

City Council Chamber, City Hall, Tuesday, June 21, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 21, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig Jarvis Johnson, Ann Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Melissa Noriega and C. O. "Brad" Bradford, Jolanda "Jo" Jones; Mr. Don Cheatham, Division Chief, General Counsel Division Legal Department; Mr. Xavier Herrera Citizens Assistance Office; and Ms. Marta Crinejo, Agenda Director, present. Council Member Sue Lovell absent on personal business.

At 1:44 p.m. Mayor Parker stated that Council would begin with presentations and called on Council Member Adams who invited representatives for the CONCACAF Semifinals to the podium and stated that the Confederation of North Central America and the Caribbean Association Football Gold Cup was the biennium championship for North and Central America and the Caribbean and was the Confederation premiere event; that on June 22, 2011, the 2011 CONCACAF Gold Cup Semifinals would be held at Reliant Stadium and the top four soccer teams would be playing and the winner of each would move to the Gold Cup Championship in Pasadena, California; and Mayor Parker presented a Proclamation to the Representative of CONCACAF proclaiming June 22, 2011, as "CONCACAF Gold Cup Semifinals Day" in Houston, Texas. Ms. Heather Houston, Director of Lone Star Sports and Entertainment, a Division of the Houston Texans, stated that they were honored to be joined by their partners whom she introduced; that they hosted many international soccer matches at Reliant and this one was sold out and would be one of the biggest and best and they were thrilled to be able to do this with their partners. Mr. Will Wilson with Soccer United Marketing stated that they had great events in Houston in the past and were looking forward to a fantastic event tomorrow; and thanked all for their support; Ms. Jill Fresco with CONCACAF thanked all for hosting the event; Mr. Chris Connetti with the Houston Dynamos thanked all for their ongoing support and stated that they looked forward to a bright future with development of their stadium opening in May. Council Members Johnson, Adams and Sullivan absent.

Vice Mayor Pro Tem Gonzales and Council Member Rodriguez thanked all for recognizing such a wonderful event. Council Member Johnson absent.

Council Member Jones stated that they were set to have a Proclamation for the Winner of the 2011 Sister Cities of Houston Young Authors Showcase, but there was a mistake in scheduling and they would reschedule. Mayor Parker, Council Members Johnson and Adams absent. Vice Mayor Pro Tem Gonzalez presiding.

At 1:52 p.m. Vice Mayor Pro Tem Gonzalez called on Council Member Rodriguez who led all in the prayer and pledge. Council Members Johnson and Adams absent.

At 1:53 p.m. the City Secretary called the roll. Council Member Lovell absent on personal business. Council Members Johnson and Adams absent.

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

Council Member Rodriguez moved the rules be suspended for the purpose of moving Mr. Andy Tayler to the top of the Non-Agenda list of speakers, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Lovell absent on personal business. Council Members Johnson and Adams absent. MOTION 2011-0469 ADOPTED.

Council Member Gonzalez moved the rules be suspended for the purpose of adding Ms.

Jackie Young to the Agenda list of speakers, seconded by Council Member Costello. All voting aye. Nays none. Council Member Lovell absent on personal business. Council Members Johnson and Adams absent. MOTION 2011-0470 ADOPTED.

Council Member Clutterbuck moved the rules be suspended for the purpose of hearing from Mr. Tom Phillips after Mr. Andy Taylor, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Lovell absent on personal business. Council Members Johnson and Adams absent. MOTION 2011-0471 ADOPTED.

At 1:56 p.m. the City Secretary began calling the public speakers. Council Members Johnson and Adams absent.

Ms. Andrea Guidry, 7303 Autumn Grove Drive, Houston, Texas 77072 (832-715-2790) appeared and stated that she was the president of the Park Advisory Council for the Alief Community Center and they were very concerned to be losing their custodian, the building and bathroom usage was very high and the lack of would leave their center at risk for serious sanitation issues; that they had 200 use the park and 60 use the outside classrooms daily and the gymnasium usage was 100 plus daily. Council Members Johnson and Rodriguez absent.

Council Member Hoang thanked Ms. Guidry for coming and stated that he knew of the problem and requested a meeting with Mr. Turner and he and his staff met with him, discussed the problems and he was told there were about 26 custodial staff and now only about 19 to clean 36 community centers and at Alief they would be cleaned Tuesday, Thursday and Saturday; that the Alief Center did have some of the heaviest traffic and they were working on it. Council Member Johnson absent.

Upon questions by Council Member Jones, Mayor Parker stated that the first priority for private sector money identified yesterday was for keeping pools open and it would also keep all community centers open as long as pools were and meeting with Congresswoman Lee she (Mayor Parker) committed to finding money to keep community centers open through the rest of the fiscal year and on custodians the staffing was left up to the department director. Council Members Johnson, Clutterbuck and Noriega absent.

Council Member Adams commended Mayor Parker and Congresswoman Lee on the \$350,000 donation from Conoco Phillips and Marathon; and upon questions, Mayor Parker stated that they continued to be in dialogue with private sector organizations. Council Members Johnson, Clutterbuck and Noriega absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Ms. Andrea Guidry, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Lovell absent on personal business. Council Members Johnson, Clutterbuck and Noriega absent. MOTION 2011-0472 ADOPTED.

Mayor Parker continued that the city continued to be in dialogue with private sector entities who may wish to do corporate underwriting for community centers or swimming pools and she had no problem hanging a big banner saying it was kept open through donations from..., but Conoco Phillips and Marathon stepped up for \$350,000 and it covered all pools through the pool season and community centers a little longer so the city needed to spend another half a million at least to keep centers open after that and she believed there should be unbudgeted revenue coming in as they did not budget any sales of property this fiscal year and if she had to she would find it in her budget. Council Members Johnson, Clutterbuck, Costello and Noriega absent.

Mr. Michael Miller, 4210 Geronimo Lake Drive, Houston, Texas 77047 (832-882-0875)

appeared and stated that he was a student at the Alief Community Center and now he taught in Alief ISD Teachers Alternative School and he started a program at the community center; that he was in the gym all day with students and if he had to clean everything also it was unacceptable, but it was good to hear of janitor rotations. Council Members Johnson, Costello and Noriega absent.

Ms. Helen Poole, 2715 Rayburn Drive, Katy, Texas 77540 (281-578-2024) appeared and stated that she was present on behalf of the senior fitness class at the Alief Community Center, they were concerned their class may be canceled; that at present class members led class while their teacher helped with the Summer Youth Program and the custodian often let them in; that they benefited from the exercise and wanted their class to continue to be a part of the program. Council Members Johnson, Sullivan, Costello and Noriega absent.

Council Member Hoang thanked Ms. Poole for coming and Mr. Miller and Ms. Guidry and stated that they were short custodial staff and community centers and the Alief would have a janitor on Tuesday, Thursday and Saturday and he would ask for volunteers to make sure their doors were open for their exercise class. Council Members Johnson, Sullivan, Costello and Noriega absent.

Council Member Jones thanked Ms. Poole for coming and stated that community centers were a citywide problem and it seemed to her when there were tight fiscal times they cut out services to people least able to defend themselves and seniors needed activity and to her community centers, pools and libraries were core services, they were a need and not a want and she would ask some things be reprioritized. Council Members Johnson, Sullivan, Costello and Noriega absent.

Ms. Becky Edmondson, 10815 Ashcroft, Houston, Texas 77096 (713-443-3951) appeared and stated that she was present regarding all community centers and was glad to hear Mayor Parker say she would be keeping them open; that yesterday was a great day, but it should not take an act of Congress to get something done, but wanted to publicly thank Congresswoman Sheila Jackson Lee who pulled together the incredible corporate sponsors to get all through the summer; and asked all present for keeping community centers open to stand to be recognized. Council Members Johnson, Costello and Noriega absent.

Council Member Clutterbuck thanked Ms. Edmondson and all who came to keep community centers open for coming; that all were looking for a solution and they were grateful to the two corporate sponsors who gave \$350,000 yesterday and thanked Congresswoman Lee for getting this together; that \$420,000 was needed to keep pools open which were slated to be closed, \$950,000 for the community centers and the \$350,000 check received was extremely helpful, but it still left about a \$1,000,000 gap and the city's challenge was to fill it and to make sure numbers were correct; that she pointed out the Parks Department had conflicting numbers and she understood it was complex but it was critical to have accurate information for such difficult decisions. Council Members Johnson, Rodriguez, Costello and Noriega absent.

Council Member Jones stated that her respectful opinion was out of every dollar the city generated in revenue for the general fund about 70¢ went to police and fire which left 30¢ and then they paid 10¢ on debt so they had about 20¢ for everything else and they needed to revisit what they determined as important, the city was more than just public safety. Council Members Rodriguez, Costello and Noriega absent.

Mr. Perry Radoff, 4615 SW Freeway #730, Houston, Texas 77027 (713-629-0670) appeared and stated that he was present on behalf of the Police Advisory Committee and present hoping they would look elsewhere for funding and preserve the public affairs portion of what HPD was doing. Council Members Rodriguez, Costello and Noriega absent.

Council Member Clutterbuck thanked Mr. Radoff for coming and stated that after Mr. Radoff read incorrect reports in the newspaper last week called her office concerned with her amendment which she discussed at length with Mayor Parker yesterday; that she was surprised in the Public Affairs Office there were five civilian employees to deal with the ecumenical community, it was not her intent to take away from any open request response as they were essential, it was her goal to try and shed light on funds which seemed out of whack to her, she was concerned the Police Department's Finance Office had a larger budget than the City of Houston Finance Office; and thanked Mr. Radoff for all his work; and upon questions, Mr. Radoff stated that it was most important for citizens to know safe properties to live and they did research and when they used reports it was by hundred block and not organized in a meaningful and usable manner and used much paper; that a simple report by address listing criminal activity would give all instant and easy access to safe properties and to those needing attention; that Dallas provided it on the internet through their Legal Department. Council Members Johnson, Costello and Noriega absent.

Council Member Bradford thanked Mr. Radoff for his service; and upon questions, Mr. Radoff stated that he had seen improvement in HPD's information, but it was by the hundred block and not specific address and it should not take much more to use address, for example there were to apartment units across the street from one another and one had cleaned up their act and one had not, but the average person would not know which was which until they were in it and the information was needed. Council Members Costello and Noriega absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Mr. Perry Radoff, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Lovell absent on personal business. Council Members Costello and Noriega absent. MOTION 2011-0473 ADOPTED.

Mr. Radoff further stated that they had a large number of community organizations which were members of the Police Advisory Committee and they solicited comments, concerns, etc., from them and it would be an opportunity to communicate the concerns and work with police in an effective fashion and they did serve a useful role. Council Members Costello and Noriega absent.

Council Member Jones thanked Mr. Radoff for his service and stated that he paid attention to crime stats and where the city needed to use money; that they needed places for kids to go and seniors to exercise and she commended him on his holistic approach. Council Members Pennington, Rodriguez, Costello and Noriega absent.

Mayor Parker stated that she too thanked Mr. Radoff on his long years of work and it was good to see him. Council Members Pennington, Rodriguez, Costello and Noriega absent.

Ms. Jackie Young, who was previously added to the Speakers List, appeared, presented information to Council Members and stated that her printout was from a company called Scorecard.goodguy.com and she was present because of MSJ Holding, a shipyard in Channel View; that she lived about five miles from it and between them were about 1,100 privately owned wells; that she was a geology major at the University of Houston and as a case study she did a report on water contamination and tested her water and she compared it to what the city and state said was in water and she found something quite disturbing; that the report she presented showed the Southwest Shipyard was in the 80th to 100th percentile of worst environment companies in the nation and they were asking to expand; that they continued to spill and dump, she saw Coast Guard records and since 2002 the company had cleaned up, but there was a loophole which allowed them to not take blame for what was spilled because once the Coast Guard arrived chemicals may have moved and some things were water soluble,

odorless and colorless and they could not pinpoint a spill; that the company stated they had a controlled plume of contaminates and the plume theory was not accurate, oil and water did separate but once disturbed it was no longer intact; that ground water on average flowed one to two hundred fifty feet per year and many factors influenced this, especially storm surges and since the last storm she had several animals come down with chronic kidney failure, etc., and in the last thirteen months her health plummeted and she was a medical mystery until now when they pinpointed what made them so ill. Council Members Pennington, Rodriguez, Costello and Noriega absent.

Mayor Parker stated to be clear she was not familiar with the company or the issue; that she said they had applied for an MSD to expand; and upon questions, Mr. Cheatham stated that he was not aware of this. Council Members Hoang, Pennington and Rodriguez absent.

Council Member Adams stated that she was chair for Neighborhood Protection Quality of Life Committee and this was a concern for the city as a whole; and upon questions, Ms. Young stated that she had not met with the Director of Environmental Services Division; and Council Member Adams recommended she meet with her and discuss all she brought today and see what could be done as she thought she may have helpful information and this was something all should be concerned with. Council Members Pennington and Rodriguez absent.

Council Member Jones stated that she knew the Mayor had been involved in these type issues and so had her office; that the city was dealing with a lot of environmental issues and companies not always paying attention and if what she said was true it clearly concerned her and from the city she would ask they try and figure out what was going on; that pollution did not stop at boundaries, she would like the City to advise Council Members if the company filed something which would concern them, she wanted to know what was going on and could meet with Ms. Young; and Ms. Young stated that she would like that. Mayor Parker and Council Member Adams absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Maria Vasquez, (did not want house number listed) Arletta, Houston, Texas 77061 (713-480-5315) appeared and stated that she was a resident of Glenbrook Valley and spent much time and money dealing with the city historical ordinance and she had questions such as how much had this cost the city so far, how much longer would the process be, how much time had Council Members heard about this and had staff doing research and no matter how much it was too much meaning police and fire were being laid off; that the city did not need to put more nonpublic safety burdens on the public; and urge a no vote on Glenbrook Valley. Mayor Parker and Council Members Stardig and Adams absent. Vice Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Gonzalez stated that they were not laying off police officers or firefighters at this time. Mayor Parker and Council Members Stardig and Adams absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Andy Taylor, 2668 Highway 31 South #288, Brenham, Texas 77833 (713-222-1817) had reserved time to speak but was not present when his name was called. Mayor Parker and Council Members Stardig and Adams absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Tom Phillips, 98 San Jacinto Boulevard #1500, Austin, Texas 78708 (512-970-4739) had reserved time to speak but was not present when his name was called. Mayor Parker and Council Members Stardig and Adams absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Nia Colbert, no address given (832-253-4735) had reserved time to speak but was not present when her name was called. Mayor Parker and Council Members Stardig and Adams absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Shannon Bess, 3535 Greencrest Drive #531, Houston, Texas 77082 (832-921-1483) appeared and stated that she was present fighting a case she was going through, she was being terminated from Section 8 due to family obligations; that she was told in February she did not fight, she plea-bargained the case; that they said if she signed for the crime she could go home to her kids and she was not aware of all that would take place; that she had worked with HISD for better than five years and lost her job and in March and April they tried to take her kids and May they terminated her assistance; that she went before all she could and no reason was found as to why she even had the case and she wanted to know what to do to resolve the matter. Council Members Stardig, Clutterbuck, Adams and Noriega absent.

Mayor Parker stated that they did not have direct authority over the Houston Housing Authority, they did just get a new director and leadership; and directed Ms. Bess to visit with her. Council Members Stardig, Clutterbuck, Adams and Noriega absent.

Council Member Jones stated that she was chair of the Housing Committee and many complaints they received came from the Housing Authority and Section 8 voucher termination, etc., they worked closely with them; that the Housing Authority had rules and regulations to follow and they would get her contact information and try and walk her through the process. Council Members Clutterbuck, Adams, Sullivan, and Noriega absent.

Ms. Nia Colbert, no address given (832-253-4735) appeared and stated that she had a disability and had been to Council before with the concerns of people with mental and emotional disabilities and she was a strong advocate for housing; that her latest efforts were for seniors and the disabled at Langwick Senior Residences and she was asking if there was not fraud by the City of Houston or a cover up for this developer and his management staff she would like to be directed to look at the allegations, she had brought it before; that her housing voucher was lost and she was homeless, she stayed on the list over 5 years and her goal was to return to the University of Houston and work on a law degree, she had a bachelors in psychology; that she fought nine months legally with a bias court and judges, etc., the Housing Authority and the Mayor's Office had no authority to intervene, problems at Langwick were not properly investigated and should be. Council Members Clutterbuck, Adams, Sullivan, and Noriega absent.

Mayor Parker stated that she had a report that Langwick prevailed in the JP Court and the County Civil Courts and advise to her at the time was the Housing Authority was going to continue her voucher but at a different location and she chose to not take advantage of it; that she would ask representatives of HCD who were present to visit with her, she did not know if it was possible to reverse decisions she had made within the year; and Ms. Colbert stated she was not correct the JP Judge showed bias and contempt for her and told her to take it to the county, he did not understand the program and the courts were stepping all over the Americans with Disabilities Act and that happened at the JP Level and County Courts 2 and 3; and Mayor Parker stated that Ms. Bell with the Housing Authority was present and could visit with her and Mr. Eickenbaum with Housing and Community Development, this was a cross agency situation and this had been going on for some time. Council Members Clutterbuck, Adams, Sullivan, and Noriega absent.

Council Member Jones stated that her office was involved with this and it was a cross agency situation and she stated, it had city funding and was complex; that they could not make the courts do anything and sometimes people wanted to stay where they were, but there were rules apartments had to follow when receiving federal funding and if things were not done in a proper time period you lost your voucher and as Mayor Parker stated she should speak with the Housing Authority. Council Members Clutterbuck, Adams, Sullivan, and Noriega absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Ms. Nia Colbert, seconded by Council Member Costello. All voting aye. Nays none. Council Member Lovell absent on personal business. Council Members Stardig, Clutterbuck, Sullivan, and Noriega absent. MOTION 2011-0474 ADOPTED.

Council Member Jones stated that she had tried to get management to let her stay there, but the City of Houston did not run that apartment complex and all they could do was suggest; and Ms. Colbert stated that they were not talking about why she stayed, but the fraud should have been forwarded to the Mayor, HUD and others for investigation and it was not done; and Mayor Parker stated that again she would suggest she visit with the representative of the Housing Authority and the Housing and Community Development Department, there were rules which needed to be followed and if you lost your opportunity there were thousands of people who wanted the apartment and she had been through two levels of adjudication. Council Members Stardig, Clutterbuck, Sullivan, and Noriega absent.

Council Member Gonzalez moved the rules be suspended for the purpose of hearing Ms. Nellie Funez after Mr. Lenwood Johnson, seconded by Council Member Costello. All voting aye. Nays none. Council Member Lovell absent on personal business. Council Members Stardig, Clutterbuck, Sullivan, and Noriega absent. MOTION 2011-0475 ADOPTED.

Mr. Lenwood Johnson, 1109 Genesee, Houston, Texas 77019 (281-709-3001) had reserved time to speak but was not present when his name was called. Council Members Stardig, Clutterbuck, Sullivan, and Noriega absent.

Ms. Nelly Funez, 3302 Sadler, Houston, Texas 77093 (713-884-8895) appeared and stated through an interpreter, Council Member Gonzalez, that she was concerned about trash, drainage, large animals and wreckers traveling at high speeds; that many children were in the area and she was concerned for their safety; that she wanted to bring attention to the issues, she was starting to see progress with trash and stray dogs; and Council Member Gonzalez stated that she was seeing progress and would follow up with Citizens Assistance; and Cecelia with the Mayor's Office stated that she would take her; Mayor Parker stated that she understood 12 dogs were picked up today and Public Works flushed culverts in the area in January and were back out this week and they were working on debris removal on a few and they were sending her information on the Traffic Management Program to see if she qualified for speed humps; and through Cecelia stated that another concern was apartment complexes not being maintained; and Mayor Parker stated that would be Neighborhood Protection. Council Members Sullivan, Noriega, Bradford and Jones absent.

Mr. Vertis Williams, 17339 Candela, Houston, Texas 77083 (832-272-7051) appeared and stated that he thanked all for their help the last time they were present, unfortunately it did not do the job; that on June 4, 2011, he received his fifth citation for loud pipes on his motorcycle and he was not even the person stopped, he was in the parking lot after having breakfast; that the officer was on an Agenda of his own, he did not write the citation under the Houston Noise Ordinance, but under the State Transportation Code and today they were asking for help. Council Members Sullivan, Noriega, Bradford and Jones absent.

Mayor Parker stated that she was familiar with the situation and the officer and was sorry they had to come again; that because of the manner of enforcement of the city's sound ordinance she was compelled to suspend enforcement of the city's noise ordinance and yet he began writing tickets under the state code which she could do nothing about; that at the moment he was on administrative assignment, not on patrol and polices were in place that he must request the presence of a supervisor to write any tickets having to do with noise enforcement, however, he was exemplary in following policies and they were trying to deal with it through management and supervision; that they were aware of the officer and problems being caused

and hopefully it could be fixed within the boundaries of the law, they were trying to do what could be done administratively. Council Members Sullivan, Noriega, Bradford and Jones absent.

Council Member Stardig stated that it sounded like they were sending a message to officers they did not want the law on the books enforced; and Mayor Parker stated that sound ordinance violations had an element of officer discretion and the concern was the officer did not apply this standard across the board, only to certain motor vehicles in certain situations; that state law had similar discretion and they would not tolerate targeted or differential enforcement; and Mr. Williams stated they were being singled out and displayed a piece of paper stating last time they were present the paper was left on his bike, a business card stating his inspection expired in March which was untrue and his exhaust was loud and illegal, he was making up as he went. Council Members Sullivan, Noriega and Jones absent.

Mr. Robert Price, 3122 Rainmont Lane, Katy, Texas 77449 (713-703-5565) appeared and stated that he was present asking a question about compliance and clarity; that yearly he took his vehicles for inspection and once inspected the State of Texas was saying the vehicle was in full compliance with the law, etc., so he did not see how he could be given a citation for being in non compliance. Council Members Sullivan, Noriega and Jones absent.

Mayor Parker stated that they were in full compliance of the laws in the state when they passed inspection, but something could happen after the inspection, however, what they believed was happening was targeted enforcement and the law was written with officer discretion and they were administratively trying to take away as much of the discretion as possible, but she could not order an officer to not enforce the law; and she understood how frustrating this was for them. Council Members Sullivan, Noriega and Jones absent.

Mr. Eric Sorrentino, 4343 Bugle Road, Houston, Texas 77074 (832-618-6483) appeared and stated that most had already been covered, but he would restate his issue that while an officer was able to apply discretion to the city ordinance there was no discretion to the state ordinance, he had to prove the vehicle was not operating legally, it was not up to his discretion, if he was not an inspector he did not get to decide what was and what was not legal in Texas but the city was allowing it; that they had to take time to come here and to fight tickets they should not have received in the first place; that they could remove him or put him on a desk forever but they were not. Council Members Sullivan and Jones absent.

Mayor Parker stated that again she would say the officer had due process and there were protections and the current status was he was not allowed to write tickets as of June 7th for excessive noise without a supervisor being present and the supervisor fully authorizing the ticket; that he had previously been put on administrative assignment, they were doing all they could, however, state law allowed officer discretion and their assumption would be based on administrative orders to the officer in question and his supervisors that vehicles were in compliance unless a supervisor up to and including the captain over the division signed off on it and she was sorry if it was insufficient to address his needs, but that was what had been done to date; that after a certain point another level of sanctions would kick in, he was on notice and being monitored; and Mr. Sorrentino stated that when he requested his supervisor in October he was arrested for doing so; that he arrested him for interfering with the duties of an officer and he filed a complaint and the status was pretty much as his tickets were blown off, up in the air and he was awaiting; and Mayor Parker stated that Sergeant Baltazar was present and she would like them to visit so she could find out the status of the OIG investigation. Council Members Sullivan, Rodriguez, Pennington, Noriega and Jones absent.

Ms. Pamela Seger, 11407 Piping Rock, Houston, Texas 77072 (281-221-9119) appeared and stated that she was a home owner and business owner in the Village West Subdivision for

23 years and today pleading for help; that since she lived and worked in the area she had a vested interest in how patrol officers spent valuable time on duty and it was intolerable any patrol officer was concentrating on traffic citations and targeting one group of citizens; that stopping motorcycles for loud pipes was not an effective way to fight crime, as sirens were necessary to protect citizens loud pipes protected motorcyclists and the other drivers; that in April 2011 there were 177 burglaries in Division 20 and citizens were badly in need of police protection and presence and she could not remember when an officer went through her neighborhood though the thieves were doing a good job; that high crime caused people to move and less tax money to run the city. Council Members Sullivan, Pennington, Noriega and Jones absent.

Mr. Terry Franklin, 17326 Candela Drive, Houston, Texas 77083 (832-641-2172) appeared and stated that again he was present on the same issue; that he had a bit of an advantage over some motorcyclists in that when he received his ticket and fought him in court he was found not guilty thus preventing him from pursuing him on the same ticket, however, it did not stop him from pulling him over June 4th for the very purpose; that he approached his bike and called him by first name, never said why he was being pulled over but took his license and insurance and went to his car and came back and said he had been found not guilty on the previous citation and said he would not issue him a ticket today as it would be double jeopardy so he gave him his information back and asked for Mr. Vertis Williams license who had been traveling with him and gave him his fifth citation; that it was his fifth citation as they continued to be dismissed, not tried and not proven, not guilty; that he saw many who were pushed for prosecution for plea deals rather than sit in court all day, they could pay \$100 and leave rather than lose \$500 sitting there all day and not going to work; that an IAD investigation was done on the officer and he was held at a desk six months and all charges according to what they were told were sustained, but he was put back on the street, he has something against motorcyclists and nothing was going to change it, it was an obsession for him and obsession by definition was a psychological disorder. Council Members Sullivan, Pennington, Noriega and Jones absent.

Mr. Michael Ray, 7246 Rio Blanco, Houston, Texas 77083 (281-513-7195) appeared and stated that as Mr. Franklin stated the officer had an obsession, a psychological disorder by definition, he was scared of him, he was afraid he would go over the edge and could they not do a psychological evaluation on him. Council Members Sullivan, Pennington and Jones absent.

Mayor Parker stated that actually that was an excellent suggestion, she already asked that the tape of today's meeting be submitted to the Chief of Police and whether it was possible he might need a referral; and thanked him for the suggestion. Council Members Johnson, Sullivan, Pennington and Jones absent.

Mr. David Harvey, 1718 Highway 6 South, Houston, Texas 77079 (832-425-1338) appeared and stated that he was the manager of the Dam Ice House, their community center for bikers; that in taxes he paid more than he made and yet an officer shut down 70% of his business, he owned two other businesses also and they were allowing this officer to stay on the street and he was paying them more than he made yearly. Council Members Johnson, Sullivan, Pennington and Jones absent.

Council Member Stardig stated that she appreciated his business and knew of it, but there were bigger issues along that stretch than the bikers, criminal activity was in other businesses further down the road and if this was the worst happening then they did have issues allocating man power as far as HPD was concerned, she had issues they were not addressing other issues with vice, etc., and Mr. Harvey stated that they did a benefit for the 100 Club and four officers were pulled over on the way to their benefit and two were ticketed by the officer; and Council Member Stardig stated that she was familiar and did understand. Council Members Johnson, Sullivan, Pennington and Jones absent.

Mr. Phillip Flakes, 4313 Stonewall, Houston, Texas 77020 (713-675-9721) appeared and stated that he was a senior citizen and his concern was the fifth Ward Church of Christ had a drainage problem on their property and were forced to vacate their main building, how had they existed in the subdivision for over 50 years and now because of a drainage problem they needed to change their name to that of the subdivision which was a blatant lie; that the City of Houston Planning Department approved the name change over his objections and now a greater problem services, the integrity of the City of Houston was in question; that he suspected a crime was committed and anything less than right was wrong. Council Members Johnson, Sullivan, Hoang, Pennington and Jones absent.

Mr. William Beal, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Pennington and Jones absent.

Mr. Patrick Barrett, 7807 Micheline Circle, Houston, Texas 77071 (832-892-6808) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Pennington and Jones absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Pennington and Jones absent.

Mr. Greg Bell, 1114 Glenn, Katy, Texas 77441 (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Pennington and Jones absent.

Ms. Patricia Martin, 6060 Bel Arbor, Houston, Texas 77033 (713-734-8897) had reserved time to speak but was not present when her name was called. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington and Jones absent.

Ms. Pamela Ortiz, 3313 Sadler, Houston, Texas 77093 (832-450-6070) appeared and stated that she was in a wreck and the officer did not copy details correctly and feet were dragging on how to handle her case; that dogs in their neighborhood killed her cat and the manager's dog and she saw people target animals and run them over in front of children and back over them again; that she was appreciative 12 dogs were picked up; that her driveway was busted; and she and Ms. Funez were speaking for those in the 3300 block of Sadler; that tow trucks were pulling cars and dropping parts and they did not care about the children they were still speeding and they wanted the tow trucks banned. Council Members Stardig, Sullivan, Hoang, Pennington and Jones absent.

Mayor Parker stated that she assumed there was a vehicle storage lot; and Ms. Ortiz stated that at the end of the corner at 8111 and they were sparking and leaking gas and speeding; and Mayor Parker stated that as they said to Ms. Funez they would give them information for traffic control devices, etc., and she would refer it to the Police Department for discussion whether there should be targeted patrol. Council Members Stardig, Clutterbuck, Sullivan, Pennington and Jones absent.

Council Member Gonzalez stated that a staff member from his office was present and he would like her to visit with him, they would be glad to help. Council Members Stardig, Clutterbuck, Sullivan, Pennington and Jones absent.

Mr. Albugna Alamren, 15906 Clayton Boulevard, Houston, Texas 77082 (832-282-9288) appeared, presented information and stated that he was speaking today on behalf of members

of Space City Cab, Inc., they were requesting a taxi permit; that they were legally organized with more than seven years experience; that they owned their vehicles and maintained them, etc., they were paying for the permit owners between \$175 and \$310 a week averaging \$10,000 a year and they were struggling; and they wanted equal treatment and fair distribution of medallions or permits. Council Members Clutterbuck, Adams, Sullivan, Pennington and Jones absent.

Council Member Johnson moved the rules be suspended for the purpose of hearing Mr. DeLoyd Parker and Mr. DeWayne Lark after Mr. Albagna Alamren, seconded by Council Member Costello. Council Member Lovell absent on personal business. Council Members Clutterbuck, Adams, Sullivan, Pennington and Jones absent. No quorum was present)

Upon questions by Council Member Johnson, Mr. Alamren stated that they did not have official permit or medallion from the City of Houston, they were organized and dispatched each other, they leased medallions from permit owners; and Council Member Johnson stated that a company like his could do the work and they continued to give medallions to companies not using them, but leasing them and it took away their opportunity and the City of Houston needed to pay more attention and he would start requesting that companies like his should be a medallion owner. Council Members Clutterbuck, Adams, Sullivan, Pennington and Jones absent.

Mayor Parker stated that in the previous motion there was not a sufficient number of Council Members for a vote and called on another motion; and Council Member Johnson moved the rules be suspended for the purpose of hearing Mr. DeLoyd Parker and Mr. DeWayne Lark after Mr. Albagna Alamren, seconded by Council Member Gonzalez. Council Member Lovell absent on personal business. Council Members Clutterbuck, Sullivan, Pennington and Jones absent. MOTION 2011-0476 ADOPTED.

Mayor Parker stated that there was a permit fee to hold each cab medallion and apparently a very lucrative secondary market in that...; that when she was on Council they passed regulations limiting the number of medallions which could be held by cab companies and not put into use, apparently they figured out a way around it by subleasing and she would ask ARA for an explanation as to whether they would be cracking down on that. Council Members Clutterbuck, Sullivan, Pennington and Jones absent.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Mr. Albugna Alamren, seconded by Council Member Costello. All voting aye. Nays none. Council Member Lovell absent on personal business. Council Members Clutterbuck, Sullivan, Pennington and Jones absent. MOTION 2011-0477 ADOPTED.

Council Member Adams stated that they had been communicating with ARA for some time once she met with the group as it was a concern; that medallions were given to bigger companies and there were 25 members in his company; that Jonathan Newport was present and she asked that he meet with them in the back; that when medallions were given to companies and they did not use them it knocked out opportunities for qualified companies to get them; that companies were taking advantage and there should be rules and regulations to help the smaller companies; and Mayor Parker stated that would be Mr. Christopher Newport. Council Members Clutterbuck, Sullivan, Pennington, Rodriguez and Jones absent.

Council Member Costello stated that he met with the group and believed a medallion should not be a ticket as a broker, people with medallions should have the cabs to use the medallion and if the issue was ordinance and policy then it needed to be looked at. Council Members Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Mr. DeLoyd Parker, 3201 Elgin, Houston, Texas 77004 (832-971-7379) appeared and stated that the Mayor stated that the process was legal, but slavery was legal but not fair or righteous and this should be looked into; that the Shape Community Organization, Ethiopian Community Organization, etc., about 18 organizations were joining with them; that right now there were 111 permits needing distributed and on behalf of the Shape Community Center they supported the group. Council Members Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Mr. DeWayne Lark, 302 Brisbane, Houston, Texas 77051 (281-513-5340) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Dr. Rebecca Dobbs, 8007 Colgate, Houston, Texas 77061 (713-644-1412) appeared, presented information and stated that a few weeks ago Council Member Pennington asked the Planning Department what the effects of historic designation would be on homeowners and neighborhoods but because of budget cuts the information had not been provided; that as a trained researcher she investigated the academic literature on historic designation and tried to apply what Planning had given them; that her report summarized her findings which she read and included municipal district designation with strong regulatory frame work and few incentives resulted in a decrease in home values between 26% and 50%; that it could increase value but only if property taxes were waived or designation was federal; homes designated Ranch style declined in value, etc., and for Glenbrook Valley 91% of the homes were Ranch style and would most likely decrease, etc. Council Members Clutterbuck, Sullivan, Hoang, Pennington and Jones absent.

Council Member Stardig stated that she appreciated her work and she was concerned with the impact on Ranch style homes with the supply they had and she lived in one and would not want it on a preservation list at this time; and upon questions, Dr. Dobbs stated that the study which showed the decline of 13.5% for homes between 7 and 47 years old was done by UT Arlington researchers in Dallas so it was very comparable to Houston. Council Members Johnson, Clutterbuck, Adams, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Upon further questions by Council Member Stardig, Mayor Parker stated that she would inquire and give her whatever they had; that the point they may be missing was she did not know if the statistics included neighborhoods were all housing stock was of the 1950s period and in reference to Glenbrook Valley some were of a distinct style; that she would not dispute the statement that in a historic district of houses more than 50 years old houses less declined in value, but she did not know if the specific type of situation was considered. Council Members Johnson, Clutterbuck, Adams, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Ms. Mary Walker, 3010 Quail Valley Drive, Missouri City, Texas 77459 (832-766-1661) appeared and stated that she ran for state representative once in West Harris County, she was present on the Houston Heights Historic District and it needed to be fair to all homeowners and investors, if it was contributing you could not sell to a builder who intended to tear it down and you could not either; that she was present for her ex-brother-in-law, they had to return earnest money; that they could not change the front of the house, etc., it was now a duplex but not originally; and tore up offers over \$200,000 which they could not accept. Council Members Johnson, Clutterbuck, Adams, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

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

Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Mr. Bill McCurdy, 11718 Wickchester, Houston, Texas 77043 (713-823-4846) appeared and stated that he lived in the Westwick Subdivision on the Westside and over two years the City of Houston Planning Commission worked on alleviating a serious traffic situation for them; that they were hit years ago backing out of their drive and traffic got much worse after Old Katy was changed; that it was a good plan to be in place 90 days, they were seeing relief, but then it was stopped as a problem with security was found; and urged it be restored and give them the full 90 day benefit and full evaluation. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that what happened were idiot drivers. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Council Member Stardig stated that she appreciated people coming and not letting go of a safety issue; that she met with civic leaders again and they would be moving forward as quickly as possible with another choice and the Administrative was supportive. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Ms. Kathy Daniels, 2710 Amboy, Houston, Texas 77026 (713-675-1266) appeared and stated that she was present to publicly acknowledge and thank Mayor Parker for supporting them with excavation of their ditches on Amway in Acres Home and to thank Hanna for the follow-up and the City Public Work employees who came out daily and named each employee. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Mr. Clyde Bryan, 10802 Pepper Lane, Houston, Texas 77079 (713-545-4878) had reserved time to speak but was not present when his name was called. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Mr. Don Hooper, did not wish to give address or phone number, appeared and stated that he was present as he had been trying to get a copy of Mr. Costello's contract, they had four of them, but not the last one; that Ms. Nobles in the Controller's Office was trying to figure out where it was; that they wanted to find out how many millions in contracts he had with the City of Houston which were not previously disclosed to them. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that she was under the impression he was given all he asked for; and upon questions, Mr. Hooper stated that he emailed her yesterday, they had requested over and over; that it was identified as the Gregg and Adelia contract on his conflict of interest disclosure; and Mayor Parker stated that they would see what they could do. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Mr. Cheatham stated that he thought one of his lawyers worked on it and his understanding was that all contracts responsive to the prior request were provided, but he would check; and Mayor Parker stated that Mr. Hooper should give Mr. Cheatham something to go on and they would try and get him a response before he left today; and Mr. Hooper stated that it was the Gregg and Adelia contract. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Upon questions by Council Member Stardig, Mr. Cheatham stated that they maintained files on each request, there was a paper trail. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Mr. Clyde Bryan, 10802 Pepper Lane, Houston, Texas 77079 (713-545-4878) appeared, presented information off the website and stated that he spoke previously about the drainage fee issue before Council voted, he was opposed, but his question was addressed to Council Member Costello as they lived in a wooded area and Council Member Costello had said there was technology reaching under the trees to measure impervious cover, and he continued to describe his information presented and in his opinion its incorrectness. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Mr. Jonathan C. C. Day, 1100 Studewood, Houston, Texas 77008 (832-673-0220) appeared and stated that he was present to share thoughts on Section 18-3 and the ongoing ethics investigation; that he appreciated Council taking the responsibility on with the assistance of Mr. Feldman's office and Council Member Sullivan volunteering to chair it; that it was a heavy responsibility; that Council Member Bradford stated he wanted to know the facts supporting conclusions drawn in the OIG summary, he understood it was in an investigative stage and the bulk of the report was privilege from public view, but facts were key in a situation such as this and he encouraged all to be very careful and pay attention to facts as the law was vague; that he was glad Council Member Costello was in charge of the drainage fee each brought a special talent. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Mayor Parker stated that Mr. Costello was not in charge of the drainage problem but very interested in it; and Mr. Day stated that he was very interested and important. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Mr. Ken Walls, 4139 Hamilton Village Drive, Houston, Texas 77014 (832-651-3395) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Reverend Joe Angel Lopez, 13334 Wells River Drive, Houston, Texas 77041 (832-891-2724) appeared and stated that he wished Council Member Johnson would step down now, he only had four months to go and was drawing a salary; that Sunday Fifth Ward had a concert and hell broke loose at Brewster Park; that special events had no knowledge of the concert, etc., the people in Fifth Ward did not tolerate nudity, etc. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he requested his attack by City Council Members be stopped; and continued expressing his personal opinions until his time expired. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Ms. Carol Rensink, 1612 Haver, Houston, Texas 77006 (713-254-5146) appeared and stated that she was the president of the Cherryhurst Civic Club with Friends of Cherryhurst Park and they were truly appreciative of the city's stated commitment to the funds at community centers; that it was wonderful Congresswoman Lee facilitated the \$350,000 donation from Marathon and Conoco Phillips, but they were still scheduled to close September 5th and they were asking Council to adopt Council Member Costello's amendment 106 and Council Member

Clutterbuck's budget amendment 801 which addressed community centers. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Council Member Noriega thanked Ms. Rensink and all others who waited to the end to speak; and stated that they were extraordinary stewards of the community and they were appreciated. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Mr. David Robinson, 2514 Elmen, Houston, Texas 77019 (713-907-8241) appeared and stated that the donated money was a great gift and points Ms. Rensink raised with Council Members Costello and Clutterbuck's amendments he knew Council Member Adams was committed and they met with Ms. Catherine Flowers head of the Super Neighborhood Alliance and all was bearing fruit and they had great interests and solutions coming forward; and he was just urging the ball not be dropped and the next process be explained. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Council Member Adams thanked Mr. Robinson for coming and all he did with the Neartown Super Neighborhood and thanked all for allowing the continuing of their voices to be heard; and they had her support. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

Mayor Parker stated that in terms of where they would go next she wanted to encourage local support organizations and their support; that there were two budget amendments and she had agreed to find the money within the current budge. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

At 4:38 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, June 22, 2011. Council Member Lovell absent on personal business. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Jones absent.

The Houston City Council reconvened at 9:00 a.m. Wednesday, June 22, 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, present.

At 8:18 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:12 a.m. Mayor Parker called the meeting to order and stated that in order not to overload everybody at the table she would call for a brief recess so that they could change their agenda books out for the budget books, that she would make sure they had an opportunity to make the transition. Council Members Johnson, Clutterbuck, Adams, Gonzalez, Rodriguez and Lovell absent.

Mayor Parker stated that if Council Members had not had an opportunity to see the Senior Games and any of the competition she was at their big public ceremony last night, which was wonderful, but they were half way through the Senior Games, that they did have an athlete who was killed in an accident yesterday and she wanted to offer condolences to his family, but she would say, and understood it was the family's attitude, he was participating in a high speed bicycle race in Katy, he was pursuing a sport he loved, another bike went down and he hit it, he could not avoid it, that the athlete was in his 80's, that it was a very competitive sport, that it was a high speed bicycle race, that again their condolences to his family, that she understood from talking to Dan Waltermann, Memorial Hermann, who helped chair the effort that just yesterday in

the women's basketball there were a couple of broken ribs and a couple of clavicle's, that apparently the women's basketball was very rough, a lot of elbows being thrown yesterday, that these were very competitive games and exciting to watch, that she was on stage last night with two of the competitors, one was 102 years old and the other 100 years old and they still pursued their sports, and a master swimmer who was in his 80's and still setting masters records, so there was still hope for them all. Council Members Clutterbuck and Adams absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 61**

#### **ACCEPT WORK** - NUMBERS 2 and 3

2. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$7,772,828.00 and acceptance of work on contract with **DIVISION ONE CONSTRUCTION LLC** for Cullen Maintenance Facility - 3.85% over the original contract amount **DISTRICT D – ADAMS** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. MOTION 2011-0478 ADOPTED.
3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,737,478.62 and acceptance of work on contract with **TOTAL SITE, INC** for Neighborhood Street Reconstruction Project 462 - 0.07% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON and H - GONZALEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. MOTION 2011-0479 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 5 through 7

5. **ELECTRIC TRANSPORTATION ENGINEERING CORPORATION dba ECOTALITY NORTH AMERICA** for Electric Vehicle Supply Equipment for the Fleet Management Department \$156,568.00 and contingencies for a total amount not to exceed \$164,396.40 - Grant Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. MOTION 2011-0480 ADOPTED.
6. **PROVIDENCE ENGINEERING AND ENVIRONMENTAL GROUP, LLC** for Equipment, Maintenance and Installation; and Integration of Equipment and Software for the Mobile Ambient Air Monitoring Laboratory for the Houston Department of Health & Human Services - \$183,900.00 Grant Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. MOTION 2011-0481 ADOPTED.
7. **ARAMARK CORRECTIONAL SERVICES, LLC** for Emergency Purchase Order for Jail Food Services for the Houston Police Department - \$155,000.00 - General Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. MOTION 2011-0482 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 9 through 61

9. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to scheduled ground transportation licenses; containing findings and other provisions

relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-489 ADOPTED.

10. ORDINANCE amending Exhibits “A” of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2010-989), to amend the Master Classification Ordinance to add four new job classifications and to revise one job classification; providing a repealer; providing for severability – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-490 ADOPTED.
11. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two easements; vacating and abandoning the easements to Oct Heights, Ltd., owner, in consideration of its dedication of a sanitary sewer easement and a corner clip, located in the Houston Heights Addition, John Austin League, A-1, Harris County, Texas, payment to the City of \$111,213.00 and other consideration - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-491 ADOPTED.
12. ORDINANCE amending City of Houston Ordinance No. 2010-372, Passed on May 12, 2010, which approved and authorized the submission to the United States Department of Housing and Urban Development of the 2010 Consolidated Action Plan (Also referred to as the 2010-2014 Consolidated Plan and 2010 Action Plan), including a grant application for the Housing Opportunities for Persons With AIDS Program among others – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-492 ADOPTED.
- 12a. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC**, providing up to \$331,684.00 in Housing Opportunities for Persons with AIDS Funds for the administration and operation of Community Residences, along with the provision of supportive services - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-493 ADOPTED.
13. ORDINANCE approving and authorizing contract between the City of Houston and **NEW HOPE COUNSELING CENTER, INC**, providing up to \$169,595.00 in Housing Opportunities for Persons with AIDS Funds for the administration and operation of a Short-Term Rent, Mortgage and Utility Assistance Program and the provision of supportive services – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-494 ADOPTED.
15. ORDINANCE approving and authorizing an Economic Development Agreement between the City of Houston, Texas, and **HEB GROCERY COMPANY, LP** for the development and operation of a grocery store in the Gulfgate Shopping Center - **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. Council Members Clutterbuck and Adams absent.
16. ORDINANCE approving and authorizing Special Warranty Deed conveying to the Independent Arts Collaborative a parcel of land located at 3400 Main Street, being all of Block 6 in the Main Street Addition Subdivision, Houston, Harris County, Texas, for \$2,500,000.00 - Revenue **DISTRICT D - ADAMS** – 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 and Adams absent.

- 16a. ORDINANCE approving and authorizing an Economic Development Agreement between the City of Houston, Texas, and **INDEPENDENT ARTS COLLABORATIVE** for the development, construction, and operation of a Multi-Tenant Performing Arts Facility in the City – 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 and Adams absent.
19. ORDINANCE approving and authorizing Purchase Agreement between the City of Houston and **TRAVELERS INSURANCE COMPANY** for Radio Equipment and Tower Insurance; providing maximum contract amount - 1 Year - \$216,038.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-495 ADOPTED.
20. ORDINANCE amending Ordinance No. 2008-0675 (Passed on July 30, 2008) to increase the maximum contract amount for contract between the City of Houston and **DISCOVERY SERVICES OF TEXAS, INC** for Legal Duplicating and Litigation Support Services for the Legal Department \$35,837.35 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-496 ADOPTED.
21. ORDINANCE amending Ordinance No. 2008-964 to increase the maximum contract amount between the City of Houston and **SCHNEIDER ELECTRIC USA, INC (Formerly known as SQUARE D COMPANY)** for Maintenance and Repair Services for Electric 138KV Substations for the Public Works & Engineering Department - \$399,063.50 - Enterprise Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-497 ADOPTED.
22. ORDINANCE awarding contract to **GARTEK TECHNOLOGIES, INC** for the Maintenance and Development of the Integrated Land Management System for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options \$5,200,000.00 - Building Inspection Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-498 ADOPTED.
25. ORDINANCE appropriating \$930,000.00 out of Parks Consolidated Construction Fund, \$193,000.00 out of Solid Waste Consolidated Construction Fund, \$520,000.00 out of Police Consolidated Construction Fund, \$448,000.00 out of Public Library Consolidated Construction Fund, \$365,000.00 out of Public Health Consolidated Construction Fund, \$469,000.00 out of General Improvement Consolidated Construction Fund, and \$105,000.00 out of Street & Bridge Consolidated Construction Fund, for Project Management Costs – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-499 ADOPTED.
26. ORDINANCE appropriating \$1,536,009.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing an agreement between the City of Houston, Texas Department of Transportation and **HARRIS COUNTY** for the Construction of Clinton Drive from the Port of Houston Authority Gate 8 Entrance to IH 610; providing funding for CIP Cost Recovery relating to construction financed by the Street & Bridge Consolidated Construction Fund - **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. Council Members Clutterbuck and Adams absent.
27. ORDINANCE appropriating \$254,246.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing an Interlocal Agreement between the City of

Houston and **HARRIS COUNTY** for the Relocation of City of Houston utilities on Gulf Bank Road at Sweetwater Lane; providing funding for CIP Cost Recovery relating to construction financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** – 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 and Adams absent.

28. ORDINANCE amending Ordinance No. 2011-0181, which prohibited the use of designated groundwater beneath three tracts of land containing 18.180 acres commonly known as 800 Burnett Street, Houston, Texas and portions of Keene Street, Trentem Street (a/k/a Trentham Street), North Main Street, Naylor Street, Vine Street, and Daly Street rights of way, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-500 ADOPTED.
29. ORDINANCE appropriating \$115,799.00 from Drainage Improvement Commercial Paper Series F Fund 4030 and approving and authorizing purchase of a storm sewer drainage easement for the Kirkwood Drive Drainage Improvements Project, in the Woods of Lakeside Subdivision, H. K. Lewis Survey, A-42, Harris County, Texas; approving and ratifying a Purchase Agreement with Robert C. Briggs and Gayle J. Briggs, and approving a form of easement conveyance - **DISTRICT G - PENNINGTON** – 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 and Adams absent.
30. 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 48/42 inch waterline from Sims Bayou to Hillcroft Project; authorizing the acquisition of certain real property interests required for the project 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 easements to two parcels of land situated in the C. W. Adams Survey, Abstract No. 101, in Harris County, Texas, said parcels of land being out of and part of two larger tracts of land described in deeds recorded under Harris County Clerk's File No. H445973 and No. G130472 in Houston, Harris County, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-501 ADOPTED.
47. ORDINANCE appropriating \$968,620.00 out of Drainage Improvement Commercial Paper Series F Fund and \$6,611,379.10 out of Reimbursement of Equipment/Projects Fund, awarding contract to **HUFF & MITCHELL, INC** for Airline Drive Drainage Improvements Segment 1; 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund; and the Reimbursement of Equipment/Projects Fund - **DISTRICT H - GONZALEZ** – 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 and Adams absent.
49. ORDINANCE appropriating \$665,861.70 out of Drainage Improvement Commercial Paper Series F Fund and \$4,715,038.30 out of Reimbursement of Equipment/Projects Fund; awarding contract **SPRINT SAND & CLAY, LLC** for Bretshire Stormwater Detention

Basin; 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund and Reimbursement of Equipment/Projects Fund - **DISTRICT B - JOHNSON** – 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 and Adams absent.

59. ORDINANCE No. 2011-479, passed first reading June 15, 2011  
ORDINANCE granting to **MIDSTATE ENVIRONMENTAL SERVICES LP, A Texas Limited Partnership**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-479 PASSED SECOND READING IN FULL.
60. ORDINANCE No. 2011-480, passed first reading June 15, 2011  
ORDINANCE granting to **TEXAS PRIDE SEPTIC, INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-480 PASSED SECOND READING IN FULL.
61. ORDINANCE No. 2011-481, passed first reading June 15, 2011  
ORDINANCE granting to **THERMO FLUIDS, INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. ORDINANCE 2011-481 PASSED SECOND READING IN FULL.

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

**ACCEPT WORK**

1. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$4,481,860.58 and acceptance of work on contract with **TEAL CONSTRUCTION COMPANY** for Bracewell Library - 3.62% under the guaranteed maximum price - **DISTRICT E – SULLIVAN** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. Council Members Clutterbuck and Adams absent.

After discussion by Council Member Sullivan a vote was called on Item No. 1. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. MOTION 2011-0483 ADOPTED.

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,710,274.14 and acceptance of work on contract

with **BEYER CONSTRUCTION , L.L.P.** for Wilcrest Drive Rehabilitation from Bellaire Blvd. to Beechnut Street 0.34% under the original contract amount - **DISTRICT F – HOANG** - was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. Council Members Clutterbuck and Adams absent.

After discussion by Council Member Hoang a vote was called on Item No. 4. All voting aye. Nays none. Council Members Clutterbuck and Adams absent. MOTION 2011-0484 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

8. RESOLUTION supporting the implementation activities by the Bacteria Implementation Group (more commonly known as the “BIG”) for local watersheds in Houston, Texas, that do not meet the water quality standards for bacteria – was presented, and tagged by Council Members Costello and Bradford. Council Members Clutterbuck and Adams absent.
14. ORDINANCE approving and authorizing the submission of application for grant assistance to the **U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)**, for the FY2011 COPS Hiring Program for the Houston Police Department; 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. Council Members Clutterbuck and Adams absent.

Upon questions by Council Members, Mayor Parker stated that last year they got the maximum COP Grant and it was not a matter that they did not score well, there were millions more in applications than available for award, that what happened was that they received the maximum funding in the second round, what happened in the first round was frankly they felt they were penalized for being efficient with their police resources and it was extremely frustrating, that one of her first trips to Washington she met with the Justice Department and Bernard Melekiani, who was over the program and made a pitch for Houston and they subsequently pressed on it and she believed that helped get Houston into the second round of funding and they continue to believe and hoped they helped change their mindset, that programs that were efficient users of police resources ought to be rewarded instead of penalized; that to bring all Council Members into the discussion COPS Grants were for the hiring of new officers so they were using it to fund the cadet class and their assurance that they would be able to maintain these officers was built into the police contract that they all ratified, that they had a minimum cadet commitment and the number of officers coming in to maintain, so not only was it a requirement of the grant, but by virtue of the new contract they had committed to making sure that they keep the officers as they came in.

After further discussion by Council Members, a vote was called on Item No. 14. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Adams and Rodriguez absent. ORDINANCE 2011-502 ADOPTED.

17. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **ABITIBI-CONSOLIDATED CORPORATION** (Approved by Ordinance No. 2005-0736) for the purchase of Comingled Recyclable Materials - was presented, and tagged by Council Members Noriega and Jones. Council Members Johnson, Clutterbuck, Adams and Rodriguez absent.

18. ORDINANCE approving and authorizing second amendment to Lease Agreement between the City of Houston and **CHAMPION RECYCLING CORPORATION** (Approved by Ordinance Nos. 92-0391 and 98-0361) for the construction and operation of a Waste Paper Processing Plant - was presented, and tagged by Council Members Noriega and Jones. Council Members Johnson, Clutterbuck, Adams and Rodriguez absent.
23. ORDINANCE appropriating \$698,557.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **JOHN KIRKSEY ASSOCIATES, ARCHITECTS, INC** for Traffic and Transportation Maintenance Facility Replacement; providing funding for the Civic Art Program, Environmental Consulting Services and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Adams and Rodriguez absent. ORDINANCE 2011-503 ADOPTED.
24. ORDINANCE awarding construction contract to **BUTCH'S WATERPROOFING, L.P.** for 611 Walker Exterior Renovations and Repair; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for quality assurance inspection services and contingencies relating to construction of facilities financed by the PWE-Water & Sewer System Operating Fund - \$1,174,130.00 - Enterprise Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Adams and Rodriguez absent. ORDINANCE 2011-504 ADOPTED.

The City Secretary stated that Item No. 29 was listed earlier as not in and it had been squared for separate consideration, however when the ordinance was received the caption was supposed to have been changed to show the name of the people who they were purchasing the property from and it had not been corrected so she was going to hold it until later to see what the Legal Department said about the posting, and Mayor Parker stated to please list Item No. 29 as not in. Council Members Johnson, Clutterbuck and Adams absent.

31. ORDINANCE appropriating \$1,150,000.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for Negotiated Work Orders for Pre-Engineering of Storm Water Drainage Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund – was presented. All voting aye. Nays none. Council Members Johnson, Clutterbuck and Adams absent. ORDINANCE 2011-505 ADOPTED.
32. ORDINANCE appropriating \$952,585.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **TRW ENGINEERS, INC D/B/A TSC ENGINEERING** for Meyerland and Marilyn Estates Drainage and Paving and Braesmont Drive (Braeswood to Lymbar) Drainage and Paving (Sub-Project 1); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Johnson, Clutterbuck and Adams absent. ORDINANCE 2011-506 ADOPTED.
33. ORDINANCE appropriating \$6,000.00 out of Street & Bridge Consolidated Construction Fund and \$6,000.00 out of Drainage Improvement Commercial Paper Series Fund; approving and authorizing Professional Construction Management and Inspection

Services Agreement between the City of Houston and **SOWELLS CONSTRUCTION MANAGEMENT AND INSPECTION** for Storm Sewer and Paving Projects – was presented. Council Members Johnson, Clutterbuck and Adams absent.

Upon questions by Council Members, Mayor Parker stated that senior Council Members knew that as they got to the end of the year there were projects that had been stacked up, they tried to put them into the fiscal year they were intended, they were not General Fund dollars, they were Capitol dollars so they did not impact the over all General Fund budget, but to someone who may not be aware of that they may be concerned that they were pushing through so many building projects, that on the other hand even if these were General Fund dollars they had to continue to reinvest in the infrastructure of the City and these were important projects going forward; that they were using previously allocated debt to provide these projects, they had not received any money yet under Rebuild Houston, the drainage fee, and could not launch any projects with that drainage fee until they began to accrue enough funds to make sure they could continue the projects, that Rebuild Houston, the drainage fee, did have a prohibition on future issuance of debt, that this was not issuance of new debt, it was working under bond elections that they had previously had, that much of these was being funded by commercial paper which was the standard way they did business, they had bond authorization, they used commercial paper for the short term projects at work and then when they amass enough commercial paper they take it out into long term debt, they would not be able to do this in the future, they would still use commercial paper but they would not be able to do the long term debt in the future, that as to their not doing it in the future it would be after July 1, 2011, they could still do debt for other type of projects, they could do debt with Water and Sewer Funds, but because of the structure and requirements of Proposition 1 last year they could not do debt financing of street and drainage projects, that it was a pay as you go system; that as they said in all of the townhall meetings that they did about the drainage fee, they had funding for the next four years of the CIP, the out year was more iffy, that funding was already identified and in place and they had the debt capacity to do that, they just could not take out any new debt and as they indicated their commitment was to complete the CIP as scheduled and then they would begin to add on new projects and by the time they were adding on new projects the drainage fee would have amassed so that they could pay for those projects, and then as they began to pay down the debt previously issued that would free up more money going forward, that it should effect the CIP they had before positively in that the out years of the existing CIP, if they looked at their CIP book there were a number of projects with funding not identified and they believed it would not have any impact on the initial CIP, because prices for construction were historically low and they were looking for options to take advantage of that, that they may try to move up some of those CIP projects if they could; that one of the issues this year was because of litigation around the Water Sewer Rate overhaul, that not all of these were water sewer projects, but a significant number of them were and those got stacked up until the court ruling and then once the court ruling came they were able to launch those projects. Council Member Johnson absent.

A vote was called on Item No. 33. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2011-507 ADOPTED.

34. ORDINANCE appropriating \$752,000.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** for Southpark and Southcrest Drainage and Paving; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - **DISTRICT D – ADAMS** - was presented. All voting aye. Nays none. ORDINANCE 2011-508 ADOPTED.
35. ORDINANCE appropriating \$587,300.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between

the City of Houston and **EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC** for Safe Sidewalk Program; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2011-509 ADOPTED.

36. ORDINANCE appropriating \$1,057,662.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CH2M HILL ENGINEERS, INC** for Sanitary Sewer Force Main Renewal and Replacement; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS F - HOANG; H - GONZALEZ and I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2011-510 ADOPTED.
37. ORDINANCE appropriating \$994,660.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **WESTON SOLUTIONS, INC** for New and/or Rehabilitation of Bar Screens and Odor Control System for White Oak, Westway Mud, Easthaven, Upper Braes and Beltway Wastewater Treatment Plants; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG; F - HOANG; G - PENNINGTON and I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2011-511 ADOPTED.
38. ORDINANCE appropriating \$192,855.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **CP&Y, INC (Formerly CHIANG, PATEL AND YERBY, INC)** for Pump and Lift Station Renewal and Replacement (Approved by Ordinance No. 2004-0713); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG and D - ADAMS** - was presented. All voting aye. Nays none. ORDINANCE 2011-512 ADOPTED.
39. ORDINANCE appropriating \$988,572.00 out of Water & Sewer System Consolidated Construction Fund and \$221,635.00 out of the Drainage Improvements Commercial Paper Series F Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **S & B INFRASTRUCTURE, LTD.** for Pump and Lift Station Renewal and Replacement - Westheimer No. 1, Gulfton, Bering, San Felipe and MUD No. 25 Storm Water Right of Way Maintenance; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund and the Drainage Improvements Commercial Paper Series F Fund - **DISTRICTS A - STARDIG; F - HOANG and G - PENNINGTON** - was presented. All voting aye. Nays none. ORDINANCE 2011-513 ADOPTED.
40. ORDINANCE appropriating \$296,200.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **LJA ENGINEERING & SURVEYING, INC** for Phase II and Phase III Services for Halls Bayou Regional / Sub-Regional Detention; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2011-514 ADOPTED.
41. ORDINANCE appropriating \$136,835.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **CHARLES D. GOODEN CONSULTING ENGINEERS,**

**INC** for Brittmoore Paving and Drainage: Hammerly to Clay (Approved by Ordinance No. 1999-0055); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - STARDIG** - was presented. All voting aye. Nays none. ORDINANCE 2011-515 ADOPTED.

42. ORDINANCE appropriating \$666,173.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **ARCADIS U.S., INC**, for Lift Station Renewal / Replacement (Approved by Ordinance No. 2005-0332); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D – ADAMS** – was presented, and tagged by Council Member Jones.
43. ORDINANCE appropriating \$1,779,398.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KUO & ASSOCIATES, INC** for Design of Water Line Replacement in Sagemont Park Area-1, Garden Villas West Area, and Sagemont Park Area-2; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. ORDINANCE 2011-516 ADOPTED.
44. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **HDR ENGINEERING, INC** for Various Water Line Replacement and Sanitary Sewer Replacement Projects - was presented. All voting aye. Nays none. ORDINANCE 2011-517 ADOPTED.
45. ORDINANCE appropriating \$122,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** (Approved by Ordinance No.2009-0333) for Design of Groundwater Treatment Plants Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS and F - HOANG** - was presented. All voting aye. Nays none. ORDINANCE 2011-518 ADOPTED.
46. ORDINANCE appropriating \$1,520,000.00 out of Drainage Improvement Commercial Paper Series F Fund, awarding contract to **T CONSTRUCTION, LLC** for FY2011 Local Drainage Project Negotiated Construction Work Orders; 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - was presented. All voting aye. Nays none. ORDINANCE 2011-519 ADOPTED.
48. ORDINANCE appropriating \$11,516,000.00 out of Drainage Improvement Commercial Paper Series F Fund and \$1,432,000.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **SER CONSTRUCTION PARTNERS, LLC.** for Kirkwood Dr. (Briar Forest) Drainage and Paving; 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund and Water & Sewer Consolidated Construction Fund - **DISTRICT G - PENNINGTON** - was presented. All voting aye. Nays none. ORDINANCE 2011-520 ADOPTED.

50. ORDINANCE appropriating \$8,459,365.00 out of the Street & Bridge Consolidated Construction Fund and \$3,076,425.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Neighborhood Street Reconstruction Project No. 435A; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT A - STARDIG** - was presented. All voting aye. Nays none. ORDINANCE 2011-521 ADOPTED.
51. ORDINANCE appropriating \$410,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **JERDON ENTERPRISES, L.P.** for West White Oak Bayou Trail Extension - Segments 3 & 5; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - STARDIG and B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2011-522 ADOPTED.
52. ORDINANCE appropriating \$1,535,767.00 out of Metro Projects Construction Fund, awarding contract to **STATEWIDE TRAFFIC SIGNAL COMPANY** for 2011 Traffic Signal Construction - Group B; 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 Metro Projects Construction Fund - **DISTRICTS A - STARDIG; B - JOHNSON; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2011-523 ADOPTED.
53. ORDINANCE appropriating \$722,000.00 out of Metro Projects Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for On-Call Pavement Modification Project; 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 Metro Projects Construction Fund - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-524 ADOPTED.
54. ORDINANCE appropriating \$5,926,415.00 out of Metro Projects Construction Fund and \$527,065.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CONRAD CONSTRUCTION CO., LTD.** for W. Little York paving from T. C. Jester to Alabonson/Deep Forest; 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 Metro Projects Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG and B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-525 ADOPTED.

55. ORDINANCE appropriating \$5,839,291.00 out of Metro Projects Construction Fund, awarding contract to **DURWOOD GREENE CONSTRUCTION CO.** for City Wide Overlay / Rehabilitation Project Package #16 (Work Order Contract); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Metro Projects Construction Fund - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-526 ADOPTED.
56. ORDINANCE appropriating \$6,719,582.00 out of Metro Projects Construction Fund and \$1,142,596.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TRIPLE B. SERVICES, LLP** for Ley Road Paving and Drainage from Mesa to Grade Separation; 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 Metro Projects Construction Fund and Water & Sewer System Consolidated Construction Fund **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-527 ADOPTED.
57. ORDINANCE appropriating \$7,481,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON CONSTRUCTION, L.P.** for Rehabilitation of Flocculators, Clarifiers and Thickeners at East Water Purification Plant; 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 Member Sullivan absent. ORDINANCE 2011-528 ADOPTED.
58. ORDINANCE appropriating \$1,850,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to the contract between the City of Houston and **CORRPRO COMPANIES, INC** (Approved by Ord. No. 2008-0965) for Corrosion Prevention Services for the Public Works & Engineering Department - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-529 ADOPTED.

**MATTERS HELD** - NUMBERS 62 through 70A

62. ORDINANCE appropriating \$1,436,749.00 out of Equipment Acquisition Consolidated Fund as an additional appropriation to the Court System Management And Resources Technology Implementation Project for the Municipal Courts Department – (**This was Item 12 on Agenda of June 15, 2011, TAGGED BY COUNCIL MEMBERS BRADFORD and JONES**) – was presented. Council Member Jones voting no, balance voting aye. ORDINANCE 2011-530 ADOPTED.
63. RECOMMENDATION from Purchasing Agent to award to **RUSH TRUCK CENTERS OF**

**TEXAS, L.P.** for Dump Truck through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for the Department of Public Works & Engineering \$134,894.00 - Enterprise Fund – **(This was Item 14 on Agenda of June 15, 2011, TAGGED BY COUNCIL MEMBER JONES)** - was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. Council Member Jones voting no, balance voting aye. MOTION 2011-0485 ADOPTED.

64. ORDINANCE de-appropriating \$1,000,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Series 2004 Fund (Fund 2417) for use in the Workforce Housing Downpayment Assistance Program and appropriating \$1,000,000.00 out of Fund 2417 for use in the Homebuyers Assistance Program – **(This was Item 20 on Agenda of June 15, 2011, TAGGED BY COUNCIL MEMBER BRADFORD)** – was presented. All voting aye. Nays none. ORDINANCE 2011-531 ADOPTED.

65. ORDINANCE approving and authorizing an agreement to voluntarily terminate a contract between the City of Houston and the **TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS** funded under the Texas Neighborhood Stabilization Program - **DISTRICT D – ADAMS** – **(This was Item 21 on Agenda of June 15, 2011, TAGGED BY COUNCIL MEMBER BRADFORD)** – was presented. Council Members Sullivan and Lovell absent.

After discussion by Council Members, Mayor Parker stated that she would challenge that the Housing Department did not know what it was doing, that she and the Housing Department looked forward to not having to clean up things that were inherited from previous Housing Department leadership, this was simply money that was committed, it was not being spent and it was going back, it was not something that they had to repay because of problems, that this was a project that was in Council Member Adams District and knew that she had been intimately involved in the discussion, that it was a project that was originally obligated four years ago, that was trying to recall and asked Mr. Feldman to discuss. Council Members Sullivan and Lovell absent.

Mr. Feldman stated yes and that this was a situation where the City had put forth \$3.1 million for the acquisition of the property by Hope for Families acting under the belief and assumption that it would be reimbursed through NPS so as a practical matter, and what occurs now, was that the City was owed the \$3.1 million by Hope for Families, it would not receive reimbursement for the \$3.1 million from the State of Texas. Council Members Sullivan and Lovell absent.

After further discussion by Council Members, Mayor Parker stated that they recognize that the other private non profit party in this was bearing a burden because of decisions by the City that they were trying to unwind and they appreciated Good Hope's patient's in all of this. Council Members Sullivan and Lovell absent.

A vote was called on Item No. 65. All voting aye. Nays none. Council Members Sullivan and Lovell absent. ORDINANCE 2011-532 ADOPTED.

66. ORDINANCE extending the duration of **REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)** to December 31, 2033 - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and I – RODRIGUEZ** – **(This was Item 22 on Agenda of June 15, 2011, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. All voting aye. Nays none. Council Member Clutterbuck voting no, balance voting aye. Nays none. Council Members Sullivan and Rodriguez absent. ORDINANCE 2011-533 ADOPTED.

- 66a. ORDINANCE approving the fourth amendment to the Project Plan and **REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)**; authorizing the City Secretary to distribute such plans - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and I – RODRIGUEZ – (This was Item 22a on Agenda of June 15, 2011, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. All voting aye. Nays none. Council Member Clutterbuck voting no, balance voting aye. Nays none. Council Members Sullivan and Rodriguez absent. ORDINANCE 2011-534 ADOPTED.
- 66b. ORDINANCE relating to the Fiscal Affairs of the Midtown Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)**; approving the Fiscal Year 2012 Operation Budget for the Authority and Fiscal Years 2012-2016 Capital Improvements Budget for the Zone - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and I – RODRIGUEZ – (This was Item 22b on Agenda of June 15, 2011, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. All voting aye. Nays none. Council Member Clutterbuck voting no, balance voting aye. Nays none. Council Members Sullivan and Rodriguez absent. ORDINANCE 2011-535 ADOPTED.
67. ORDINANCE amending Ordinance No. 2009-392 (Passed by City Council on May 6, 2009) to increase the maximum contract amount and approving and authorizing Change Orders 7 & 8 to the contract between the City of Houston and **TIBURON, INC** to add additional functionality, interfaces, software licenses, equipment and third party components for the Automated Records Management System being implemented for the Houston Police Department – **(This was Item 24 on Agenda of June 15, 2011, TAGGED BY COUNCIL MEMBERS JONES and BRADFORD)** – was presented. All voting aye. Nays none. Council Member Jones voting no, balance voting aye. Nays none. Council Members Sullivan absent. ORDINANCE 2011-536 ADOPTED.
68. ORDINANCE amending Ordinance No. 2007-1413 passed on December 5, 2007, to increase the maximum contract amount for contract between the City of Houston and **FOX, SMOLEN & ASSOCIATES, INC** for Audit of Commercial Solid Waste Operators Franchises for the Administration and Regulatory Affairs Department - \$124,000.00 - General Fund – **(This was Item 29 on Agenda of June 15, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Jones voting no, balance voting aye. Nays none. Council Members Sullivan absent. ORDINANCE 2011-537 ADOPTED.
69. ORDINANCE awarding contract to **CENTRAL LANDSCAPE & MAINTENANCE, INC** for Grounds Maintenance and Landscaping Services for the General Services Department; providing a maximum contract amount - 3 years with 2 one year options - \$1,165,922.50 - General Fund – **(This was Item 30 on Agenda of June 15, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Jones voting no, balance voting aye. Nays none. Council Members Sullivan absent. ORDINANCE 2011-538 ADOPTED.

Mayor Parker asked Ms. Russell to hold calling the next item for just a second, that none of the not in items had been received so they would bring them in as they appear, that they were down to the budget items if they wanted to shift things, that she would ask that they take a three minute break while they do that.

70. Consideration of proposed written motions presented as amendments to Item 70A below, submitted in writing on June 15, 2011 by Council Members Costello, Noriega, Jones, Clutterbuck, Adams, Sullivan, Pennington and Rodriguez and tagged and are set forth in

the attached Exhibits (Amendments will be considered in the order of a matrix prepared by the Administration) – was presented.

Council Member Costello offered the following 7 written motions to amend Item No. 48 as follows:

70. – Costello - 1.01

City Council requires adequate input and information to address both the short term and long term financial needs of the City. Within 60 days, the administration shall appoint, with Council approval, a Long-Range Financial Management Task Force consisting of at least two Council Members, a representative of the Administration, a representative of the Finance Department, a representative from each of the City's three Labor Unions, a representative from each of the City's three Pension Boards, a representative of the Controller's Office, and five members of the community representing businesses and residents comprised of financial and actuarial experts, business interests and community leaders.

The Task Force will review the City's long-term financial situation and develop recommendations for a long-term plan of action for Council discussion and adoption. The Task Force will address long-range plans to include the City's unfunded liabilities, pension plans, benefit management, long-term indebtedness, the debt model, and all other City financial obligations. The task force shall present its final recommendations to the Council no later than January 31, 2012. The Task Force shall be advisory only, and its existence will terminate when the final report has been issued and submitted to the Mayor and City Council.

Mayor Parker stated that this amendment was listed under Council Member Costello, but the same item was also submitted by Council Member Noriega 3.01, Council Member Clutterbuck 8.02 and Council Member Pennington 12.01, that the administration had agreed to some substitute language and would welcome a motion to substitute that language if Council agreed.

Substitute Amendment

City Council requires adequate input and information to address both the short term and long term financial needs of the City. Within 60 days, the administration shall appoint, with Council approval, a Long-Range Financial Management Task Force consisting of at least two Council Members, a representative of the Administration, ~~a representative of the Finance Department,~~ a representative from each of the City's three Labor Unions, a representative from each of the City's three Pension Systems Boards, ~~a representative of the Controller's Office,~~ and five members of the community representing businesses and residents comprised of financial and actuarial experts, business interests and community leaders. The Controller shall also be represented on the Task Force; however his representative shall neither be appointed by the Mayor nor confirmed by City Council.

The Task Force will review the City's long-term financial situation and develop recommendations for a long-term plan of action for Council discussion and adoption. The Task Force will address long-range plans to include the City's unfunded liabilities, pension plans, benefit management, long-term indebtedness, ~~the debt model,~~ and all other City financial obligations. The task force shall present its final ~~recommendations~~ report to the Mayor followed by a meeting of a Committee of the Whole Council no later than January 31, 2012. The final report will include a recommendation on whether continued existence

of the group, in its current or altered form, would be beneficial. The Task Force shall maintain as privileged and confidential any work product or draft document used to compose its final report. The task force shall be advisory only, ~~and its existence will terminate when the final report has been issued and submitted to the Mayor and City Council.~~ – was presented.

After discussion by Council Members, Council Member Bradford stated that he would draw their attention to the sentence “The Task Force shall maintain as privileged and confidential any work product or draft document used to compose its final report”, what impact did that have on there being public input and public testimony allowed, that should they remove that clause or the impact that clause would have, and Mayor Parker stated that this was intended to deal with internal City documents that were in draft form and to maintain their ability to maintain the confidentiality of those internal City documents until they were in final form, that if they were really going to do their work they needed to provide them with an in depth analysis that may not be in a stage for public presentation, and Council Member Bradford stated that he just wanted to make sure on the record that this was a proviso where public comment could and should be received and at the same time there was some protection in the process, and Mayor Parker stated that she wanted to thank him for raising the issue. Council Member Stardig absent.

After further discussion by Council Members, Mayor Parker stated that the substitute amendment was the administrations suggested changes and it came from the administrations consultation with the Legal and Finance Department, they wanted to be able to provide the proper depth of information to that committee and there was some sense that they would be more willing to give them free access if there were some confidentiality requirement on things that were still in draft form, that if they had further comments they could direct them to the City Attorney, and Mr. Feldman stated that the documents could be considered privileged and confidential under what was called the Deliberative Process Privilege until such time that the final report was issued, that once the final report was issued, under the Public Information Act, the underlying documents would be subject to public disclosure. Council Member Stardig absent.

Upon further questions and discussion by Council Members, Mr. Feldman stated that they were dealing with two different statutes, the Opening Meeting Act and the Public Information Act, that the privileged nature of the documents related to whether or not it was subject to disclosure under the Public Information Act and what he referred to earlier, the Deliberative Process Privilege, which was under 111 of the Public Information, would apply based on the facts, that the saying that “it was the intent that it be privileged and confidential” was actually helpful in terms of establishing the applicability of the Deliberative Process Privilege, that it was much akin to a budget, the draft budget documents were not subject to disclosure until they put out the budget, that it was the same thing; that it did not make it any less of a public process, that was it essential, “no”, the documents were either exempt from disclosure under the Public Information Act or they were not, was it helpful, “yes”, it reflected the intent of the legislative body, of the Council, that it be part of the deliberative process, that it was helpful in that regard, that should somebody requests the documents, at some point and time before a final report was put out, just like if somebody were to request draft budget documents before the final budget was put out, that it was helpful to show the intent of the legislative body in creating this task force; that this would make his job easier, because if someone requested the documents they had to seek an opinion of the Attorney General and with this language he could demonstrate to the Attorney General the intent of the legislative body, that without the language he could still make the argument that it was subject to the Deliberative Process Privilege but this made his life easier in terms of presenting the facts to the Attorney General, that if they reviewed the document in public it was subject to disclosure, that the Deliberative Process Privilege protected documents that were exchanged in draft form and not specifically addressed in a public

meeting. Council Member Lovell absent.

Mayor Parker stated that the administration was fully supportive of the substitute, they could support the original but thought the substitute clarified some things and certainly put some protections in place on the process. Council Member Lovell absent.

Council Member Costello moved adoption of the substitute amendment, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Lovell absent  
MOTION 2011-0486 ADOPTED.

70. – Costello -1.02

Move all GIS staff from Public Works and Engineering Department to the Planning Department. Planning will designate an appropriate number of GIS staff to be always be on call for Public Works and Engineering projects – was presented.

Council Member Costello stated that he would withdraw Item Numbers 1.02, 1.04 and 1.05 as a result of discussions he had with Director Krueger.

After discussion, Council Member Pennington stated that it looked to him that the response from the administration on each one of the three that Council Member Costello had suggested was that the Department Director was the best person to determine the staffing needs, that he believed that they needed to begin the budget process earlier to better inform the Council Members of what was going on, that they could probably agree amongst themselves who would look at the departments, that he thought it was important that they begin a rigorous budget process as soon as possible, both in terms of income and expenses. Council Members Clutterbuck, Noriega and Jones absent.

Mayor Parker stated that she agreed, she thought that having the budget process start earlier this year with the intense workshops they did in the spring were a good idea and would certainly like to continue that, it had been helpful through the entire process, as to whether the Council Members should break up into smaller groups, that really was the intent of the committee system of City Council so that Council Members who were interested in a particular area, most of the item say from Public Works went to the Transportation and Infrastructure Committee, fiscal items to Fiscal Affairs, that Council Members always had the ability to divide themselves into specific work groups and that could be accomplished under the Fiscal Affairs Committee going forward, but the actual committee structure of Council was intended to do what Council Member Pennington was suggesting, to try to put Council Members in the areas they wanted. Council Members Clutterbuck, Noriega and Jones absent.

Council Member Costello stated that he welcomed the suggestion and would move forward to discuss whether or not they ought to break up into smaller groups in the future.

70. – Costello -1.04

Increase performance measures for the Storm Water Maintenance Division in the Storm Water Fund (2302) Performance measures by 4.6%. (4.6% is equivalent to the increase of FTEs) – was presented, and withdrawn by Council Member Costello.

70. – Costello -1.05

Keep the current number of FTEs in the Street and Drainage Division (281 FTEs) in the Dedicated Drainage & Street Renewal Fund (2310) – was presented, and withdrawn by Council Member Costello.

70. – Costello -1.03

Reduce number of total FTEs in Project Cost Recovery Fund (1001) to 320. This is to be on line with FY2010 and FY2011 actuals – was presented.

Council Member Costello offered the following substitute motion to amend Item No. 103 as follows:

“I offer the following substitute amendment to Budget Amendment 1.03:

Reduce the number of total FTEs in Project Cost Recovery Fund (1001) to 330. This is to be in line with FY2020 and FY201 actuals and to adjust for 10 FTEs being transferred from other funds.” Council Members Stardig and Clutterbuck absent.

After discussion Council Member Costello moved adoption of the substitute amendment, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Stardig and Clutterbuck absent MOTION 2011-0487 ADOPTED.

70. – Costello -1.06

Within 60 days, the Houston Parks and Recreation Department shall make recommendations to: 1)create partnerships with residents, community groups, management districts, and other affected parties for the management and operations of the City’s community centers; 2) enhance revenue generating opportunities for the City’s community centers; 3) implement best practices based on operational and programmatic models utilized by other cities and counties for their community centers; and 4) increase flexibility to adjust community center operations and programs to meet the needs of the community – was presented. Council Member Stardig absent.

After discussion by Council Members, Council Member Costello moved adoption of Item 1.06. All voting aye. Nays none. Council Members Stardig, Adams and Lovell absent. MOTION 2011-0488 ADOPTED.

70. – Costello -1.07

Within 120 days, the administration shall implement policy establishing qualifying guidelines for 380 agreements. The City shall give priority to projects aimed at stimulating economic development and addressing socioeconomic issues, such as food access, in underserved communities – was presented. Council Members Stardig, Adams and Lovell absent.

After discussion by Council Members, Council Member Costello stated that he would withdraw Item 1.07. Council Members Stardig, Sullivan, Pennington and Rodriguez absent.

Vice Mayor Pro Tem Gonzalez stated that Item No. 107 had been withdrawn. Mayor Parker and Council Members Stardig, Sullivan, Pennington, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Noriega offered the following 3 written motions to amend Item No. 48 as follows:

70. – Noriega - 3.01

City Council requires adequate input and information to address both the short term and long term financial needs of the City. Within 60 days, the administration shall appoint, with Council approval, a Long-Range Financial Management Task Force consisting of at least two Council Members, a representative of the Administration, a representative of the Finance Department, a representative from each of the City's three Labor Unions, a representative from each of the City's three Pension Boards, a representative of the Controller's Office, and five members of the community representing businesses and residents comprised of financial and actuarial experts, business interests and community leaders.

The Task Force will review the City's long-term financial situation and develop recommendations for a long-term plan of action for Council discussion and adoption. The Task Force will address long-range plans to include the City's unfunded liabilities, pension plans, benefit management, long-term indebtedness, the debt model, and all other City financial obligations. The task force shall present its final recommendations to the Council no later than January 31, 2012. The Task Force shall be advisory only, and its existence will terminate when the final report has been issued and submitted to the Mayor and City Council – was presented. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

After discussion Council Member Noriega stated that she would withdraw Item No. 3.01. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

70. – Noriega - 3.02

Within 90 days, the administration shall create a "Houston Property Tax" Calculator page for the City website. The page will include a graphic representation and listing of the amount of each dollar that the City collects in Taxes is spent in each major category, including as a minimum: Police, Fire, Homeland Security, Solid Waste, Library, Parks, Debt Repayment, Housing, and Health and Human Services. The calculator also shall allow residents to input their address, and have the interactive calculator detail the dollar amount dedicated to each of the same categories from the taxes paid for that address – was presented. Council Members Stardig, Adams, Sullivan, Rodriguez, Costello and Lovell absent.

After discussion Council Member Noriega moved to table Item No. 3.02, seconded by Council Member Gonzalez. Council Members Stardig, Adams, Sullivan, Rodriguez, Costello and Lovell absent.

Mayor Parker stated that she had used her officer holder account to create a budget balancer tool, that they were actually working to move it from the outside website onto the City, and she believed that this was something that could be part of that process, that she just did not know how much it would cost to create it, that she was not opposed to it and would make a good faith effort and if she could handle it out of her office holder account rather than City funds she would do it, but at the very least report back what the cost would be to create it.

After further discussion a vote was called on Council Member Noriega motion to table Item No. 3.02. All voting aye. Nays none. Council Members Stardig, Adams, Rodriguez, Costello and Lovell absent. MOTION 2011-0489 ADOPTED.

Council Member Jones asked if they wanted to withdraw something did they have to vote on it, and Mayor Parker stated no, that the maker of the amendment would withdraw their own, that she did not ask Council Member Noriega to withdraw, it was a motion to table because they were going to report back. Council Members Stardig, Adams, Rodriguez and Costello absent.

70. – Noriega - 3.03

Within 180 days the administration shall create a “Fast Track” service for permits, plan reviews, and other City services. These special “Fast Track” services shall be available for an increased fee which covers all costs associated with the faster service, including additional equipment, personnel, additional training, implementation of best practices and new technology – was presented. Council Members Stardig, Adams, Rodriguez and Costello absent.

After discussion by Council Members, Mayor Parker stated that the administration agreed, that as noted there was already a task force in place and they hoped to come back before the 180 days, but certainly as rapidly as they could; and Council Member Bradford stated that he supported the amendment and wanted to get on record of expressing concern and would monitor to ensure they had enough personnel, resources and enough attention given to those people who could not afford to pay the fast track fee and that they not just get backlogged in the system waiting several weeks or months because the limited resources that were there were processing those people who had paid the Fast Track fee, was there some safeguard that would be put in place to not permit those people who could not pay the Fast Track fee to be just simply delayed and delayed, and Mayor Parker stated that it was a point well taken, that as she said there was already a task force in place and she would make sure that was one of the issues that they address, that the other issue was that their permit fees were special purpose funds, they were a small Enterprise Fund and there was no reasonable excuse for having anybody delayed in the process because permit fees were supposed to be set such that the services were provided in a timely fashion.

After further discussion by Council Members, Council Member Noriega moved adoption of Item No. 3.03. Council Members Hoang and Jones voting no, balance voting aye. Council Members Stardig, Adams and Costello absent. MOTION 2011-0490 ADOPTED.

At 10:53 a.m. Mayor Parker stated that all of the items had been received from the earlier agenda, that it was her request that they finish those off so that the department personnel who were working those could get to the business of dealing with them and asked if Council Member Jones would hold her items so that they could dispense with the remainder of the agenda, and Council Member Jones stated yes. Council Member Stardig absent.

Mayor Parker stated that she wanted to note that Council Member Stardig had stepped out temporarily, her father was going into surgery this morning and she would be back, that they wanted to wish her and her father well. Council Member Stardig absent.

15. ORDINANCE approving and authorizing an Economic Development Agreement between the City of Houston, Texas, and **HEB GROCERY COMPANY, LP** for the development and operation of a grocery store in the Gulfgate Shopping Center - **DISTRICT I – RODRIGUEZ** – was presented. Council Member Clutterbuck voting no, balance voting aye. Council Member Stardig absent. ORDINANCE 2011-539 ADOPTED.
16. ORDINANCE approving and authorizing Special Warranty Deed conveying to the Independent Arts Collaborative a parcel of land located at 3400 Main Street, being all of Block 6 in the Main Street Addition Subdivision, Houston, Harris County, Texas, for \$2,500,000.00 - Revenue **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Stardig absent. ORDINANCE 2011-540 ADOPTED.
- 16a. ORDINANCE approving and authorizing an Economic Development Agreement between the City of Houston, Texas, and **INDEPENDENT ARTS COLLABORATIVE** for the

development, construction, and operation of a Multi-Tenant Performing Arts Facility in the City – was presented. Council Member Stardig absent.

Council Member Adams stated that she was going to tag the item, that she was confused on the item unless someone could explain to her, that she would tag it, and knew that Mr. Icken was present, to get a explanation on what it was, that it also included 3300 Main, which was the old permits building, that she wanted to see how it was related to the purchase of the parking lot, that she wanted to get more information. Council Member Stardig absent. (Note: Council Member Adams released her tag later in the meeting.)

Mayor Parker stated that Item No. 16a had been tagged by Council Member Adams. Council Member Stardig absent.

26. ORDINANCE appropriating \$1,536,009.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing an agreement between the City of Houston, Texas Department of Transportation and **HARRIS COUNTY** for the Construction of Clinton Drive from the Port of Houston Authority Gate 8 Entrance to IH 610; providing funding for CIP Cost Recovery relating to construction financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Stardig and Adams absent. ORDINANCE 2011-541 ADOPTED.
27. ORDINANCE appropriating \$254,246.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing an Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for the Relocation of City of Houston utilities on Gulf Bank Road at Sweetwater Lane; providing funding for CIP Cost Recovery relating to construction financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Stardig and Adams absent. ORDINANCE 2011-542 ADOPTED.
29. ORDINANCE appropriating \$115,799.00 from Drainage Improvement Commercial Paper Series F Fund 4030 and approving and authorizing purchase of a storm sewer drainage easement for the Kirkwood Drive Drainage Improvements Project, in the Woods of Lakeside Subdivision, H. K. Lewis Survey, A-42, Harris County, Texas; approving and ratifying a Purchase Agreement with Robert C. Briggs and Gayle J. Briggs, and approving a form of easement conveyance - **DISTRICT G - PENNINGTON** – was presented. All voting aye. Nays none. Council Members Stardig and Adams absent. ORDINANCE 2011-543 ADOPTED.

The City Secretary stated that Item No. 29 had been corrected to show the correct caption. Council Members Stardig and Adams absent.

47. ORDINANCE appropriating \$968,620.00 out of Drainage Improvement Commercial Paper Series F Fund and \$6,611,379.10 out of Reimbursement of Equipment/Projects Fund, awarding contract to **HUFF & MITCHELL, INC** for Airline Drive Drainage Improvements Segment 1; 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund; and the Reimbursement of Equipment/Projects Fund - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Stardig and Adams absent. ORDINANCE 2011-544 ADOPTED.

49. ORDINANCE appropriating \$665,861.70 out of Drainage Improvement Commercial Paper Series F Fund and \$4,715,038.30 out of Reimbursement of Equipment/Projects Fund; awarding contract **SPRINT SAND & CLAY, LLC** for Bretshire Stormwater Detention Basin; 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund and Reimbursement of Equipment/Projects Fund - **DISTRICT B – JOHNSON** – was presented.

After discussion, Council Member Sullivan stated that not related to this particular item, he wanted to continue to advocate for the City to take an active role with the Clear Lake City Water Authority in developing the recently acquired golf course for regional detention that would benefit an area larger than the Clear Lake City Water Authority, but also their constituents in the Clear Lake City area. Council Members Stardig, Adams and Noriega absent.

Mayor Parker stated that again, not related to this particular item, that as they knew they were working with Clear Lake Water Authority on Drainage Fee Implementation and were very excited that they purchased the Clear Lake Golf Course and hoped through their discussions to get a plan in coordination with the Flood Control District very similar to what they were planning on doing at Inwood with detention ponds and retention basins that would benefit the entire region and were very excited about the possibilities. Council Members Stardig, Adams and Noriega absent.

A vote was called on Item No. 49. All voting aye. Nays none. Council Members Stardig, Adams and Noriega absent. ORDINANCE 2011-545 ADOPTED.

Mayor Parker asked the City Secretary if that completed all agenda items, and Ms. Russell stated that completed all of the items that were listed on the agenda. Council Members Stardig and Noriega absent.

After discussion, Council Member Adams stated that she would release her tag on Item No. 16a. Council Member Stardig absent.

- 16a. ORDINANCE approving and authorizing an Economic Development Agreement between the City of Houston, Texas, and **INDEPENDENT ARTS COLLABORATIVE** for the development, construction, and operation of a Multi-Tenant Performing Arts Facility in the City – was again before the City Council. All voting aye. Nays none. Council Member Stardig absent. ORDINANCE 2011-546 ADOPTED.

At 11:00 a.m. the City Council returned to the budget agenda items. Council Member Stardig absent.

70. – Jones - 5.01

Respectfully request in an effort to get the best value for tax payer dollars through competitively bid suppliers, all departments shall make purchases for supplies through authorized vendors as per Strategic Purchasing Agreement, including purchases less than \$50,000 (which are not required to come before City Council for approval) – was presented. Council Members Stardig, Sullivan, Rodriguez, Lovell and Noriega absent.

After discussion by Council Member Jones, Mayor Parker stated that if her intent was to deal with contracts under \$50,000 so that they were not sandbagging, she understood that completely, but her motion did not do that, that if she wanted to substitute something that says,

“once a contract passes \$50,000 it needs to be brought to the attention of Council to codify what was already their practice”, she was perfectly happy to do that. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Jones stated that she would prefer to do that. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Jones moved to request as a matter of policy that expenditure items, after they cross the \$50,000 threshold, that was within the discretion of the administration, be brought back to Council, or notice be given to Council, of those items, seconded by Council Member Costello. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Lovell and Noriega absent.

After discussion by Council Members, Council Member Bradford asked if they could determine how many dollars were spent collectively during any fiscal year on \$50,000 and less contracts and Mayor Parker stated yes, and Council Member Bradford stated that he would be opposed to the motion on the table because it was redundant to existing law, and Mayor Parker stated that what was illegal was breaking up contracts so that they were under \$50,000 in order to circumvent the scrutiny of Council, that in an abundance of caution she thought the motion was unnecessary but she was not opposed to it because in an abundance of caution the administration’s policy was that if a contract happened to go over, if they did a supplement and it went over \$50,000, they believed it should be brought back to City Council. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Lovell and Noriega absent.

After discussion Council Member Jones stated that if Mayor Parker stated that was the policy she guessed she would withdraw her motion, but would like to know what Council Member Bradford asked, what was the total amount of money for the \$50,000 contracts, that she did not have to have it now, that she would also like the answers to her previous questions that had been submitted that had not been answered, and Mayor Parker asked who did she submit those to and when so she could follow up, and Council Member Jones stated to the Mayor’s senior staff and to Finance, she believed, that she did not have that in front of her, that she would get back with the Mayor, and Mayor Parker stated that information was easily accessible. Council Members Stardig, Clutterbuck, Sullivan, Gonzalez, Rodriguez, Lovell and Noriega absent.

After further discussion Mayor Parker stated that Council Member Jones had withdrawn Item No. 5.01. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Lovell and Noriega absent.

70. – Jones - 5.02

Respectfully request that the Administration review and consider the cost to outsource or financially collaborate with other governmental entities (i.e., the county) the duties of the City of Houston jails from the FY '12 Houston Police Department budget or any identified budget surplus.

Council Member Jones stated that she had the same concerns about both Item Numbers 5.02 and 5.03, that she did not think they needed to be in the jail business, and Mayor Parker stated that she would say it here that she did not want them to be in the jail business, that she was willing to table these if she could get some status updates or something so that they would know what was going on related to the jail and crime labs, and if they were able to help do something to resolve the two issues. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that she would state publicly that she would like to have an independent regional crime lab and they were moving with all deliberate speed to that, that would be Item No. 5.03, that she was requesting a motion to table on both and would be happy to give an update to the appropriate Council committee, either Fiscal Affairs or Public Safety, that if they noticed in the paper this week Harris County had been considering, and there was some discussion in the media, about taking over the DNA piece, they were in productive discussions and had been on the crime lab, it was just that there was a lot of back forth and for the jail they had some public discussion about the need for a Sobering Center, that would cut their inmate population dramatically while they continue to negotiate with Harris County on getting out of the jail business, that both of those were in progress. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Lovell and Noriega absent.

After further discussion by Council Members, Mayor Parker stated that as to the request to table the motion, it was not that they opposed the motion, she would like the opportunity to brief Council Members, that she agreed that independent and regional were different things, that the difficulty, in the crime lab, was that the County only wanted to do the DNA, they had a forensic array of services that they provided for the Houston Police Department that the County was not particularly interested in taking over, that it was a more complicated issue and whatever the Police Department's desire they were moving toward an independent regional crime lab, or at least an independent crime lab, that as they were very well aware, trying to get Harris County to align with them, could sometimes be a torturous process, that what was discussed this week with Harris County was a pilot program for a number of DNA tests, that it was just small baby steps, that she wanted the opportunity to brief Council Members on where they were, but to be clear there was not a resolution, but they had made substantial progress. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez and Lovell absent.

After further discussion by Council Members, Mayor Parker stated that no they were not spending taxpayer dollars for HPD to move forward on something that she did not appear to agree with, that HPD could work on a number of things, but it did ultimately have to come up through her, that to her knowledge they were not spending money, there was a lot of planning work that was going on, and in order to achieve an independent regional lab they had to understand what services were going to be provided by that lab, what other resources were available, that there was a lot of work going on, that she did not know that the Houston Police Department had fully committed to a regional independent lab, or an independent lab, she was, that she was quite aware that not everybody in the Police Department believed that the crime lab should become independent, she was telling them that was her intention and there was a lot of work going on to analyze all aspects, that what she expected was that they would present an argument for an independent crime lab and an argument for keeping it in house under different circumstances and an argument for combining with the County, if that was the way they ended up going, she was happy to bring all of this discussion to a more appropriate place, which was at a committee, where they would have all of the documents in front of them and could do that, that she wanted to give them enough information, but this was a fluid situation and there were a lot of stake holders involved, it was probably appropriate because they had not discussed it in a long time, to bring it forward and give everybody the baseline and what the issues were, but her commitment was to come back with significant progress or things that would need Council input on, but she was not at that stage at this point.

Council Member Jones moved to table Item Numbers 5.02 and 5.03 and send to the appropriate Council committee, seconded by Council Member Costello. All voting aye. Nays none. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Lovell and Noriega absent. MOTION 2011-491 ADOPTED.

Respectfully request that the Administration review and consider the cost to outsource or financially collaborate with other governmental entities (i.e., the county) the duties of the Houston Police Department's (HPD) crime labs (drugs, evidence receiving, firearms, toxicology and serology/DNA) from the FY '12 HPD budget or any identified budget surplus – was tabled by MOTION 2011-491. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Lovell and Noriega absent.

70. – Jones - 5.04

Respectfully request that the Housing and Community Development Department (Department) follow all federal (HUD) and state regulations and that if they do not, the Department face sanctions from the Administration. Council Members Stardig, Sullivan, Rodriguez, Lovell and Noriega absent.

After discussion by Council Members, Council Member Jones stated that it was frustrating to her that people could make mistakes and they ended up having to send money back and there were no consequences, that was the purpose of her submitting this budget amendment. Council Members Stardig, Sullivan, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that she replaced the entire management structure in the Housing Department last year, if she did not go far enough someone needed to tell her she did not go far enough, and if they had failed to comply with HUD regulations since that point no one had brought that to her attention, that they had a close working relationship with HUD and she did not believe they had been sanctioned for anything since the new leadership team was in place, that if Council Member Jones wanted to have a discussion about that she was happy to sit down with her and she could lay out what she thought they had done wrong, that she was always available to any Council Member who wished to schedule an appointment so please do so. Council Members Stardig, Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Jones moved to table Item No. 5.04, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Stardig, Sullivan, Rodriguez, Lovell and Noriega absent. MOTION 2011-0492 ADOPTED.

70. – Jones - 5.05

Respectfully request that MWBE goals of 35% be assigned to all City contracts greater than \$100,000.00 and that only money spent on the core component(s)/function(s) of the contract count towards meeting that goal - was presented. Council Members Stardig, Sullivan, Rodriguez, Lovell and Noriega absent.

After discussion by Council Member Jones, Mayor Parker stated that this was a motion to put an MWBE goal of 35% on all City contracts greater than \$100,000, that the administration's position was that MWBE goals were set based on disparity studies and placing an arbitrary goal put their entire program in jeopardy and they strongly urged Council to reject the motion. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Council Member Hoang moved a verbal amendment to Item No. 5.05 "to propose only a 20% of the MWBE goal", that they had to do something that was approachable, and Council Member Jones stated that she would tag Council Member Hoang's motion to amend Item No. 5.05.

Mayor Parker stated that the administration would offer the exactly the same commentary to his motion, which was arbitrary standards for MWBE contracts would have the potential of invalidating their entire MWBE Program, they did not want to do that. Council Members Stardig,

Sullivan, Rodriguez and Lovell absent.

After further discussion by Council Members, Mr. Feldman stated that the establishment of a goal had to begin with the disparity study, that the capacity obviously becomes an issue when they look at it on a contract by contract basis, but the setting of any specific percentage to apply across the board, whether it be 5% or 10% or 35% was by definition arbitrary and would be in violation of the existing court order that the City was operating under. Council Members Stardig, Sullivan and Rodriguez absent.

After further discussion by Council Members, Council Member Jones stated that she would withdraw Item No. 5.05. Council Members Stardig, Sullivan, Rodriguez and Noriega absent.

70. – Jones - 5.06

Respectfully request that MWBE mentorship potential/participation be worth “points” when ranking firms during the contract bidding process – was presented. Council Members Stardig, Sullivan, Rodriguez and Noriega absent.

Council Member Jones asked how was Hiring Houston First any different than finding points for contracts, and Mayor Parker stated because State law was changed to allow them to do it; that a request for proposal allowed a number of different evaluation criteria and she thought it may be appropriate to discuss whether there was a mentorship or apprenticeship program as part of an evaluation matrix, that a contract bid process, under State law, required it to be a low bid, they could consider quality, price or function, and in a broader sense could consider local hire, but they were talking about two different processes, that she had asked respectfully to take it to a Council committee and they could walk through those things with her, that the administration did want for the primes to have mentorship programs and things with the subs and that was something that she had charged Ms. Wright with doing and had been mentioned she had not been on the job two months, that she would encourage them to give her a chance to do that. Council Members Stardig, Sullivan, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Jones moved to table Item No. 5.06 to the appropriate Council committee, seconded by Council Member Hoang. All voting aye. Nays none. Council Members Stardig, Sullivan, Pennington, Rodriguez, Lovell and Noriega absent. MOTION 2011-0493 ADOPTED.

70. – Jones - 5.07

Respectfully request that all recommendations of the MWDBE Transition Task Force Implementation Plan be implemented within 90 days.

After discussion by Council Member Jones, Mayor Parker stated that she appreciated the work of the volunteers who served on her transition task force on the MWBE Program and then continued to serve well into last year on this, that she would repeat she had a new director of the office and she was reorganizing that department, there had been layoffs in that department as well and while she appreciated the work of her transition task force it did not mean that she supported every recommendation that they made and she was going to work in conjunction with the new director to see which ones made sense, and if some may make sense but needed a different approach, so her motion was that they implement all of the task force recommendations and she respectfully asked for a chance to have the person that she selected to do just that have an opportunity to get in place and do it, that she fully expected that her new director of the Office of Business Opportunity to come to City Council with a reorganization plan

and an implementation plan for the suggestions that came from the Transition Task Force and lay that out for Council once she had the opportunity to get the reins fully in her hands and work through the issues. Council Members Stardig, Johnson, Adams, Sullivan, Hoang and Rodriguez absent.

Council Member Jones moved to table Item No. 5.07, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Stardig, Johnson, Adams, Sullivan, Hoang and Rodriguez absent. MOTION 2011-0494 ADOPTED.

70. – Jones - 5.08

Respectfully request that other ways be found, including but not limited to examining the City's overtime and DROP policies, to fund all City pools, all community centers, full library hours, all existing park activities/leagues, and the Mayor's Office of Disabilities – was presented. Council Members Stardig, Johnson, Adams, Sullivan, Hoang and Rodriguez absent.

After discussion by Council Members, Council Member Jones requested a roll call vote for Item No. 5.08.

ROLL CALL VOTE:

Mayor Parker voting no	Council Member Gonzalez voting no
Council Member Stardig absent	Council Member Rodriguez absent
Council Member Johnson absent	Council Member Costello voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Adams voting no	Council Member Noriega voting no
Council Member Sullivan absent	Council Member Bradford voting no
Council Member Hoang absent	Council Member Jones voting aye
Council Member Pennington voting no	MOTION 2011-0495 FAILED.

Council Member Clutterbuck stated that at the request of the Mayor she was going to withdraw the next two amendments, 8.01 and 8.02. Council Members Stardig, Johnson, Sullivan, Hoang and Rodriguez absent.

70. – Clutterbuck - 8.01

After all alternative public and private funding sources have been applied to Parks and Recreation Community Centers Operation Division, the remaining funding necessary to keep all community centers open shall be taken from cost centers 1000010001, 1000010002, and 1000010004 at the administration's discretion. This amendment shall not impact the employment status of classified officers of the Houston Police Department – was presented, and withdrawn by Council Member Clutterbuck. Council Members Stardig, Johnson, Sullivan, Hoang and Rodriguez absent.

Mayor Parker stated that she would look at those cost centers, that she did not believe that Council Member Clutterbuck had been adequately answered as to how that money was spent, that she intended to continue to pursue that. Council Members Stardig, Johnson, Sullivan, Hoang and Rodriguez absent.

70. – Clutterbuck - 8.02

City Council requires adequate input and information to address both the short term and long term financial needs of the City. Within 60 days, the administration shall appoint, with Council approval, a Long-Range Financial Management Task Force consisting of at least

two Council Members, a representative of the Administration, a representative of the Finance Department, a representative from each of the City's three Labor Unions, a representative from each of the City's three Pension Boards, a representative of the Controller's Office, and five members of the community representing businesses and residents comprised of financial and actuarial experts, business interests and community leaders

The Task Force will review the City's long-term financial situation and develop recommendations for a long-term plan of action for Council discussion and adoption. The Task Force will address long-range plans to include the City's unfunded liabilities, pension plans, benefit management, long-term indebtedness, the debt model, and all other City financial obligations. The task force shall present its final recommendations to the Council no later than January 31, 2012. The Task Force shall be advisory only, and its existence will terminate when the final report has been issued and submitted to the Mayor and City Council – was presented, and withdrawn by Council Member Clutterbuck. Council Members Stardig, Johnson, Sullivan, Hoang and Rodriguez absent.

Council Member Gonzalez moved to suspend the rules to remain in session beyond the scheduled noon recess to continue the agenda, seconded by Council Member Bradford. All voting aye. Nays none. – was presented, and withdrawn by Council Member Clutterbuck. Council Members Stardig, Johnson, Sullivan, Hoang and Rodriguez absent. MOTION 2011-0496 ADOPTED.

70. - Adams - 9.01

Within 90 days, the Human Resource Department will have established guidelines in preparing Employee Performance Evaluations (EPE). The policy should explain the timelines and the due dates that all (EPE's) should be given to Supervisors and or Directors. An Audit plan needs to be established in making sure that all EPE' are done and completed. The policy changes should be presented to the appropriate council committee for discussion and review – was presented. Council Members Stardig, Johnson, Sullivan, Hoang and Rodriguez absent.

After discussion by Council Member Adams, Mayor Parker stated that the Meet and Confer agreement should result in a contract with HOPE and this would be part of that because it was a major item of contention in that contract, that once it was done she would be happy to schedule a separate presentation specifically on the whole EPE process as outlined in that contract. Council Members Stardig and Hoang absent.

Council Member Adams moved to table Item No. 9.01 until after the Meet and Confer Agreement and to the appropriate Council committee, seconded by Council Member Costello. All voting aye. Nays none. Council Members Stardig and Hoang absent. MOTION 2011-0497 ADOPTED.

70. - Adams - 9.02

Within 30 days the Neighborhood Services Department will present its budget, operational summary, organizational chart and employee responsibility, to the Neighborhood Protection and Quality of Life Committee – was presented. Council Members Stardig and Hoang absent.

Substitute Amendment. (Shown on Matrix)

Within ~~30~~ 60 days the Administration shall present to Council the ordinance necessary to create the Neighborhood Services Department of Neighborhoods which will then present its budget, operational summary, organizational chart and employee responsibility, to the

Neighborhood Protection and Quality of Life Committee – was presented. Council Members Stardig and Hoang absent.

After discussion Council Member Adams moved to adopt the substitute amendment for Item No. 9.02, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Stardig, Sullivan and Hoang absent. MOTION 2011-0498 ADOPTED AS AMENDED.

70. - Adams - 9.04

HPD will develop a written policy within 90 days on how Neighborhood Police Storefronts will be staffed in the absence of the HPD and the Public Safety Officers. All listed times of closures for each storefront will be listed on the HPD website and sent to Members of City Council 90 days of the passing of the 2012 FY Budget – was presented. Council Members Stardig, Sullivan and Hoang.

After discussion Council Member Adams moved to adopt Item No. 9.04, seconded by Council Member Costello. All voting aye. Nays none. Council Members Stardig, Sullivan and Hoang absent. MOTION 2011-0499 ADOPTED

70. - Adams - 9.05

Recommend that the City Council Members Budget remain as the current Adopted FY 2011 Budget in the amount of \$5,473,508 for this upcoming budget year 2012 – was presented. Council Members Stardig and Hoang absent.

After discussion by Council Member Adams, Mayor Parker stated that she opposed Item No. 9.05 in general because she believed there needed to be some shared sacrifice, that the actual issue with Council Member Adams budget amendment was that by referencing last year's budget amount she actually had an even deeper cut for this year, that it was the wrong way to achieve what she was trying to achieve, if the intent was that the Council budgets were held as they were currently, without a cut from their current amount, she may make that motion and someone could second it and the administration would still oppose it but that would be how she would need to address that. Council Members Stardig and Hoang absent.

After further discussion and questions by Council Members, Mr. Dowe stated that the proposed Council budget was \$382,432 on an office basis, that the FY11 budget was \$382,222, that yes the difference was \$9,790, and Council Member Jones stated that if they multiply that by 15 as opposed to 16 because two of the Council offices would not come into effect until January, that number was \$146,850, and Mr. Dowe stated that he would take her word on that, yes, and Council Member Jones stated that the only thing they needed to add to that to figure out the difference in what was currently proposed and what Council Member Adams was proposing was to add in the health benefits and all that stuff, so what was the dollar amount for the health benefits and all that other stuff, and Mr. Dowe stated \$154,210, and Council Member Jones asked if that was with the current staffing, and asked that Mr. Dowe tell her where that number came from, and Mr. Dowe stated health benefits, Krono's charge backs, that they had less in EGIS, the City GIS system, and more in pension.

Mayor Parker stated that Council Members had complete control over their budget, that they could, through this process, reject that expense, that it was the administration's long standing policy that when they add expenses to Council budgets they cover those expenses, they give Council money to do that, and Council Member Jones stated that she could say she did not want Krono's charged to her Council budget, was that accurate, and Mayor Parker stated that not her, Council Members as a body, could say that any charges imposed on other departments did not apply to them, they had that actual authority through this process, that she did not suggest that they exercise it, but they did have that authority.

Council Member Jones asked Mr. Dowe if they could get back to her question, they had Krono's, health insurance, and Mr. Dowe stated the EGIS, the City GIS System, the system that allowed them to enter an address, and he did not use it all the time, but it allowed them to enter an address and see what City services were associated with an address, and Council Member Jones stated that as it stood now they did not have a say about that, that was imposed on their Council budgets, correct, and Mr. Dowe stated that it was included in their allocation right now, and Council Member Jones asked what else was applied to that \$154,000, and Mr. Dowe stated civilian pension, and Council Member Jones stated that they could not say "no do not pay that", and Mr. Dowe stated no, and Council Member Jones asked what else, and Mr. Dowe stated IT Data Services, IT Application Services, Voice Services and Voice Equipment, voice labor supports their phones and computers and the charges that went along with that in their Council offices, and Council Member Jones asked if that was charged to their Council offices as well, and Mr. Dowe stated yes, and Council Member Jones asked if there was anything else and Mr. Dowe stated health insurance, and Council Member Jones asked if that totaled \$154,210, that they did not have any say over that.

After a lengthy discussion by Council Members, Mayor Parker stated that Council Member Adams substitute motion, which was seconded by Council Member Johnson, was that "Council Members receive the same budget they had now for 2012 with the addition of any adjusted charges for some of the items mentioned in the discussion with Council Member Jones", that it would have the effect of increasing the amount that they receive this fiscal year as they went into the next fiscal year. Council Member Hoang absent.

After further discussion Council Member Bradford moved to call the question on Item No. 9.05, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent. MOTION 2011-0500 ADOPTED.

A roll call vote was called on the substitute motion to Item No. 9.05.

ROLL CALL VOTE:

Mayor Parker voting no	Council Member Gonzalez voting no
Council Member Stardig voting no	Council Member Rodriguez voting no
Council Member Johnson voting aye	Council Member Costello voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Adams voting aye	Council Member Noriega voting no
Council Member Sullivan voting no	Council Member Bradford voting no
Council Member Hoang absent	Council Member Jones voting aye
Council Member Pennington voting no	MOTION 2011-0501 FAILED.

70. - Adams - 9.06

Within the 90 days the administration and the HPD will provide council a policy that would protect the safety of officers on the scene of a traffic accident at the hours of darkness. Recommend that a policy be in place that would establish guidelines that would have crime scene secured to protect the officer's safety on the freeway with the use of an Arrow Board – was presented.

After discussion by Council Member Adams, Mayor Parker stated that the administration requested that she table her motion, Item No. 9.06, that HPD always did an after incident analysis to determine whether something could have been done better, she had asked them to bring forward a response specifically as to how they protect their officers at night on their streets when they were in this sort of situation and she would ask respectfully that it be tabled to the appropriate Council committee, that they were looking at nationwide best practices as well.

Council Member Adams moved to table Item No. 9.06, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Sullivan, Hoang and Lovell absent. MOTION 2011-0502 ADOPTED.

70. - Adams - 9.07

Amend Section 5-172 of the Code of Ordinances to increase the annual Game Room permit fee to \$500.00 and monthly Game Room permit to \$40. Cost analysis demonstrates that the City of Houston incurs an administrative and enforcement cost of approximately \$529.11 per permit. The current Game Room permit fee is \$100, resulting in a loss of \$429.11 per permit. 215 Game Room permits have been issued in FY11 to date. Potential revenue increase - \$86,000 – was presented.

Substitute Amendment (As shown on Matrix)

Within 60 days that Administration shall present to City Council Amendments to the appropriate Sections 5-172 of the Code of Ordinances to increase the annual Game Room permit fee to \$500.00 and monthly Game Room permit to \$40 ensure full cost recovery. Cost analysis demonstrates that the City of Houston incurs an administrative and enforcement cost which should be recovered. of approximately \$529.11 per permit. The current Game Room permit fee is \$100, resulting in a loss of \$429.11 per permit. 215 Game Room permits have been issued in FY11 to date. Potential revenue increase – \$86,000. The changes will be presented to the appropriate Council Committee.

Council Member Adams stated that she supported the administration's substitute amendment, that currently the fee was \$100 but after researching and working with ARA this did not touch the cost, that she thought, according to the amount, the analysis that Ms. Wynette Chang gave it was like \$786,000 and right now they were charging a \$100 fee and were not even touching the cost that was appropriated, and Mayor Parker stated that the administration thanked her for pointing that out, it was a good catch and a good save, that when they went

though the fee analysis this was one they missed and they were going to come back and look hard at it. Council Members Sullivan, Hoang and Lovell absent.

After further discussion by Council Members, Council Member Adams moved adoption of the substitute motion for Item No. 9.06, seconded by Council Member Gonzalez. Council Member Bradford voting no, balance voting aye. Council Members Stardig, Lovell and Noriega absent. MOTION 2011-0503 ADOPTED.

70. - Adams - 9.08

Within 90 days the Houston Planning Department will establish an ordinance/policy for the use of parking lifts. The ordinance should include lift standards, installation and permit fees - was presented.

Substitute amendment (As shown on Matrix)

Within 90 days the ~~Houston Planning~~ appropriate city departments will establish an ordinance/policies for the use of parking lifts. The ordinances should include lift standards, installation and permit fees – was presented.

Council Member Adams moved adoption of the substitute amendment, seconded by Council Member Costello. All voting aye. Nays none. Council Members Lovell and Noriega absent. MOTION 2011-0504 ADOPTED.

Council Member Adams stated that she did not submit an amendment that she wanted to but wanted the Council to be made an aware that she would ask the Mayor to set a timeline for looking at amendments or policies to look at management districts in the City of Houston, that she did not submit it because they were trying to look at what the State said, but the City of Houston did not have a policy and she was asking that they look at the districts to include and to have more than 51% of owners to be part of the management district boards and not 100% controlled by residents, and Mayor Parker stated that she agreed in principle, the management districts were actually a creature of State law, and the State Legislature, rather than the City Council, but as she had the opportunity to appoint members she certainly believed that the majority of the board should reflect business interests since they were the ones that had to pay the fees, that she appreciated the comment. Council Members Lovell and Noriega absent.

Council Member Stardig stated that she wanted to support her colleague, that they had a number of issues with the structure of management districts, conflicts in her opinion, and they were asking that the Boards and Commissions group review it closely, that the success of many parts of the City depended on these districts, that she appreciated Mayor Parker's interest in those appointments and supporting their position on that. Council Members Lovell and Noriega absent.

Council Member Sullivan stated that he had made a good faith effort to try to offer amendments that he thought would reduce their cost since they were staring in the face of a pretty serious budget cut going forward, that he did not have the resources that the Mayor's office did with Finance and Administration, but he did the best he could to identify areas where he thought they could reduce cost, that in his point of view they had a departure from the process than they did with the White administration and then with Mayor Parker's first year budget last year in that he was not called in, and did not know if any other Council Members were called in, to go over budget amendments after they were submitted or not, but he remembered last they gave them an opportunity to go over each one of them individually to try to find common ground, that did not happen this year so he was disappointed that all of his amendments had either been rejected flatly on their surface or proposed to be tabled, that he thought it was a better process, like he told Mayor Parker last night on the phone, when they

could talk and try to find where there was common ground to come up with solutions and not just straight up or straight down, that she was the Mayor and he was the Council Member, that was unfortunate because he thought they got a lot more done last year and in the end, even, some of the amendments offered were somewhat embraced by the Mayor with respect to SafeClear, some of his suggestions for the HOPE Contract and others, that good things could come out of these, that it was not an exercise in futility for him at all. Council Members Johnson, Lovell and Noriega absent.

Mayor Parker stated that Council Member Sullivan was correct and she probably should have sat down with him and worked through and all of the items, that for the benefit of the public they tried to make a distinction on his items if they actually opposed the intent, in fact she thought the bulk of his amendments he was looking at either the original budget and in the red line they addressed the intent of his motion, or he was considering citywide savings and not General Fund savings, that it was not intended to be disrespectful, they pointed out that he was looking at a different part of the budget or they had already taken his suggestion, that it was not intended as a slam on him in anyway and they tried to make that distinction between the opposed and the request motions to table. Council Members Johnson, Lovell and Noriega absent.

70. - Sullivan - 10.01

Cut City Council Members Pay by Five Percent; Savings of \$41,827.50 – was presented. Council Members Pennington, Rodriguez, Lovell and Noriega absent.

After discussion by Council Members, a vote was called on Item No. 10.01. Council Member Sullivan voting aye, balance voting no. Council Members Pennington, Rodriguez, Lovell and Noriega absent. MOTION 2011-505 FAILED.

70. - Sullivan - 10.02

Cut the Mayor's Pay by 5 Percent; Savings of \$10,457 – was presented. Council Members Pennington, Rodriguez, Lovell and Noriega absent.

After discussion by Council Members, a vote was called on Item No. 10.01. Council Member Sullivan voting aye, balance voting no. Council Members Pennington and Lovell absent. MOTION 2011-506 FAILED.

70. - Sullivan - 10.03

Eliminate Increase for Mayor's Services Strategy in the ARA Budget; Savings of \$6,227,386 – was presented.

After discussion by Council Members, a vote was called on Item No. 10.01. Council Member Sullivan voting aye, balance voting no. Council Member Lovell absent. MOTION 2011-507 FAILED.

70. - Sullivan - 10.04

Cap Audiovisual Supplies allocation to the estimated expenditures in FY2011; Savings of \$167,654 – was presented. Council Members Clutterbuck and Lovell absent.

After discussion, Council Member Sullivan stated that he would withdraw Item No. 10.04, and Mayor Parker stated that she appreciated the withdrawal of the motion, that it was a scribbler's error and just on the wrong line, that she wanted to thank him for catching the issue,

that they would make sure it was corrected. Council Members Clutterbuck and Lovell absent.

70. - Sullivan - 10.05

Cap Food Supplies allocation to the estimated expenditures in FY2011; Savings of \$128,628 – was presented. Council Members Clutterbuck and Lovell absent.

After discussion by Council Member Sullivan, Mr. Dowe stated that the increase was the result in an increase in emergency allocation on the line item, and Council Member Sullivan stated asked if the fund itself would cover expenditures other than emergencies as well, and Mayor Parker stated that he was correct, that the increase this year had to do with a food allocation for emergency response, but it did cover more items, and Council Member Sullivan stated that he did not want to give the impression that he was after police and fire for having food available during emergencies, during hurricanes or whatever, it was the fact that it encompassed a lot of food supplies other than public safety and Mayor Parker stated yes. Council Members Lovell and Noriega absent.

A vote was called on Item No. 10.05. Council Member Sullivan voting aye, balance voting no. Council Members Lovell and Noriega absent. MOTION 2011-0508 FAILED.

70. - Sullivan - 10.06

Cap Education and Training allocation to the estimated expenditures in FY2011; Savings of \$509,743 – was presented. Council Members Lovell and Noriega absent.

Council Member Sullivan stated that if in fact the last statement was true, if in fact this would increase General Fund then he would withdraw Item No. 10.06. Council Members Lovell and Noriega absent.

Mayor Parker stated that yes, his savings were included in Enterprise Funds, the actual General Fund was lowered as part of the budget.

70. - Sullivan - 10.07

Cap Contract/Sponsorship allocation to the estimated expenditures in FY2011; Savings of \$881,186

Council Member Sullivan stated that if in fact the description was correct, if this item would increase General Fund spending then he would withdraw Item No. 10.06, and Mayor Parker stated that yes it would. Council Members Lovell and Noriega absent.

70. - Sullivan - 10.08

Cap Tuition Reimbursements allocation to the estimated expenditures in FY2011; Savings of \$128,449 – was presented.

Council Member Sullivan stated that his intent was for them to eliminate the tuition reimbursements to departments other than those that would be affected and covered under Meet and Confer.

Mayor Parker stated that the intent was not captured in his motion, if he wished to substitute a motion it would be appropriate at this time, the affect would be that tuition reimbursements specified under Meet and Confer would be allowed to increase but funds would be cut for all other tuition reimbursements, and Council Member Sullivan stated that would be

his intention.

Council Member Sullivan moved a substitute motion for Item No. 10.08, "make it General Fund only and remove anything under Meet and Confer", seconded by Council Member Costello. Council Members Lovell and Noriega absent.

After discussion by Council Members, a vote was called on Council Member Sullivan's substitute motion for Item No. 10.08. Council Member Sullivan voting aye, balance voting no. Council Members Johnson and Adams absent. MOTION 2011-0509 FAILED.

70. - Sullivan - 10.09

Cap Building Maintenance Services allocation to the estimated expenditures in FY2011; Savings of \$6,505,969 – was presented. Council Members Johnson and Adams absent.

After discussion Council Member Sullivan stated that he would withdraw Item No. 10.09. Council Members Johnson and Adams absent.

70. - Sullivan - 10.10

Cap Miscellaneous Other Services and Charges allocation to the estimated expenditures in FY2011; Savings of \$3,689,012 – was presented. Council Members Johnson and Adams absent.

After discussion Council Member Sullivan stated that he would withdraw Item No. 10.10. Council Members Johnson and Adams absent.

70. - Sullivan - 10.11

Cap Mail/Delivery Services allocation to the estimated expenditures in FY2011; Savings of \$834,207 – was presented. Council Members Johnson and Adams absent.

After discussion by Council Members, Mayor Parker stated that as every Council Member was aware they had been building up a collections group internally and in order to do that they had to have delivery service for those bills, whether that was mail expenses or other forms of delivery methods, that this was a motion to cap the mail and delivery service allocation to last year's amount, that their contention was that they needed an opportunity, since they were going to be mailing out a significant number of additional bills, they needed to have the funds available to do that, and Mr. Feldman stated that he could not send demand letters unless he could put them in the United States Mail. Council Members Johnson, Adams and Pennington absent.

After further discussion by Council Members, a vote was called on Item No. 10.11. Council Member Sullivan voting yes, balance voting no. Council Members Johnson, Adams and Pennington absent. MOTION 2011-0510 ADOPTED.

70. - Sullivan - 10.12

Cap Temporary Personnel Services allocation to the estimated expenditures in FY2011; Savings of \$780,092 - was presented. Council Members Johnson, Adams and Pennington absent.

After discussion Council Member Sullivan stated that he would withdraw Item No. 10.12. Council Members Johnson, Adams and Pennington absent.

70. - Sullivan - 10.13

Cut Advertising Services allocation by 50 percent; Savings of \$8,649,894 – was presented. Council Members Johnson, Adams and Pennington absent.

After discussion Council Member Sullivan stated that he would withdraw Item No. 10.13. Council Members Johnson, Adams and Pennington absent.

70. - Sullivan - 10.14

Cap Furniture Fixtures and Equipment purchases allocation to the estimated expenditures in FY2011; Savings of \$658,784 – was presented. Council Members Johnson, Adams and Pennington absent.

After discussion Council Member Sullivan stated that he would withdraw Item No. 10.14. Council Members Johnson, Adams and Pennington absent.

70. - Sullivan - 10.15

Cap Computer Hardware and Developed Software purchases to the estimated expenditures in FY2011; Savings of \$2,406,737 – was presented. Council Members Johnson, Adams and Pennington absent.

After discussion Council Member Sullivan stated that he would withdraw Item No. 10.15. Council Members Johnson, Adams and Pennington absent.

70. - Sullivan - 10.16

Limit Infrastructure Budget Item Under Equipment to estimated FY2011 expenditures; Savings of \$2,250,789 – was presented. Council Members Johnson, Adams and Pennington absent.

After discussion Council Member Sullivan stated that he would withdraw Item No. 10.16. Council Members Johnson, Adams and Pennington absent.

70. - Sullivan - 10.17

Eliminate Funding for Affirmative Action Monitoring; Savings of \$2,018,421 – was presented. Council Members Johnson, Adams and Pennington absent.

After discussion by Council Member Sullivan, Mayor Parker stated that they actually were required to do Affirmative Action monitoring for certain grants and so forth and believed it would be inappropriate to eliminate the monitoring process. Council Member Adams absent.

A vote was called on Item No. 10.17. Council Member Sullivan voting yes, balance voting no. Council Member Adams absent. MOTION 2011-0511 FAILED.

70. - Sullivan - 10.18

Conduct a thorough traffic and mobility study in the Clear Lake portion of District E, similar to the Parsons study conducted in December 2004 – was presented. Council Member Adams absent.

After discussion by Council Member Sullivan, Mayor Parker stated that there was no fiscal

note on his amendment so she did not know what the cost would be of this particular study that he was envisioning, would he accept a motion to table for further analysis and discussion, that she was not necessarily opposed to it, the Public Works Department felt that they already knew what the issues were but if he would be willing to sit down with her and Public Works to figure out if there was something else they could do she would be happy to do that. Council Member Adams absent.

Council Member Sullivan moved to table Item No. 10.18 for further analysis and discussion, seconded by Council Member Costello. Council Member Adams absent.

After further discussion by Council Members, a vote was called on Council Member Sullivan motion to table Item No. 10.18 for further analysis and discussion. All voting aye. Nays none. Council Member Adams absent. MOTION 2011-0512 ADOPTED.

70. - Sullivan - 10.19

Maintain funding for Bay Area Houston Economic Partnership at \$100,000 for FY2012 - was presented. Council Member Adams absent.

Council Member Sullivan moved adoption of Item No. 10.19. All voting aye. Nays none. Council Member Adams absent. MOTION 2011-0513 ADOPTED.

70. - Sullivan - 10.20

Increase funding to HFD so annual inspection of common attics can be made at all multi-family projects – was presented. Council Member Adams absent.

After discussion by Council Members, Mayor Parker stated that this was a resource issue and in conversation with the Fire Department they appreciate his motion and the intent, they believed they had it covered on a sufficient basis, and Council Member Sullivan stated that he would be willing to withdraw the motion if there was no support for it, but bring attention to the fact that they all agreed that they needed to provide what they could for them, and Mayor Parker stated that she was happy to have the Fire Department to come in and speak to the appropriate committee as to how they did inspections and how often and to have a more complete discussion.

After further discussion by Council Members, Council Member Sullivan moved to table Item No. 10.20, seconded by Council Member Hoang. All voting aye. Nays none. Council Members Adams and Lovell absent. MOTION 2011-0514 ADOPTED.

70. - Sullivan - 10.21

Purchase and install thirty-one back-up power generators for Kingwood lift stations.

Council Member Sullivan asked if they could combine Item Numbers 10.21 and 10.22 because they were of similar nature and in their telephone discussion, once again acknowledging that they did speak last night about it, after Hurricane Ike they identified citywide a number of backup generation needs, via diesel power or natural gas or whatever the case may be, that the list, if he was not mistaken, was about \$165 million in needs, that they applied for some grants and did not know if they were one time grants or FEMA grants to the State or Federal Government, that he was not privy to that information at the time, but he did know they received about 15% of their request and that was information that Mr. Andy Icken had given him as a follow up at the time and if they were not pursuing grants for backup generators for the suburban areas he would like for them to make that a priority, that the administration's comment

in both boxes, both items, was that the City had portable generators available for use if needed, was almost laughable, there was citywide woefully inadequate backup generators and he did not know who put that on paper but that was an irresponsible response to a very serious request. Council Member Noriega absent.

Mayor Parker stated that it was not intended to be in any way disrespectful, as they were well aware there was subsequent to the storm and this issue a State Law amendment that required a level of backup generators, it was authored by Senator Dan Patrick and it did pass and they were required to have backup generation capability at their water and sewer lift stations and that was what they were referring to, that his specific amendment had to do with lift stations and that was what they were trying to address. Council Member Noriega absent.

After further discussion by Council Members, Council Member Sullivan offered a substitute motion to table Item Numbers 10.21 and 10.22 and refer to the appropriate Council committee for a presentation by Public Works, seconded by Council Member Bradford. Council Member Rodriguez absent.

After further discussion a vote was called on Council Member Sullivan substitute motion. All voting aye. Nays none. MOTION 2011-0515 ADOPTED.

70. - Sullivan - 10.22

Purchase and install fourteen power generators for South-Belt portion of District E – was tabled by MOTION 2011-0515 and referred to the appropriate Council committee.

70. - Sullivan - 10.23

Increase quiet zone program 50% of approved and qualifying applications – was presented.

Council Member Sullivan stated that the quiet zone program had been very successful and well received and a great benefit to the communities where it had been implemented, that he would like to see that expanded where possible, Mayor Parker stated that it was a very popular program and as funding was available they certainly intended to do that, that at this point it was not a General Fund item, if Council Member Sullivan wished to have them update Council Members as to the amount of funding expended to date on quiet zones and the amount of funding that was currently available for those and how it was paid for she would be happy to provide that, and Council Member Sullivan asked if it was not a General Fund item where did the money come from, and Mayor Parker stated that they would get Mr. Andy Icken into the Council Chamber.

After further discussion by Council Members, Mr. Icken stated that several years ago they prioritized, and he believed it was 14 different quiet zones in the City, that the source of that funding had traditionally been shared with TxDOT, who had access through federal funding, but it was all in their CIP Plan, those were evaluated by the Traffic and Transportation Group and Public Works and it had been limited by the availability of Capital Funds there, they continued to look for opportunities but he thought they would need to go back, and they agreed with everybody, nobody had ever disagreed these were important programs, and Mayor Parker stated that the railroads had to agree to their prioritized list as well, that they did not do it in a vacuum, and basically they had to follow the Federal Railroad Commission rules on this, when it was a four way stop or when it was not a four way stop and how far from the stop they had to do it, they had generally been participatory in those programs, they actually saved money in this process to because they could change the speed with which the train operates once they did have a quiet zone. Council Members Johnson, Hoang and Lovell absent.

Mayor Parker stated that they agreed with Council Member Sullivan's intent on the motion, it was not necessarily a budget item for them at the Council table. Council Members Johnson, Hoang and Lovell absent.

After further discussion by Council Members, Mr. Icken stated that they did try about three years ago to go through with objective criteria, how many residents lived within 300 feet of the line and have a quantitative measure of prioritizing them, that he thought they could share that with everybody on how that system was put together. Council Members Johnson and Lovell absent.

Mayor Parker asked Council Member Sullivan if he would be willing to table Item No. 10.23 for a more complete discussion to the appropriate committee and they would come back and show how much they had spent as she suggested.

Council Member Sullivan offered a substitute motion to table Item No. 10.23 and refer to the appropriate Council committee, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2011-0516 ADOPTED.

70. - Sullivan - 10.24

Add one FTE to the Finance Department for the sole purpose of sales tax audit compliance – was presented.

After discussion Council Member Sullivan moved adoption of Item No. 10.24. All voting aye. Nays none. MOTION 2011-0517 ADOPTED.

70. - Sullivan - 10.25

Discontinue the practice of city departments paying permit fees to other city departments – was presented.

After discussion Council Member Sullivan stated that he would withdraw Item No. 10.25.

70. - Sullivan - 10.26

Review take-home vehicle policy for all non-public safety personnel, and if there have been no after-hours call out within the last 30 days (or pick some other arbitrary period of time) evaluate the need for that employee to continue to take a vehicle home. Consider a vehicle allowance, or reimbursement policy, for any legitimate city business for after hours use as an alternative policy – was presented.

After discussion by Council Members, Council Member Sullivan moved adoption of Item No. 10.26. All voting aye. Nays none. Council Member Jones absent. MOTION 2011-0518 ADOPTED.

70. - Sullivan - 10.27

Conduct a performance audit of the Mayor's Citizens Assistance Office, and determine if it is "mission critical" to core city services – was presented. Council Member Jones absent,

After discussion Council Member Sullivan moved adoption of Item No. 10.27. Council Member Sullivan voting yes, balance voting no. MOTION 2011-0519 FAILED.

70. - Sullivan - 10.28

Conduct a thorough inspection, report, recommended repairs, and timeline for all Houston Fire Stations. This to be accomplished within 6 months of adoption of the 2012 Fiscal Year Budget – was presented.

After discussion by Council Member Sullivan, Mayor Parker stated that part of her direction to Mr. Minnix when she brought him in was that she wanted a complete analysis of all building inventory across the City of Houston, he had begun that, that Council Member Sullivan's motion was limited to fire stations and she was saying they were going to include fire stations in the overall analysis and simply ask that he wait for that, that respectfully she thought there were other City facilities that were actually in worse shape than some of the fire stations and they were trying to get a comprehensive list so they could prioritize it, that his motion did not require action just a report, so it seemed to her that it was subsumed by what they were already doing, and Council Member Sullivan asked who would set the priority on when the particular departments would be chosen for their assessment, and Mayor Parker stated that the General Services Department would create a prioritized list and then that would be reported to the appropriate Council committee for analysis and adoption, that if it was above maintenance type repairs there would have to be a vote to add it to the CIP. Council Member Lovell absent.

After further discussion by Council Members, Mayor Parker stated that emergency repairs were addressed immediately, that what they were talking about was a comprehensive analysis of maintenance issues in all of their City facilities, and Council Member Jones stated that she had a number of times when her office had been directly responsible for getting emergency things fixed, the Fire Captains went through the appropriate channels to get air conditioners that had been broken for two years, heating systems that were not working in the winter, and Mayor Parker stated respectfully how long ago was that, and Council Member Jones stated that she had some this year, and Mayor Parker stated that was not addressed, and Council Member Jones stated yes, and Mayor Parker asked Council Member Jones to send her a list because she would like to know, that she would like the dates of those because she would like to raise that issue with the Fire Chief because it did go up the chain of command and go over to General Services. Council Members Lovell, Noriega and Bradford absent.

Mayor Parker stated that in consultation with Mr. Minnix it should not be a significant financial issue if they look at the fire stations and do them first, it would just be a matter of the will of Council, that if it was the will of Council then the administration could support it. Council Members Lovell and Bradford absent.

A vote was called on Item No. 10.23. All voting aye. Nays none. Council Members Lovell and Bradford absent. MOTION 2011-0520 ADOPTED.

70. - Sullivan - 12.01

City Council requires adequate input and information to address both the short term and long term financial needs of the City. Within 60 days, the administration shall appoint, with Council approval, a Long-Range Financial Management Task Force consisting of at least two Council Members, a representative of the Administration, a representative of the Finance Department, a representative from each of the City's three Labor Unions, a representative from each of the City's three Pension Boards, a representative of the Controller's Office, and five members of the community representing businesses and residents comprised of financial and actuarial experts, business interests and community leaders.

The Task Force will review the City's long-term financial situation and develop recommendations for a long-term plan of action for Council discussion and adoption. The Task Force will address long-range plans to include the City's unfunded liabilities, pension plans, benefit management, long-term indebtedness, the debt model, and all other City financial obligations. The task force shall present its final recommendations to the Council no later than January 31, 2012. The Task Force shall be advisory only, and its existence will terminate when the final report has been issued and submitted to the Mayor and City Council – was presented. Council Members Lovell and Bradford absent.

Council Member Pennington stated that he would withdraw Item No. 12.01. Council Member Lovell absent.

70. - Rodriguez - 14.01

The administration will assist the Parks Department in identifying funds to continue operating the Charlton Park Community Center – was presented. Council Member Lovell absent.

After discussion by Council Member Rodriguez, Mayor Parker stated that all community centers and pools were open through the summer season, but she had committed to making sure that all of the existing community centers were kept open through the current fiscal year. Council Member Lovell absent.

Council Member Rodriguez stated that he would withdraw Item No. 14.01. Council Members Sullivan and Lovell absent.

70a. ORDINANCE related to the Fiscal Affairs of the City; approving the annual budgets of the City of Houston, Texas, for Fiscal Year 2012 including providing for future adjustment to certain fund balances; making various amendments to the proposed budgets; authorizing various other transfers; establishing a cost for copies of the budget; approving the creation of the Parks Golf Special Fund and authorizing a transfer therefore; amending Section 32-7 of the Code of Ordinances, Houston, Texas; amending the Houston Building Code and/or Houston Fire Code to establish or increase certain fees; authorizing a transfer of certain fund balances in the Convention and Entertainment Facilities Department to the Houston First Corporation; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability – **(This was Item 48 on Agenda of June 15, 2011, TAGGED BY COUNCIL MEMBERS JONES, JOHNSON and BRADFORD)** – was presented.

Upon questions by Council Members, Mayor Parker stated that Mr. Dowe would tell them the total amount of the budget, and Mr. Dowe stated that the General Fund Budget this fiscal year was \$1,827,997,000, that it was down from the FY11 estimate of \$1,913,600, that they were adopting a budget that was roughly \$90 million less than last year, and Mayor Parker stated that they were adopting a balanced budget, that if the revenue streams were as anticipated in the budget and as had been presented to Members of Council through the Fiscal Affairs Committee meeting and of course they also looked at not only this up coming fiscal year, but they did do a 5 year presentation to Council also, that with each monthly MOFR, Monthly Operations and Financial Report, was the opportunity for Mr. Dowe to alert Council Members if they began to deviate from the expected revenue, that if revenue came in lower than anticipated though they would have to make further adjustments, that as Council Members were aware they did not draw down the fund balance, they had not used any sale of real estate as part of this budget, they hoped they would be selling real estate for some unbudgeted revenue and that the

sales tax continued to pick up but they were not going to count on that, and as she had indicated earlier if they did have unbudgeted revenue that would be reflected in the monthly report and Council would have a discussion on how to address that.

Mr. Dowe stated that he would concur, there were no large land sales like they relied on last year, it was roughly the same level as last year, no revenue bogies, no expense bogies, it was a balanced budget.

After further discussion by Council Members, a vote was called on Item No. 70a. Council Members Clutterbuck and Sullivan voting no, balance voting yes. ORDINANCE 2011-547 ADOPTED.

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

Council Member Johnson stated that he wanted to thank his colleagues for allowing them to get out of the budget at 2:30 p.m., it was good to walk out of the budget hearing before night time; that he wanted to thank the Mayor and the Greater Houston Pest Control Association, this weekend they were able to go to the Pleasantville and Denver Harbor Communities and exterminated over 100 homes, that the Greater Houston Pest Control Association had done this over the last couple of years and they appreciated the work that they were doing in the community; that the Acres Homes Juneteenth Celebration was a huge success and he wanted to thank everybody for coming out; that the Houston Contractor Association's June Luncheon would be on Thursday, June 23, 2011 at the Hess Building, 5430 Westheimer; that the Minute Maid Grand Slam for Youth Baseball with Jimmy Winn Training Center would be at Sylvester Turner Park, they would have a press event on Friday, June 24, 2011 at 10:30 a.m., the Houston Astros and the MLB Urban Youth Academy would be out as they talked about great opportunities for their youth in baseball; that the Annual Houston International Jazz Festival would be from August 5 through 7, 2011. Council Members Stardig, Sullivan, Pennington, Hoang, Rodriguez, Lovell and Bradford absent.

Council Member Gonzalez stated that he wanted to express condolences to the family and friends of Mr. Don Jordon, Jr. who passed away last Friday, that he was a long time resident of the Independence Heights Community; that he wanted to thank Congresswoman Sheila Jackson Lee for her hard work and deliberate negotiations to keep 8 pools and 7 community centers open throughout the City, that he wanted to thank and acknowledge Marathon Energy and Conoco Phillips who came together to donate approximately \$350,000, that this generous contribution would fund the facilities throughout the summer, that the Houston Parks and Recreation Department was looking for lifeguards to keep their families safe over the summer, for more info please call 832-395-7289; that the Second Annual Independence Heights Juneteenth Parade would be on Saturday, June 25, 2011; that the Go Safety Community Meeting would be on Saturday at 8:30 a.m. at the Houston Can Academy, 3401 Hardy, and hear about safety audits completed in the community. Council Members Stardig, Johnson, Sullivan, Pennington, Hoang, Rodriguez and Bradford absent.

Council Member Adams stated that she wanted to thank Director Joe Turner and his staff for the past Friday, June 17, 2011 and Dr. Alma Allen for her \$1 million appropriation for the Townwood Park Pool, that it was a great day attended by all of the community; that on Saturday she attended the P. Shawn Family Health Fair, that Mr. P. Shawn had the family health fair for the past three years in honor of his son who died of an enlarged heart and collapsed on the football field, that he enjoyed having the health fairs in the memory of his son and to educate the athletes of the importance of getting health care screenings, that it was at Grahm Park on Saturday, June 18, 2011; that on Sunday they celebrated Juneteenth at the Miller Outdoor Theater and she participated as the MC and wanted to thank the Hermann Park and Miller Outdoor Theater staff for a wonderful job; that on June 25, 2011 there would be a

groundbreaking and renovation of Scottcrest Park beginning at 11:00 a.m., they would be adding a walking trail, which was donated by Congressman Al Green, that he provided \$9 million to improve the drainage in Hiram Clarke; that on Saturday, June 25, 2011 would be the Gridiron Classic, an event fundraiser for the Texan Y.M.C.A.; that on Saturday, A Rocket would be having a 50th celebration, Black Tie Gala and Fundraiser, that she wanted to thank Diandre Sand for all of the work he continued to do; that National AIDS Testing Day would be on June 27, 2011, they would have the National AIDS Kickoff Program at Greenspoint Mall, beginning at 10:00 a.m.; that she wanted to give condolences to Michael Williams, who lost his wife Yolanda Williams, this past week to Cancer, that they were both District D residents. Council Members Stardig, Johnson, Sullivan, Pennington, Hoang, Rodriguez, Bradford and Jones absent.

Council Member Clutterbuck stated that at the end of another budget season she wanted to thank Kelly Dowe and Tantri Emo for their hard work over the past months, that she also wanted to thank the department directors, who participated in both preparing for the core services projects, as well as for the budget workshops, that she wanted to thank Council Member Costello on a fine job chairing the Budget and Fiscal Affairs Committee along with his staff, that she wanted to thank John Newport in the District C office for his hard work, attention to detail and tremendous assistance in the last three years as his staff on the Budget and Fiscal Affairs Committee. Council Members Stardig, Johnson, Sullivan, Pennington, Hoang, Rodriguez, Bradford and Jones absent.

Council Member Costello stated that he wanted to thank Council Member Clutterbuck, that like she said they all had great staff and he appreciated how they worked together, that she wanted to reiterate what Council Member Clutterbuck said to Kelly Dowe, they could not have gotten this done without their entire team, that today was the culmination of a lot of hard work and a lot of people, that he wanted Mayor Parker to extend his thank you when she met with the department directors at her next meeting for everything they had done and to remind them that they were going to put them through this same exercise probably starting in January 2012. Council Members Stardig, Johnson, Sullivan, Pennington, Hoang, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Adams stated that on behalf of Council Member Jones, she wanted to remind everyone that on Thursday, June 23, 2011 at 2:00 p.m. would be the Housing and Community Development Committee meeting; that she also wanted to thank the directors for all they continued to do because she knew that the budget was not easy. Council Members Stardig, Johnson, Sullivan, Pennington, Hoang, Rodriguez, Lovell, Bradford and Jones absent.

There being no further business before Council, the City Council adjourned at 2:41 p.m. Council Members Stardig, Johnson, Sullivan, Pennington, Hoang, Rodriguez, Lovell, Bradford and Jones absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary