

City Council Chamber, City Hall, Tuesday, February 14, 2012

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 14, 2012, Mayor Annise D. Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., C. O. "Brad" Bradford and Jack Christie D. C.; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Marta Crinejo, Agenda Director, and Ms. Stella Ortega, Agenda Office present. Council Member Melissa Noriega absent due to death in family.

At 1:55 p.m. Mayor Parker called the meeting to order and because of a full chamber stated that it was fine for people to stand against the walls but to stay away from doors and recognized Council Member Burks for prayer and pledge. Council Member Burks invited Reverend John J. Jackson, III with Miles Chapel C.M.E. Church to lead all in the prayer and Council Member Burks led all in the pledge. Council Members Sullivan, Rodriguez and Bradford absent.

At 1:59 p.m. the City Secretary called the roll. Council Member Noriega absent due to death in family. Council Members Sullivan, Rodriguez and Bradford absent.

Council Members Gonzalez and Costello moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Noriega absent due to death in family. Council Members Sullivan, Rodriguez and Bradford absent. MOTION ADOPTED.

Council Member Gonzalez moved the rules be suspended for the purpose of hearing speakers in the following order, Father Kevin Collins, Mr. Bob Fleming, Ms. Deyadira Trevino and Ms. Anna Cummings, seconded by Council Member Adams. All voting aye. Nays none. Council Member Noriega absent due to death in family. Council Members Sullivan, Rodriguez and Bradford absent. MOTION 2012-0084 ADOPTED.

Council Member Brown moved the rules be suspended for the purpose of hearing Mr. Kevin Spencer, Mr. Jay Meir, Mr. Chris Newhouse, Mr. Byron Rusk, Ms. Kathryn Vander Pol and Mr. Eric Arzola at the top of the Speakers List, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Noriega absent due to death in family. Council Members Sullivan and Bradford absent. MOTION 2012-0085 ADOPTED.

Council Member Cohen moved the rules be suspended for the purpose of hearing Mr. Frank Baker, Mr. Jamin Stocker and Mr. Christopher Hoxworth at the top of the three minute list of speakers, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega absent due to death in family. Council Members Sullivan and Bradford absent. MOTION 2012-0086 ADOPTED.

At 2:03 p.m. the City Secretary began calling the public. Council Members Sullivan and Bradford absent.

Mayor Parker stated that while Mr. Spencer was coming forward she would note the absence of Council Member Noriega and prayers were with her and her family on the death of her Father-in-law, Joe; that it was a difficult time for the family and thoughts were with her. Council Members Sullivan and Bradford absent.

Mr. Kevin Spencer, 9225 Manchester, Houston, Texas 77012 (713-928-3286) appeared, as others stood in support, in opposition to Agenda Item 35 and stated that he worked for an automotive facility and was current president of ASA; discussed the intent of modification to Chapter 8 and how the ordinance did not do what was intended. Council Member Bradford

absent.

Mayor Parker stated that for the record she never said this was about stolen parts, it was intended as a consumer protection effort. Council Members Pennington and Bradford absent.

Council Member Green stated that he was a resident of his district and he would love to sit and speak with him about it. Council Members Pennington and Bradford absent.

Council Member Brown thanked all for coming and standing up for their businesses and customers; and stated that this was not about consumer protection, but consumer and small business oppression. Council Member Bradford absent.

Mr. Jay Meir, 5621 Schumacher, Houston, Texas 77057 (713-864-6868) appeared, as others stood in support, in opposition to Agenda Item 35, presented information and stated that he owned Excel Automotive Technology and a member of ASA; and discussed the number of complaints received from customers and only four for licensed auto repair shops. Council Member Green absent.

Council Member Rodriguez thanked all for coming and upon questions, Mayor Parker stated that she was surprised to see so many present on the issue as she had met with Ms. Vanderpol and Mr. Rusk last week and indicated a substitute would be offered and it had been distributed and tomorrow she would ask the substitute be made and an immediate motion made to refer back to the Administration so they would have time to work through all the issues. Council Member Green absent.

Council Member Brown thanked Mr. Meir for coming; and upon questions, Mr. Meir stated that he was against the ordinance, if you took the number of complaints and the number of cars fixed there would be 0.000 and he was not saying to ignore those scammed, but all of this was not needed; that the names of those who scammed people were on the list so why not just go after them instead of everyone. Council Member Green absent.

Council Member Gonzalez stated that this came forward because the Administration saw a need for additional consumer protection and it had been a very lengthily process showing the process worked; that he thanked all for coming and educating the Council, but the intent was not to make things more difficult but to protect. Council Member Green absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Mr. Jay Meir, seconded by Council Member Adams. All voting aye. Nays none. Council Member Noriega absent due to death in family. Council Member Green absent. MOTION 2012-0087 ADOPTED.

Council Member Adams welcomed Mr. Meir and stated that she viewed the complaints; and upon questions, Mr. Meir stated that his source of information came from the city; and Council Member Adams stated that her concern was on the enforcement mechanism as most were from private businesses in driveways and no license; that consumers and businesses needed protected but some should be left to the state; and commended the Administration on the process. Council Member Green absent.

Council Member Sullivan stated that there was philosophical discussion at the table on the policy making process and he would encourage businesses to continue making their voices heard; that Mayor Parker said she met with a couple of people and that was great, but it was up to the public to make their voice heard; that it was said they needed consumer protection, but what he was hearing was more along the lines of doing away with bounty the wreckers allegedly had and addressing other things needing cleaned up and it was having a snowball effect.

Council Member Green absent.

Council Member Bradford moved the rules be suspended for the purpose of extending the time for questions of Mr. Jay Meir, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Noriega absent due to death in family. Council Member Green absent. MOTION 2012-0088 ADOPTED.

Council Member Sullivan urged all to make their presence known and their arguments to Council Members as he was not aware from the industry perspective the original intent had to do with bounties and he liked staying out of the way of business and over regulating. Council Member Green absent.

Mayor Parker stated that the bounty issue was one she was concerned about as many were, but it was a different ordinance and different initiative, but they would address that also and she hoped it would come forward shortly. Council Members Green and Davis absent.

Mr. Meir stated that he thought Council's job and his job was to educate customers. Council Members Davis and Green absent.

Council Member Burks stated that 85 no licensed complaints and at \$490.00 per year it was revenue the city should have; that he was burned by legitimate shops, but he went to court and won; that he knew protection was needed; and upon questions, Mr. Meir stated that he hoped they would see automotive mechanic shops was not the problem, it was the shops not licensed and they had the names to go after; and Council Member Burks stated that was what he was saying; and Mayor Parker stated that in her conversations with representatives of ASA they were interested in the city creating a licensing ordinance which would drive smaller shops in the neighborhoods out of businesses, but it was not intended to be a licensing, but instead a regulatory ordinance; and it was not about how many complaints, but about being told it would be one price and then charged another price and that could be done right now. Council Members Davis and Green absent.

Council Member Pennington moved the rules be suspended for the purpose of extending the time for questions of Mr. Jay Meir, seconded by Council Member Adams. All voting aye. Nays none. Council Member Noriega absent due to death in family. Council Members Davis and Green absent. MOTION 2012-0089 ADOPTED.

Council Member Pennington stated that he had been working on this a long time and understood primary problems were the bounty being paid to wrecker drivers and trafficking and stolen parts and then he read the ordinance and realized it regulated many other things and it may be in the name of consumer protection, but it indicated many matters being regulated were not in need of regulation and there was a cost to regulation and Council needed to make a judgment on whether consumer protection on certain measures were really worthwhile considering the amount of complaints and with so many things wrong in society and the need to really regulate things. Council Members Davis and Christie absent.

Upon questions by Council Member Bradford, Mr. Meir stated that he thought there should be something like license requirement, but they needed to remember some could not afford \$500.00; and Council Member Bradford stated that it did not have to be \$500.00; and upon further questions, Mr. Meir stated that he thought they could get good results if there was a board with some from Auto Detail and independent mechanic shop owner and let them hear and resolve problems; that bounty and stolen parts he saw as an issue; and Council Member Bradford stated that he saw it as a problem also and his research indicated what Council Member Pennington said and Council Member Sullivan said and in looking at what was on the table now there was much regulation much further reaching. Council Members Davis,

Pennington and Christie absent.

Council Member Brown moved the rules be suspended for the purpose of extending the time for questions of Mr. Jay Meir, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent due to death in family. Council Members Davis, Adams, Pennington and Christie absent. MOTION 2012-0090 ADOPTED.

Council Member Gonzalez stated that he wanted to be sure Council was listening to them, it was important and they educated them; that there were different factors to look at, the unlicensed operators, better enforcement, etc., and they were working on this. Council Members Davis, Adams, Pennington and Christie absent.

Mr. Chris Newhouse, 5823 Edgemoor Drive, Houston, Texas 77081 (713-661-8189) appeared, as others stood in support, in opposition to Agenda Item 35 and stated that the first stakeholders were insurance companies and the Attorney General ordered the city to turn over records; and discussed ASA members coming into the process after the ordinance was written, many shops not knowing of this until recent; and trying to fix a broken ordinance when they should start over. Mayor Parker, Council Members Davis, Cohen, Adams, Hoang, Pennington, Costello and Burks absent. Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Bradford, Mr. Heilman stated that the Attorney General did indicate certain records were public and they had published a number of them, but an error was made and some were not published; that they were in the process of gathering records and Mr. Cernosek would be able to view them and he had been contacted. Mayor Parker, Council Members Davis, Cohen, Adams, Pennington and Burks absent. Mayor Pro Tem Gonzalez presiding.

Council Member Brown stated that the word victimization had been brought up and the percentage of incidents were few and far between and it was ashamed because of those incidents they now had to force all small businesses in the industry and their customers into a victimization of a new kind, the victimization of over regulation, fees and fines and criminalization and they needed to take a good look at this; and Mr. Newhouse stated that police did not get a misdemeanor for writing a ticket wrong and he felt strongly about the criminalization part. Mayor Parker, Council Members Davis, Cohen, Adams, Pennington and Burks absent. Mayor Pro Tem Gonzalez presiding.

Mr. Byron Rusk, 1759 Westheimer, Houston, Texas 77098 (713-303-4133) appeared, as others stood in support, in opposition to Agenda Item 35 and stated that he was vice president of the Automotive Service Association and he believed all should go back to the drawing table and reorganize the ordinance for each section of the automotive industry; that if shops had appropriate license most consumer problems would be resolved and he committed to work with Mayor Parker and provide a structure to protect consumers and businesses. Council Members Davis, Cohen, Adams, Pennington and Burks absent.

Ms. Kathryn Vanderpol, 4610 N. Shepherd, Houston, Texas 77018 (713-695-5071) appeared, as others stood in support, in opposition to Agenda Item 35, presented information and stated that she was past president of the Automotive Service Association and was owner of Adolf Hoepfl Garage; that if the mechanic repair industry became regulated she had questions as the towing and storage industry were regulated by city and state had that made them better for the consumer; that she would ask the mechanic repair be taken out; shared a Peanuts cartoon; and urged Council to walk away from the ordinance. Council Members Davis, Cohen, Pennington and Burks absent.

Upon questions by Council Member Brown, Ms. Vanderpol stated that she would like

Council dropping the concept of regulating the mechanical repair industry and go after the unlicensed businesses and regulate collision if needed; that Houston did not need to be the first city with such an overreach of regulation. Council Members Davis, Cohen, Pennington and Burks absent.

Upon questions by Council Member Adams, Ms. Vanderpol stated that not all unlicensed shops were necessarily bad, they may be violating the law, but not ripping off customers; that she thought all in auto repair should be licensed, etc., and unlicensed businesses should be ticketed, but she did not know any of the shops. Council Members Davis, Cohen, Sullivan, Pennington, Rodriguez and Burks absent.

Mayor Parker thanked Ms. Vanderpol for coming and stated that she did take exception to the handout in that the ordinance came from the insurance lobby; that in their meeting she pointed out many things in the ordinance came directly from legislation ASA filed with the State of Texas and there had been a lot of give and take. Council Members Davis, Cohen, Sullivan, Pennington, Rodriguez and Burks absent.

Mr. Eric Arzola, 1148 Olivewood, Houston, Texas 77019 (832-971-9181) appeared, as others stood in support, in opposition to Agenda Item 35, presented information to Council Members and stated that numbers were supplied by ASA from the city and his information presented broke it down and taking the total amount showed they successfully and satisfactorily repaired about 99.9999% of those having repairs over a three year period and discussed if the ordinance passed money the city would receive and money being passed to consumers. Council Members Davis, Cohen, Sullivan and Rodriguez absent.

Upon questions by Council Member Brown, Mr. Arzola stated that they should take the 15 people in enforcement and have them go out and enforce; and Council Member Brown stated that she had a little bad car experience, but this guaranteed her victimization for life in the car repair service. Council Members Davis, Cohen, Sullivan and Rodriguez absent.

Mr. Johnny Mata, 2121 Fountain View Drive #D47, Houston, Texas 77057 (832-723-3110) appeared, as others stood in support, in opposition to Agenda Item 35, and stated that there was such a bad economy and all these people were present and not working; that this ordinance was ill-conceived and the concern was if this was another like failsafe which put expense on taxpayers. Council Members Davis, Cohen, Sullivan and Rodriguez absent.

Upon questions by Council Member Brown, Mr. Mata stated that another ordinance was here and all were confused and it should be killed; that an Office of Consumer Affairs could catch those working without license and officers could stay on the street. Council Members Davis, Cohen, Sullivan and Rodriguez absent.

Mr. Chuck Stastny, 1377 S. Loop West, Houston, Texas 77054 (713-790-0525) appeared, as others stood in support, in opposition to Agenda Item 35, and stated that the city was falsely promoting consumer protection when nothing in the regulation would resolve the customer's issue of workmanship and they were incorrectly forcing auto repair into the box as collision, storage and wrecker companies and it was not right to create regulations they could not enforce; that regulations only penalized law abiding shops; and thanked Council Members who remained attentive to their efforts. Council Members Davis, Cohen, Sullivan and Rodriguez absent.

Mr. Raymond Mynar, 8402 Mesa Drive, Houston, Texas 77028 (713-635-6296) appeared, as others stood in support, in opposition to Agenda Item 35, and stated that he was an independent shop owner, a one to two man operation, and only knew of this ordinance because of his Council Member; that he was against the forced insurance which could put him out of

business and he did free work he wondered if he would have to do paperwork on. Council Members Davis and Rodriguez absent.

Mayor Parker stated that the insurance requirement was put in at the request of ASA. Council Members Davis and Rodriguez absent.

Council Member Bradford thanked Mr. Mynar for coming; and upon questions, Mr. Mynar stated that he represented himself, he was an independent business man and not a member of the ASA; that he just found out about the ordinance in time to attend the Kashmere Townhall Meeting Council Member Davis held; that he was self-taught on computer and just trying to get caught up to the times and he did need to be more informed and was working on it; and Council Member Bradford stated that he appreciated his input. Council Member Rodriguez absent.

Upon questions by Mayor Parker, Mr. Mynar stated that he was a licensed shop, but he had received no letter from the city. Council Member Rodriguez absent.

Council Member Davis stated that he appreciated him coming with his concerns; and Mr. Mynar stated that he sure hoped they took forced insurance off the table. Council Member Rodriguez absent.

Council Member Brown stated that especially being a one man shop, sometimes two, it was unfortunate they had to look out for what government might be coming with in laws and regulations and she appreciated him giving jobs to the workplace and serving his customers with low pricing. Council Members Sullivan and Rodriguez absent.

Mr. Doug Endicott, 9311 Katy Freeway, Houston, Texas 77024 (832-775-6767) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Rodriguez absent.

Mr. Angel Hughes, 7445 Rusk, Houston, Texas 77011 (713-291-2061) appeared as others stood in support, in opposition to Agenda Item 35, and stated that he was licensed to work on vehicles but not mechanical, he did car audio and window tenting; that he did not make as much and did not work with insurance companies, etc., and to need \$300,00 of insurance to put in a \$100.00 radio would not benefit him, he too was a one man shop and he received a letter, but read it as it had already passed; that he charged \$20.00 to check a radio and he would have to write paperwork for that and his license would go from two something to six something; that hopefully Council would look at who they were affecting. Council Members Sullivan, Pennington and Rodriguez absent.

Mayor Parker stated that she would remind Council Members they received a copy of the letter and it did not say it was done and he should reread it. Council Members Sullivan, Pennington and Rodriguez absent.

Council Member Adams stated that relative to Mr. Hughes concern, a radio and window tenting shop, he did not work on cars and she would love the Mayor' s professionalism on this; and Mayor Parker stated this spoke to Ms. Vanderpol' s comment about an ordinance segmenting the industry and how much interaction you had with the vehicle, but it was difficult to draw a line, he was dealing with wiring of a car; but they were aware of the issue. Council Members Sullivan and Rodriguez absent.

Father Kevin Collins, 7250 Harrisburg Boulevard, Houston, Texas 77011 (713-921-1261) appeared as others stood in support, in favor of Agenda Item 17, and stated that he was Pastor of Immaculate Conception Church and co chair with the Metropolitan Organization and on the advisory board for Capital Idea Houston and present regarding CDBG funding for Capital Idea;

that TMO brought Capital Idea to Houston and they were asking for the City' s help in funding.

Council Members Rodriguez, Laster, Christie and Gonzales thanked Father Collins for his activism and all he and his team did in moving this forward.

Mr. Bob Fleming, 5827 Cartagena, Houston, Texas 77035 (832-545-3328) appeared as others stood in support, in favor of Agenda Item 17, and stated that he was director of Capital Idea in Houston; that their mission was to lift people out of poverty by providing a community college education and then placing them in a licensed field with a livable wage; and thanked all for their support.

Mayor Parker stated that she expected him to come back; that they butted heads at TMO saying they had to go through the RFP process and they earned this.

Council Member Costello stated that this was an incredible program and he was glad the city was helping them; and upon questions, Mr. Fleming stated that most were in three professions, the health industry with registered nursing, radiography, etc., second was in oil and gas with engineering technology, petroleum technology, etc., and third was service professionals such as electricians, welders, etc., and he looked forward to coming back.

Council Member Adams commended the Administration and thanked the Mayor for coming up with creative ideas like this; and stated that she wanted him to come back with their success and maybe they would be able to be funded more.

Council Member Green thanked Mr. Fleming for visiting with him earlier and he thought it a great program and supported the efforts.

Council Member Burks stated that tomorrow' s vote would be an enjoyable vote for TMO; and upon questions, Mr. Fleming stated that their administrative cost allocation was 13%. Council Members Brown and Gonzalez absent.

Council Member Costello moved the rules be suspended for the purpose of extending the time for questions of Mr. Bob Fleming, seconded by Council Member Burks. All voting aye. Nays none. Council Member Noriega absent due to death in family. Council Members Brown and Gonzalez absent. MOTION 2012-0091 ADOPTED.

Upon further questions by Council Member Burks, Mr. Fleming stated that the administrative allocation was carried over five or six contracts with City of Houston, United Way, etc., so in one contract it may be a little higher or lower, but overall the administrative allocation was 13%. Council Members Brown and Gonzalez absent.

Ms. Deyadira Trevino, 2111 Beaver Bend, Houston, Texas 77088 (832-638-0768) appeared in favor of Agenda Item 17, and stated that she was a member of TMO and supporting the item which would benefit 120 students; that grant money was for tutoring, child care, etc., essential to students success; and urged support for the community, the city and to inspire a new generation. Council Members Brown, Hoang, Gonzalez and Burks absent.

Ms. Anna Cummings, 2929 Buffalo Speedway #803, Houston, Texas 77098 (713-629-1252) appeared in favor of Agenda Item 17, and stated that she was a member of the TMO Executive Member on the Capital Idea Advisory Board and TMO supported this because they wanted to give others opportunity to better wages, etc., and thanked the Mayor and Council Members who worked with them. Council Members Brown, Davis, Hoang and Burks absent.

Council Member Cohen stated that she spent 10 years as executive director of the

American Jewish Community and as such was very involved in the Metropolitan Organization and she respected their work and congratulated all on that work. Council Members Brown, Davis, Hoang and Burks absent.

Mr. Frank Baker, 1405 Andrews, Houston, Texas 77019 (832-661-0939) appeared and stated that he was with Occupy Houston and they had a group which at this time was going into Freedmen's Town and there was a lot with debris, they volunteered to clean it but they needed the city's help. Council Members Davis, Hoang, Laster and Burks absent.

Mayor Parker stated that she understood they were volunteering to clean up vacant lots in Freedmen's Town and if they hauled it to the curb she would make sure they picked it up, but why would they not want the city to go after a property owner who allowed that kind of condition to exist; and Mr. Baker stated because the property owner had no control over what other people put on their property; and Mayor Parker stated that was part of the responsibility of being a property owner; that someone with Citizens Assistance would work with him, but she thought bad property owners should be punished and that was a bad property owner; and Mr. Baker stated that a second issue was he was arrested three nights ago for being in the street at his house in Fourth Ward, police officers broke the law for coming at him the opposite direction on a one way and said they could do what they wanted; and Mayor Parker stated that as long as they did it in a safe manner and not threatening to citizens she believed they were within their authority to do so; that if he wished to bring a complaint Sergeant Baltazar was present to speak with him. Council Members Davis, Cohen, Sullivan, Hoang, Laster and Burks absent.

Mr. Jamin Stocker, 1405 Andrews, Houston, Texas 77019 (706-267-0186) and stated that the actual homeowner was deceased and the granddaughter could not clean the lot; that in the beginning of the Occupy Movement in Houston he agreed to do his best to work with the city, state, etc., to see to the development of a society which recognized the openly abundant amount of available resources on this earth which could benefit all phasing out the need for subservience; that all politics was immersed in corruption; that elected officials personified an inability to solve problems such as increasing agricultural yields, all having shelter, health care and education, etc. Council Members Davis, Cohen, Sullivan, Hoang, Rodriguez, Laster and Burks absent.

Mayor Parker stated that she was interested in working with him on the vacant lot was because they did work with neighborhood associations on neighborhood cleanups and they would tackle vacant lots together so on productive things she was happy to work with him. Council Members Davis, Cohen, Sullivan, Hoang, Rodriguez, Laster and Burks absent.

Mr. Christopher Hoxworth, 7502 Winter Glen, Houston, Texas 77072 (832-377-7187) had reserved time to speak but was not present when his name was called. Council Members Davis, Cohen, Sullivan, Hoang, Rodriguez and Laster absent.

Mr. John Miller, 13403 Murphy Road, Stafford, Texas 77477 (281-850-5254) appeared, as others stood in support, in opposition to Agenda Item 35, and stated that he was a shop owner and radio host on KPRC; that complaints Council spoke of was a very minimal part of the industry and was repeated by the same bad actors; that they could not legislate that out of business, they needed to put them out of business; that he was one of the authors of the automotive licensing bill ASA sponsored in the Legislature in 1997, it did not fail, they could not get popular support, but it was an entirely different proposition than what Council had before it today, it had been to license shops to make sure motorists received qualified technicians and reputable businesses to work on their vehicles; that he did not see where the city proposal was consumer protection and at this time consumers had plenty of recourse under Texas law. Council Members Davis, Cohen, Sullivan, Rodriguez and Laster absent.

Upon questions of Council Member Bradford, Mr. Miller stated that this seemed to be focused around collision, storage and a few body shops; that after a collision when a vehicle owner found the vehicle they could have \$1,800 in fees in two days and they needed to find a way to curtail all the expense and he did not know how other than to say a tow truck driver could not get authorization to tear down a car and have the vehicle owner give that order to the shop. Council Members Sullivan, Pennington, Rodriguez and Laster absent.

Council Member Burks stated that his staff pulled up consumer protection laws which he read into the record and further stated that something was needed; and upon questions, Mr. Miller stated that he had no problem with a client signing an estimate, but what they feared was this would overreach; that Council said clients did not have faith of them not taking advantage of them, but they expected them to have faith in Council to not take advantage of them; that Council was not giving them the same respect they wanted; that they needed to curtail storage fees and bounty. Council Members Sullivan, Pennington and Rodriguez absent.

Council Member Costello moved the rules be suspended for the purpose of extending the time for questions of Mr. John Miller, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent due to death in family. Council Members Sullivan, Pennington and Rodriguez absent. MOTION 2012-0092 ADOPTED.

Upon further questions of Council Member Burks, Mr. Miller stated that if wrecker drivers were paid hundreds of dollars to deliver a car to a shop where would that shop get the money except from the consumer or higher insurance premiums from all and he suggested all sit to come up with a feasible means to do so instead of slapping on regulation on top of regulations not even being enforced; and Council Member Burks stated that he would like to meet with him today. Council Members Sullivan, Pennington and Rodriguez absent.

Upon questions of Council Member Hoang, Mr. Miller stated that it was regular for cars to be dropped at his shop before he was there and under the current proposal he needed a signature; and agreed someone should be able to give authorization to someone else for authorization and over time this could be worked out, but he did not want his insurance company to be able to authorize a shop to work on his car when he already had a shop; and they had a right to come and go through all records looking for errors and did not even need a complaint for the process. Council Members Pennington, Rodriguez and Laster absent.

Mayor Parker stated to Council Member Hoang that she would respectfully request he reread the language as it said a shop owner could not be an authorized agent and do repairs unless they were a relative. Council Members Pennington, Rodriguez and Laster absent.

Mr. Rusk Elatassi, 3720 Westheimer, Houston, Texas 77027 (713-621-6122) had reserved time to speak but was not present when his name was called. Council Members Pennington, Rodriguez and Laster absent.

Mr. Shane Rhodes, 8111 Long Point, Houston, Texas 77055 (713-582-8074) appeared, as others stood in support, in opposition to Agenda Item 35, and stated that he was owner of Rhodes Auto Sales and a member of the Houston Independent Auto Dealers and on the board of directors and a member of ASA; that they financed to those who could not get traditional financing and many customers were ripped off by the bad shops and because he was lien holder he had to protect his collateral and at least two times a month they called Auto Detail as a bad shop was holding a car hostage and about 80% of the time it was body shops who got the car from a bounty and he was trying to protect his consumer, but 95% who took cars to a good shop could not get something faxed to the shop to get them started and he did not want it harder for them having to wait another day for a car. Council Members Pennington, Rodriguez and Laster absent.

Upon questions by Council Member Brown, Mr. Rhodes stated that Auto Detail knew who the bad actors were, they had a list of complaints and it was the same people over and over again; that if they put their minds to fixing the problem it was the bad actors and he knew they could do it. Council Members Pennington, Rodriguez and Laster absent.

Mr. Mark Rodriguez, 23 Delmar, Houston, Texas 77011 (832-816-9673) appeared as others stood in support, in opposition to Agenda Item 35, and stated that he was a small business owner and president of their civic club off Harrisburg; that Gilbert Garcia did a good job in charge of METRO, but he wondered if Council had read the entire proposed ordinance; that they felt it would close many shops or scare them away and it would effect families; that some only had one car and dropped it off in the morning and expected it by lunch and paperwork may trickle and cost consumers more money; that all should be taken into consideration; and he wondered by Sergeant Provost was no longer in charge of the ordinance. Council Members Pennington, Rodriguez and Laster absent.

Mayor Parker stated that Sergeant Provost was never in charge of working the ordinance, but he was still working in Automotive Detail; that he was an expert on the ordinance and had been sent to townhall meetings, but Council Members requested he not be sent so she was sending someone else; and she expressed the intention was tomorrow morning a substitute amendment would be introduced and then have it referred back to the Administration for more work; and nothing would happen tomorrow. Council Members Pennington, Rodriguez and Laster absent.

Council Member Gonzalez thanked Mr. Rodriguez for coming and voicing his opinion and input; that recommendations were on licensing shops and upon questions, Mr. Rodriguez stated that it may be good, but to what extent, how far would the hand reach. Council Members Pennington, Rodriguez and Laster absent.

Upon questions by Council Member Brown, Mr. Rodriguez stated that he did not feel a citation should be given for human error such as a wrong letter on a work order, as said previously officers were not given citations for an error on a ticket; and he was small and could not afford ASA, etc., many shops were small and could not afford more people for paperwork. Council Members Pennington, Rodriguez, Laster and Bradford absent.

Mayor Parker thanked Mr. Rodriguez for coming and working with his civic association and stated that officers who did not fill out tickets properly actually did get disciplined. Council Members Pennington, Rodriguez, Laster and Bradford absent.

Ms. Hilda Suarez (did not wish to give address and phone number) appeared as others stood in support, in opposition to Agenda Item 35, and stated that Council needed to consider the serious consequences of the ordinance on small businesses and urged they consider the numbers presented today and how to attack the bad apples as suggested; that audits and fines put fear on many and many had Spanish as their primary language and she wanted to know if the document would also be in Spanish for all to understand. Mayor Parker, Council Members Pennington, Rodriguez and Laster absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez stated that they would have to get back with her, but it sounded like it would not be done; that he thanked her for speaking and to reiterate as the Mayor stated they were listening, appreciated everyone's input and a substitute amendment would be proposed with some changes such as removing the insurance requirement, etc., but it would not be voted on tomorrow and instead referred back for further work; that it had not been past policy to translate and there would be cost associated and at this point they would then have to translate into other prominent languages so the answer at this point would be no. Mayor

Parker, Council Members Davis, Pennington, Rodriguez, Laster and Christie absent. Mayor Pro Tem Gonzalez presiding.

Upon questions of Council Member Bradford, Mr. Heilman stated that outside services translated and converted from English to Spanish, etc., there was software but the accuracy was questionable; and Council Member Bradford stated that he did not know if the city had a legal obligation to do what she requested, but it was right; that maybe the ASA could step forward and do so and show there was a benefit to join ASA. Mayor Parker, Council Members Davis, Pennington, Rodriguez, Laster and Christie absent. Mayor Pro Tem Gonzalez presiding.

Mr. Mike Bochniak, 6611 Telephone, Houston, Texas 77061 (713-643-6234) appeared as others stood in support, on Agenda Item 35, and stated that Council heard from all small shop owners, the big ones were probably not present, he was a big shop owner with a car repair business of ten bays and eight mechanics and there was a lot of fraud and they did need Section 8; that every day people came in as they were told their transmission would be fixed for \$399 and there was no way, but he was a small shop at one time and there should be a sliding scale on licensing by number of mechanics; that he would like to be on the board, but for transmissions, much of this was advertising and that needed to be watched. Council Members Davis, Pennington, Rodriguez, Laster and Christie absent.

Upon questions of Council Member Brown, Mr. Bochniak stated that he was representing a large shop with a million dollars in insurance, but they did UPS, fleet; and Council Member Bradford stated that in looking at complaints there were few bad actors out there and the small shops were out there as many could not afford the higher prices of a larger shop and this was not good for Houston or its citizens. Council Members Davis, Pennington, Rodriguez, Laster and Christie absent.

Upon questions of Council Member Cohen, Mr. Bochniak stated that he began a small shop and stood behind his work and grew; that the city should sit with those in shops and discuss it to protect everyone, all shops and consumers. Council Members Davis, Hoang, Pennington, Rodriguez, Laster and Christie absent.

Mr. Itzhak Karib, 6703 Bissonnet, Houston, Texas 77074 (713-777-2727) appeared as others stood in support, in opposition to Agenda Item 35, and stated that he was with a small family shop 33 years; that he was a mechanic shop and would speak as such; that week after week so many take time off the job to voice resentment of the ordinance; that only insurance companies and collision repair facilities were asking for and supporting it and why were the private citizens and independent business owners and employees being penalized and paying for a selfish agenda; that the ordinance was deceiving and would lead to the opposite results of what it said opening the door for more corruption, intimidation and unnecessary burden to business and consumers; and urged it be torn down. Council Members Davis, Hoang, Pennington, Rodriguez, Gonzalez, Laster and Christie absent.

Council Member Burks stated that Council had a job to protect all and come up with an agreement all could live with; that earlier he read from the law and shady business made it all look bad, but they were looking for answers and were not passing anything tomorrow; and upon questions, Mr. Karib stated that many offered to help the city build an ordinance with licensing requirements, but all that happened was changing an ordinance and it was still based on the same principals and did not seem to help consumers and cited honest repair shops. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Adams, Hoang, Pennington, Rodriguez, Laster and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Mr. John Saxon, 3801 Jensen Drive, Houston, Texas 77026 (713-928-5707) appeared as

others stood in support, in opposition to Agenda Item 35, and stated that this had gone on over a year and he received the latest red line status just about an hour before the meeting; that his situation was unique in that he was a fleet service company doing maintenance on medium, heavy duty trucks and performed more than 200 jobs a week and were third party maintenance providers for major nationwide companies and did not actually know the owner of the vehicle, but worked within their customer system with the customer setting their standards; that they had one million in insurance and one million in blanket policy; that as the ordinance was written it would put them out of business; that a fleet business was not considered in the ordinance and as of late they tried to accommodate, but it did not work, this would put them in violation 200 plus times a week; and requested the ordinance be delayed until there was one for different type auto repair businesses. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Hoang, Pennington, Rodriguez, Laster, Green, Costello, Burks and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Bradford stated that it was fair to say the ordinance was still influx and the amendment was being reviewed. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Hoang, Pennington, Rodriguez, Laster, Green, Costello, Burks and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Council Member Sullivan thanked Mr. Saxon for coming and expressing his point of view for his specific type of business; that the recommendation tomorrow would be the proposed ordinance be referred back, but no one said for how long and they should pay attention to that; and upon questions, Mr. Saxon stated that the drainage fee now was \$7,000 and he had an occupancy permit, four fire permits, two alarm permits and two dumpster permits; and Council Member Sullivan stated that he thought the point was made that things did creep up; that Council looked at what was immediately in front of them, but they did not take into affect all done to business in the past; and upon questions, Mr. Saxon stated that the ordinance imposed too much on the shop owner; his situation was a little different, but still the same and needed to be seriously addressed; that it was so flawed there was no fixing. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Cohen, Hoang, Pennington, Rodriguez, Laster, Green, Costello, Burks and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Mr. Stuart Trenton Salch, 3106 Lawrence, Houston, Texas 77018 (281-303-7430) appeared as others stood in support, in opposition to Agenda Item 35, and stated that he was a small business owner, but not automotive; that he was speaking against Chapter 8 and asking Council why, it seemed they were over regulating and making a mountain out of a molehill; that they had the registered complaints and statistically it was not an issue; and discussed fees and asked how was it a consumer protection ordinance. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Cohen, Hoang, Pennington, Rodriguez, Laster, Costello, Burks and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Bradford stated that it was fair to say the fee structure would be modified; and thanked him for coming. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Cohen, Hoang, Pennington, Rodriguez, Laster, Costello, Burks and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Council Member Brown thanked Mr. Salch for coming on behalf of consumers and stated that she would agree they should start from scratch as it was still based on the same principal and it was not consumer protection, they knew it would screw the consumer; and Mr. Salch stated that they should take fees off law abiding businesses and put pressure on others and force them to do the right thing. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Laster, Costello and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Mr. Wyatt Wainwright, 4410 Corey Lane, Houston, Texas 77459 (281-507-7140) had reserved time to speak but was not present when his name was called. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Laster, Costello and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Ms. Brenda Lopez, 1200 Duke, Baytown, Texas 77520 (832-414-8284) appeared as others stood in support, in opposition to Agenda Item 35, and stated that according to an email she received from Council Members staff the original concern was trafficking in illegal parts, body shops charging high fees and bounties of tow trucks and that did not sound like automotive repair; that people in Council Members Gonzalez and Rodriguez districts did not want this and would not vote for them again; that Council Member Rodriguez stated she should be president of an organization and thanks to him she started Latin Automobile Service Organization and they worked with shops to get this in Spanish and under Title Six this was supposed to be in Spanish and Vietnamese and it was not and if this was for consumer protection why were they allowing them to up charge \$100.00 and instead of HPD policing this why not have them solving crimes; and Council Member Burks stated that according to deceptive trade practice those business overcharging should have been fined and closed. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Sullivan, Hoang, Pennington, Rodriguez, Laster, Costello and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Bradford thanked Ms. Lopez for coming; and upon questions, Ms. Lopez stated that her email from Council staff was dated February 11, 2012; and Title Six she mentioned, but she would have to look up what it was in. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Sullivan, Hoang, Pennington, Rodriguez, Laster, Costello and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Council Member Burks stated that he was seeing a possibility of a class on Chapter 8; that someone needed to go over it and let all know what it was about; that in dissecting it he was seeing it was not one size fits all and maybe it should be separated into body shops, transmission shops, etc.; and Ms. Lopez stated that during her last visit she invited Council to call and she would take them to different shops and see the array of them from tire, brakes, body shop, etc., it was like going to a doctor Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Sullivan, Hoang, Pennington, Rodriguez, Laster, Costello and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Council Member Brown stated that they had forums on Chapter 8 and since when did government know what was best for the people; that they got educated when they heard from the public and because she was elected it did not mean she knew what was best for them. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Sullivan, Hoang, Pennington, Rodriguez, Laster, Costello and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Council Member Burks stated that because this was so complex and the in-depth, there was a lot of language, he talked to people and then the Administration and there were changes, but they did need to understand and he was present to represent the people and it was not about his genius but his understanding. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Sullivan, Hoang, Pennington, Rodriguez, Laster, Costello and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Mr. Ray Moon, 4205 H Street, Houston, Texas 77072 (281-933-7427) appeared as others stood in support, in opposition to Agenda Item 35, presented information and stated that he was an original stakeholder from November or December 2010, he spoke with Council Member

Lovell' s office and then sat in a meeting to be told this was the ordinance and this was what you were going to get and they were not interested in improvement; that there were two in his shop and he was not a member of the ASA; that according to ASA and the City of Houston there was roughly 2,800 auto repair shops in Houston and parts stores selling to them were over 8,000; that he presented three repair orders with the first being Texas required, the second was the State of Florida and it addressed all the things in the 29 pages you had to do and his form was the last of which he would have to add to it all the city' s information and now he had to go print this and all had a different idea how it should look; that even Florida knew the difference between a body shop and auto repair and it was two distinct forms. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Sullivan, Hoang, Pennington, Rodriguez, Laster, Costello and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Bradford thanked Mr. Moon for coming and stated that they had seen examples from Florida and California, but Texas was doing much better from an economy stand point because they did things differently. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Sullivan, Hoang, Pennington, Rodriguez, Laster, Costello and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Council Member Brown stated word for word the proposed ordinance; and Mr. Moon stated that the original version with exception of the page that came out today. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Davis, Sullivan, Hoang, Pennington, Rodriguez, Laster and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Mr. John Juanopulos, 2207 Eastex Freeway, Houston, Texas 77026 (713-227-5207) appeared as others stood in support, in opposition to Agenda Item 35, presented information and stated that the ordinance contradicted existing state laws and he had given a copy; that he did not see how they could override state law and they needed to enforce their own rules; that also officers should be on the streets fighting crime and not regulating auto facilities. Council Members Davis, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Laster and Christie absent.

Mr. Ray White, 6166 Westheimer, Houston, Texas 77057 (713-782-5920) appeared as others stood in support, in opposition to Agenda Item 35, and stated that he was happy to be sitting with all his follow shop owners; that he was proud they had an ability to fix cars unfortunately it cost a lot of money; that last week they were working on a one year old Suburban and it had 28 computers on it and more memory capacity and data availability than the Apollo Space Mission and guys here could actually fix those, unfortunately buying repair parts for it cost about ten times the amount of the purchase price of the vehicle, if you were to buy parts from General Motors piece by piece it would cost over \$500,000. for the parts and what he was leading into was the psychology of why people were upset with cars, they were darn expensive and the number one people to file a complaint would be the poor, those who had not taken care of their cars or those who had a car ten to fifteen years old with 150,000 to 200,000 miles on it; that this city had over two million cars currently registered and over one eight the cars in the State of Texas on it, but good news was mechanics could keep them running; that sometimes changes were for the worst and much caution should be exercised. Council Members Davis, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Laster and Christie absent.

Mr. Joshua Sanders, 4617 Montrose #C202, Houston, Texas 77006 (713-299-1387) appeared, presented information and stated that he was present representing the Greater Houston Entertainment coalition which was a specific purpose PAC organized to begin addressing the recently passed amendments to Chapter 30 regulating noise and sound within the City of Houston; that they took steps to form a 501c6 trade association to represent the industry on a regular basis with a membership of bar and club owners, sound engineers, DJs,

etc., amendments to Chapter 30 was to address all noise in Houston including chickens, cars, etc., it introduced a new level of taking a base reading level and in had a negative affect on the industry; and they did want to encourage good behavior and compliance of the law in their industry. Council Members Davis, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Laster and Christie absent.

Council Member Gonzalez stated that he knew there were concerns he discussed in the current state of the ordinance and there had been two meetings; and upon questions, Mr. Sanders stated that they were helpful, they got the ball rolling in the right direction opening up dialogue between their industry, HPD and ARA, but they wanted to be sharing information at the table and working through the issues and compliance of the law in their industry; and Council Member Gonzalez stated that Mr. Newport was present with ARA and was engaged in the issue and community needs also needed to be balanced and he was glad he was working with the Administration to find a better path. Council Members Davis, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Laster and Christie absent.

Council Member Bradford thanked Mr. Sanders for coming and working to solve the problem; that officers had technology in their cars to let them know what previously happened at a location, each specific location had a premise history; and Mr. Sanders stated that prior information was there, but it was in the system with a code violation and may not fully explain the past circumstance or show pro active steps being taken. Council Members Davis, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Laster and Christie absent.

Mayor Parker stated that there were standards set in the law; and Mr. Sanders stated for trouble reading; and Mayor Parker stated correct. Council Members Brown, Davis, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Laster and Christie absent. (NO QUORUM PRESENT)

Mr. Steve Bundrick, 4617 Montrose #C202, Houston, Texas 77006 (713-299-1387) appeared and stated that he was a school teacher, a recording studio owner, etc., and made his living off music daily; that he taught music and was involved in music venues; that what was happening with the sound ordinance was affecting the industry as a whole, even as perceived as outside the city; that a concert could be going, a police officer show up and the whole bar got shut down and the people cleared and no money was made and as of last week HPD arrested a DJ at Mangos, a club on Westheimer, and Chief McKinney said that had one of the best soundproof rooms. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Gonzalez stated that to speak to Council Member Bradford's point they were trying to get better data from calls received and hopefully they could be more creative and proactive to the particular location. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Omar Afra, 1640 Vassar, Houston, Texas 77006 (713-527-0014) appeared and stated that he was a partner of Fitzgerald's which was a piece of history as well he was publisher of Free Press Houston and they put on the City's largest outdoor music festival and they were convinced music was a part of Houston's heritage and made it great; that there were fundamental problems with the ordinance, such as lack of objective criteria and threshold particularly on the base end; that they did all they could to keep sound in, however, the ordinance did not reflect how complex the science was for this; that more calls were made and it was a tug of war now, but now officers were overreacting and people were afraid to go out and work. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez,

Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Gonzalez stated that when this passed he had voiced his displeasure and he reached out to him; and upon questions, Mr. Afta stated that the Administration reached out to a certain extent, but to an extent it was crocodile tears, but they were glad to have a seat at the table. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Jagi Katial, 3412 Yupon, Houston, Texas 77006 (832-866-6770) appeared and stated that regarding the noise ordinance he was a partner at Fitzgerald's and the festival and promoted concerts in Houston 11 years; that not in discussion enough was the human level of the ordinance, Houston was an attraction for out of town musicians and they now had to apologize to them before they unloaded their gear; that sound engineers, bar tenders, etc., paid taxes and they were afraid to work because of tickets issued to them. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Cohen stated that she was interested as District C included the Washington Avenue Corridor and as articulated by Mr. Afta the issue was how to enable them to have a venue and sensitive to their clientele as well as those in nearby homes; that there was opportunity to be sensitive to both and they needed to find the combination. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Gonzalez stated that he appreciated all coming and was aware of it; that many years ago he performed briefly so he understood that side as well. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Kyle Berg, 4617 Montrose #C202, Houston, Texas 77006 (713-299-1387) appeared and stated that he was a homeowner and a nightclub DJ, it was his sole source of income and he was being concerned with who was being targeted in enforcement as it related to the intended purpose for the community; that if the goal was for venue owners to be more neighborly and install sound abatement measures then issuing citations to DJs, band members and sound professionals did little or nothing to motivate venue owners to do so; that there was an issue of responsibility, when he was hired to perform he was working for the venue owner and that owner was responsible for all going on in their establish and should be the first contact when an officer was responding to complaining; that as an artist he had no control how the venue was constructed, etc.; and a scary precedent was recently set where a DJ was taken to jail and it was for a noise violation and that was fearful to all in the industry. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Hongge Kan, 8450 Cambridge #3159, Houston, Texas 77054 (405-618-9805) appeared, presented information and stated that he was an international student at the University of Houston and was cheated \$1,567.73 by Allied Collision Center; that after a car accident he was sent to the hospital and the next day met Zelma at Midwest Auto Storage who said she was a police officer and he told her he did not know how to handle these things, but she said she would help and he trusted her as she was an officer, but that night after reading her card realized she was not an officer; that most papers he signed were blank and he called and asked for no repairs; that Allied did not want to release the contract and said they could delete the car history record on Carfax but he wanted it released and they would not until he paid his bill which included administration fee, tear down fee, tow fee, storage fee and wrecker

fee; that their behavior was unethical and he did not want it to happen to others. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Green, Mr. Kan stated that he had worked with his office and had received a refund of \$850.00, but he did not want such happening to others. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she appreciated him contacting her office as well and she believed Mr. Idi from her office took him to Allied; and thanked all for helping them to move forward and Mr. Idi for taking him to Allied. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Yolanda Broussard, 11835 Murr Way, Houston, Texas 77048 (713-731-9188) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Steven Williams (no address – no phone) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Lisa Trout, 1116 Dart Tree, Houston, Texas 77006 (713-885-6981) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Brown, Davis, Sullivan, Hoang, Pennington, Rodriguez, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Bernetta Coleman, 12415 Atlaw, Houston, Texas 77071 (281-923-3572) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Fouad Hamek, 6220 Fairdale, Houston, Texas 77057 (713-817-4326) appeared and stated that he was present to complain on two HPD officers who gave him a parking ticket downtown; that he was parked at five minute passenger pickup and a cab and townecar was there also, but the officer had them leave and gave him a ticket and it was discrimination; that he tried to explain the sign, but the officer did not understand and said he could do what he wanted. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Gonzalez, Mr. Hamek stated that Mr. Kubosh was taking care of his ticket, but he was present to complain about the officers not following rules; and Mayor Pro Tem Gonzalez stated that he would need to go through the process to resolve tickets, which he already had counsel for and secondly, there was an internal affairs process to formerly take care of complaints and Sergeant Baltazar was present and he could get him started on that process. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (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. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Osvalda Gonzalez, 7302 Bastogne Road, Houston, Texas 77053 (713-733-0212) appeared and stated that she came from Cuba in 1961 and she bought a house 30 years ago and paid out; and the property association said it was not her house and they would take it away from her and they were going to put her in a convent or something; that she had insurance and nothing was done since Hurricane Ike and it was messed up and she had to stay elsewhere; that she was 84 years old and never married and needed help. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Gonzalez for coming; that Mr. Eichenbaum with Housing was present and would assist her in her issue; and she would ask a member of Council Member Green's staff to contact her; and Ms. Gonzalez thanked her and stated that South Park was full of water and trash; and Council Member Adams stated that a member of her staff would call as well. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Gonzalez stated that Council Member Adams directed her to the right person; that they had tried to reach her by letter and they went to her house, but Mr. Eichenbaum would try and get her in the right direction. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Dedefo Ulu, 11806 Stanwood Drive, Houston, Texas 77031 (713-367-8303) appeared and stated that he was president of United Houstonian Taxicab Drivers Association and he was a driver and present regarding difficulties in the cab industry; that they were independent contractors but under a cab company; that the ordinance had not been revised since 2006 and they were asking it be revised; that he needed support and information regarding ownership, cost, advantage, etc., on the credit card/GPS equipment. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Mr. Ulu and his coworkers for coming today and stated that she shared their same concern; that she knew ARA was holding stakeholder meetings to address the concerns and knew they met on the 3rd and the taxicab community spoke loud and clear, but this regulation fell under her committee and they would host a special meeting this Thursday, 10:00 a.m. addressing the issue and asked all to come and she and her vice chair Council Member Laster would be there. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Laster thanked all for coming and stated that Chair Woman Adams articulated all well and they did want them to come to the hearing; that he was working on a conflict and was going to try and be there; and upon questions, Mr. Ulu stated that the department claimed it cost between \$700 to \$1,200 and the cab company would take ownership, but at the end of the day the drivers paid the cost; and Council Member Laster stated that he was also concerned with technology and how long before obsolete. Mayor

Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Gonzalez stated that from the Administration their concerns were being heard in terms of the integrated credit card and GPS equipment, they were modifying from mandatory to voluntary pilot program; and Mr. Newport assisting with this was present at this time. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Galdino Sebit, 11834 Alex Lane, Houston, Texas 77021 (832-885-2112) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Roberty Searcy, 8206 Glencrest, Houston, Texas 77061 (832-279-5332) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Marvin Mundo, 6100 Elm #1506, Houston, Texas 77081 (832-368-0955) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. David Atwood, 1802 Kipling, Houston, Texas 77098 (832-639-5710) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks, Bradford and Christie absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Hamilton Gramajo, 9623 Meadow Briar Lane, Houston, Texas 77063 (832-725-8054) had reserved time to speak but was not present when his name was called. Mayor Parker, Mayor Pro Tem Gonzalez, Vice Mayor Pro Tem Bradford, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Christie absent. Council Member Adams presiding. (NO QUORUM PRESENT)

Ms. Laura Perez-Boston, 943 Woodland, Houston, Texas 77009 (832-755-7013) appeared and stated that she was director of the Houston Interfaith Worker Justice Center, an organization which worked with low wage workers to educate them of their rights and to improve working conditions; that she wanted to testify to their members experience of wage theft as they had to leave and ask for support in lifting standards; and thanked Council Members Adams and Gonzalez offices for working with them and they looked forward to meeting all Council Members; and she hoped they received valentines distributed to their offices. Mayor Parker, Mayor Pro Tem Gonzalez, Vice Mayor Pro Tem Bradford, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Christie absent. Council Member Adams presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Perez-Boston for coming and stated that a member of Citizens Assistance would take the valentine greetings she had to distribute. Mayor Parker, Mayor Pro Tem Gonzalez, Vice Mayor Pro Tem Bradford, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Christie absent. Council Member Adams presiding. (NO QUORUM PRESENT)

Mr. Sammie Jones (no address – no phone) had reserved time to speak but was not present when his name was called. Mayor Parker, Mayor Pro Tem Gonzalez, Vice Mayor Pro Tem Bradford, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Christie absent. Council Member Adams presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he was the first Black President of the United States; and continued expressing his personal opinions until his time expired. Mayor Parker, Mayor Pro Tem Gonzalez, Vice Mayor Pro Tem Bradford, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Christie absent. Council Member Adams presiding. (NO QUORUM PRESENT)

Mr. Henry Holeman, 822 Hidden Valley, Houston, Texas 77088 (713-825-6640) appeared, as others stood in support, in opposition to Agenda Item 35, and stated that all already knew who the bad actors were and they needed to go get them, why a new ordinance; that many ran around without license and all needed to conform; that Provost supposedly got his insurance adjusters license and Hutchinson got hers, etc., supposedly to do their job better, but they are looking bad here with HPD guarding the hen house. Mayor Parker, Mayor Pro Tem Gonzalez, Vice Mayor Pro Tem Bradford, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Christie absent. Council Member Adams presiding. (NO QUORUM PRESENT)

Council Member Adams thanked Mr. Holeman for coming and all constituents standing in opposition to the ordinance; that tomorrow the Mayor would bring forth recommended changes and possibly it would be referred to the Administration. Mayor Parker, Mayor Pro Tem Gonzalez, Vice Mayor Pro Tem Bradford, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Christie absent. Council Member Adams presiding. (NO QUORUM PRESENT)

Mr. Larry Cernosek, 6030 Cherryhill Drive, Houston, Texas 77087 (832-655-5738) had reserved time to speak but was not present when his name was called. Mayor Parker, Mayor Pro Tem Gonzalez, Vice Mayor Pro Tem Bradford, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Christie absent. Council Member Adams presiding. (NO QUORUM PRESENT)

Mr. Samuel Smith, 16803 Imperial Valley Drive #86, Houston, Texas 77060 (281-775-3944) had reserved time to speak but was not present when his name was called. Mayor Parker, Mayor Pro Tem Gonzalez, Vice Mayor Pro Tem Bradford, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Christie absent. Council Member Adams presiding. (NO QUORUM PRESENT)

Ms. Paula Harrison, 14410 Brunswick, Houston, Texas 77047 (832-339-8225) had reserved time to speak but was not present when her name was called. Mayor Parker, Mayor Pro Tem Gonzalez, Vice Mayor Pro Tem Bradford, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Christie absent. Council Member Adams presiding. (NO QUORUM PRESENT)

At 5:48 p.m. Council Member Adams stated that City Council was recessed until 9:00 a.m., Wednesday, February 15, 2012. Mayor Parker, Mayor Pro Tem Gonzalez, Vice Mayor Pro Tem Bradford, Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Christie absent. Council Member Adams presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m., Wednesday, February 15, 2012, with Mayor Annise D. Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, C. O. "Brad" Bradford and Jack Christie, D.C.; Mr. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director, present. Council Member Andrew C. Burks, Jr. absent due to being ill. Council Member Melissa Noriega absent due to death in family.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:08 a.m. Mayor Parker called the meeting to order and stated that they had a public hearing and a Mayor's Report. Council Members Brown, Sullivan and Hoang absent.

HEARINGS

1. **PUBLIC HEARING** regarding a third amendment to the **PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN** for Reinvestment Zone Number Thirteen (Old Sixth Ward Zone) **DISTRICT H - GONZALEZ**

The City Secretary stated they had one speaker that had reserved time. Mr. Ralph De Leon, Finance Department, would make remarks concerning the hearing. Council Members Brown, Sullivan and Hoang absent.

Mr. De Leon stated that on January 19, 2012, the Board of Directors of the Old Sixth Ward TIRZ approved amendments to the TIRZ Project Plan and Financing Plan and forwarded them to the City for consideration, that in accordance with Section 311.011 of the Texas Tax Code a municipality must hold a public hearing when proposed amendments to a project plan included changes that either reduced or increased the geographical area of the zone or increased the total estimated project cost stated in the project plan, that the public hearing today was regarding the Proposed Third Amendment to the Old Sixth Ward Zone Project Plan and Financing Plan, that each Council office had been given a copy of the proposed plan for the zone and an official City statement had been distributed to each of them, that in brief the proposed amendment to the zone plan would increase project plan non educational project costs by \$42 million from previous plans, the proposed amendment restates the goals and objectives of the original plans, including provisions for the design and construction of public streets and utility systems, parks, cultural and public facility improvements, affordable housing and historical preservation, the proposed amendment also included provisions to increase the boundaries of the zone by approximately 100 acres, the area proposed to be added to the zone consisted of vacant and underutilized commercial and industrial properties and generally characterized as an area with inadequate sidewalk and street layout and thus resulting in a district of the City with poor accessibility and usefulness, that in closing City staff had worked with the Old Sixth Ward Redevelopment Authority on the proposed Third Amended Plan and would later bring forth a recommendation for City Council to approve the plan amendment. Council Members Davis and Hoang absent.

Council Member Pennington asked if the expansion of the TIRZ did not also expand the Old Sixth Ward Historic District, and Mr. De Leon stated that it did not, and Council Member Pennington stated that he believed they were bumping up on the top amount that they could have in TIRZs in the City, and Mr. De Leon stated that they had not looked at the numbers in a while and were approximately about 13% and there was a change in the statute this last summer and believed it was 25%, and Council Member Pennington stated they were not near it, but was just saying they ought to evaluate doing this versus something else and if they were not near then he did not guess it was necessary to do that. Council Members Davis and Hoang.

Council Member Gonzalez stated that he wanted to pledge his support for this, that it was in District H and took in a very small portion, but a portion that was in line with what the community or members in the community wanted, that Mr. Anello, who he believed was present, and would speak to the item and in addition to him they had reached out to Mr. Tom Radosavich, with the First Ward Civic Council, he was the president, Kathy Vosser, the Old Sixth Ward Civic Club, Laurisa Lindsey, who was on the TIRZ Board and Ms. Jane Cahill, who all understood the scope of what was being looked at here and were supportive, that this would also help with some of the discussions that were previously heard with the potential expansion of Summer Street and improving the conductivity and street grid out there, that it was a small portion and would be very positive and he was very excited to see this get approved. Council Members Davis and Hoang absent.

Mayor Parker requested the City Secretary to call the first speaker. Council Members Davis and Hoang absent.

Mr. Claude Anello, 2205 Decatur, Houston, Texas 77007 (713-204-2517) appeared and stated that he was Chairman of the Board of Directors for the Old Sixth Ward TIRZ (TIRZ Thirteen), as well as the Redevelopment Authority for the Old Sixth Ward TIRZ, that their TIRZ was formed to facilitate economic development in the area and to preserve the historic nature of the Old Sixth Ward, that to date they had a number of projects including saving Dow Middle School for use by MECCA, historic street lighting, sidewalks, sewer repairs and various other infrastructure improvements and they thought this expansion was targeted just to address Summer Street project and they felt it would increase mobility in the area, which would increase property values and improve the quality of life for residents and in turn generate additional revenue for the City. Council Members Hoang and Rodriguez absent.

Mayor Parker asked if there were any other speakers on this issue and there being none stated that she would like a motion to close the public hearing.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. Council Members Hoang and Rodriguez absent. MOTION 2012-0093 ADOPTED.

MAYOR'S REPORT - Forensic Services update

Mayor Parker stated that the next item was on what they were calling Forensic Services of the City of Houston, in short the Crime Lab activities, that improving the science, changing the perception and obtaining independence for the City's Crime Lab had been in the works for years, the goals for the crime lab were similar to the goals of openness and transparency for HPD that led to the creation of the new Independent Police Oversight Board, following the Chad Holly incident, they were continuously looking for ways to make sure that critical services were provided in a way that was fair, open and transparent to their citizens, the problems at the crime lab actually came to light during her time on City Council, but she did get a detailed knowledge of the crime lab, when as City Controller, she was asked by Mayor White to serve as a member of the Stake Holders Committee overseeing the investigation of the crime lab led by Michael Bromwich and his team, that from the start her goal had been independence, a crime lab independent of police, prosecutors and political pressure from the horseshoe, they needed a system that was arms length from police officers who made the arrests and also from those responsible for prosecuting the accused, a very small first step was accomplished during her first term when the crime lab budget was presented separately so that Council could see and track the money coming in and going out and view over time how the crime lab was funded, the next step for the crime lab could be a separate department of the City but that was a measure that really did not achieve that complete independence from police, prosecution and political

pressure, that she did not believe that it served the needs of justice for their citizens, that they had been looking at how could they achieve the goal of true independence, over the last two years there had been many meetings and those were going to be detailed in the report that they were about to present, they had met with national experts, they had met with local stake holders, they met with a number of their counterparts in County government, looked at lab systems around the Country, that she had renewed her acquaintance with Mr. Bromwich, who still had an encyclopedic knowledge of the issues with the Houston Crime Lab, they had listened, offered suggestions and made a lot of progress to get here, they had to bring credibility back to the system for both the accused and the victims, who had lost trust in their ability to provide services, that tests had to be done on a timely basis and had to be accurate, there was just too much at stake for them not to ultimately resolve this issue, that there was currently no local entity either, inside the City or outside the City, that could really accomplish all of the goals that they needed to reach, so they were going to have to figure out a new way of doing this, that it was not simply a matter of putting more money into a crime lab operation, but it was changing the way they thought about those services and how those services were provided, that the largest crime lab outside the City of Houston in this region was Harris County's, they had a forensic operation that excelled in certain disciplines but they did not do all of the things that Houston's Crime Lab did, again, they had had an opportunity to change the system, but there was not an easy fix out there and they were going to talk about some of the trails they had been down to get to what they were going to present to them today, that HPD, for all of the criticism that it received, and the HPD Crime Lab, excelled at some disciplines and in fact was a national leader in some of those disciplines, but it continued to suffer from an overall public perception problem due to lingering issues related from previous cases and issues with DNA, but also from a long standing backlog of rape kits, which they acknowledged and frankly that was one piece of the issue that was just going to require the funding to get it done, but if there was a way to restructure the crime lab and move forward that made better use of the dollars they had they would be better able to address those types of problems as well, that to the best of their knowledge what they were proposing was unique, but it was clearly in the trend of thinking about best practices for crime labs around the Country, that one of the things that they were going to see as they made their presentation was that a national forensic expert believed that it was important to have independence, particularly from the police, that it flies in the face from what they see on their television screens week after week, CSI this and CSI that, and scientists working hand in hand with the police in search of justice, unfortunately that relationship in true search of justice in real life could be problematic, and the scientists were often pressured to sacrifice appropriate methodology in preference of expediency. Council Members Brown and Hoang absent.

Mayor Parker stated that what they were going to talk about today was what they had done over the last couple of years in getting to this point, setting a goal and a path to the goal, they were not going to go down into the weeds with them, this was really the 30,000 foot level, they would end with a timeline of bringing information to the Public Safety Committee of the City Council, that both Chairman Gonzalez and Vice Chairman Cohen, and the previous Chair of the Public Safety Committee, Council Member Noriega, had been kept apprised as they moved forward in this effort, but they were going to try to give them as much information as they could on where they were going and they thought it was appropriate, not just to talk to Council, but also have a conversation with the public, as to where they were headed, that the two drivers of this effort had been City Attorney David Feldman and Chief Development Officer Andy Icken, so it was going to be a joint presentation by those two. Council Members Brown and Hoang absent.

Mr. Feldman, City Attorney and Mr. Icken, Chief Development Officer, reviewed a presentation titled, "Houston Regional Forensic Science Center: The Path Forward, Mayor's Report to Houston City Council February 2012", a copy of which is on file in the City Secretary's office for review. Council Member Hoang absent.

Mr. Feldman and Mr. Icken were questioned by Members of the City Council. Council Members Davis and Rodriguez absent.

Mayor Parker stated that they did not spend a whole lot of time defining the problem, they knew what the problem was, they did not spend a whole lot of time talking to stake holder groups, they had been loud and clear, they wanted transparency and wanted independence, that she set the goal for Mr. Feldman and Mr. Icken of achieving transparency in the ultimate outcome but also independence from police, prosecution and politics, and then they had been doing research, they had been coming to Council and would be going to the community at the same time, they were not going to spend a lot of time talking about the problem, they needed to have a solution, that now was the appropriate time to come to Council and to the community stake holder groups with a potential solution, that they could have independence of the Police Department within the City of Houston or they could have true independence and the potential of a regional crime lab by taking it outside the City and that was a fundamental policy decision that they needed to explore, that just as an aside, they did not mention in the presentation but when they negotiated the contract with HPOU, in anticipation of moving in this direction, they did specifically in the contract deal with how they would treat the classified employees who were in the identification division who would be affected by this, so they had been carefully laying the groundwork for a long time, whether it was in the City or independent to make sure that at least they could achieve independence from the police, but it was still her goal to achieve independence from police, prosecution and politics, that they would be coming to committee, but they also would be asking Council Members to be involved in the process because they would have to have a number of stake holder meetings as they went forward. Council Members Davis and Rodriguez absent.

At 10:41 a.m. Mayor Parker stated that they would move to the consent agenda.

CONSENT AGENDA NUMBERS 2 through 34

PROPERTY - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mary Villareal, The Interfield Group, on behalf of Yuri A. Perez, for abandonment and sale of a 10-foot-wide prescriptive storm sewer easement, in exchange for the conveyance to the City of a 20-foot-wide storm sewer easement, both located within Tract 3D, out of the Henry Tierwester Survey, Parcels SY12-044 and LY12-014 - **DISTRICT D – ADAMS** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. MOTION 2012-0094 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 3

3. **SCOTT TECHNOLOGIES, INC dba SCOTT HEALTH AND SAFETY** for Radio Connectors for the Houston Fire Department – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. MOTION 2012-0095 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 8 through 34

8. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as a public right-of-way of Eastwood Street, from Perry Street

north to its terminus; vacating and abandoning the right-of-way to New Hope Housing, Inc., and to Linda Flanagan and Elmo Flanagan, Jr., owners, in consideration of their payment to the City of \$118,739.00 and other consideration - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0124 ADOPTED.

9. ORDINANCE establishing the north and south sides of the 1700 block of Milford Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0125 ADOPTED.
10. ORDINANCE establishing the north side of the 3600-3700 block of Rio Vista Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0126 ADOPTED.
11. ORDINANCE establishing the north and south sides of the 1800 block of West 14½ Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0127 ADOPTED.
21. ORDINANCE amending Ordinance No. 2009-1231 (Passed on December 2, 2009) to contract between the City of Houston and **SPEEDPAY, INC** for Western Union Speedpay Service for an Interactive Voice Response and Call Center Payment Processing Portal for the Municipal Courts Department – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0128 ADOPTED.
25. ORDINANCE appropriating \$1,772,800.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HDR ENGINEERING, INC** for Design of Sludge Handling Improvements and Miscellaneous Engineering Services at the East Water Purification Plant; 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. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0129 ADOPTED.
27. ORDINANCE appropriating \$2,553,645.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LLC** for Sanitary Sewer Rehabilitation by Cured-in-Place Pipe Method; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4258-51) – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0130 ADOPTED.

28. ORDINANCE appropriating \$2,914,500.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CALCO CONTRACTING, LTD.** for Water Line Replacement in Polk Area; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0131 ADOPTED.
29. ORDINANCE granting to **ADAM H. BELMONT d/b/a BETO'S HYDRO & SANITATION, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0132 PASSED FIRST READING IN FULL.
30. ORDINANCE granting to **C.R. MCCASKILL ENTERPRISES, INC dba TIDELAND GREASE TRAP SERVICE, 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 - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0133 PASSED FIRST READING IN FULL.
31. ORDINANCE granting to **JERRY BRUMFIELD d/b/a BRUMFIELD SANITATION SERVICE, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0134 PASSED FIRST READING IN FULL.
32. ORDINANCE granting to **SONYA CARR BERTRAN d/b/a ANITA'S VACUUM SERVICE, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0135 PASSED FIRST READING IN FULL.
33. ORDINANCE granting to **CIMA SERVICES, L.P., 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 - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Burks absent

due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0136 PASSED FIRST READING IN FULL.

34. ORDINANCE granting to **WASTE PARTNERS OF TEXAS, INC d/b/a JACKPOT SANITATION SERVICES, 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 - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0137 PASSED FIRST READING IN FULL.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

PURCHASING AND TABULATION OF BIDS

4. **ESI ACQUISITION, INC** for Emergency Management Crisis Information Training for the Office of Emergency Management of the Houston Emergency Center - \$16,301.00 - Grant Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Laster. Council Member Brown voting no, balance voting aye. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. MOTION 2012-0096 ADOPTED.
5. ORDINANCE appropriating \$119,784.00 out of Equipment Acquisition Consolidated Fund for the purchase of Utility Vehicles for the Houston Police Department – was presented, and tagged by Council Members Pennington and Hoang.
- 5a. **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET** for Police Utility Vehicles for the Houston Police Department – was presented, and tagged by Council Members Pennington and Hoang.
6. **AMEND MOTION #2010-200, 4/7/10 as amended by MOTION #2011-395 and #2011-644, TO INCREASE** award amount from \$10,268,000.00 to \$13,068,000.00 for Purchase of Fuel Cards and related services from the Texas Facilities Commission formerly known as the Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments, awarded to **COMDATA NETWORK, INC** - \$2,800,000.00 Fleet Management Fund – was presented, and tagged by Council Member Hoang.

RESOLUTIONS AND ORDINANCES

7. RESOLUTION designating the property at 2504 Stanmore Drive within the City of Houston as a historic landmark - (Fore-Blaine House) - **DISTRICT G - PENNINGTON** – was presented. Council Member Sullivan voting no, balance voting aye. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. RESOLUTION 2012-0005 ADOPTED.
12. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON SRO HOUSING CORPORATION**, providing up to an additional \$92,490.00 for the administration and operation of a Single Room Occupancy Community Residence under the Housing Opportunities for Persons With AIDS Program - **DISTRICTS C - COHEN and I – RODRIGUEZ** – was presented, and tagged by Council Member Brown. (Note: Council Member Brown released her tag later in the meeting.)

13. ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES** providing up to \$1,640,822.00 in Housing Opportunities for Persons With AIDS Funds for the administration and operation of a Tenant-Based Rental Assistance Program, Short-Term Rent, Mortgage, and Utility Assistance Program and the provision of other supportive services - **DISTRICT C – COHEN** – was presented, and tagged by Council Member Brown.

Mayor Parker requested that Council Member Brown hold her tag for a moment on Item No. 13.

After discussion by Council Members, Mayor Parker stated that Council Member Brown had been very consistent in voting no when she wanted to vote no, and tagging an item when she needed more information, she had not played with the tag, that if there was any information that they could provide Council Member Brown before the end of the meeting which would perhaps cause her to remove her tag she would be happy to have the appropriate people come and visit with her.

After further discussion Council Member Laster stated that he would like to request a motion to override the tag, and Mayor Parker stated that she was not going to do that because Council Member Brown removed her tag for the courtesy of allowing Council Member Laster to speak, so her tag was now automatically in place if they were done with discussion, and Council Member Laster stated that he would apologize, and Mayor Parker stated that there was no need to apologize, it was just a ruling from the chair.

Mayor Parker stated that the item had been tagged by Council Member Brown, and again she hoped that Council Member Brown would allow them the opportunity to answer any questions she had. (Note: Council Member Brown released her tag later in the meeting)

14. ORDINANCE approving and authorizing contract between the City of Houston and **CATHOLIC CHARITIES OF THE ARCHDIOCESE OF GALVESTON-HOUSTON** providing up to \$600,000.00 in Housing Opportunities for Persons With AIDS Funds for the administration and operation of a Tenant-Based Rental Assistance Program, Short-Term Rent, Mortgage, and Utility Assistance Program and the provision of other supportive services - **DISTRICTS D - ADAMS and H – GONZALEZ** – was presented. Council Member Pennington absent.

After discussion by Council Members, a vote was called on Item No. 14. Council Member Brown voting no, balance voting aye. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0138 ADOPTED.

15. ORDINANCE approving and authorizing contract between the City of Houston and **SEARCH HOMELESS SERVICES, (Formerly SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC)** to provide up to \$70,000.00 for the administration and operation of a Supportive Services Program under the Housing Opportunities for Persons With AIDS Program - **DISTRICT I – RODRIGUEZ** – was presented. Council Member Brown voting no, balance voting aye. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0139 ADOPTED.

16. ORDINANCE approving and authorizing contract between the City of Houston and **SEARCH HOMELESS SERVICES**, to provide up to \$139,942.35 in Community Development Block Grant Funds for the administration, implementation, oversight and delivery of an Engagement Services Program for the homeless – was presented. Council Member Brown voting no, balance voting aye. Council Member Burks absent due to being

ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0140 ADOPTED.

17. ORDINANCE approving and authorizing contract between the City of Houston and **CAPITAL INVESTING IN DEVELOPMENT AND EMPLOYMENT OF ADULTS, INC**, to provide up to \$280,595.53 in Community Development Block Grant Funds for the administration, implementation, oversight and delivery of a Workforce Development Program – was presented.

After discussion by Council Members, Council Member Adams asked if the presenters could provide her with a qualification sheet on how would one of the applicants qualify to receive the necessary funds they were getting and exactly what was the total amount of kids or applicants that would be able to participate in this program, and Mayor Parker stated that she would ask either the agency or the Housing Department on behalf of the agency to provide that to her.

After further discussion by Council Members, a vote was called on Item No. 17. Council Members Brown and Green voting no, balance voting aye. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0141 ADOPTED.

18. ORDINANCE appropriating \$11,000.00 out of Parks Special Fund; approving Real Estate Sales Contract, including Associated Lease Agreement and Development Agreement, with **BUFFALO BAYOU PARTNERSHIP (BBP)** for the City's acquisition of land at 707 Drennan Street for the expansion of Tony Marron Park in exchange for the City's conveyance to BBP of the abandoned Northside Wastewater Treatment Plant (Parcels SY8-020A and SY8-020B) off Lockwood and north of and abutting Buffalo Bayou; approving necessary documents related thereto **DISTRICTS H - GONZALEZ and I – RODRIGUEZ** – was presented.

After discussion by Council Member Gonzalez, a vote was called on Item No. 18. Council Member Brown voting no, balance voting aye. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0142 ADOPTED.

19. ORDINANCE appropriating \$3,500,000.00 from TIRZ Affordable Housing Fund (2409) and authorizing the use of \$3,500,000.00 in TIRZ Affordable Housing Funds for the demolition of dangerous single and multi-family vacant buildings under the City of Houston's "Distressed Properties Intervention & Demolition Initiative" – was presented, and tagged by Council Member Adams.

Council Member Sullivan asked if Council Member Adams would release her tag so he could make a couple of points, and Council Member Adams stated that out of respect at this time she would decline to remove her tag.

Mayor Parker stated that it was her prerogative, but a reminder that she did respect a withdrawal of a tag strictly for the purpose of discussion.

20. ORDINANCE appropriating \$377,000.00 out of Public Health Consolidated Construction Fund, \$47,000.00 out of Woodlands Regional Participation Fund, and \$400,000.00 out of Parks Consolidated Construction Fund as an additional appropriation for the Job Order Contracting Program for Construction Services for the Health and Human Services and Parks and Recreation Departments (Approved by Ordinance No. 2011-0732) – was presented. Council Member Brown voting no, balance voting aye. Council Member Burks

absent due to being ill. Council Member Noriega absent due to death in family.
ORDINANCE 2012-0143 ADOPTED.

22. ORDINANCE approving and authorizing first amendment to contract (Approved by Ordinance No. 2007-0972) between the City of Houston and **BL TECHNOLOGY, INC** for Security System Installation and Repair Services for the General Services Department - **DISTRICT A – BROWN** – was presented, and tagged by Council Member Gonzalez.
23. ORDINANCE appropriating \$48,939.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** for Lift Station Renewal and Replacement (Approved by Ordinance No. 2010-0371, as amended); providing funding for CIP Cost Recovery relating to construction financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT B – DAVIS** – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0144 ADOPTED.
24. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **S & B INFRASTRUCTURE, LTD** for Water and Sewer Capital Projects – was presented. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0145 ADOPTED.
26. ORDINANCE appropriating \$7,218,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LEM CONSTRUCTION CO., INC** for West District and Upper Brays Wastewater Treatment Plant Improvements; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS F - HOANG and G – PENNINGTON** – was presented, and tagged by Council Member Hoang.

MATTERS HELD - NUMBERS 35 and 36

35. ORDINANCE **AMENDING CHAPTERS 8 AND 28 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive businesses; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 44 on Agenda of December 21, 2011, POSTPONED BY MOTION #2011-940)**

Mayor Parker stated that as she discussed yesterday, very clearly, they were not trying to rush anything or surprise anybody, it was their intention to have a substitute offered for the item that was on the table and then a referral back to the administration, they sent out a amended version on Tuesday morning, made some minor tweaks to that item last night, but she was not asking Council to vote, what she was asking for was a substitution.

Council Member Gonzalez moved to substitute a revised ordinance for Item No. 35 and that the ordinance be referred back to the administration, seconded by Council Member Adams.

Council Member Sullivan asked if they had a time that this might take, and Mayor Parker stated no and that was why she had asked for a referral back to the administration rather than a date certain.

A vote was called on the motion to refer Item No. 35, as substituted, back to the administration. All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. MOTION 2012-0097 ADOPTED.

36. MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Director Department Public Works & Engineering to accept the January 2012 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$9,995,462.74 to the Combined Utilities System Operating Fund for Revenue Bond Debt Service as recommended in the Report – **(This was Item 3 on Agenda of February 8, 2012, TAGGED BY COUNCIL MEMBER SULLIVAN)** - All voting aye. Nays none. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. MOTION 2012-0098 ADOPTED.

Mayor Parker recognized Council Member Brown and asked if she wished to remove her tag on Item No. 12, and Council Member Brown stated yes and if she might speak on the item, and Mayor Parker stated yes, she had recognized her.

Council Member Brown stated that on Item Numbers 12 and 13 they had asked for information about the property owners of the houses in question and they did not receive any information on that.

Mr. Feldman stated that he was consulted on that and it did raise a legal issue, the City itself did not have the information requested in terms of specific property owners who rent to the individuals receiving assistance and under federal law they were prohibited from disclosing either any personally identifiable information of the individuals who received the assistance, including where they lived, Omega for example would have the information as to who the owners were, and he did not know who the owners were, if in identifying the owners they were also identifying the properties themselves where the individuals lived then, in his opinion, they would be violating federal law, so they would have to, number one, get the information from a third party, and then number two, go through it to ascertain whether or not revealing who the owners were also would be revealing where the properties were located and where the individuals lived.

Mayor Parker asked Council Member Brown if she could define for her the purpose of knowing where people with AIDS lived in the community.

Council Member Brown stated that there was an issue of conflict of interest in who was getting federal grant money in this regard, they were not interested in who was going to live in a place, they were looking at who were the property owners that were receiving these federal grant monies.

Mayor Parker asked if there was a way they could address that concern, and Council Member Brown stated that she heard from, she believed one of Mayor Parker's Chief of Staff, that they were planning to override tag, so if she could record her vote as "no" and get the information afterwards, and Mayor Parker stated that she did not initiate a vote to override a tag, but if she was in fact interested and could define the conflict of interest and if there was someone who was committing fraud, obviously they had a duty to investigate that, that she had defined what her concern was if they could move on the item and then privately if she could confer with the City Attorney her particular issue of conflict of interest, or a conflict of interest says fraud to her, and Council Member Brown stated possible conflict of interest, and Mayor

Parker stated that then they would investigate and provide that information as appropriate, that she appreciated Council Member Brown clarifying that, it was very helpful.

Mayor Parker stated that on Item No. 12 Council Member Brown was withdrawing her tag, and that item was before them.

12. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON SRO HOUSING CORPORATION**, providing up to an additional \$92,490.00 for the administration and operation of a Single Room Occupancy Community Residence under the Housing Opportunities for Persons With AIDS Program - **DISTRICTS C - COHEN and I – RODRIGUEZ** – was again before Council.

Council Member Laster stated that he wanted to thank Council Member Brown, that he appreciated it.

A vote was called on Item No. 12. Council Member Brown voting no, balance voting aye. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0146 ADOPTED.

Mayor Parker asked if Council Member Brown had a similar issue on Item No. 13 and would she be willing to remove her tag on Item No. 13 if they worked with her on her particular issue of concern, and Council Member Brown stated that she would remove her tag.

13. ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES** providing up to \$1,640,822.00 in Housing Opportunities for Persons With AIDS Funds for the administration and operation of a Tenant-Based Rental Assistance Program, Short-Term Rent, Mortgage, and Utility Assistance Program and the provision of other supportive services - **DISTRICT C – COHEN** – was again before the Council. Council Member Brown voting no, balance voting aye. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. ORDINANCE 2012-0147 ADOPTED.

Mayor Parker stated that she was asked to explain her ruling earlier on Council Member Brown' s tag, in previous years the Council had gotten somewhat loose on the idea of a tag, a tag did not have to be at the beginning of the process, a tag could be at the end of the process, but under Council rules once a Council Member tags an item all discussion ceases, that because this was a collegial body they had a mechanism for a Council Member to say they would remove their tag for discussion purposes only, it was not designed to allow someone to come back in and put in another procedural motion, however, since the issue came up they did research and a tag was a rule of Council, that she would, later in the agenda, if a certain Council Member asked to be recognized for a motion to override a tag given previously they believed that motion would be in order, so she wanted to clarify the steps they were taking in that.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Adams announced the following events: tonight, Girls Unite, an open forum to focus on women issues and life skills with 100 female students participating with their mothers throughout the community and Houston; a Jazz performance featuring local blues legends and emerging talents at 6:00 p.m. at the Julia Ideson Building, 500 McKinney; Thursday, February 16, 2012, a special called Housing and Sustainable Growth Development Committee meeting; an event tonight at the Holocaust Museum, the Samuel Bach Exhibit about the journey of the Holocaust; Friday, Tiger Day, at Texas Southern University, February 17, 2012; Saturday, February, 18, 2012, Congressman Al Green would host a townhall meeting to

discuss the Texas Voter ID Law at the Sunnyside Multi Service Center, 4605 Wilmington; Saturday, an emergency response officer graduation, CERT; that she wanted to offer condolences for Delores Hadnott, Southeast Branch Director of the Red Cross; condolences to Council Member Noriega for the passing of Rick Noriega's dad; Sunday, February 19, 2012, Music in the Park with Parker Elementary School Band, 10626 Atwell Drive; Tuesday, February 21, 2012, Housing and Sustainable Growth Committee meeting; Wednesday, February 22, 2012, District D CIP meeting at the Judson Robinson Community Center; Monday; February 27, 2012, a joint meeting with District D and District E at the University of Houston Clear Lake. Council Members Brown, Davis, Sullivan, Gonzalez, Rodriguez and Bradford absent.

Council Member Hoang stated that he wanted to offer condolences to Council Member Noriega and Rick Noriega for the passing of Rick's father; that he wanted to commend Mayor Parker for the handling of the situation in Tranquility Park, that they coordinated very well the voluntary departure of Occupy Houston, that did not mean that they did not honor freedom of speech and freedom of expression; that last Monday night he and Council Member Laster attended the Midwest Super Neighborhood meeting; that he wanted to commend Mr. Jarrad Mears of BARC, his office contacted him and he responded quickly and helped his office handling the situation with Ferrel cats and dogs that needed to be neutered; that he wanted to thank the Interim Director of Neighborhood Protection, Catherine Tipton for responding to his office and meeting with them. Council Members Brown, Davis, Adams, Sullivan, Gonzalez, Rodriguez and Bradford absent. NO QUORUM PRESENT

Council Member Pennington stated that the Mayor spoke at breakfast this morning at Lakeside Country Club and was very well received and had a good message; that last Wednesday he attended the reception for public officials hosted by the Houston Women's Chamber of Commerce; that Friday he attended the Star Awards Luncheon, hosted by the Houston West Chamber of Commerce; that Monday night he attended the Midwest Super Neighborhood meeting; that yesterday morning he attended the groundbreaking for the Westchase District Library Loop Trail, a 1.35 acre trail which they funded with local cash, \$700,000, that it would eventually connect to the north south trail which the State was partially funding; that he wanted to thank Mayor Parker for the action she took at Tranquility Park; that the whole community lost a great friend in Earl Hatcher, that he was an outstanding person and had real empathy for the disadvantaged; Council Members Brown, Davis, Sullivan, Hoang, Rodriguez and Bradford absent.

Mayor Parker stated that the Occupy Houston had a relatively small direct cost to the City of Houston, but the officers who were assigned, who they would have had to pay anyway, could have been doing other things, so there was an indirect cost. Council Members Brown, Davis, Sullivan, Hoang, Rodriguez and Bradford absent.

Council Member Green stated that he too wanted to commend Mayor Parker on the handling of the Occupy Houston front, that he thought they did afford the citizens the opportunity to speak their mind, however, they were now moving into the spring and summer festival session so they wanted to make sure those opportunities were available; that he wanted to thank HPD on doing a fantastic job and Captain Martin, on Monday, February 13, 2012, the Hiram Clarke Community hosted their Positive Interaction Program, PIP meeting, there was an overflow crowd at the Hiram Clarke storefront; that last night he attended the Glenshire HOA meeting; that on Saturday, Houston Works and Schlumberger would be hosting the finals of their East Square Engineering Excellence Competition at the Houston Museum of Natural Science, that they wanted to thank Paula Harris for all her work with Schlumberger and HISD for co-sponsoring it; that on Saturday he would welcome the Texas Council of Alpha Chapter, who would be hosting their 48th Annual District Convention at the Omni Hotel in Katy; that on Sunday he would be joining Council Member Adams at the Willow Waterhole for Sunday Music in the Park, guest performances would be by Parker Elementary Band, as well as Zoozoki

Strings; that next week the Braes Bayou Association would have their meeting on Monday, February 20, 2012; that next week there would be an apartment cluster meeting with the Houston Apartment Association and the Braes Oaks Management District would be hosting the meeting to further discuss concerns regarding rental credit reporting; that there were a lot of hiring events going on this week, for a more detailed list they could contact his office at 832-393-3016; that his condolences went out to the Noriega family. Council Members Brown, Davis, Sullivan, Hoang, Rodriguez and Bradford absent.

Council Member Cohen stated that she too would add her condolences to the Noriega family, friends and relatives; that about 10 days ago she and her staff went on a tour of the Public Works and Engineering facilities, that she was really impressed and thought if they had an opportunity as a Council Member to take advantage of it, that she wanted to thank Roberto Medina who was assigned to their group and he was so knowledgeable and gracious; that she wanted to thank the City for helping them put on their first CIP Program last Monday night and was thankful to Council Members Green and Costello who came and shared their thoughts in a very respectful manner; that tomorrow night was the next Harris County Mayor's and Council Association Dinner, that she went to the first one last month and said she thought it was very interesting and important for them to meet their other colleagues, that the Mayor jumped on the opportunity to host and she wanted to thank her, there was an open slot this month and was tomorrow night and happened to be at Hotel Za Za. Council Members Brown, Davis, Sullivan, Hoang, Rodriguez and Bradford absent.

Council Member Laster stated that he wanted to thank Council Member Pennington for hosting the Midwest Super Neighborhood the other night; that he wanted to make a couple of comments about passing life events, that Council Member Pennington had already referenced that they had lost a great advocate for the homeless, Earl Hatcher; that Judge Robert Baum, who served as the Judge of 314 State District Court for more than 15 years, recently passed away last week; that he served as the Vice Chairman of the Harris County Juvenile Board as a Member of the Juvenile Probation Commission for the State of Texas and was allowed to help create innovative programs in which juvenile offenders were taken to State prisons to see the consequences of criminal behavior and was instrumental in creating a monetary and community restitution program to compensate victims of juvenile crime and introduced the concept of Associate Judges to assist with dockets; that today Mrs. Doris and Mr. Sidney Johnston of Sharpstown were celebrating their 55th Wedding Anniversary. Council Members Brown, Davis, Sullivan, Hoang, Rodriguez and Bradford absent.

Council Member Costello stated that he wanted to thank the Mayor's directors and staff for all the work they had done for the presentations for Core Services, that it was the second year they had done this and he wanted to inform his colleagues, especially the freshman colleagues, that this was an excellent way for them to get detailed information about each one of the departments prior to the budget cycle and also made the budget workshop meetings, that would come in subsequent months, a lot smoother because they had all that detailed information, that he wanted to encourage all of his colleague to provide their rankings to his office today if possible, if not, no later than noon tomorrow so they could forward them on to the Mayor's office as she was working the target letters for each department by Friday, that he wanted to thank all of his colleagues who had participated in the meetings as well as their staff members; that he was not present last week, but he wanted to personally thank City Attorney Feldman for everything he and his staff did for the red light camera issue, that they did a terrific job. Council Members Brown, Davis, Sullivan, Hoang, Rodriguez and Bradford absent.

Council Member Gonzalez stated that the District H team was glad to once again participate in the Annual Conoco Rodeo Run Cleanup on Saturday in the Near Northside, that he wanted to thank the Greater Northside Management District, Houston Works, Conoco Phillips and State Representative Jessica Farrar for their hard work on this event; that during

February they had been celebrating Black History Month, they were fortunate to live in a diverse City with many terrific local contributions to the rich history of African Americas in the Country, in District H for example, they were home to Independence Heights, which in 1915 became the first African American Municipality in Texas, that it was a community that prided itself in it' s past and was working extremely hard to continue to improve and redevelop the neighborhood, that he wanted to encourage all of the citizens to visit and support the Houston Museum of African American Culture, 4807 Caroline; that tonight at 6:30 p.m., LULAC Council 402 was hosting their Eleventh Annual Scholarship Gala at Brady' s Landing, 8508 Cypress, that he was humbly accepting an award, as well as Port Commissioner Janice Longoria, and was pleased to be part of this effort and wonderful organization, that LULAC Council 402 had awarded over \$340,000 in scholarships to deserving students since 2002 and were aiming to raise another \$50,000 tonight; that he wanted to ad his condolences to his good friend and colleague, Melissa Noriega and the entire Noriega family, his thoughts and prayers were with them at this difficult time. Council Members Brown, Davis, Sullivan, Hoang, Rodriguez and Bradford absent.

Council Member Adams stated that a couple of Tuesdays ago Trey Magazine came forth and wanted to invite students across Houston to participate in a free screening of Red Tails, that for those who still had not seen the movie Red Tails, she was sponsoring about two bus loads of students to attend the movie Red Tails, if they would like more information on how their students could participate please email educationmatters@thetreyomag.com or call 713-882-4339, that she wanted to thank Trey Magazine for inviting her to be one of the sponsors of many of the students who lived in District D. Council Members Brown, Davis, Sullivan, Hoang, Rodriguez and Bradford absent.

There being no further business before Council, the City Council adjourned at 11:45 a.m. Council Member Burks absent due to being ill. Council Member Noriega absent due to death in family. Council Members Brown, Davis, Sullivan, Hoang, Rodriguez and Bradford absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary