

City Council Chamber, City Hall, Tuesday, August 28, 2012

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 28, 2012, Mayor Annise Parker presiding and with Council Members Jerry Davis, Ellen R. Cohen, Mike Sullivan, Al Hoang, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division and Ms. Marta Crinejo, Agenda Director and Ms. Stella Ortega, Agenda Office present. Council Members Helena Brown, Wanda Adams and Oliver Pennington absent on personal business.

At 1:44 Mayor Parker stated that Council Member Laster would begin presentations; and Council Member Laster invited those with his presentation to the podium and stated that students were present with Singa University; that Taipei and Houston were sister cities which wanted to foster and encourage education, cultural and trade opportunities and these students were present visiting; and Mayor Parker presented a Proclamation and proclaimed today as "National Singa University Youth Ambassador Day" in Houston, Texas. Council Members Cohen, Sullivan, Hoang, Green and Costello absent.

Mayor Pro Tem Gonzales welcomed the group and stated that he hoped they enjoyed their stay; and a Spokesperson for the group thanked all for the recognition and stated that they would treasure and remember this moment. Council Members Cohen, Sullivan, Hoang, Green and Costello absent.

Council Member Rodriguez invited those present with his presentation to the podium and stated that Downtown Houston would not look or feel as good as it did without the hard work and dedication of the Downtown Street Team; that they were having their 20th anniversary of being an organization; and Mayor Parker presented a Proclamation to the group and proclaimed today and "Downtown Street Team Day" in Houston, Texas.

Mayor Parker, Mayor Pro Tem Gonzales and Council Member Noriega thanked the group for their work and stated how much they appreciated them.

Council Member Noriega wished Council Member Cohen a happy birthday.

At 1:58 p.m. Mayor Parker called on Council Member Hoang who led all in the prayer and pledge.

At 2:00 p.m. the City Secretary called the roll. Council Members Brown, Adams and Pennington absent on personal business.

Council Members Gonzalez and Bradford moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. MOTION ADOPTED.

At 1:59 p.m. the City Secretary began calling the public speakers.

Ms. Jeaneatte Rash, 2104 Lyons, Houston, Texas 77020 (713-228-8872) appeared and stated that she was operations manager for a SafeClear Management Group and she wanted all to know the group did have an evacuation plan in case of hurricane, etc., where they would keep vehicles up to 10 days at a fixed rate and it was done successfully for Hurricane Rita.

Mayor Parker thanked Ms. Rash for reminding all Council Members of this, fortunately Houston would be on the dry side of the upcoming hurricane, but it was great they had a

pre-agreement.

Mr. John Cieswicz, 1250 Dunbarry, Houston, Texas 77018 (713-906-1725) had reserved time to speak but was not present when his name was called.

Mrs. Pirncess Williams, 17870 Lake Crest View Drive, Houston, Texas 77433 (713-447-5343) appeared and reviewed a situation which took place July 17, 2012, regarding a man with a badge and leasing agent saying they needed to evacuate their home; that they were treated aggressively, recorded the incident on her phone and reported the incident to IAD. Council Member Gonzalez absent.

Upon questions by Mayor Parker, Ms. Williams stated that she did file an IAD complaint on the officer; and Mayor Parker stated that it sounded as though she may need to also file on the sergeant at IAD; and she would appreciate her visiting with Sergeant Herndon who was present on how she was treated when she went in to file the complaint. Council Member Gonzalez absent.

Upon questions by Council Member Bradford, Ms. Williams stated that she filed several reports, harassment reports, etc., the Sheriff Department had an open investigation; and Council Member Bradford stated that it was a process which worked most times and she should allow time for it to work through.

Council Member Davis moved the rules be suspended for the purpose of hearing from Professor Bernard Freeman on the Speakers List above Ms. Opal Jackson, seconded by CMGR. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. MOTION 2012-0649 ADOPTED.

Mr. Anthony Hood, 17870 Lake Crest View Drive, Houston, Texas 77433 (713-447-5343) appeared and reviewed the situation which took place July 17, 2012, regarding how they were treated when they went to file their complaint with Sergeant Hiram J. Vaughn and how if they did not turn over their video nothing would be done; that they were treated inappropriate when in fear for their lives.

Council Member Bradford stated that all evidence was needed when conducting a proper investigation and encouraged a copy of the video be turned in.

Professor Bernard Freeman, who was previously added to the speakers list, appeared and stated that about a year ago he received a Proclamation acknowledging August 30th as "Bernard Freeman Day"; that this Thursday was the first anniversary and they were lucky and honored to partner with the Houston Food Bank for a special food drive; and any assistance would be appreciated.

Mayor Parker stated that it was good to see him back and Council Members Gonzalez, Davis and Green thanked Mr. Freeman for getting youth involved and for his outreach to all; and Council Member Davis stated that the food bank was in his district and they had his support.

Ms. Opal Jackson, 6006 Bihia Forest, Houston, Texas 77088 (832-552-7987) had reserved time to speak but was not present when his name was called.

Mr. Carlos Gonzalez, 8510 Twillingate, Houston, Texas 77040 (832-212-8425) appeared, presented information for viewing and stated that he had a herniated disk and discussed a situation which occurred on July 10, 2012, regarding a Spring Branch ISD Officer and stated his ticket was dismissed on July 29, 2012, that he was present because of the way he was apprehended.

Mayor Parker stated that the officer was not a city officer; and upon questions, Mr. Gonzalez stated that he did file a complaint through the IAD process; and Mayor Parker stated that the ticket would go through the City Municipal Court; and she would ask someone in the Legal Department to visit with him briefly on the situation while he was present; and Mr. Heilman stated that the Chief Prosecutor had been in touch with the speaker and they were reviewing it as they spoke and he would be contacted on what their position was; and Mayor Parker stated that she did not think an officer would get two chances to write him a ticket. Council Member Hoang absent.

Mr. Joseph Omo Omuari, 3939 NW Freeway #210, Houston, Texas 77022 (832-696-9204) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Hoang absent.

Ms. Deborah Elaine Allen, P. O. Box 263252, Houston, Texas 77207-3252 (713-264-0127) had reserved time to speak but was not present when her name was called. Council Member Sullivan and Hoang absent.

Mr. Jim Scott, 1510 Eldridge Parkway, Houston, Texas 77077 (713-213-2453) appeared and stated that he was present to introduce a program initiated previously with the city, a fuel savings program for the City of Houston's fleet; that the program would save the city \$4.3 Million in fuel savings annually; and discussed the product, testing and fuel savings until his time expired. Council Member Sullivan, Hoang and Rodriguez absent.

Mayor Parker stated that she had a note from the Director of Fleet management indicating they were awaiting results from the University of Houston Diesel Research Center before moving forward; that they worked with him on a test, but wanted an independent test and they would pause until receiving the data; and Mr. Scott stated that after completing the test he was requested to do more testing and he went to Lotus Engineering, one of the premier EPA testing facilities in the country and spent over \$20,000 to get the test and delivered the results; and Mayor Parker stated that her understanding was they asked for the product to be tested locally by an independent lab of their choice which was the University of Houston Diesel Testing Research Center; and Mr. Scott stated it would cause him to spend over \$20,000 over what he already invested and he produced national quality data and the original test and would like to move forward with the program; and Mayor Parker stated that Mr. Hoglund the Fleet Management Director was present and this was within his purview and she would leave it up to him on how to proceed. Council Member Sullivan and Hoang absent.

Council Member Christie stated that a call to the University of Houston might bypass this and get it analyzed without a \$20,000 bill; and upon questions, Mr. Scott stated that it was an additive to the oil and fuel, antifriction so you freed up movement of engine parts, produced hydrocarbons and improved fuel economy; and Council Member Christie stated that he would like the city to benefit from that if it worked. Council Members Davis, Sullivan, Hoang and Green absent.

Mayor Parker stated that the issue was before they invested a great deal of money in a new technology they felt they needed results from a lab of their choosing. Council Members Davis, Sullivan, Hoang and Green absent.

Upon questions by Council Member Bradford, Mr. Scott stated that the test requested at the University of Houston, he was already engaged with the certified lab of Lotus Engineering in Michigan and cost him over \$20,000 and to be asked to spend another \$20,000 to a laboratory with lesser statute and not recognized nationally; that they had an enormous amount of data to produce and he could supply it; and Mayor Parker stated that she would largely leave the

decision to the Director of the Fleet Management Department and he was present to speak with him. Council Members Sullivan and Hoang 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 Sullivan, Hoang and Laster absent.

Mr. Jose Valera, 10125 Tenha Drive, Houston, Texas 77032 (713-738-6592) appeared with his attorney who stated that his name was Carter Stern and was volunteer attorney for Mr. Valera; and Mayor Parker stated that she appreciated him being present but they did not allow someone to speak on the behalf of an individual without sufficient rules; and Council Member Costello moved the rules be suspended for the purpose of allowing Mr. Valera's attorney to speak for Mr. Jose Valera, seconded by Council Member Noriega. All voting aye. Nays none.. Council Members Brown, Adams and Pennington absent on personal business. Council Members Sullivan, Hoang and Laster absent. MOTION 2012-0650 ADOPTED.

Mr. Valera's Attorney discussed Mr. Valera's situation which included that the past February Mr. Valera's neighbor noticed his water meter had a little water filling up and he called the city; that someone from the city came out, turned his water off as the problem was on his side; that it was fixed and turned on, but later received a bill for \$10,000.00 for using more water than what an Olympic pool held; that there was no evidence of that much water and he could not pay that much money; and they would like to pay for the correct amount of water and move on. Council Members Sullivan and Hoang absent.

Mr. Valera stated that he was trying to approach this logically and if that many gallons spilled it would be flooding and he had statements there was no water standing, the ditch was not filled and yet they were charging him for 719,000 gallons of water. Council Members Sullivan and Hoang absent.

Upon questions by Mayor Parker, Mr. Valera's attorney stated that his name was Carater Stern; and Mayor Parker stated to Mr. Gary Norman that a good point was raised and she saw nothing in her notes there was evidence of a gushing water leak; and she would like to hear back from him on whether the meter was checked out. Council Members Sullivan and Hoang absent.

Council Member Laster stated that he, the Mayor and members of the Legal Department had conversations as he had become increasingly concerned about presentations on the smart meters; that he understood the Public Works Department was doing all they were allowed to do within the scope of boundaries of the ordinance as written, but he was concerned for citizens who presented enormously outrageous descriptions of water usage and he hoped the Legal Department and the Administration would look for ways of justice and he looked forward to working with the Administration and Legal; and his Policy Director was waiting to give them a card so they could communicate with his office; and Mayor Parker stated that she did share his frustration and had been in communication with the Legal Department about what flexibility they may have, whether the ordinance should be rewritten, but in this case she also wanted to know whether there was a possibility of a meter misread and she saw nothing about the meter being tested and wanted it done before they went forward. Council Member Sullivan absent.

Council Member Burks stated that in reading it said there was 11 gallons of water leaking per minute; and upon questions, Mr. Valera stated that he saw bubbling but did not see much and it was in the proximity of the meter. Council Member Sullivan absent.

Council Member Noriega stated that she was delighted Council Member Laster was on the case as this did need attention; that she was sick of water stories staggering the imagination

and she could not see why they could not negotiate; that she wondered if they could ask for an overview of the whole deal as this was fairly regular; and she was concerned of a problem not being addressed. Council Members Davis and Sullivan absent.

Council Member Laster moved the rules be suspended for the purpose of extending the time for questions of Mr. Jose Valera, seconded by Council Member Hoang. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. Council Members Davis and Sullivan absent. MOTION 2012-0651 ADOPTED.

Mayor Parker stated that when she was in the Controller's Office they did an audit of the electronic meters and they had a serious problem which diminished over time; that the first response should always be to check the meter; and Council Member Noriega stated that they needed a service mentality and be gracious to people; and an \$1,800.00 water bill would stagger anyone. Council Members Davis and Sullivan absent.

Council Member Cohen stated that she too shared what was said; that it seemed the homeowner had to prove they did not do something rather than the city proving they did do something and how did you prove something did not happen; that commonsense was not being used and they should air on the side of the consumer; and Mayor Parker stated to be accurate the bill was \$9,083.81. Council Members Davis and Sullivan absent.

Council Member Green stated that he too wanted to speak on the issue and he felt the Council Members expressed the problem well; that from a proactive standpoint if they knew there was challenges with the ordinance and Public Works was locked in by it; could the Administration come forward with language to help and had Legal looked at how to provide flexibility on such issues; and Mayor Parker stated that Legal was looking at ways to amend or interpret the ordinance in a different way; and as she indicated the first step on the city's side should be to proactively check the meter. Council Members Davis, Sullivan and Noriega absent.

Council Member Gonzalez stated that another thought was they were missing the old customer service site they had on Leland as that gave citizens a place to go discuss the problem face to face. Council Members Davis, Sullivan and Noriega absent.

Mr. Frank Perron III, 3401 Fannin, Houston, Texas 77004 (713-960-4029) appeared and stated that he was present as the city ordinance criminalizing sharing food with more than five people would not be up for vote in November and he would like it explained on what caused them to produce such an action. Mayor Parker, Council Members Davis, Sullivan and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Mr. Carl Edward Darnell, Sr., 6410 Del Monte #40, Houston, Texas 77057 (713-447-4527) appeared and stated that the feeding ordinance was wrong, a group he was with fed three times a day; that if roles were reversed how would Council feel; that he liked giving back and he too would like it explained what caused the ordinance. Mayor Parker, Council Members Davis, Sullivan, Hoang and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez thanked Mr. Darnell and Mr. Perron for coming and stated that the issue was debated on all sides and he would point out that on the city website there was an information sheet with frequently asked questions and explanation and intent which was coordination purposes; that they did not intend to stop it; and perhaps Citizens Assistance could print the page for them. Mayor Parker, Council Members Davis, Sullivan, Hoang and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Mr. Jamin Stocker (did not wish to give address) appeared and stated that punishing people

in any regard sounded mindless, however, he knew the Mayor and Council had heard all concerns and thought this to be a dead issue, but it wasn't that they collected signatures for a decision of a vote; and he thanked all for following through on their end. Council Members Davis, Sullivan and Noriega absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (no phone) had reserved time to speak but was not present when his name was called. Council Members Davis, Sullivan and Noriega absent.

Ms. Kechinyere F. Azaga, 2901 Fulton #547, Houston, Texas 77009 (713-223-0228) appeared and stated that she was present before and asked to speak with Mr. Hines; that she tried but he was a busy man and she had not heard from him so she came back. Council Members Davis, Sullivan and Noriega absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2800) appeared and stated that he was present because of the mafia mob and forwarding charges of HPD brutality; and continued expressing his personal opinions until his time expired. Council Members Davis, Sullivan and Noriega absent.

Mr. Michael Kubosh, 1701 Lubbock, Houston, Texas 77001 (281-850-0172) appeared and stated that he was with Free to Give Houston and present as he went to the City Secretary for the third time to turn in additional petitions and the City Secretary did not accept them, she said it was denied by the Legal Department, but her job was to accept documents. Council Members Davis, Sullivan and Noriega absent.

Mayor Parker stated that for Council Members benefit the speaker previously turned in petitions and it was always policy or law there was a date to receive petitions and none were accepted supplement to that date; and upon questions, the City Secretary stated that was the normal procedure. Council Members Davis, Sullivan and Noriega absent.

Upon questions by Council Member Burks, Mr. Kubosh stated that he turned in two other transmittals and they were stamped and accepted and they should continue to accept them as a part of the record that citizens wanted an election on the matter; that the City Secretary gave him the main number to Legal and said he should call them, but he did not call as he was coming to Council. Council Members Davis, Sullivan and Noriega absent.

Mayor Parker stated that the City Secretary apparently inadvertently accepted petitions after the original turn in date, but those would not be counted in her count being conducted; and upon questions, the City Secretary that she was correct. Council Members Davis, Sullivan and Noriega absent.

Council Member Bradford stated that his question was to Legal, but Mr. Heilman had stepped out; that it was one thing to verify the petitions versus receiving them and he heard Mr. Kubosh say the City Secretary would not receive them, was it not her duty to receive the documents and whether she had time to process them and verify them was separate and independent from whether it was her duty to receive them, but he would pursue a response from Legal; and Mayor Parker stated that she would have Legal send a response around; that it was not a matter of having time to count them, but once the formal presentation was made no petitions would be counted which were turned in later; that the question as to whether they would receive them and just stack them somewhere she would have the City Attorney address all Council Members with a written response. Council Members Davis, Sullivan and Noriega absent.

Mr. Paul Kubosh, 1619 Lubbock, Houston, Texas 77007 (281-850-0171) appeared and

stated that he was glad the City Secretary was on record she would not count the signatures turned in; and Mayor Parker stated those turned in late; and Mr. Kubosh stated nothing legally stated what was late or not; and he was now asking the City Secretary how many signatures were verified; and Mayor Parker stated that she would respond for the City Secretary that they did not give updates in the process of counting; that she had never done it and would not do it; and Mr. Kubosh stated that she did during the red light camera; and they just wanted to know how many they had. Council Members Sullivan and Noriega absent.

Ms. Shere Dore, 2601 Woodland Park Drive, Houston, Texas 77077 (832-282-4164) appeared and stated that she was present as two who their group fed were present today; that she found Council Member Davis lied about what people in his district wanted; that people told her the food ordinance never came up; and she was holding city leaders responsible for not being completely honest. Council Members Sullivan and Noriega absent.

At 3:01 p. m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, August 29, 2012. Council Members Brown, Adams and Pennington absent on personal business. Council Members Sullivan and Noriega absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, August 29, 2012, with Mayor Annise D. Parker presiding and Council Members Jerry Davis, Ellen R. Cohen, Mike Sullivan, Al Hoang, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D.C.; Mr. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office, present. Council Members Helena Brown, Wanda Adams and Oliver Pennington absent on personal business.

At 8:27 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 to order and stated that she knew that Council Members were aware from the media yesterday that former Council Member Ernest McGowen passed away earlier in the week, that Council Member McGowen was a force on Council for many years and was in the first crop of Council Members who came in with Single Member Districts, that he was a passionate advocate for his district and for minority interests in the City of Houston, that many of them had worked with his son, Ernest, Jr. over the years, who was the spitting image of his father, that she had fond memories of Council Member McGowen as an interesting and gracious man, but a fierce advocate on Council for things that he cared deeply about; that they also lost Ms. Kay Crooker, who for more than twenty years, was a member of the Houston Planning Commission and another force to be reckoned with in civic affairs, that she was a passionate advocate for neighborhood interests, that she helped write and pass the Tree and Shrub Ordinance for the City of Houston and those of them who knew the difference between a palm and a tree knew that palms were not trees because they heard the Kay Crooker lecture about that, but she was unusual as a Planning Commission Member because items would come before the Planning Commission, that it was one of the those boards and commissions that were not ceremonial, they had to do a lot of work, that she did an extraordinary amount of work because she would personally drive to the various locations that were being discussed so that she would not just have to depend on staff analysis and the definition of a steel magnolia, always gracious, never gave up or gave in and sort of wore people down, but was willing to take a good compromise when she saw one, that she was someone who had made a mark on the City; that she wanted to note the passage of Mr. Ricardo Peduzzi, that she and Council Member Christi spent a good bit of time with him on the recent City trade mission to Brazil, that he was the Executive Director and Co-Founder of the Brazil Texas Chamber of Commerce and was instrumental in putting that trip together, that it had already paid dividends for the City, that having spent so much time with him recently it was a real shock to have him pass away, that she found it appropriate to note those three

outstanding Houstonians this morning. Council Members Burks and Noriega absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 46

MISCELLANEOUS - NUMBERS 1 through 8

1. REQUEST from Mayor for confirmation of the appointment of **MR. PETER BROWN, Houston Independent School District representative**, to Position Six of the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire July 6, 2014 – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. Council Member Burks absent. MOTION 2012-0652 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment of **JUDGE BILL C. LITTLEJOHN, Houston Independent School District representative**, to Position Eight of the **BOARD OF DIRECTORS OF THE FOURTH WARD REDEVELOPMENT AUTHORITY**, for a term to expire June 8, 2014 – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. Council Member Burks absent. MOTION 2012-0653 ADOPTED.
3. REQUEST from Mayor for confirmation of the reappointment of **MS. EDWINA B. LOCHE BARRETT, Houston Independent School District representative**, to Position Six of the **BOARD OF DIRECTORS OF THE FIFTH WARD REDEVELOPMENT AUTHORITY**, for a term to expire July 20, 2014 – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. Council Member Burks absent. MOTION 2012-0654 ADOPTED.
4. REQUEST from Mayor for confirmation of the reappointment of **MR. ROBERT "BOB" CASEY, III, Houston Independent School District representative**, to Position Six of the **UPPER KIRBY REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire July 20, 2014 – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. Council Member Burks absent. MOTION 2012-0655 ADOPTED.
5. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **OFFICE OF BUSINESS OPPORTUNITY ADVISORY BOARD**:
 - Position One - **LANA KAY COBLE**, for a term to expire 1/2/2013
 - Position Two - **VLADIMIR NARANJO**, for a term to expire 1/2/2014
 - Position Three - **MASSEY VILLARREAL**, for a term to expire 1/2/2013
 - Position Four - **RAMESH GUNDA**, for a term to expire 1/2/2014
 - Position Five - **ALICIA B. JIMERSON**, for a term to expire 1/2/2013, and to serve as Chair
 - Position Six - **DELL TRAHAN**, for a term to expire 1/2/2014
 - Position Seven - **SAMUEL K. EATON, SR.**, for a term to expire 1/2/2013
 - Position Eight - **MICHAEL A. RIVERA**, for a term to expire 1/2/2014
 - Position Nine - **J.R. (BOB) JONES**, for a term to expire 1/2/2013
 - Position Ten - **ALAN D. BERGERON**, for a term to expire 1/2/2014
 - Position Eleven - **MARIA RIOS**, for a term to expire 1/2/2013

- Position Twelve - **SAM MERCHANT**, for a term to expire 1/2/2014
- Position Thirteen - **MARLON MITCHELL**, for a term to expire 1/2/2013
- Position Fourteen - **LAURIE VIGNAUD**, for a term to expire 1/2/2014
- Position Fifteen - **CHERYL COLSON**, for a term to expire 1/2/2013

– was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. Council Member Burks absent. MOTION 2012-0656 ADOPTED.

7. RECOMMENDATION from Director Parks & Recreation Department relative to the establishment of rental fees for the new Kingwood Community Center - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. Council Member Burks absent. MOTION 2012-0657 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for payment of Subscriber Fees for **WATER ENVIRONMENT RESEARCH FOUNDATION** for Year 2012 \$88,769.52 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. Council Member Burks absent. MOTION 2012-0658 ADOPTED.

Mayor Parker stated that they had just confirmed new volunteers to the Office of Business Opportunity and asked that they come forward to the podium and Mayor Parker and Council Members Rodriguez, Hoang and Gonzalez congratulated the new volunteers and thanked them for their service to the City of Houston.

ACCEPT WORK - NUMBER 9

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,962,259.21 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.**, for Brays Village Drainage Improvements - 4.90% under the original contract amount - **DISTRICT F - HOANG** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. MOTION 2012-0659 ADOPTED.

PROPERTY - NUMBER 10

10. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court and pay the costs of Court in connection with eminent domain proceeding styled City of Houston v. Richard Nguyen and Nancy Huynh, et al., Cause No. 1011755; for acquisition of Parcels AY8-285 and AY8-290; for the **YALE STREET IMPROVEMENTS PROJECT, (Tidwell - W. Parker)** - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. MOTION 2012-0660 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 13

11. **HOUSTON FREIGHTLINER, INC** for Medium-Duty Cab & Chassis and Truck Body through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston

Area Council for the Houston Fire Department - \$152,409.00 - Grant Fund – was presented, moved by Council Member Laster, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. MOTION 2012-0661 ADOPTED.

12. **SCOTT TECHNOLOGIES, INC dba SCOTT SAFETY** for Fire Ground Communication Equipment for the Houston Fire Department - 3 Years with two one-year options - \$631,616.70 - General Fund – was presented, moved by Council Member Laster, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. MOTION 2012-0662 ADOPTED.

ORDINANCES - NUMBERS 14 through 46

14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot-wide sanitary sewer easement in the John Reinerman Survey, A-642, Harris County, Texas; vacating and abandoning the easement to JLB Park Memorial Partners L.P., abutting owner, in consideration of payment to the City of \$78,318.00 and other consideration - **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0742 ADOPTED.
16. ORDINANCE approving and authorizing Participation Agreement between the City and **GREATER HOUSTON HEALTHCONNECT, INC** for an Internet-based System that provides for Secure Electronic Exchange of Protected Health Information among hospitals; providing a maximum contract amount - 1 Year with four one-year renewals - \$160,000.00 - General Fund – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0743 ADOPTED.
21. ORDINANCE setting the date and times of three public hearings on Public Improvement Bond Propositions “A” through “E” to be submitted to voters at a Special Election on November 6, 2012 - **HEARING DATES - WEDNESDAY - 9:00 A.M. - SEPTEMBER 19, 2012 and 6:00 P.M. - SEPTEMBER 26 and OCTOBER 3, 2012** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0744 ADOPTED.
22. ORDINANCE amending Ordinance No. 2011-388, subsequently amended by Ordinance Nos. 2011-399 and 2011-738, for the purpose of updating the listing of the Harris, Fort Bend, and Montgomery Counties’ Voting Precincts that comprise the single member council districts – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0745 ADOPTED.
23. ORDINANCE approving and authorizing Lease Agreement between **UCM/GP - 1301 FANNIN, L.P. as Landlord**, and the City of Houston, Texas, as Tenant, at 1301 Fannin Street, Houston, Texas, for three years, for use by the Houston Police Department - **DISTRICT I – RODRIGUEZ** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
24. ORDINANCE approving and authorizing Lease Agreement between **NORTH HOUSTON, LP, Landlord**, and the City of Houston, Texas, Tenant, for Lease at 12941 North Freeway, Houston, Texas, for the Houston Police Department - **DISTRICT B – DAVIS** – had not

been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

28. ORDINANCE issuing a permit to **DCP SOUTHERN HILLS PIPELINE, LLC** to operate, maintain, improve, repair and replace one existing pipeline and one new pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which the permit is issued - **DISTRICTS B - DAVIS; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0746 ADOPTED.
29. ORDINANCE issuing a permit to **NETCO PIPELINE, L.L.C.** to operate, maintain, improve, repair and replace one existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which the permit is issued **DISTRICTS A - BROWN; B - DAVIS; F - HOANG and G - PENNINGTON** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0747 ADOPTED.
31. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing 21.5656 acres commonly known as 2601 Spenwick Drive, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT A - BROWN** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0748 ADOPTED.
33. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the Public Improvement Project known as the North Houston Rosslyn at Breen Intersection Improvements Project; authorizing the acquisition of Fee Simple Title Interest in or easement to 3 parcels of land required for the project and situated in the Wiley S. Powell 1/3 of League Survey, Abstract No. 622 and the T.M. Dorsett 1/3 of League Survey, Abstract No. 222; in Harris County, Texas, said parcels of land being located at the intersection of North Houston Rosslyn Road and Breen Street in Houston, Harris County, Texas, by gift, dedication, purchase and the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of Fee Simple Title Interest in or easement to the 3 parcels of land required for the project - **DISTRICT A - BROWN** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0749 ADOPTED.
34. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the Public Improvement Project known as the Northline Reconstruction Project from Parker to Canino; authorizing the acquisition of Fee Simple Title Interest in or easement to 11 parcels of land required for the project and situated in the John Durkee Survey, Abstract No. 1070, also known as the H.T.&C. R.R. Co. Survey, Block 1, Section 8, and the H.T.&C. R.R. Co. Survey, Block 1, Section 7, Abstract No. 429; in Harris County, Texas, said parcels of land being along the east and west lines of Northline Drive from Parker to Canino in Houston, Harris County, Texas, by gift, dedication, purchase and the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of Fee Simple Title Interest in or easement to the 11 parcels of land required for the project - **DISTRICT H - GONZALEZ** –

was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0750 ADOPTED.

35. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the Public Improvement Project known as the Willowchase Lift Station Diversion Project from Mills Road to Willowchase Boulevard; authorizing the acquisition of permanent easements in three parcels of land and a temporary construction easement in one parcel of land situated in the A. Herrington Survey, Abstract No. 380, in Harris County, Texas, said parcels of land being located on the westerly side of F.M. 1960 between Mills Road and Willowchase Boulevard, in Houston, Harris County, Texas, by gift, dedication, purchase and the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of easement interest in the land required for the project - **DISTRICT A - BROWN** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0751 ADOPTED.
37. ORDINANCE consenting to the addition of 71.247 acres of land to **NEW CANEY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0752 ADOPTED.
38. ORDINANCE consenting to the addition of 4.9880 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 32**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0753 ADOPTED.
40. ORDINANCE establishing the north and south sides of the 3400-3600 block of South Parkwood Drive within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0754 ADOPTED.
42. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston, **THE CITY OF DALLAS, THE NORTH TEXAS MUNICIPAL WATER DISTRICT, THE TARRANT REGIONAL WATER DISTRICT**, and the **TRINITY RIVER AUTHORITY OF TEXAS** to conduct a Study of Environmental Flow Conditions and Requirements along the Trinity River Basin into Galveston Bay - \$20,900.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0755 ADOPTED.
43. ORDINANCE approving and authorizing an Untreated Water Supply Contract between the City of Houston and **BATTLEGROUND OIL SPECIALTY TERMINAL COMPANY, LLC** - Revenue – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0756 ADOPTED.
45. ORDINANCE appropriating \$5,524,844.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4257-128) – was presented. All voting aye. Nays none. Council Members Brown,

Adams and Pennington absent on personal business. ORDINANCE 2012-0757 ADOPTED.

46. ORDINANCE appropriating \$765,358.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4277-74) – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0758 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

6. RECOMMENDATION from the Director of the Finance Department that the City Council receive the 2012 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Jennifer Chen and Alma Tamborello to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. MOTION 2012-0663 ADOPTED.

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

Council Member Gonzalez stated that he wanted to recognize a delegation visiting from Qingdao, Shandong Province, that they stayed in the City for approximately 4 months and their purpose was for Administrative and Economic Management Training for Shandong Provincial, that they had over 24 members, who were in attendance, and they were learning a great deal about the City and asked that they stand to be recognized.

Council Member Burks stated that while Hurricane Isaac hit Louisiana this morning he wanted to ask Mayor Parker and the Members of Council to join them in sending prayers and hopes to the families affected by the storm, that today happened to be the seventh anniversary of Hurricane Katrina hitting New Orleans, that they were joined by representatives from NOAH, New Orleans Association Houston, Dr. Sanyika to reflect upon the memory of those lost to the storm and the tens of thousands who had their lives displaced, that they pray that no lives would be lost to today's storm and that the Gulf Coast remain strong and unaffected.

PURCHASING AND TABULATION OF BIDS

13. **POLYDYNE, INC** for Chemical, Liquid Polymer Flocculent for Department of Public Works & Engineering - 5 Years - \$15,167,529.00 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. Council Members Sullivan and Rodriguez absent. MOTION 2012-0664 ADOPTED.

ORDINANCES

15. ORDINANCE approving and authorizing contract between the City and the **DEPARTMENT OF STATE HEALTH SERVICES** (No. 2013-041160) for 12 various Health

and Human Services Programs for Fiscal Year 2013; approving the acceptance and disbursement of funds thereunder – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. Council Members Sullivan and Rodriguez absent. ORDINANCE 2012-0759 ADOPTED.

17. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** to provide a \$800,000.00 grant of Federal Community Development Block Grant Funds to assist in the construction of Capital Improvements to a Public Cemetery located at 21122 Crosby Eastgate Road, Crosby, Harris County, Texas – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. Council Members Sullivan and Rodriguez absent. ORDINANCE 2012-0760 ADOPTED.
18. ORDINANCE approving and authorizing execution of Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for Mutual Access to Video Networks – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0761 ADOPTED.
19. ORDINANCE approving the change of control of **CEQUEL III COMMUNICATIONS I, LLC dba SUDDENLINK COMMUNICATIONS** that holds the right, privilege and franchise to own, operate and maintain a Cable Television System within the City of Houston, pursuant to City of Houston, Texas Ordinance No. 2003-621 - **DISTRICT E – SULLIVAN** – was presented.

Council Member Sullivan stated that they received requests for more competition from cable companies, that he thought a lot of people felt as though they did not have any choice, even though there were choices out there, that he wanted to tag Item No. 19 and visit with ARA about it. Council Member Davis absent.

20. ORDINANCE calling a Public Hearing at which interested persons will be given the opportunity to be heard on the Report to City Council by the Director of the Administration and Regulatory Affairs Department recommending termination of the Cable Television Franchise granted to TVMAX Houston, L.P. by City of Houston, Texas Ordinance No. 2005-582, as amended by Ordinance No. 2010-559 - **HEARING DATE - WEDNESDAY - 9:00 A.M. - OCTOBER 31, 2012** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. Council Member Davis absent. ORDINANCE 2012-0762 ADOPTED.
25. ORDINANCE approving and authorizing Sub-Grant Agreement between the **UNITED STATES SOCCER FEDERATION FOUNDATION, INC** and the City of Houston Parks & Recreation Department for the Houston Soccer for Success After-School Program - **DISTRICTS A - BROWN; B - DAVIS; E - SULLIVAN; H - GONZALEZ and I – RODRIGUEZ** – was presented. Council Member Davis absent.

After discussion by Council Members a vote was called on Item No. 25. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0763 ADOPTED.

26. ORDINANCE approving and authorizing the execution of an agreement between the City of Houston and **GENESYS WORKS HOUSTON** for Participation of High School Student Interns in Various City Departments - 2 Years with three automatic one-year renewals - \$100,000.00 General and Special Revenue Funds - was presented. Council Member Sullivan voting no, balance voting aye. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0764 ADOPTED.

27. ORDINANCE approving and authorizing a Change Order between the City of Houston and **AT&T, INC** for a Telecommunications Expense Management System for the Information Technology Department under an existing contract with the Texas Department of Information Resources – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0765 ADOPTED.
- 27a. MOTION authorizing issuance of purchase orders to **AT&T, INC** for an enterprise solution to a Telecommunications Expense Management System through the Texas Department of Information Resources for the Information Technology Department - 3 Years with two one-year options \$2,000,000.00 - Central Service Revolving Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. MOTION 2012-0665 ADOPTED.
30. ORDINANCE approving and authorizing agreement between the **TEXAS DEPARTMENT OF TRANSPORTATION** and the City of Houston for the construction of Museum District/Main Street Corridor Improvement Project - **DISTRICTS C - COHEN and D - ADAMS** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0766 ADOPTED.
32. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the Public Improvement Project known as the Fondren Road Project from Hillcroft to McHard/FM2234; authorizing the acquisition of Fee Simple Title Interest in or easement to 11 parcels of land required for the project and situated in the Edward Drew Survey, Abstract No. 163 and the John Lafayette Survey, Abstract No. 280; in Harris County, Texas, said parcels of land being located between Hillcroft and McHard/FM2234 in Houston, Harris County, Texas, by gift, dedication, purchase and the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of Fee Simple Title Interest in or easement to the 11 parcels of land required for the project - **DISTRICT K - GREEN** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0767 ADOPTED.
36. ORDINANCE approving the transfer of Water & Wastewater Services of customers with **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 321 (“HCMUD”)**; providing an effective date for transfer of service and rate changes; providing notice to customers within HCMUD 321 of the effective date and the new Water & Wastewater Rates – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0768 ADOPTED.
39. ORDINANCE establishing the north and south sides of the 3400-3500 block of North Parkwood Drive within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0769 ADOPTED.
41. ORDINANCE appropriating \$65,000.00 out of Street & Traffic Control and Storm Drainage DDSRF, \$80,000.00 out of Water & Sewer System Consolidated Construction Fund for advertising costs for construction of various C.I.P. Projects to be financed by the respective funds for the Department of Public Works & Engineering – was presented. All

voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0770 ADOPTED.

44. ORDINANCE appropriating \$5,930,404.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4257-127) – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0771 ADOPTED.

NON CONSENT AGENDA - NUMBERS 47 and 48

MISCELLANEOUS

47. RECEIVE nominations for Positions 10 and 12 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term that will end March 1, 2014 – was presented.

Council Member Rodriguez stated that he wanted to nominate Ms. Ann Collum for Position 10 of the Houston Archaeological and Historical Commission Board of Directors.

Council Member Cohen stated that she wanted to re-nominate Mr. Charles Stava for Position 12 of the Houston Archaeological and Historical Commission Board of Directors.

Council Member Laster moved to close nominations for Positions 10 and 12 of the Houston Archaeological and Historical Commission Board of Directors, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. MOTION 2012-0666 ADOPTED.

48. RECEIVE nominations for appointments to Positions One through Four of the **ANIMAL ADVISORY COMMITTEE BOARD OF DIRECTORS**, for the remainder of a two year term that will end December 31, 2013 – was presented.

Council Member Christie stated that he wanted to nominate Dr. Taffi Tippit for re-appointment for Position One of the Animal Advisory Committee Board of Directors, and had distributed her resume.

Council Member Gonzalez stated that he wanted to nominate Dr. Chris Souders for re-appointment for Position Two of the Animal Advisory Committee Board of Directors, and had distributed his resume.

Council Member Gonzalez stated that he wanted to nominate Dr. Chris Souders for re-appointment for Position Two of the Animal Advisory Committee Board of Directors, and had distributed his resume.

Council Member Cohen stated that she wanted to re-nominate Ms. Kappy Muenzer for Position Three of the Animal Advisory Committee Board of Directors, and had distributed her resume.

Council Member Noriega stated that she wanted to nominate Ms. Kappy Muenzer for re-

appointment to Position Four of the Animal Advisory Committee Board of Directors, and had distributed his resume.

Council Member Burks moved to close nominations for Positions One through Four of the Animal Advisory Committee Board of Directors, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. MOTION 2012-0667 ADOPTED.

MATTERS HELD - NUMBERS 49 through 51

49. **ORDINANCE AMENDING RULE 6 OF SECTION 2-2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Code of Conduct applicable to Council Members – **(This was Item 10 on Agenda of August 22, 2012, TAGGED BY COUNCIL MEMBER BROWN)** – was presented.

After discussion by Council Members, Mayor Parker stated that actually the process, as it was passed before, was initiated by a Council Member, that if there was a complaint peer to peer, so in that respect there was no change, that as was evident the one time that the ordinance had been invoked it was handled throughout very seriously, and she could not imagine the circumstance in which it would be used frivolously; that they were responsible both to their constituents and to the City Council body, they had to be able to work in some professional manner with each other, and it was designed for the body to be allowed to police itself, that constituents, if they were unhappy with their service, they may vote them out or initiate a recall action, but how do they maintain decorum in the Chamber.

After further discussion a vote was called on Item No. 49. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent. ORDINANCE 2012-0772 ADOPTED.

50. **ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Ethics and Financial Disclosure; declaring certain conduct to be unlawful and providing penalties therefore - **(This was Item 11 on Agenda of August 22, 2012, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented.

Council Member Sullivan stated that in the RCA it stated that the amendments required that only active City officials file an annual Financial Disclosure Statement, and Mr. Feldman stated that language applied only to employees because Council Members were subject to financial disclosure under State Law and there was no exception in State Law as to whether they were current or former, that for example in Council Member Sullivan situation he would still be required to file a form in 2013 covering 2012 based on his Council service because that was what the Texas Government Code required, that Council Member Sullivan, as he and the Mayor and the rest of the Council, were considered Municipal Officers so they came under a separate State provision, that the language that Council Member Sullivan referred to only applied to employees who filed the local form.

After further discussion by Council Members, a vote was called on Item No. 50. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent on personal business. ORDINANCE 2012-0773 ADOPTED.

51. **ORDINANCE** appropriating \$18,314,084.00 out of Street & Traffic Control & Storm Drainage DDSRF, \$4,417,346.00 out of Metro Projects Construction DDSRF and \$3,999,570.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION CO.** for Hirsch Road Paving and Drainage: Kelley to East Crosstimbers; 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, construction management and contingencies relating to construction of facilities financed by the Street & Traffic Control & Storm Drainage DDSRF, Metro Projects Construction DDSRF and Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - DAVIS and H – GONZALEZ – (This was Item 34 on Agenda of August 22, 2012, TAGGED BY COUNCIL MEMBER DAVIS)** – was presented.

After discussion by Council Members a vote was called on Item No. 51. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent. Council Member Sullivan absent. ORDINANCE 2012-0774 ADOPTED.

Items received during meeting.

23. ORDINANCE approving and authorizing Lease Agreement between **UCM/GP - 1301 FANNIN, L.P. as Landlord**, and the City of Houston, Texas, as Tenant, at 1301 Fannin Street, Houston, Texas, for three years, for use by the Houston Police Department - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Brown, Adams and Pennington absent. Council Member Sullivan absent. ORDINANCE 2012-0775 ADOPTED.
24. ORDINANCE approving and authorizing Lease Agreement between **NORTH HOUSTON, LP, Landlord**, and the City of Houston, Texas, Tenant, for Lease at 12941 North Freeway, Houston, Texas, for the Houston Police Department - **DISTRICT B – DAVIS** All voting aye. Nays none. Council Members Brown, Adams and Pennington absent. Council Member Sullivan absent. ORDINANCE 2012-0776 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Christie stated that he had seven seconds to tap in on Item No. 15 and he missed it, that he wanted to be recorded as voting no, that they just passed \$9 million of taxpayers money, with \$500,000 matching, on programs that were questionable, that they should read the mornings paper on eliminating medical tests that were of no benefit, that some procedures could do patients more harm than good, that he had probably been saying this for 20 years, that a perfect example in the 12 projects was bio terrorism, that he wrote a paper on that in graduate school that there were no known cases of bio terrorism successful in this Country, that there was one in Japan with a chemical that killed people, but they were throwing hundreds of thousands of dollars, millions of dollars towards that, that a good example was that they were spending \$100,000, whether it was State or Federal money, on Leprosy, Hanson's Disease was Leprosy, that they went down 12 of these and they did not even know what they were doing, how many cases did they know of Leprosy in the City of Houston, immunization branch, \$1,500,000 that they were throwing towards that, that they went from children with three shots, as a child very vulnerable age to the nervous system, to 33 shots, some of them were still experimental, that the Flu, they were putting hundreds of thousands of dollars against the Flu, it transmitted differently every year, that they could not have a Flu shot every year adapted to the mutated Flu, and then when someone got the Flu from a Flu shot, well then they should have follow up Flu shot, it was an inexact science that they were throwing millions of dollars towards, that STD and HIV, there was a section there in the \$1.6 million for surveillance, why was there surveillance for people with HIV, that with West Nile there was too much of a scare on that, they had spent millions of dollars in the City, County, State and Federal for a disease with Flu like symptoms, there were more people that died from the seasonal Flu, than there were from West Nile Virus, but they get the scare tactics going on a disease, the disease mongers get it, people

make money off of it, that the Swine Flu, they should read the report from the first Swine Flu, the fiasco was the description, the Federal Governments report, a billion dollars in taxpayers lawsuits on that vaccination and yet they brought it back up and more people had the regular Flu than they had the Swine Flu, that the scare tactics used Diphtheria, that he thought the Bush administration put \$8 billion aside because of the scare on that, so they should just be cautious, the \$3 billion Cancer Fund that they voted in said the word prevention in there, that Senator Nelson made that word go in there, if they looked at the contracts they said nothing about prevention of Cancer, so they passed 12 projects, just be careful on how they were spending taxpayer money, there was one program in there, that he would read it to them and they could tell him what it was for, "Funding from DSHS will enable HDHHS to develop objectives to address public health issues, provide resources to conduct activities and services in support of essential public health services, assess, monitor, and evaluate the essential public health activities and develop strategies to improve the delivery of essential public health services", \$300,000, what in the heck were they going to do, that he would tell them that for \$300,000 he would teach kids to exercise, eat right, proper rest and they would be healthier than that paragraph for \$300,000, that they should be careful, that they just spent \$9 million of City, State and Federal money and what were they getting for it. Council Members Sullivan, Hoang, Costello and Noriega absent.

Council Member Bradford stated that he would say to his colleague sitting two seats to his right that unfortunately from time to time there were dollars available that were only permitted to be spent in certain settings and certain types of use and these were one of those situations where they could take advantage of some of the Federal dollars that were out there and do some match with local monies and try to do some good in the community or do a complete bypass on all of those particular opportunities, that his preference would be to take the \$300,000 and the whole chunk of money and spend it on helping develop their boys and girls and summer and after school programs, that they had to have a complete healthy state of the child, that he thought more so acknowledge the important nexus between their youth activities and the success of Houston tomorrow, that he thought they were doing more and more in the right direction, moving more of the resources from what he considered almost an exclusive enforcement and interdiction strategy to looking at prevention and education, and that also included dealing with health issues, they had to look at that as well, that he appreciated Council Member Christi's comments and when they talk about how they spend the taxpayers dollars, whether they were local, State or Federal dollars, he wanted to get on that bandwagon because he thought they needed to be more mindful of how they spend the dollars that they had as opposed to coming up with ways to go garner more dollars in the way of fees, taxes and permit requirements from the citizens, that Item No. 15 was one that he read through a second time as well about what did some of it meant and why were the dollars being spent this way, but again when the dollars were earmarked from the Federal Government that they were disbursing the dollars to be spent in this particular fashion if they wanted to match, that their choice was either match and get some benefit for the community, or pass altogether and get no benefit for the community and he thought it was a good decision to match and take advantage of the dollars, at least to some extent, which benefited the community; that as to Council Member Davis stating about being the hammer and advocate in District B, that his commentary in his view rang loud and had a lot of truth, they had to do more in District B, there was no doubt about that, that as said, Council Member McGowen sat around the table and exemplified leadership, pushed hard and was successful in a lot of ways trying to bring resources to a part of Houston that often time was neglected, that he did not want Council Member Davis to think that he was not in agreement with what he was saying about changing some of the processes and the way the goals were met, that he did not just want to look at whether the goals were met, he wanted to move them to the prime status, that he wanted to look at the overall big contract and see if they could get some of those awarded to people in District B and know that Council Member Davis had his full support in trying to drive things through and make opportunities for employment and development happen in District B. Council Members Sullivan, Hoang, Rodriguez, Costello and

Noriega absent.

Council Member Laster stated that he looked forward to welcoming and inviting all of the residents of District J to attend their District J Securing Their Families Conference this evening from 6:30 p.m. to 8:30 p.m. at the City's Multi Purpose Unit at the edge of Gulfton, between High Star and Sandspoint, about one block west of Hillcroft, that they would be inviting representatives from the Houston Police Department, Sheriff's Department, Constables on Patrol and a number of other security agencies around, the Mayor's Anti Gang Task Force and many more, they were inviting the community to come out and meet their local police representatives and find out strategies on how they may protect their families as they head back to school, that he wanted to particularly thank Ms. Veronica Hernandez, of the Mayor's Citizens Assistance Office and all of her staff, and Ms. Alice Lee and Mr. Richard Rodriguez, with the Greater Sharpstown Management District on helping them facilitate this needed gathering, that he looked forward to meeting with all of the residents. Council Members Sullivan, Hoang, Rodriguez, Costello and Burks absent.

Council Member Gonzalez stated that next Tuesday, September 4, 2012, at 5:30 p.m. stop by Café Adobe for a special fund raising event in honor of the HART Program, which helped persons with developmental disabilities by providing education, training, housing and employment programs through structured independence, that the non profit makes a real difference in the lives of it's participants and he would commend Executive Director, Jane Cummins, for their continued success; that as they headed into Labor Day Weekend he wanted to take a moment to acknowledge and thank the many hard working Houstonians that kept their City moving forward, that he wanted to give a special thank you to their labor brothers and sisters for their continued commitment to working families and to protecting workers rights, that during the upcoming long weekend he wanted to wish everyone a safe and relaxing holiday with their families and friends. Council Members Sullivan, Hoang, Rodriguez, Costello and Burks absent.

Council Member Noriega stated that they were talking earlier about Hurricane Katrina and the fact that this was an anniversary, that they were marking some of the folks that lost their lives in their neighboring City, New Orleans, that she was also thinking about the stories that her family had from that time, that her husband was involved with running the George R. Brown Shelter, that he had just gotten back from Afghanistan and two days after they hit Houston after picking him up at the airport in Austin he walked into the George R. Brown and did not come home for almost six weeks, that she watched people come from New Orleans in buses and get of with their hair damp and whatever stuff they had in plastic trash bags, that she saw an amazing effort by the citizens of Houston, that she came down Polk one day, coming up to park to go and volunteer to help during the day, and there were cars pulling up to the side of the George R. Brown and volunteers were unloading the cars and passing goods down so that the people did not even have to get out of their vehicles, clothing and shoes and housing goods, dishes for the kitchen, it was just astounding, that one of the reasons that she ran for City Council, that she decided that being an At Large Council Member was something that she was interested in doing, was because of that experience, that she saw what their City could do, that she saw the incredible spirit of Houstonians reaching out to their neighbors and taking care of business, that they would walk into the George R. Brown every morning and it would be completely redone, whatever it was the day before it would be different the next day based on what was happening, that FEMA was coming in and would have lines and stations set up, the next day it was the Red Cross, it would be a completely different setup, they had a full scale pharmacy, they had showers, they had amazing things, that she was standing there and saw some CenterPoint engineers muttering about putting a second deck in and thought at that point folks said they were not going to be open that long, but there were so many companies that sent their very best, so many groups came through helping and doing amazing things, that people came from all over the Country to see what they were doing, that she thought that effort taught

them things, the incredible “can do” spirit of the City, the ability they had to turn on a dime and respond in a philanthropic way, to give somebody a hand up but not a hand out, that they managed to find housing and jobs and help kids get back in school all over the City for so many people and many of them were still in Houston, but she thought that it also reminded them of how close they all lived to the edge, that she thought it was important not to forget that they were one storm away, one storm surge, one 10 feet of water away from being there themselves, and this City was part of the infrastructure that made it manageable, that allowed them to respond to that kind of problem, that she thought it was easy to get up and complain about potholes, that she remembered crunching over glass getting there to try to figure out what to do, that she made deviled eggs and used the mayonnaise and eggs in her refrigerator to try to get rid of them because everyone’s electricity was out, people were grilling meat and sharing with their neighbors and figuring out what to do about trees and all kinds of stuff, that during Ike they made things happen, they bulldozed mulch from all over the streets all over town, that was what government did, that was what the City did, and when they heard negative things about their elected officials or they tried to decide if it was worth voting, she wanted to remind them what it was they really did, because they got up in the morning and came to Council and figured out how to do the agenda each week, but they also got up in the morning and knew that if they were hit with a storm or something happened that every one of them would be out the next day, working with their neighbors and making sure that the City was safe, people were fed, there was gasoline, that the roads were cleared, all of those things, that the trash was picked up, that when they turned on their tap there was water, that she was just reminded today about all of those things and was very grateful for what they had and for who they were. Council Members Sullivan, Hoang, Rodriguez, Costello and Burks absent.

Council Member Green stated that on Thursday, August 23, 2012, he facilitated the Bridging the Community Divide stakeholder meeting in the Hiram Clarke area, that he wanted to thank State Representative Alma Allen and Congressman Al Green’s office for their participation; that on Saturday the District K Office attended the National Forum of Black Public Administrators Annual Golf Tournament held at the Wild Cat Golf Course along Almeda Road, that the fundraiser benefited the NFBPA Houston Chapter Scholarship Fund, community programs and their foundation; that on Monday he met with the newly elected Ft. Bend/Houston Super Neighborhood Executive Board to hear their direction for the area, that the Super Neighborhood was scheduled to have their general council meeting on Monday, September 10, 2012 at 7:00 p.m.; that this afternoon he would be distributing 250 backpacks to children at 10 elementary schools in District K, that it would take place at Fondren Elementary School at 2:00 p.m., that as part of the backpack presentation he would present to Dr. Iraj Jabbar a Mayoral Proclamation in honor of his service and commitment to the District K Community; that on Tuesday, September 4, 2012, the Braes Oaks Super Neighborhood would host a Public Safety Forum, in conjunction with their Council Office; that on Thursday, September 6, 2012, the Central Southwest Super Neighborhood would host their Bi-Annual Meeting at the Hiram Clarke Multi Service Center at 6:45 p.m.; that he was pleased to announce their Small Business Economic Development Forum, to be held at the Kingdom Builders Center, so for all small businesses who were looking to do business with the City of Houston, HISD or Metro this would be the forum to meet those individuals to find out how to get in and do business. Council Members Sullivan, Hoang, Rodriguez, Costello and Burks absent.

Council Member Davis stated that he wanted to apologize to Mr. Clyde Cummins, he missed his back to school event at his church, and announced the following events; the Pleasantville Packers Little League Football Team opening day; Isaac Elementary Second Ice Cream Social; Lake Forest Park trash pickup, that he wanted to thank the community for coming out and the City for helping with the endeavor; the Greater Houston Partnership Soirée at the Ensemble Theater, a Black Tie Gala; that on Saturday at Sylvester Turner Park at 7:30 p.m. would be fireworks for the community in Acres Homes; that on Friday was the wake for Mr. Ernest McGowen and on Saturday noon was the funeral, that Mr. McGowen was the second

African American to represent the district, that he was able to relay the information from District B to the City as a whole, to get an understanding of how District B did things in their homes. Council Members Sullivan, Hoang, Rodriguez, Costello and Burks absent.

Council Member Cohen stated that she had the privilege of knowing Mr. McGowen and he was quite an exceptional human being; that District C was rather unique in that they had over 70 civic clubs, super neighborhoods and neighborhood associations, that she thought that the next closest one of the districts had about 40, that they simply could not attend every civic club, they just did not have enough staff, that she and her staff had been working on a program, CAP, which stood for Cohen Ambassador, but they had been working on that for the last few months and it was recognizing and asking someone who was involved in their own civic club to be their ambassador, to report back to them what happened at that meeting to make them aware of any issues that they needed to respond to immediately, to be their eyes and ears, that they would try to get to as many civic clubs as they could but this was an opportunity to make sure they were covering them all, so as a result of three or four months of hard work tonight was their first CAP meeting with those people who had volunteered to be CAP members, that it was to be held between 6:30 p.m. and 8:00 p.m. at the City Hall Annex Council Chamber, that they made it for two evenings because not everyone could make it tonight so there was a similar meeting on September 6, 2012; that she wanted to congratulate Olivewood Cemetery, they had been chosen by a group, Surveying and Mapping, Inc., which was also known as SAM, for an exciting new project that would allow 3-D mapping of the cemetery, that using light imaging and ranging technology SAM would be creating a 3 dimensional, digital and graphic model that would preserve the exact likeness of the monuments, headstones, curing and decorative walls, that this data could then be used in future restoration work and for creating a virtual tour of the cemetery, that special thanks to Ms. Margo Williams and Mr. Charles Cook for all of their hard work as part of the descendants of Olivewood Cemetery; that with Labor Day ahead, some of the comments that her colleagues had made, she would just add they were going to have a lot of people on the road and she would urge everyone to take their time, drive carefully and have a safe Labor Day. Council Members Sullivan, Hoang, Rodriguez, Costello and Burks absent.

There being no further business before Council, the City Council adjourned at 10:20 a.m. Council Members Brown, Adams and Pennington absent on personal business. Council Members Sullivan, Hoang, Rodriguez, Costello and Burks absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary