would win the Heisman Award, that all of her friends who graduated from there and were now coaches wanted for them to be in the Big East for a variety of reasons so if there was anything they could do to show their support then let it be known; that she wanted to thank HUD for giving the City technical assistance that they desperately need and hoping one day they could be a Housing Department they could be proud of; that she wanted to thank Scott Minnix and the General Services Department, she was in a store and ran into the wife of a firefighter who vented to her that her husband worked at a station where the air conditioning in the watch office had not worked in years and where their stove did not work, that she called Mr. Minnix and got the air conditioner and the stove fixed and he did it relatively quickly; that she wanted to give thanks that her sister was able to come back into town, she had gotten accepted to Medical School and moved to Ohio, she was able to share Thanksgiving with them, that her son came back from college and actually visited her, because he had been known to pop in on weekends and hang out with his friends and go back to college, that they knew how young men were when they got into college, they were trying to be independent. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. NO QUORUM PRESIDENT.

Council Member Adams stated that she wanted to publicly thank City Attorney Feldman

because the game room was located at 5064 Griggs Road, so she wanted to commend his legal team for being proactive on that particular game room and making it happen; that she wanted to thank Deputy Director Chapa Jones, as well as Director Noteware for the public hearing that was held this week about the Housing Funds that would possibly be receiving in Houston; that she wanted to congratulate the Cougars who would be playing Southern Miss this weekend and looked forward to a "Go Red Day"; that she wanted to commend the Rice Students who came to Council yesterday to approach Council to bring up some very important topics about Houston and some issues that they were dealing with in their schools; that she wanted to thank her staff, before she left for China they had a big cleanup in the northern Third Ward on November 12, 2011, it was a huge success, that she wanted to thank all of the Churches and all of the volunteers, that she wanted to thank all who participated in the cleanup. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello, Lovell and Noriega absent. NO QUORUM PRESIDENT.

There being no further business before Council, the City Council adjourned at 10:55 a.m. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello, Lovell and Noriega absent. NO QUORUM PRESIDENT.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary