

City Council Chamber, City Hall, Tuesday, January 26, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 26, 2010, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; and Ms. Marty Stein, Agenda Director present.

At 1:43 p.m. Mayor Parker called the meeting to order and called on Council Member Costello who invited Ms. Donnie Blanlot and Ms. Debbie Cahoon with FEMA to the podium and stated that they were present to recognize the City of Houston's recent upgrade community rating service and invited Mayor Parker, Mr. Marcotte and Ms. Carol Haddock to the podium to accept the award on behalf of the City of Houston; and he wanted to recognize that the City Engineer and Flood Plain Administrator, Mr. Mark Loethan, were not present as he was at the FEMA Office at this time; and Ms. Blanlot stated that she was with FEMA Region Six and Ms. Cahoon was with the Texas Water Development Board and today they were excited to share in the city's joy of Regional Class Five Community Rating System; that residents and business owners in the City of Houston now enjoyed reduced flood insurance premiums because of their active participation in the National Flood Insurance Programs Community Rating System and in addition they would enjoy reduced exposure to flood damage; that as of October 9, 2009, the City of Houston was verified as a COS Class Five Community in recognition of its efforts to go beyond sub plain management requirements; that residents would enjoy up to a 25% reduction in flood insurance premiums at a savings of more than \$9.4million per year in flood insurance premiums; that the city's participation in the program was beneficial in many respects including being more knowledgeable about insurance and litigation and the city was now a safer place to live; that they supported and applauded Mayor Parker, Public Works Director Mr. Mike Marcotte and the Flood Plain Administrator Mr. Mark Lathan; Council Members and all public officials who stood strong while implementing the flood plain management programs through the CRS which in the end saved lives and reduced property loss; and presented a plaque to Mayor Parker. Council Members Stardig, Johnson, Hoang and Rodriguez absent.

Council Members Clutterbuck and Noriega thanked Ms. Blanlot and Ms. Cahoon for the recognition and commended those with the City of Houston who worked on this; and upon questions by Council Member Noriega, Ms. Cahoon stated that the federal government under the National Flood Insurance Program produced updates to the national flood insurance program manual solely for insurance agents rating policies twice a year, in May and October, historically with those revisions there were some increases in policy premiums to keep up with the risk and when a homeowner renewed their policy the information should be on the application and she would encourage them to check and see that they were receiving the correct discount, but the 25% discount enjoyed by some policy holders were only for the areas of high risk special flood hazard areas, by law the maximum amount for those living in Houston's low risk flood plains was 10%. Council Members Stardig, Hoang and Rodriguez absent.

Council Member Adams stated that she was always excited when presenting the BRAVO Awards to great employees and today they were recognizing exemplary work of city employees who gave extraordinary services to the city and to their community; they went above and beyond their job description often volunteering to help communities on their own time or without compensation; and invited Mr. Antonio Diaz with the Municipal Courts Administration Department and Ms. Crystal DeBondt who managed the Public Works and Engineering employees at Houston Transtar and presented each with a BRAVO Award for all their work and dedicated service. Council Members Stardig, Sullivan and Rodriguez absent.

At 2:01 p.m. Mayor Parker invited Council Member Adams to lead all in the prayer and pledge. Council Member Rodriguez absent.

At 2:03 p.m. Mayor Parker requested the City Secretary call the roll. All present.

Council Members Lovell and Costello moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. MOTION ADOPTED.

Council Member Jones moved that the rules be suspended for the purpose of hearing Mr. Randall Kallinen at the top of the Speakers List, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2009-0035 ADOPTED.

At 2:05 p.m. Mayor Parker requested the City Secretary to begin calling the public speakers. Council Member Sullivan absent.

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) appeared and stated that he was present regarding HPD's deadly force, the shooting or wounding of civilians by the Houston Police Department; that in 2009 there were 15 deaths and 17 wounded by the police department and it was a large increase, over 50% from past years, the system in place was largely secret, incident reports, grand juries, autopsy reports, homicide investigations, IAD reports were all secret, he and the Greater Houston Coalition For Justice were calling for investigation. Council Members Sullivan and Rodriguez absent.

Ms. Arlene Kelly, 2715 Lazy Spring Drive, Houston, Texas 77080 (713-462-3808) appeared and congratulated the Mayor and new Council Members and stated that today she was also present to speak about the high number of police shootings, particularly the number of shootings of the mentally ill and the fact the CIT program instituted 10 years ago by the then chief, Chief Bradford, had hardly been utilized recently and seemed SWAT teams had taken over the incidents which were counter productive, the opposite of how the incidents should be handled. Council Members Sullivan and Rodriguez absent.

Ms. Sylvia Gonzales, 10102 Elm Knoll Trail, Houston, Texas 77064 (832-283-5752) appeared, presented information, congratulated the Mayor, Controller and new Council Members and stated that she was present imploring Council to listen on behalf of the many organizations represented today of the Greater Coalition and of which she was representing LULAC; that she realized Mayor Parker inherited the program and knew with her knowledge she would help; that in the 130 year history of the department in Houston never had the community suffered so much in terms of police brutality and killings. Council Member Sullivan absent.

Mr. Frederick Cooper, 11302 Sageberry, Houston, Texas 77089 (281-484-4929) appeared, presented information, and stated that today he was representing the NAACP along with the Greater Houston Coalition For Justice and they clearly wanted to highlight that they loved the Lord and the police working to keep them safe; that they were not present trying to beat on anyone, but clearly such an increase in anything warranted questions and in HPD who was looking at the statistics, who were digging numbers and asking questions; that as a minority he knew they were over represented when it came to police brutality and deaths; that their Brown and Asian brothers took it as well and they did not want it to continue, if there was room for improvement they would like seeing it done and see Council drive the effort. Council Member Sullivan absent.

Mr. Johnny Mata, 2121 Fountainview Drive, Houston, Texas 77056 (832-723-3110) appeared and stated that he was present representing the American GI Forum, a veterans organization, and he was a member of LULAC and had been in the trenches many years; that

years ago they met with Chief Bradford and the Community Service for the Justice Department was very instrumental and they got an MOU Plan and they worked for five years; that they asked the Justice Department to come back and activate, because that plan was never signed, it was very constructive, helpful and many civil rights groups were involved.

Council Member Jones thanked all for coming and stated that when people asked questions about law enforcement it did not mean they were anti law enforcement, but that they wanted law enforcement to be fair and she worked with different groups including Mr. Mata and the NAACP and mental health experts on shooting issues and it alarmed her they had more than the national average and on the tazing; that perhaps they should have an independent review; that she worked with Council Member Edwards years ago on a Civilian Review Team which had independent subpoena power so there was no secrecy and she would like that important so the police would have a good working relationship with the community. Council Member Lovell absent.

Council Member Noriega stated that she knew Mr. Mata and Ms. Gonzales came when they were concerned and she heard them; that there were other factors such as there were more guns than there had ever been on the street, but his issue was well taken and she would take it under advisement; and Mr. Mata stated that two officers should be in a car with proper equipment and the community should be involved. Council Member Lovell absent.

Upon questions by Council Member Bradford, Mr. Mata stated that there were not regular meetings between community leaders, HPD and the Justice Department representatives; that through his leadership they had constructive dialogue, but during the last Administration they were ready to sign the plan and it went nowhere and this product needed to be refined; and Council Member Bradford stated that they needed a better information exchange between HPD leadership and citizens in the community; and urged Mayor Parker to move forward as quickly as possible to develop a comprehensive safety strategy. Council Member Lovell absent.

Council Member Jones moved that the rules be suspended for the purpose of extending the time for questions of Mr. Johnny Mata, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Lovell absent. MOTION 2010-0036 ADOPTED.

Council Member Gonzalez stated that it was mentioned everything seemed secretive and to some extent he could see that, but as a point of fact HPD was not the only entity which looked into incidents of deadly force, it was also reviewed by Internal Affairs, the District Attorney's Office, the Attorney General's Office and the Medical Examiner's Office also reviewed it; and upon questions, Mr. Mata stated that first he would like the memorandum of understanding revisited, it was five years in the works and they would not have to reinvent the wheel; that second he would like the Mayor's Office and Council to revisit the Citizen Review Committee; that they needed transparency and the coalition would be looking at other police departments, the grand jury, etc., and since Jose Campos Torres died, 30 years ago, the Justice Department, LULAC, GI Forum and other groups met statewide with law enforcement throughout Texas and reported back to their perspective areas and developed dialogue with 25 police entities on a monthly basis and the most serious thing was that elected officials needed to be more forceful, forthcoming and make things work. Council Member Lovell absent.

Council Member Johnson thanked all for coming and keeping this at the forefront; that he supported the Houston Police Department and believed they did an excellent job, he believed there were a few rogues which gave the department a very bad name and he hoped they could begin to get rid of them and knew Mayor Parker worked diligently in the past with the Citizen Review Board and believed it was time to create one with subpoena power. Council Members Lovell and Jones absent.

Council Member Noriega moved that the rules be suspended for the purpose of extending the time for questions of Mr. Johnny Mata, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Lovell and Jones absent. MOTION 2010-0037 ADOPTED.

Council Member Noriega stated that was right and she thought they could take it up in committee, but she would point out articles in the paper talked about this as a regional issue and it needed to be addressed regionally as well; and Mayor Parker stated that she would be happy to. Council Members Lovell and Jones absent.

Council Member Bradford stated that was his request and he would like to bring to the Public Safety Committee a full discussion to examine the plusses and minuses to both sides of the issue; and Mayor Parker stated that she was not aware of the MOU that was discussed and to Council Member Noriega that would be a good place to start and they could also schedule a review of the Crisis Intervention Team protocols and whether they changed recently and she would work with them on further Agenda items. Council Members Lovell and Jones absent.

Council Member Rodriguez on a point of personal privilege stated that he wanted to welcome Mr. Russell Adair of the Eastwood community who was present and thank him for all his work in the community. Council Member Jones absent.

Ms. Jacqueline Phillips, 414 W. Troy Road, Houston, Texas 77091 (713-695-8551) had reserved time to speak but was not present when her name was called. Council Member Jones absent.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (FA3-4511) had reserved time to speak but was not present when his name was called. Council Member Jones absent.

Mr. Dennis Locke, 5505 Pinemont, Houston, Texas 77018 (713-553-0721) appeared and stated that he owned a club, a social club, on Pinemont and Antoine and he hired five people; that he came to get game permits and the police department said he had to have a window put in across his bar, but it was 40 feet across and he had no game room, he had four games for senior citizens, he had four pool tables, two dart boards, a golf game, horseshoes, washers and two dance floors, one in and one outside; that he wanted someone to get with him and let him know how to do it without going through a lawsuit, if someone would come out and just look. Council Members Adams and Jones absent.

Mayor Parker stated that they were in litigation on the issue right now and she believed there may be some interest in Council looking at the ordinance and they would take his comments under advisement. Council Members Adams, Noriega and Jones absent.

Mr. Russell Henderson, 1325 Northwest 101st, Oklahoma City, Oklahoma 73114 (405-535-6266) appeared and stated that he owned a shell building at 9618 West Montgomery Road and his intentions were to make a daycare, an architect drew up the plans and told him he had to pay an impact fee so he paid \$2,064.44 and went back to the city because it failed, but before he paid the money he asked if he could get it back if he was unable to open the business and they said yes so he went back and it they refused to give it to him and he needed his money back and he wrote to Mr. Moreno asking for it stating his designer misinformed him.

Upon questions by Council Member Johnson, Mr. Henderson stated that the building did not pass; that the architect said he had to pay the city the money first, but then later the city explained he did not have to pay impact fees until the plans had been okayed, but his architect said he had to pay it before he submitted plans, but when he paid it he asked could he get his money back if the plans did not pass and he was told yes, he did not know who the person was,

but if they knew better they should have explained it; and Council Member Johnson stated that he needed to speak with Mr. Drabek because by city ordinance and policy those fees were not refundable, but he would have opportunity to sell or transfer the fees to another owner. Council Member Noriega absent.

Mr. Alex Zepeda, 416 Fairview #10, Houston, Texas 77006 (832-413-7386) had reserved time to speak but was not present when his name was called. Council Member Noriega absent.

Mr. Douglas Brown, 6401 Del Rio, Houston, Texas 77021 (713-741-4190) had reserved time to speak but was not present when his name was called. Council Member Noriega absent.

Mr. Ray Hill, P. O. Box 3624, Houston, Texas 77253-3624 (713-523-6969) appeared and stated that he was present with a concern of policies in HPD which had been longstanding, one came to light recently because of the death of Myra Ikle, no one in the Homicide Division was sensitive to her, her community or the circumstances of her death because gay people could not serve in that department, they never had; that a Black female officer called her at home because she got a job in Homicide and when they found she was Lesbian she was gone in a week because she was not welcome there; that since Chief Bradford left the doors were not as open to the community; that he did not think there was any legitimate purpose for officers to wear ski mask and brandish guns in businesses where there were scantily dressed women because it was difficult to hide a weapon wearing a bikini, but it was a regular practice; that he knew no one in Legal or he would go about concerns in interpreting appellate law different from what the appellate courts did, even Mr. Zumo, the lawyer the city hired said he was correct and the city was not on certain points, but no one returned his calls. Council Member Noriega absent.

Council Member Adams thanked Mr. Hill for coming and stated that Ms. Myra was a sensitive issue and she and Council Member Bradford attended the visual last night and to Mayor Parker many attendees last night had the same issues, killing and brutal beatings should not happen regardless and they brought up concerns of having no one to talk to; that the transgender community stated they had no one to talk to when their lives were in danger; that she supported HPD and people should have someone to speak to when they felt their lives were in danger; and Mr. Hill stated that he went to the scene and there was a lot of soft soil and you could get shoe impressions, but there was no evidence any impressions were taken and he talked to the homeless there and one indicated he spoke to another who may know something and was in hiding and he could help police track down information, but there was no one to talk to; and Council Member Adams stated to Mayor Parker stated that she would ask for her support in making sure TxDOT cleared some of the area where the homeless went often because a lot of activity occurred there. Council Members Johnson, Rodriguez and Noriega absent.

Mayor Parker stated that Council Member Adams indicated they needed conversations with TxDOT; and Council Member Adams stated that the area was on Garrett where the new spur was put in, where 59 came down into Main, the area was where the crime happened and there were many trees and much debris and grass and no lighting and she would like her support; that lights were there, but not working; and Mayor Parker stated that she would work with her and figure it out. Council Members Johnson, Rodriguez and Noriega absent.

Council Member Jones moved that the rules be suspended for the purpose of extending the time for questions of Mr. Ray Hill, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson, Rodriguez and Noriega absent. MOTION 2010-0038 ADOPTED.

Council Member Jones stated that she believed this was a human rights issue; that it was important as much as law enforcement was valued they must also value citizens, if citizens did not trust police they would not talk and more murders could be a result; that people not allowed in certain divisions jumped out at her and she would respectfully request of Mayor Parker to find out if in fact this was true, whether it was written or unwritten policy if people were moved out of certain divisions if found they were certain categories of people as it was problematic to her; that she sent an email to the Mayor on transgender issues such as having dignity and respect when you go to the restroom and could not get it resolved last term, but she emailed her something the next day and the problem was solved and she thanked her and she hoped she would tackle this issue the same; and Mayor Parker stated that she would assure her there was no policy of discrimination in the Houston Police Department and if there was an informal policy it would be dealt with. Council Members Johnson, Rodriguez and Noriega absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Mr. Ray Hill, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson, Rodriguez and Noriega absent. MOTION 2010-0039 ADOPTED.

Council Member Bradford stated that a number of officers did a number of great things and public safety was a community responsibility and his concern and question was he was baffled to hear a citizen and community leader after community leader come forward and express their inability to communicate with the top officials in the Houston Police Department; and upon questions, Mr. Hill stated that he dealt with every Houston Police chief since Herman Short; that his (Council Member Bradford's) office was open and they wasted no time, they discussed issues and came to understandings and he won and lost some, but was always heard and treated fairly and that had not happened in the last six years; and Council Member Bradford stated to Mayor Parker that he would suggest they do what ever they could as quickly as possible to send a message to leadership; and Mayor Parker stated that she did not know what else she could do except replace the Police Chief which she was already in the process of doing; and Council Member Bradford stated that was part of the equation, but none the less it was sad when citizens believed they could not communicate. Council Members Johnson, Rodriguez and Noriega absent.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he had been coming in a number of years; that he heard the Mayor was taking care of many issues in many departments and he had problems with the Fire Marshall and came to see if she could do something with Code Enforcement, the engineers there had no clue, they had tunnel vision, if they did not read it in a book they had no common sense; that there was a 25 foot setback line for some buildings and one was his project, but the building took up the entire lot other than the setback and storm drainage and they said he needed a detention pond, but you needed area for plantings and sidewalk and that was eight of the 25 feet and after calculations the detention pond would have to be eight inches deep so you were just making a pool of water and right at the sidewalk and with any small rain it would fill up and go back into the church; that he spoke with Mr. Mark Loethan and said a Texaco was being built down the street and they did not have one and neither did the apartments there; that he was told the Texaco had one underground, but there was no such thing as an underground pond, a pond was an open body of water. Council Members Gonzalez and Noriega absent.

Council Member Jones stated that she had opportunity to study flooding and areas that never flooded before now flood; that she spoke to many people, including Council Member Costello who was an expert, and when you replace grass with concrete there was no where for water to go, the lay of the land was changed and there was a way to retain water underground and they were trying to protect property. Council Members Gonzalez and Noriega absent.

Mayor Parker stated that Mr. Johnson had two locations where he was working on projects with one being rejected because of the requirement of detention and the other had been rejected by multiple divisions so there were other issues to be worked on. Council Members Gonzalez and Noriega absent.

Council Member Costello stated that his colleague wanted him to speak; and upon questions, Mr. Johnson stated that he had an engineer; and Council Member Costello stated that several years ago the city addressed drainage related issues on small lots and it was a criteria he helped to write and it was for low impact development and he should meet with his engineer and explore those opportunities, they were in Chapters nine and thirteen of the Design Criteria Manual. Council Members Stardig, Gonzalez and Noriega absent.

Ms. Gladys House, 1605 Andrews, Houston, Texas 77019 (713-742-6995) appeared, presented information and stated that she was present on behalf of the Freedman's Town community to remind Council and inform the new Mayor and Council Members that Freedman's Town continued to be exploited while taxed without representation by the City of Houston and this had gone on many decades; that her handout went into specifics of her immediate concerns which were the Gregory Library Museum, Wiley Park, San Felipe Park, the Metro Transit Facility, police harassment and the TIRZ/Super Neighborhood; and she hoped Council Member Bradford would keep Council and the Mayor abreast of their issues and have their concerns as spelled out in her memo addressed. Council Members Sullivan, Gonzalez and Noriega absent.

Mr. Steve Sherman, 11715 Bandlon Drive, Houston, Texas 77072 (281-879-5688) appeared and stated that the last time he addressed Council was when Mayor Parker was Council Member regarding having speed bumps removed from his street and it was implemented with her help; that his present suggestion was for a pilot project to eliminate speeding on residential streets with security cameras instead of speed bumps; that in the United Kingdom and Chicago they made good use of security cameras both public and private; that people were photographed in many places and he proposed a project with a pair of cameras mounted and powered from a street light and he had the concurrence of the homeowners association for one on his street and he would be willing to do it at his own expense if the city would allow it and have Public Works secure them once procured and he would like two signs stating the cameras were there and then other subdivisions could follow. Council Members Sullivan and Noriega absent.

Council Member Hoang stated that he thanked Mr. Sherman for coming and for being willing to help in preventing criminal activities; that security cameras sounded good, but his concerns were if they violated deed restrictions or the First Amendment; and Mr. Sherman stated that people were photographed in banks, at lights, retail stores, on his property, etc.; and Mayor Parker stated that apparently there was a program in the city which allowed management districts and other similar entities to install video surveillance cameras and they could direct Mr. Sherman to the appropriate person to explain current policy and she believed it was housed in Public Safety under Mr. Dennis Storemski, the Public Safety and Homeland Security Director; that he could meet with Mr. Espitia with Citizens Assistance who was present to discuss his proposal. Council Members Sullivan and Noriega absent.

Ms. Anna Paul, 1212 Westheimer Road #102-108, Houston, Texas 77077 (832-438-1069) had reserved time to speak but was not present when her name was called. Council Members Sullivan and Noriega absent.

Ms. Sonya Ahmad, 6223 Weststar, Houston, Texas 77072 (832-279-5460) appeared and stated that her purpose of being present was because of a hit and run about two weeks ago; that someone hit her vehicle and drove off and she reported the incident to HPD and received a letter saying her case would not be investigated further because of manpower limitations,

amount of reports, etc., she was told she could not identify the suspects or incident but a witness in another vehicle said she could not identify the person either, but her concern was she called the Mayor's Office and spoke with someone who transferred her to HPD who transferred her to the Crime Unit and disconnected; that she called again and it was finally suggested she go to Council with her concern, what if the same vehicle caused a death next time and was not investigated this time. Council Members Sullivan and Noriega absent.

Upon questions by Mayor Parker, Ms. Ahmad stated that she could point out the person; and Mayor Parker stated that if she had information not taken at the time of the accident Lieutenant Gallier was present to speak with her. Council Members Johnson, Sullivan and Noriega absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Pennington, Rodriguez and Noriega absent.

Reverend James Nash, 8309 Brandon, Houston, Texas 77051 (713-725-1664) appeared and stated that he was present to speak on the Fire Department; that when he saw the Fire Chief resigning what came to mind was policy and procedure, on occasions he met with him and asked who was held accountable for stations, the managers, because you could shine the top of a shoe, but the bottom could have a hole; that the chief was gone, but the problem at the fire houses could still remain and he believed policy and procedure were very important and now they had another chief who had to take on policy and procedures and he would like to see more hiring of minority and females and he now had opportunity to reach out. Council Members Johnson, Sullivan, Pennington, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that Chief Flannagan would be happy to meet with him and he already took steps to transfer certain employees and was working to aggressively change the culture at some of the fire houses and she believed his issues would be addressed. Council Members Johnson, Sullivan, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Jones stated that she spoke with the Mayor and asked many tough questions and had grave concerns and for the first time in a long time she felt comfortable with decisions made in the Fire Department from protecting the work environment, etc., and she believed problems were being addressed and was thankful Mayor Parker was dealing with them and she would continue paying attention to the issue. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent.

The City Secretary stated that Ms. Anna Paul and Ms. Mary Taylor were now present and would be heard, Ms. Anna Paul would be next. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent.

Ms. Anna Paul, 1212 Westheimer Road #102-108, Houston, Texas 77077 (832-438-1069), who was previously not present when her name was called, appeared and stated that she did not vote as she was one of Jehovah's Witnesses, but she had gone through something 17 years and it had to be addressed in order for her to keep her ministry and to protect herself and her son; that she was a victim because she was a whistleblower, at a federal agency, she obeyed what the federal law said, but she reported it and it was not appreciated and she had gone through a number of things, she was violated by a police officer, her left knee was hurt and she addressed it with Internal Affairs and no one wanted to listen; that her problem was she was not able to get legal help because of slander and needed to be properly represented and no one should be denied that right; that she knew Ms. Russell a number of years as she had worked for the city, state and federal government and she was appreciated as an employee by the city and the state, but she could live nowhere without harassment and now

was living in a shelter. Council Members Johnson, Sullivan, Pennington, Rodriguez and Noriega absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682), who was previously not present when her name was called, appeared, presented information and stated that she was present regarding projects; that they had been neglected in getting projects already worked and funded; that she was asking Council Members to help finalize the projects and was inviting all to come out tomorrow at 10:00 a.m. to a press conference and meet with them at 1403 Fashion Hill Drive. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent.

Council Member Jones thanked Ms. Taylor for appearing and stated that there was a Council Meeting in the morning at 10:00 a.m. and she should not take it personal if she did not attend the meeting as she would be conducting city business here. Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (no phone number given) appeared and stated that he was requesting more time to speak; that he was the president of the U. S.; and continued expressing his personal opinions until his time expired. Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent.

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

At 3:26 p.m. City Council recessed until 9:00 a.m., Wednesday, January 27, 2010. Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, January 27, 2010, with Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo., Assistant Agenda Director, present.

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

At 9:00 a.m. Mayor Parker called the meeting to order and stated that they would start with a public hearing and wanted to take a moment of personal privilege, that she was going to be leaving in just a few minutes, that there was a funeral this morning for Bob Mosbacher and for those who did not know she had worked for him and the company for 18 years and absolutely wanted to be there, that she started working for the company when she was 24 years old and learned a lot from him and company, that he was an amazing man and an old school gentleman, and she used it in the nicest way she could, that he was a loss to the City, that she would be stepping out and Council Member Clutterbuck would be taking over for her. Council Members Johnson, Hoang, Rodriguez and Lovell absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for Annie D. Adams Family Partnership, Ltd. for the site located at 1025 Lockwood Drive -

DISTRICT H – GONZALEZ – was called. Council Members Johnson, Hoang, Rodriguez and Lovell absent.

The City Secretary stated that Ms. Carol Haddock with the Public Works Department would make comments on the public hearing. Council Members Johnson, Hoang, Rodriguez and Lovell absent.

Ms. Carol Ellinger Haddock stated that she was Senior Assistant Director of the Department of Public Works & Engineering, that it was more than six years ago that the Texas legislature provided a new tool for addressing contaminated properties by authorizing Municipal Setting Designations or MSDs, that an MSD protected public health by designating a particular parcel, beneath which contaminated groundwater was prohibited from use as potable water, that this State law was administered by the Texas Commission on Environmental Quality or TCEQ, that MSDs were intended to encourage redevelopment of vacant or abandoned property while protecting the public health, that she was here today because, although the TCEQ was the agency that issued an MSD, participation in the State program required local support, that on August 22, 2007, the City Council amended Chapter 47 of the Code of Ordinances by adding a new Article 13, that Council action provided a process by which the city may support, or not support, a party's MSD application to the State, that today they were holding a public hearing for an application submitted by the Annie D. Adams Family Partnership, for 12 acres of land located at 1025 Lockwood Dr., that the property was formerly owned by Rheem Manufacturing, they manufactured containers and drums at the site, that these operations were conducted at the site from the 1930s until the property was sold in 1986 to this applicant, that groundwater monitoring had occurred at the site since 1990 and the area of contamination was stable and in some areas shrinking in both size and concentration, that there was no source material at the site, however, four contaminants of concern still existed in the groundwater that exceeded human ingestion protection levels, that today's public hearing was a required step in the MSD process, that on November 16th 2009 written notices were mailed to property owners within ½ mile of the property and to owners and operators of water wells within 5 miles of the site, that Public Works then hosted a public meeting on December 12th at the Ripley House Community Center, which was located near the site, that based on the information supplied in the application, input from various Departments, and input at this public meeting, her Director had requested this public hearing, that depending upon the outcome of today's hearing, the Director of Public Works and Engineering would request that Council adopt an ordinance to support this MSD application, that the ordinance would include all elements required by State law and Article 13 of Chapter 47 of the Code of Ordinances, that in particular it would state that the City supported the application of Annie D. Adams Partnership to the TCEQ, that it would prohibit the use of groundwater from beneath the designated property as potable water, and would prohibit the maximum depth of the designated groundwater, in this case 200 feet. Council Members Johnson, Hoang and Lovell absent.

The City Secretary stated that no one had signed up to speak at the public hearing. Council Members Johnson, Hoang and Lovell absent.

Council Member Clutterbuck moved to close the public hearing, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Johnson, Hoang and Lovell absent. MOTION 2010-0040 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 37

MISCELLANEOUS - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$1,060,290.00 for permit fees to the **HARRIS-GALVESTON SUBSIDENCE DISTRICT** for 2010 groundwater withdrawal and 2009 amendment fees - Enterprise Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Hoang and Lovell absent. MOTION 2010-0041 ADOPTED.

DAMAGES - NUMBER 5

5. RECOMMENDATION from City Attorney for settlement of claim of **KEITH BOONE and LINDA ZAPALAC, parents of LEIGH BESS BOONE (Deceased)** - \$225,000.00 - Property and Casualty Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Hoang and Lovell absent. MOTION 2010-0042 ADOPTED.

ACCEPT WORK - NUMBERS 6 and 7

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,013,438.12 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 5.07% under the original contract amount – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Hoang and Lovell absent. MOTION 2010-0043 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,048,179.90 and acceptance of work on contract with **SHUMAKER-HARVEY EQUIPMENT CO., INC dba SHE-CO., INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 1.80% over the original contract amount – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Hoang and Lovell absent. MOTION 2010-0044 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 11

9. **PEARLAND ALTERNATOR COMPANY, INC** - \$199,680.00 and **HOMER J. WOOD dba WOOD ALTERNATOR & STARTER SERVICE** - \$271,169.80 for Ambulance, Pumper and Ladder Truck Replacement Parts for Fire Department - General Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Hoang and Lovell absent. MOTION 2010-0045 ADOPTED.
10. **INTERNATIONAL FORENSIC SCIENCE LABORATORY & TRAINING CENTRE** for Firearms Analysis Services for the Houston Police Department - \$80,000.00 - Grant Fund - Item was pulled from the agenda by the administration and would not be considered. Council Members Hoang and Lovell absent.
11. **CONSOLIDATED TRAFFIC CONTROL, INC** for Audible Pedestrian Signals in accordance with the American Disabilities Act for Department of Public Works & Engineering - \$111,380.00 Street & Bridge Consolidated Construction Fund - **DISTRICTS B - JOHNSON; D - ADAMS; E - SULLIVAN; F - HOANG; G - PENNINGTON and H - GONZALEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Hoang and Lovell absent. MOTION 2010-0046 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 37

13. RESOLUTION requesting H-GAC add the Design and Construction of Pedestrian Improvements (identified in the Montrose Pedestrian-Bicyclist Special Districts Study) in the Transportation Improvement Program for Congestion Mitigation and Air Quality Funding Consideration **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. RESOLUTION 2010-0002 ADOPTED.
18. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **INWOOD FOREST SUBDIVISION, SECTIONS 1 - 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0047 ADOPTED.
19. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **INWOOD FOREST SUBDIVISION, SECTIONS 8 and 9** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0048 ADOPTED.
20. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **ABST 269 J FLOWERS SUBDIVISION, ECONOMY SUBURBAN GARDENS SUBDIVISION, HERZOG HP SECTION 2 HILDALE SUBDIVISION, HILLENDahl ACRES SUBDIVISION, LENTZ VILLAS SUBDIVISION, LONG POINT MANOR SUBDIVISION, LONG POINT OAKS SUBDIVISION, POINT PLACE SUBDIVISION, SILVERBONNET PLACE SUBDIVISION, THONIG TRACT ABST 269 J FLOWERS, and WOODVINE LOFTS SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0049 ADOPTED.
21. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **HUNTINGTON VILLAGE SUBDIVISION SECTIONS 1 - 4** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0050 ADOPTED.
22. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SPRING SHADOWS SUBDIVISION, SECTIONS 1, 2 and 4** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0051 ADOPTED.
23. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SPRING SHADOWS SUBDIVISION, SECTIONS 3, 5, 7, 11 and 13, SECTION 8 REPLAT, SECTION 8 2ND REPLAT** to prohibit the parking of vehicles in the front or side

yards of such residences - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0052 ADOPTED.

24. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SPRING SHADOWS SUBDIVISION, SECTIONS 9, 10, 12, 15, 16, 17, 18, and 19, SECTION 9 REPLAT, SECTION 17 REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0053 ADOPTED.
25. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **WESTCHESTER SUBDIVISION, SECTIONS 1, 2, and SECTION 2 REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT G - PENNINGTON** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0054 ADOPTED.
26. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **GLENBROOK VALLEY SUBDIVISION, SECTIONS 1 - 4, 6 - 11, GLENBROOK VALLEY SUBDIVISION, SECTIONS 5 REPLAT, 7 REPLAT and 12 REPLAT, and GLENBROOK VALLEY SUBDIVISION, SECTION 7 EXTENSION** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0055 ADOPTED.
28. ORDINANCE amending Ordinance No. 2006-0246 (Passed on March 8, 2006) to increase the maximum contract amount for contract between the City of Houston, the **COUNTY OF LOS ANGELES**, and **OFFICE DEPOT** for Purchase of Office Supplies for Various Departments \$3,627,521.10 - General, Enterprise, Grant and Other Funds – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0056 ADOPTED.
29. ORDINANCE appropriating \$325,000.00 out of Airports Improvement Fund as additional funding for Professional Environmental Consulting Services Contract between the City of Houston and **BROWN AND CALDWELL** for the Houston Airport System (Project No. 625A; Contract No. 4600007063) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0057 ADOPTED.
30. ORDINANCE appropriating \$1,470,000.00 out of Street & Bridge Consolidated Construction Fund and \$1,567,825.55 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION**; approving and authorizing Amendment One to an Advance Funding Agreement; for the reconstruction of Little York from Airline to Hardy Road **DISTRICTS B - JOHNSON and H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0058 ADOPTED.
31. ORDINANCE appropriating \$25,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION**; for the Wi-Max Radio

System – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0059 ADOPTED.

32. ORDINANCE approving and authorizing Professional Environmental Consulting Services Contracts between the City of Houston and **WESTON SOLUTIONS, INC** and **TERRACON CONSULTANTS, INC** for Environmental Assessments under the Brownfield Redevelopment Program; providing maximum contract amounts - Total for both contracts \$260,099.32 - Grant Fund – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0060 ADOPTED.
34. ORDINANCE appropriating \$212,147.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BROOKS & SPARKS, INC** for Safe Sidewalk Program; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - STARDIG; E - SULLIVAN and H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0061 ADOPTED.
35. ORDINANCE appropriating \$1,408,660.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Design of Airline Drive: Canino to Tidwell Drainage Improvements (Glen Oaks) (Approved by Ordinance No. 2007-596) **DISTRICTS B - JOHNSON and H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0062 ADOPTED.
36. ORDINANCE appropriating \$2,513,000.00 out of Drainage Improvement Commercial Paper Series F Fund; \$107,000.00 out of Water & Sewer System Consolidated Construction Fund, and \$3,350,000.00 out of Drainage Improvement Commercial Paper Series F Fund (which \$3,350,000.00 is to be reimbursed by TxDOT); awarding contract to **JFT CONSTRUCTION, INC** for Whiteheather Storm Sewer Improvements Segment II; 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, project management, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund and the Water & Sewer System Consolidated Construction Fund **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0063 ADOPTED.
37. ORDINANCE appropriating \$2,250,550.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **SCOHIL CONSTRUCTION SERVICES, L.L.C.** for Water Line Replacement in Link Valley Areas, 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, project management, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK and D - ADAMS** – was presented. All voting aye. Nays none. Council Members Hoang and Lovell absent. ORDINANCE 2010-0064 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. **CONFIRMATION** of the appointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2010:
Position One - Mayor Annise D. Parker
Position Two - Council Member Anne Clutterbuck
Alternate At-Large Positions - Council Members Sue Lovell and Melissa Noriega

- was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. MOTION 2010-0047 ADOPTED.
3. **RECOMMENDATION** from Acting Fire Chief to approve the sale of Decommissioned Firefighting Equipment and Bunker Gear our "Sister City" Tampico, Mexico - was presented, moved by Council Member Lovell, seconded by Council Member Noriega. All voting aye. Nays none. MOTION 2010-0048 ADOPTED.

PURCHASING AND TABULATION OF BIDS

8. **RELIEF SERVICES for VETERINARY PRACTITIONERS (RSVP)** for Emergency Veterinary Services for the Bureau of Animal Regulation and Care (BARC) - \$20,000.00 - General Fund - was presented, moved by Council Member Lovell, seconded by Council Member Noriega. All voting aye. Nays none. MOTION 2010-0049 ADOPTED.
12. **TOTER INCORPORATED** for Automated Recycling Containers through the Interlocal Agreement for Cooperative Purchasing with the City of Tucson, Arizona for Solid Waste Management Department \$2,874,972.15 - American Recovery & Reinvestment Act Fund – was presented, moved by Council Member Lovell, seconded by Council Member Noriega.

Council Member Clutterbuck stated that this was an item for automated recycling containers through an interlocal agreement for cooperative purchasing with Tucson, Arizona and was a pragmatic and efficient way to purchase and add over 20,000 new automated recycling containers to 20,000 households and to convert 30,000 tub containers into automated recycling, that it was good news to the citizens of the City to participate in the automated stream recycling, which was where they did not have to separate out their recycling into glass and plastic and paper, they could just dump everything in the trucks as they come through and they sort it as a single stream recycling, that the item would add 50,000 more households to recycling, that they looked forward to converting additional homes to recycling in the future and the next wave would be paid for with the savings that the Solid Waste Department was going to be achieving through the bio bags that they were asking everybody to participate in.

Mayor Parker stated that she wanted to point out that they were not actually purchasing these containers from the City of Tucson, Arizona, it was a cooperative purchasing agreement and they were the lead City, so they were the named City, that it was a nationwide contract that the City was piggybacking on.

After further discussion Council Member Johnson stated that he appreciated the Mayor clearing up the notion that this was not coming from the City of Tucson, which was his question, that they were going to spend \$2 million and he wanted to make sure where that money was being spent, were they spending it with a local company, would there be some local participation if this in fact was grant money, that he wanted to make sure that some of that money, at some point, could be spent in the City of Houston with their local businesses, that he wanted to know who was the contractor who would be doing the business, was it a local or State company. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding.

Mayor Pro Tem Clutterbuck stated that the company was Totter, Inc. and were from Statesville, NC, they were the manufacturers of this special kind of automated recycling tub, but they could get him more information as to whether or not they had any local participation. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding.

A vote was called on Item No. 12. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. MOTION 2010-0050 ADOPTED.

RESOLUTIONS AND ORDINANCES

14. ORDINANCE relating to the Retail Electric Rates of **ENTERGY TEXAS, INC** within the City of Houston, Texas; suspending for ninety days the effective date of new rates - **DISTRICT E – SULLIVAN** - was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0065 ADOPTED.
15. ORDINANCE approving and authorizing contract between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION, A Texas Nonprofit Corporation**, to provide \$3,000,000 Performance-Based Loan of Federal "HOME" Funds to assist in the Development of a 144 Unit Affordable Family Housing Apartment Complex to be located in the Near Northside on an approximately 5.72 acre tract on Irvington Boulevard, of which 27 units will be designated as Home Affordable Floating Units for a 20-year affordability period - **DISTRICT H – GONZALEZ** – was presented, and tagged by Council Member Gonzalez. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Gonzalez stated that he was supportive of the project and knew that it had gone through the Housing Committee and Avenue CDC does a tremendous job, but they were still waiting for some additional information to come in that the administration needed, so he would be tagging it. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding.

16. ORDINANCE approving and authorizing contract between the City of Houston and **ORCHARD COMMUNITIES, INC, A Texas Nonprofit Corporation**, to provide \$3,540,000 Performance-Based Loan of Federal "HOME" Funds to assist in the Development of a 118 Unit Affordable Senior Housing Apartment Complex on an approximately 5.6965 acre tract at the northeast corner of Brinkman and West 34th Street, of which 30 units will be designated as Home Affordable Floating Units for a 20-year affordability period - **DISTRICT A – STARDIG** – was presented, and tagged by Council Member Stardig. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding.
17. ORDINANCE appropriating \$79,900.00 out of TIRZ Affordable Housing Fund (Fund 2409) for work related to one (1) of the thirty-three (33) houses described herein and approving and authorizing thirty-three (33) Single Family Home Repair Contracts between the City, as the Repair Agency acting on behalf of thirty-three (33) homeowners, and two (2) construction contractors (**JOSHUA DADE HOMES AND GENERAL CONTRACTOR SERVICES, INC**) and providing \$2,459,208.00 in Community Development Block Grant (Disaster Recovery) Funds, \$77,300.00 in Community Development Block Grant (Fund 5000) Funds and \$79,900.00 in TIRZ (Fund 2409) Funds for the Demolition and Reconstruction Work on thirty three (33) houses for the Single Family Home Repair Program - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; H - GONZALEZ and I – RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0066 ADOPTED.
27. ORDINANCE awarding contract between the City of Houston and **HOUSTON AUTO AUCTION, INC** for Surplus Vehicle Auctioneering Services for Finance Department -

Revenue – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0067 ADOPTED.

33. ORDINANCE appropriating \$803,988.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation to Professional Engineering Services Contract with **SES HORIZON CONSULTING ENGINEERS, INC** for Whiteheather Storm Sewer Improvements (Approved by Ordinance No. 2005-0842) - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0068 ADOPTED.

MATTERS HELD - NUMBERS 38 through 40

38. ORDINANCE **AMENDING SECTION 4608 OF CHAPTER 46 OF THE BUILDING CODE OF THE CITY OF HOUSTON, TEXAS, THE HOUSTON SIGN CODE**, to authorize temporary signage for businesses adjacent to light rail construction projects – (**This was Item 15 on Agenda of January 20, 2010, TAGGED BY COUNCIL MEMBERS LOVELL and NORIEGA**) – was presented. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Lovell stated that she wanted to thank Metro for keeping in mind when they passed the consent agreement that as they were building they were going to spend special attention to the small businesses along the lines and this was part of that program in insuring that the businesses there, with the construction taking place in front of them, that people still knew they were in business and had easy access to them and that the signs were visible, that she wanted to thank Metro for keeping their promise to the business owners and to Public Works for their working through on how they were going to do this because they had just passed a banner and sign ordinance, which they had to go back and amend. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Pennington stated that they understood that there might be a City fee imposed for the temporary signs and thought that Metro was paying for the signs but it still left the small business people to possibly pay \$150 to advertise and asked if that issue had been resolved, and Mayor Pro Tem Clutterbuck stated that yes it had been resolved and Metro would be paying for it and the small businesses would not be incurring that fee. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding.

A vote was called on Item No. 38. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0069 ADOPTED.

39. ORDINANCE appropriating \$60,000.00 out of Public Health Consolidated Construction Fund; awarding Construction Management At Risk Contract to **SPAWMAXWELL COMPANY, LLC** for Bureau of Animal Regulation and Care Facility Expansion/Renovation & Ann Slemons Young Animal Center - **DISTRICTS B - JOHNSON and I – RODRIGUEZ – (This was Item 29 on Agenda of January 20, 2010, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented, and tagged by Council Member Rodriguez. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding.
40. ORDINANCE appropriating \$385,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Local Rehabilitation Contingency Projects under the American Recovery and Reinvestment Act - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - HOANG; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ – (This was Item 36 on Agenda of January 20, 2010, TAGGED BY COUNCIL MEMBER NORIEGA)** - was

presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0070 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Stardig stated that she wanted to remind everybody that on Thursday that she and Crime Stoppers would host the Second Annual Illegal Dumping Press Conference at the R.L. and Cora Johnson Park located at 9920 Puerto Rico in the Carverdale Community; that she wanted to remind them that the 16th Annual Garden Oaks Montessori Pancake Breakfast would take place on February 6, 2010 from 8:00 a.m. to 10:30 a.m. at Garden Oaks Elementary at 901 Sue Barnett; that she wanted to welcome to the District A team Corrie Rae and Lynnette Aizpurúa, who were a welcome addition to their team; that she wanted to thank her colleagues who attended the TIRZ Memorial City Board Meeting yesterday. Mayor Parker and Council Members Adams, Sullivan, Rodriguez, Noriega and Bradford absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Pennington stated that on the recycling issue Council Member Johnson mentioned the involvement of local companies, that he thought that Waste Management had the same kind of ability to separate the different kind of recycle materials and he presumed that the department had done it's due diligence and given everybody an opportunity but just in case they did not know he just wanted to suggest it as a way they could keep the money at home. Mayor Parker and Council Members Adams, Sullivan, Rodriguez, Noriega and Bradford absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Jones stated that yesterday there was a big event at the Hilton Post Oak, that she and Council Members Pennington and Hoang were there and they gave them a proclamation for the 61st Republic Anniversary for India, that it was a wonderful event, that the Mayor wanted to focus on international business; that they were happy to support Council Member Stardig at the TIRZ meeting yesterday. Mayor Parker and Council Members Adams, Sullivan, Rodriguez, Noriega and Bradford absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Costello stated that yesterday he and Council Member Gonzalez had their first Flooding and Drainage Committee meeting and he wanted to thank his colleagues who were there and their staff members, that he thought it was unique that they needed to stress the importance of what the City was actually doing in the drainage and flooding field and what impact it had, that they had a great presentation by Mike Marcotte and Carol Haddock on what the City was doing, that it was more of a 30,000 foot overview, that he was real excited about the program and thought the issue that they really needed to be focused on, which was something that the Mayor gave them a charge to do as a committee, was to understand the significance of their infrastructure, the aging infrastructure, and the cost of that infrastructure and finding a long term solution to funding the resolution of how they did that and how they would build new infrastructure in their City; that yesterday he assisted the Mayor in receiving an award from FEMA and the fact that the City was now rated level 5 in the community rating system, which was really unique because it did save quite a bit of money with their residents who actually paid for flood insurance so he thought that was a great program; that on Solid Waste and the Single Stream Program, as an engineer their had a tendency of measuring things and since he became an avid recycler, as his wife called it, a more rabid recycler, the volume of his trash had actually been reduced by over 40% and that was just using the bins so he looked forward to getting a single stream so he could put more stuff to recycling, that he wanted to commend Solid Waste for the program and thought it was a terrific program and hoped it became successful community wide. Mayor Parker and Council Members Sullivan, Rodriguez, Noriega and Bradford absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Lovell stated that she and her staff would like to extend condolences to

the family and friends of former Commerce Secretary Robert Mosbacher, that she wanted the family to know that they were in their prayers; that she saw today on the agenda that they settled with Lee Boone and her family on what happened to her when the two fire trucks collided a year ago and she was in that unfortunate accident and died, that she goes home every day by Dunlavy and the bicyclists had put up a memorial, a bicycle painted white and attached to a pole and there were flowers and a picture of her, so every day they were reminded of what happened to her, that she wanted to say to the family that no matter what there were people who still remembered her and were very sorry about what happened to her; that she wanted to say thank you to Metro for paying attention to the small businesses along the lines where they were building; that on January 28, 2010, Metro was going to launch a brand new service in west Houston, the 75 Energy Corridor Connector, which would run along Eldridge between Katy Freeway and Westheimer and provide employees and residents who lived in the Energy Corridor District with transit options, that this was just the sort of service that they wanted to see from Metro; that she attended a meeting at Immanuel Lutheran Church on which she and Council Member Gonzalez were working very diligently to serve the old church that was built some time in the 1930's and figure out some way that they could preserve that church for the neighborhood and figure out a way that it could be useful, that it was so important to the neighborhood, that the Lutheran Congregation was going to have a meeting on February 10, 2010 and a vote on whether to keep the church or demolish it and she wanted to thank Immanuel Lutheran for working through this with them and Council Member Gonzalez and his staff and Chris Silkwood, whose son goes to the school there, for a great presentation that she gave in trying to explain to an older congregation why the old church was so valuable to the community and how they could turn it into something useful, that she hoped for anybody listening if they would send their letters to Immanuel Lutheran and let them know that it was very important to keep that structure, and thank you to everyone who stepped up and volunteered their services; that she wanted to say best wishes to Anthony Love who was moving to Washington, D.C., that his leadership in dealing with the homeless population in their City had been invaluable, that Washington, D.C. was getting a great asset, that she hoped someday he would return and continues to work with them in Houston, but until then she would wish him the best of luck and thank him for all of his services, time and effort in improving the City and the lives of people who were homeless. Mayor Parker and Council Members Sullivan, Rodriguez, Bradford and Jones absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Johnson stated that on January 29, 2010 from 5:00 p.m. to 7:00 p.m. they would be having a job fair and conference at the Fifth Ward Multi Purpose Center at 4014 Market Street, that at the job fair there would be tangible real jobs that people would be able to receive, that on Friday was the workshop and presentations on bettering their interview skills, better work attire, customer service tips, as well as application tips, that they would have companies that had jobs available and ready for people to receive, that on January 30, 2010 they would have the actual job fair from 9:00 a.m. to 1:00 p.m. at the Fifth Ward Multi Purpose Center; that on February 1, 2010 they would have the beginning of a series of meetings where they would be discussing the renaming of Waco Street, Boyles, Altoona, Hirsch, North York and Sampson, that was one stretch of street that had a multitude of names, six different names, they were going to have discussion on February 1, 2010 at the Fifth Ward Multi Purpose Center, February 2, 2010 at the Kashmere Multi Purpose Center, February 3, 2010 at the Barbara Jordan Community Center and February 4, 2010 at Our Lady of Saint Johns, 7500 Hirsch Road, that the meeting would be discussing the renaming of these streets to Mickey Leeland Boulevard, that they all knew what Mickey Leeland meant to the City and how important he was to the City and he grew up in the Fifth Ward Community so they would be having some discussion to look at renaming all of those streets to bring some continuity, that they could call his office at 832-393-3009 to get more information; that on Friday, January 29, 2010 at 10:00 a.m. they would be having the Grand Re-Opening for the Kashmere Multi Purpose Center; that on Saturday, January 30, 2010 would be the 17th Annual Black Heritage Gala at Reliant Center in Hall E, that it was a great gala that provided scholarship opportunities for young African

Americans looking to further their education and be a part of 4-H Clubs and the area of livestock, that he hoped that people would come out and support those endeavors; that he would be hosting and be a part of the Hip Hop for Haiti, that he had the opportunity on Monday to be a part of Artists Benefitting Haiti at the Red Cat Jazz Café, that they had a packed house and he really appreciated the giving spirit of the City of Houston, that they really stepped up for those who were coming from New Orleans during Katrina and thought they were doing the same kind of efforts to send help to Haiti, that on January 30, 2010 it would be at 2417 Riverside from 2:00 p.m. to 7:00 p.m.; that the City lost a great leader and architect in Simon Rodger Wilkes who grew up in the Fifth Ward Community, that he was a real trailblazer for architects in the City of Houston, that his prayers and condolences go out to his family. Mayor Parker and Council Members Sullivan, Rodriguez, Lovell, Bradford and Jones absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Noriega stated that she wanted to put out an all points bulletin for “Mary the Lamb” who had been lambnapped from Fleming Park at Sunset and Kent and if anybody knew anything about “Mary the Lamb” if they would just bring back the lamb there would be no questions asked, there was a small reward available and if people needed more information they were welcome to call Council Member Clutterbuck’s office. Mayor Parker and Council Members Sullivan, Rodriguez, Lovell, Bradford and Jones absent. Mayor Pro Tem Clutterbuck presiding.

Mayor Pro Tem Clutterbuck stated that was a vintage lamb and they appreciated the historic preservation of that lamb should it happen sooner rather than later. Mayor Parker and Council Members Sullivan, Rodriguez, Lovell, Bradford and Jones absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Adams stated that she wanted to thank all of the Bravo Award recipients’ for all of their hard work and everything they continued to do for the City of Houston; that they had an interesting meeting and she wanted to thank Channel 13, ABC, for coming out to the Sunnyside Community last week to hear the concerns of the community and what plagued Sunnyside and why Sunnyside was so important, that she wanted to thank all of the community leaders who came out, that a lot of great ideas came out of that meeting and they would be implementing several of those; that last Friday night from about 9:00 p.m. to 2:00 a.m. she had the opportunity to partner with the Coalition for the Homeless and SEARCH, and she wanted to thank Anthony Love and Kate Lyons, that they went out and had about 200 volunteers at the US Vets Friday night to go out to the various communities throughout the City of Houston and she went into District I and counted some of the homeless people in District I, that if they were interested in helping the Coalition for the Homeless to count the homeless they were asking that they meet them at US Vets or go to HomelessHouston.org and find various locations within the City of Houston that they could volunteer, that the time was from about 8:00 p.m. to 2:00 a.m. or until they were finished; that on Saturday they celebrated with Mt. Carmel Missionary Baptist Church for their historic dedication and she presented a proclamation on behalf of the City of Houston, that they knew that Mt. Carmel would continue to thrive forward and the minister said that they would rebuild on the same location at Mt. Carmel; that in the morning at 7:30 a.m. there would be a business leaders breakfast discussing the 2010 Census and Mayor Parker would be the keynote speaker, that she (Council Member Adams) was the Outreach Co-Chair for the 2010 Census and they would start hearing her just about every Wednesday popping of about how important the 2010 Census was for Houston because they were under counted at the last count so if they had any questions about the 2010 Census they could log on to www.HoustonCounts.org to find out additional information; that they knew how important the Red Cross was to the recovery relief of Haiti and on Friday there would be a Hero’s Kickoff Breakfast that would be held in honor of Red Cross and all of the work they did in the City of Houston and she wanted to commend Delores Haddnock for everything she does for the American Red Cross in District D. Mayor Parker and Council Members Sullivan, Rodriguez,

Lovell, Bradford and Jones absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Gonzalez stated that he wanted to congratulate the Second Ward Community in District H, yesterday they had an 84 year old constituent who came up missing, that he became disoriented after he left home in the morning, that he happened to be City of Houston employee who worked for the Parks Department, that working with the community, in particular Precinct 6, Constable Trevino's office, the Houston Police Department, the Parks Department, EquuSearch and community members, such as Jessica Holtze and himself, giving him an opportunity to get back in police mode, they were able to go out there, coordinated an extensive search of the area and fortunately they were able to locate him, they found him safe and in good spirits and reunited him with his family; that he wanted to invite everyone to the Electronic Waste Recycling Event that they were having on Saturday in conjunction Congressman Gene Green, that every year they send 2.6 million tons of electronic waste in the United States so it was something that they could definitely do much better, they would be collecting televisions, CPUs, monitors, cell phones, keyboards, laptops and fax machines so if they had any of those materials that they needed to get rid of this was the event to do it, that it would be at 8001 Fulton at the Northline Houston Community College parking lot, from 9:00 a.m. to 1:00 p.m.; that he wanted to give a special thanks to Melanie Currie in Parking Management, along with Lilliana Rambo for helping with a constituent issue, that some paper had run out of a machine and he ran his cards several times and they were able to help him resolve the issue and he wanted to thank them for their timely response; that he wanted to remind them of the Fourth Annual Financial Empowerment Tax Form for people with disabilities, they would be kicking off their event on Friday, January 29, 2010, from 8:00 a.m. to 12:00 p.m. at the Metropolitan Multi Service Center, 1475 West Gray, that it would give the community an opportunity to meet an array of community resource representatives while receiving valuable information on free income tax preparation services, critical tax relief issues, such as Earned Income Tax Credit, and other refund opportunities that could change their lives. Mayor Parker and Council Members Adams, Sullivan, Rodriguez, Lovell, Noriega, Bradford and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Hoang stated that he met with many 2010 Census agents and they said that Houston was undercounted the last time and if they were going to be counting correctly this time they would take over Chicago, they would be the fourth largest city in the United States, that if they were undercounted by one person it would cost \$1,500, so he would encourage them to go back to their communities and promote the movement to count every person in their community, that he had done it with the Asian Community and all of the neighborhoods in his district and hopefully they would have the right number this time; that he wanted to thank the Robindell Civic Club for giving him the opportunity to speak at their recent civic club meeting, that he enjoyed hearing from the residents and sharing his vision for the City and discussing their future as a community, that he wanted to thank the President of the club for giving him a few minutes to address the neighborhood, that Robindell was very active and they had a wonderful neighborhood so he looked forward to working with this group; that on Saturday he would be attending the grand opening of the Higher Dimension Church, their new community center, that it was a wonderful church and had grown tremendously in the past few years and he had known that they were the testament to the wonderful work they did for the community and on behalf of Pastor Terrance Johnson he wanted to extend a warm invitation to his colleagues, to please join them on Saturday at the Higher Dimension Church at 98 Club Creek Drive; that he wanted to congratulate the 25th Anniversary of the Global Federation of Chinese Business Women, that fortunately they had the Chairwoman from Taipei, Taiwan to come to Houston and have the ceremony; that this week was the 61st Anniversary of India and yesterday he and his colleagues Council Members Pennington and Jones were invited by the India Counsel General to a beautiful event; that he wanted to congratulate the FDIC who came to Houston to promote the understanding to not put their cash under their mattress but put it in the bank; that the Lunar Calendar Year was coming up and he knew that many Asian Communities followed the Lunar

Calendar Year and he wanted to congratulate them as a whole and in the very near future he knew that all of them would be invited by the Asian Community to go and enjoy their Lunar Calendar Year and TUTS, Theater Under The Stars, would host the Ms. Saigon from February 9 through 21, 2010 and he would encourage them to go and see the show. Mayor Parker and Council Members Sullivan, Gonzalez, Rodriguez, Lovell, Noriega, Bradford and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to thank Donald Perkins in Planning and Development for working with their office, that Super Neighborhood Sixty Six met last night at the Holocaust Museum and she wanted to thank them for taking the lead in wanting to form their super neighborhood and getting things together in the Museum District, that she wanted to encourage all single member Council districts to look at the map and see what super neighborhoods that were not formed in their area to try to bring them onboard so that they could be formed and recognized in City Hall so they could continue to move their communities forward. Mayor Parker and Council Members Sullivan, Gonzalez, Rodriguez, Lovell, Noriega, Bradford and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 9:46 a.m. Mayor Parker and Council Members Sullivan, Gonzalez, Rodriguez, Lovell, Noriega, Bradford and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary