

City Council Chamber, City Hall, Tuesday, February 23, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 23, 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 and C. O. "Brad" Bradford; Mr. Don Cheatham, Division Chief, General Counsel Division,, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; and Ms. Marty Stein, Agenda Director present. Council Member Jolanda "Jo" Jones out of the city on city business.

At 1:42 p.m. Mayor Parker called the meeting to order and called on Council Member Adams who invited those present with Half Price Books to the podium and stated that the ability to read enhanced the quality of life for all and was vital to the economic strength of the country; that Half Price Books had long been a literacy advocate and each year collected books and built libraries in medical facilities; that from February 15, 2010, through March 31, 2010 all Half Price Books locations would serve as a drop-off site to collect children's books; and because of that and more presented a Proclamation to Half Price Books proclaiming today as "Half Price Books Half-pint Library Day" in Houston, Texas. Council Members Stardig, Johnson, Sullivan, Gonzalez, Rodriguez absent.

Council Members presented books for the campaign and thanked Half Price Books for their good works. Council Members Stardig, Johnson, Sullivan, Gonzalez, Rodriguez absent.

A spokesperson for Half Price Books thanked Mayor Parker and Council for the recognition and stated that this was their twelfth year holding the book drive and the books went to children's pediatric centers, schools, literacy centers, etc., and to date they had received and redistributed more than two million books across the country with last year distributing more than seven thousand books in Houston and they hoped to top it this year; that they were grateful and thankful for this kickoff; and presented Mayor Parker book called The Very Silly Mayor. Council Members Johnson, Sullivan, Rodriguez absent.

Council Member Adams invited those present with Delta Sigma Theta Sorority to the podium and Ms. McGowan, Barbara Jordan's sister, to stand with her and stated that she was a proud member of the organization and proud to have such history in the organization; that Barbara Jordan was also a member of Delta Sigma Theta Sorority; that the sorority was founded in 1913 by 22 women at Howard University in Washington, D. C. and demonstrated a vital concern of social welfare, academic excellence, cultural enrichment and moral standards and promoted the precepts among its members; that they remained committed to ideals envisioned by its founders and made valuable contributions; that the Houston Chapter was educating people on the importance of being counted in the 2010 Census which brought dollars to communities; and because of this and more presented a Proclamation to the sorority and proclaimed Saturday, February 27, 2010, as "2010 Census Day for Delta Sigma Theta Sorority". Council Members Johnson, Sullivan, Rodriguez absent.

A spokesperson for Delta Sigma Theta Sorority stated that they were honored to accept the Proclamation on behalf of Delta Sigma Theta Sorority; and Houston chapters had taken on the effort to help Houston be counted. Council Members Johnson, Sullivan, Rodriguez absent.

Council Members Johnson and Noriega thanked all in Delta Sigma Theta Sorority for being committed to services they provided and congratulated them on their recognition. Council Members Johnson, Sullivan, Rodriguez absent.

At 1:58 p.m. Mayor Parker called on Council Member Pennington who stated that he was pleased to present his friend Mr. Dwight Edwards, an evolutionary person who began his

professional life as a tennis pro and now had written three books with his last book having won the prestigious champion of literacy award for 2009 which the Mayor and all Council Members would receive a copy of; that he was senior pastor at Woods Edge Community Church in Southside Place and invited him to lead all in prayer; and Pastor Edwards stated that he moved to Houston five years ago and was stunned how deeply and quickly he fell in love with this city; thanked the Mayor and Council for all they did and led all in prayer; and Council Member Pennington led all in the pledge of allegiance. Council Members Sullivan and Rodriguez absent.

At 2:01 p.m. Mayor Parker requested the City Secretary call the roll. Council Member Jones out of the city on city business. Council Members Sullivan and Rodriguez absent.

Council Members Clutterbuck and Gonzalez moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Members Sullivan and Rodriguez absent. MOTION ADOPTED.

At 2:02 p.m. the City Secretary began calling the public speakers. Council Members Sullivan and Rodriguez absent.

Mayor Parker stated that while Mr. Richey was coming forward she wanted to note Council Member Jones was representing the City of Houston today in front of the Texas Railroad Commission as they were still in a rate challenge on electric rates; and she appreciated her taking time to do so. Council Members Sullivan and Rodriguez absent.

Mr. Jay Richey, 316 Bartow Municipal Airport, Bartow, Florida 33830 (863-578-1647) appeared and stated that he was present regarding Agenda Item 44; that he was president of Kemira Water Solutions, the low bidder for liquid ferrous iron solution for water treatment and they were \$2.4 million lower than the competitive bid over the life of the contract; today he was present to assure the Mayor and Council they could and would meet requirements of the contract and they had provided written assurance of this to the City of Houston sourcing department and was present today because at last weeks meeting Pennco, the current supplier and high bidder, appeared making claims to the contrary; that the product would be delivered by the minority contractor Pretty Quick Delivery Services; and in summary their bid included all cost of supplying the product and could and would provide quality service and urged approval on their award of contract. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Costello stated that he looked at all documentation as he was concerned with what was implied by their competitor and documents submitted and he appreciated Legal's recommendation that some information did not apply to the bid; that he was satisfied, but was concerned that initially in their documentation they indicated they would not comply with the MWBE goals, obviously it was a goal, but he was a contractor and they did not just meet their goal but always exceeded them and he was happy their current contractor would be about 27% of the goal and he would expect them to meet that. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Pennington stated that his recollection was that they would not meet the 2% requirement and allegedly there was a difference in price when it was more or less than the 2%; and his question was in the bid did they affirmatively state they would meet the 2% requirement; and Mr. Richey stated that yes, they provided affidavit to the City of Houston that they would meet it; that in their bid response he was not sure of the wording. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Mayor Parker stated to Council Member Pennington if he would like to hear from Legal on whether they met the bid requirements originally and Council Member Pennington stated that

yes that was what he was interested in. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Costello moved the rules be suspended for the purpose of hearing from Mr. Don Cheatham, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Members Sullivan, Rodriguez and Noriega absent. MOTION 2010-0090 ADOPTED.

Mr. Cheatham stated that he received a briefing on this and the head of their Contracts Division briefed him and he was supplied with various documents and emails concerning the matter; that the opinion he reviewed and conversation he had with Ms. Wiginton, head of the Contracts Division satisfied him that the bid was regular and enforceable and designed to ensure the city received what it was going after; that no defects in the bid itself were found and it was bolstered by the action of the city in procuring and testing a sample of the material to be provided which proved it met specifications; and Council Member Pennington stated that this was a large volume contract and probably not feasible to check every batch delivered so it was very important they be contractually bound by virtue of their original submission to provide the on spec materials; and Mr. Cheatham stated that was the case. Council Members Sullivan, Rodriguez and Noriega absent.

Mayor Parker stated that to repeat there were no defects in the original bid and she would point out to Council Members there would be a lot of losing bidders appearing before them over the next few years and they should start from the facts and she was glad that Council Member Pennington asked the question. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Bradford stated that Mr. Cheatham stated there was no defect on the face of the bid, but he had two concerns, one was the specific technical requirement the pH should be no lower than 2 and he did not see a specific representation in Kemira's bid. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending the time for discussion with Mr. Don Cheatham, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Members Sullivan, Rodriguez and Noriega absent. MOTION 2010-0091 ADOPTED.

Council Member Bradford stated that there were two specific requirements one was the pH be no lower than .20 and he saw no specific representation in the response that would happen as a technical requirement, when he raised question the response indicated that by signing and submitting the bid that was in compliance and he was concerned there was no specific indication with the compliance and more importantly the requirement of a good faith effort being exhausted when it came to MWBE subcontractor, the bidder responded that they did not do that and it seemed to him the requirement to meet a good faith effort null last the bid because they were simply being nonresponsive to that component, if they just said on the face of their response we don't do that and a requirement of a good faith effort be exhausted; that was his question; and Mr. Cheatham stated that he had not actually reviewed the bid specification or bid file by the company and was relying on the briefing received and material provided from Ms. Wiginton, head of their Contracts Division, and nothing she said indicated she or anyone else involved in the process felt the bid did not meet specifications; that to her there was no defect in the bid in any real sense of the word; and Council Member Bradford stated that he could not respond to his question because he said he had not reviewed the package and brought hearsay; and he would suggest there was a real question on whether to accept what Mr. Cheatham was saying based on what he was acknowledging; and Mayor Parker stated that if he would like to have a specific briefing from Ms. Wiginton she would be happy to address it and there was a written memo directed to all Council Members addressing

specifics of his question signed by her; and Council Member Bradford stated that he had the particular memo and when he got a response indicating the primary reason they believed for disparity it was not objective in response to his question, but he would yield. Council Members Johnson, Adams, Rodriguez and Noriega absent.

Mr. Dennis Locke, 1619 Chippendale, Houston, Texas 77018 (713-553-0721) appeared and stated that he had a motorcycle wreck and was scratched up and bloody; that one of the beautiful speed humps was beside a driveway and he saw it too late; that he did not see why they would take good roads and put speed humps in them when they could not keep up with filling potholes; that he had a 2002 truck and had two frontends; that he was told it was wearing out because of potholes and road humps. Council Members Johnson, Adams, Rodriguez and Noriega absent.

Ms. Deborah Elaine Allen, P. O. Box 26352, Houston, Texas 77207-3552 (no phone) had reserved time to speak but was not present when her name was called. Council Members Johnson, Adams, Rodriguez and Noriega absent.

Ms. Carol Rensick, 1617 Haver, Houston, Texas 77006 (713-524-5146) had reserved time to speak but was not present when her name was called. Council Members Johnson, Adams, Rodriguez absent.

Ms. Ann Green, 11531 Mulholland, Houston, Texas 77477 (713-758-2142) appeared, displayed pictures and stated that her pictures were of trashcans which were there seven days a week in the street day after day, week after week, month after month and despite her 311 calls; that there were no city lights and they made it dangerous and in the day children could dart out from behind them into traffic; that they needed help to keep from potential accidents and she did thank Council Member Hoang and his director, Dawn Hurd, for trying to help and commend Norris Davis the Neighborhood Protection liaison for their help, but still cans were in the street; that Neighborhood Protection said they were understaffed as was where she worked, but still they got their work out; that years ago Inspector Edgerson responded to 311 by writing tickets and then backup tickets and the cans got out of the street, but after he retired the cans were back; that Neighborhood Protection was the best hope; and urged assistance. Council Members Johnson and Adams absent.

Mayor Parker stated that Mr. Davis was present to speak with her at this time. Council Members Johnson and Adams absent.

Council Member Hoang thanked Ms. Green for coming and stated that his staff wanted to continue working with her and she should call so they could set a meeting and resolve the problem; and Ms. Green stated that Council Member Berry and Council Member Khan had the problem and now it was inherited by him; and thanked him for his help. Council Member Johnson absent.

Mayor Parker stated that they were beefing up the Neighborhood Protection Division and she hoped that would improve the service, but this was also an issue for Solid Waste if she would visit with Citizens Assistance who was present they would get to a further resolution of her problem. Council Member Johnson absent.

Mr. Theodore Johnson, 3318 Carnell, Houston, Texas 77022 (713-861-7943) had reserved time to speak but was not present when his name was called. Council Member Johnson absent.

Mr. Joe Sanders, 5247 Dumore, Houston, Texas 77048 (713-480-6509) appeared and stated that his phone was taped and his car had a tracking device and whenever he needed a

lawyer his calls were sent somewhere else; and continued expressing his personal opinions until his time expired. Council Member Lovell absent.

Ms. Erika Bowles, 1825 Prospect, Houston, Texas 77004 (713-252-2486) appeared and stated that a colleague of hers came to Council last week regarding an incident with the Houston Police Department which took place daily at Liberty Road and the Eastex Freeway and she was present on the same; that she now had to find alternate routes to get home as she had also been stopped at the location and the officer was so rude she was afraid to go the same way any longer and drove two miles around; that she had filed with the Internal Affairs Office and was told he was trying to rush the job so he would not be standing in the street, but this had been going on over a year, it was an every day thing and she felt for those who were afraid to speak up. Council Member Lovell absent.

Mayor Parker thanked Ms. Bowles for coming and stated that she appreciated her taking the appropriate step which was to file an IAD complaint. Council Member Lovell absent.

Council Member Johnson thanked Ms. Bowles for coming and stated it was correct to do so; that they knew the problem existed a number of years in that community and he did not so much have a problem with the speed trap there, but they did not want it used as a cash register for the Police Department when other crimes were going on; that they did want the neighborhood safe, but did not want people intimidated and the matter was being looked into; and Ms. Bowles stated that they had a drug house across from their school and they called HPD numerous times, but nothing was done about that. Council Member Lovell absent.

Council Member Bradford stated that he wanted to extend an apology to her first of all and it was unfortunate officers said and did things they should not, but he could assure her most officers did their jobs as best they could; that the investigative process works correctly more often than it failed and he felt she would get a good investigation, but he wanted to make sure that she understood there was no connection between officers issuing citations and revenue for the Houston Police Department, they did not write tickets and the money go into the HPD coffer, it did not work that way, but he did apologize for what she endured and the investigative process worked and he would be in touch with her to see how it worked. Council Member Pennington absent.

Council Member Adams stated that she mentioned a drug house near a school and she would like her to meet with Lieutenant Gallier who was present and provide him with the address. Council Member Pennington absent.

Ms. Danyelle Templeton, 2014 Silverdale, Houston, Texas 77029 (713-882-9012) appeared and stated that she was present with a complaint regarding the Houston Police Department's actions toward citizens needing help; that on two occasions when she needed HPD's assistance it was considered meaningless; that her first encounter was in September 2009 when her home was burglarized and the officer said it really was not a case due to his observation she was behind it or that she had someone make it look like a robbery; that the second time was on February 18, 2010, she worked in her home and lights were on she did not turn on and she left and called 911 to have an officer come meet her and do a walk through as in her neighborhood there were criminal invasions; that the officer met her and from the time he opened his mouth he was rude, crude and it seemed as if she was bothering him, then after the completion of his walk through he explained that he did not know what she called for, he saw no problems and they ended in a screaming match and when asking for his name and badge number he gave it to her and slammed the front door, but she brought this to Council as there were too many incidents where they were not taking their duty to serve and protect; that no matter how big or small a case she wanted to be treated with dignity; and wanted the message passed on. Council Member Pennington absent.

Council Member Adams stated to Mayor Parker that she did not know what direction they were going when it came to making sure officers had compassion because recently she received a call from a City of Houston employee whose sister came home and noticed a burglar and hid and called 911 and when the officer came to the door he said there was no one there and she was saying she was in the closet and then when he came in he hit her in the head with a flashlight and she kept saying she lived there; that she passed the complaint, but this was not the first time hearing this; and anyone having complaints with officers should come down and not be afraid. Council Members Pennington and Rodriguez absent.

Upon questions by Mayor Parker, Ms. Templeton stated that she had filed a complaint; and Mayor Parker stated that she would ask she visit with Lieutenant Gallier who was present at this time. Council Members Pennington and Rodriguez absent.

Council Member Noriega stated that she would echo what Council Member Johnson said which was she had done what she should in coming to Council; that one issue was whether information being given to officers was being taken seriously and the other issue was whether they were rude and inappropriate and she would apologize for both, they were not acceptable and Ms. Lewis in her office would meet with her and Lieutenant Gallier at this time. Council Members Pennington and Rodriguez absent.

Mr. Jose Garcia, 2402 Straight Creek, Houston, Texas 77017 (281-220-9298) appeared, presented information to Council Members and stated that at the ages of 13, 15 and 17 he was a juvenile delinquent and sentenced to TYC on two occasions and TDC on the third occasion for robbery and spent 8 years there; that he had been out 2 years on parole and will continue to do so successfully until 2013; that was his mistakes and he stood in shame, but he could fall or move forward; that he had an associates degree and a year and a half until his bachelors degree, but until then he needed to be employed and he went to the local union and attended two classes at night and they found a job for him pipefitting which he had experience in, but they declined him employment after 3 days of work even though all was going well because of his previous conviction which was over 10 years ago; that safety, work ethics, etc., were excellent on his part as he refused to go back to prison, but his disadvantage was the ability for someone to say though he did something 10 years ago they were still holding him accountable for it today; that he had a list of employers who closed their doors on him and he just wanted an opportunity to provide for his family, he had one son 1-1/2 years old and even if he was not innocent his son was and he needed to work for him; that he just wanted a chance; that he refused to go back to jail, to live under a bridge or take food stamps and be a liability to someone else and he had no tattoos. Council Member Pennington absent.

Council Member Johnson thanked Mr. Garcia for coming and for his determination to not fail again; that in his letter he pointed out clearly that 8 out of 10 men released from prison go back simply because of what he was dealing with now; that he always said they paid their debt to society and because that was paid they owned no more, but unfortunately their background would still be held against them; that he made a mistake at 17 and was going on 21 and how many young people did not make mistakes, but he was caught and paying for it; that a message needed to be placed out there among all employers there was no law saying they could not hire ex-offenders, but it was their right to have their rules, but he should keep his head up and on March 3rd he would be hosting a job fair for ex-offenders because he knew how hard it was to get a job, it would be at the United Way Building at 50 Waugh Drive and he could call his office, but he did know there was a bigger picture here and the system of holding mistakes made years earlier against him needed to be addressed. Council Member Pennington absent.

Council Member Gonzalez thanked Mr. Garcia for coming and sharing his story and for his determination to succeed and stated that people deserved second and sometimes third

chances; that right now many were struggling to find jobs even without being in trouble, but he would have a staff member visit with him at this time and he understood someone from the Mayor's Anti Gang Office was coming to speak with him also and may be able to refer him to employers who were supportive of individuals with previous backgrounds. Council Member Pennington absent.

Mayor Parker stated that the City of Houston was an equal opportunity employer and there were several departments which hired ex-offenders; that they were not responsible for background checks by the private sector, but there may be opportunity for appropriate employment in the City of Houston; that the city's criteria was that they had to be truthful on the application and to explain when they applied they were an ex-offender and what happened; that it was not appropriate to find out later through a background check. Council Members Pennington and Rodriguez absent.

Mr. Ted Mandel, 2935 apple Forest Cout, Kingwood, Texas 77345 (713-515-6712) appeared and stated that he resided in Kingwood and was present to suggest the City of Houston accept advertising on its vehicles to increase city revenue and to solicit their advice on how to determine if this was feasible; that Mayor Parker had shown by several of her ideas on the budget that she was open to ideas and she was right to put it all on the table so the best solutions could be thrashed out and encouraged her to add vehicle advertising to the list as school districts had fought budget deficits for years and the Humble ISD recognized they could reduce expenses only so much before the education product started to deteriorate and they were the first ISD in the area to take the bold move of accepting school bus advertising and now they were generating over \$200,000 a year on just 70 buses and the program was so successful that Houston ISD along with Cyfair, Spring, Huffman, Pasadena, etc., were accepting it; and urged consideration of advertising on the more than 12,000 city vehicles and that METRO do the same, if the city could attain the same advertising levels as Humble ISD it would earn \$11 million a year. Council Members Pennington, Rodriguez and Noriega absent.

Council Member Sullivan stated to Mayor Parker that he wanted to let her know the experience in the Humble ISD was positive with advertising and he did know Mr. Mandel and thanked him for coming and offering a positive solution. Council Members Pennington, Gonzalez, Rodriguez and Noriega absent.

Ms. Athena Reed, 7115 apache, Houston, Texas 77028 (281-903-4683) appeared, presented information and stated that she was the executive director of Save Our Kids Of America and recently relocated from California; that she had a project called "The Outcry Project" which would help provide services for youth who were involved in prostitution, teen mothers, juveniles who continued to find themselves in the penal system and those infected with AIDS, etc., she wanted to provide job skills training and offer communication skills training and life skills to help them have a better life; and she provided an overview of her project and a business card to all; that now she was gathering data on teens in Houston and wanted to be sure housing, etc., was provided to them. Council Members Pennington, Gonzalez, Rodriguez and Noriega absent.

Mayor Parker thanked Ms. Reed for coming and stated that there was a great need out there and they were always appreciative of citizens who stepped up and became involved. Council Members Pennington, Gonzalez, Rodriguez and Noriega absent.

Ms. Deloris Willis, 3702 Griggs, Houston, Texas 77021 (713-747-1534) had reserved time to speak but was not present when her name was called. Council Members Pennington, Gonzalez, Rodriguez and Noriega absent.

Ms. Melissa Dees, 7151 Evans, Houston, Texas 77061 (713-643-1962) appeared and stated that she was speaking on behalf of her parents who were present today; that they were requesting the Mayor and Council's immediate attention in what she would call an emergency situation; that Saturday, February 13th, Metro City Construction, a city contractor, went to their residence to repair the city sewer line and in the process they cut their private gas line; that now her parents had been without gas for 11 days and it had been pretty cold; that the city inspector assigned to the project told Metro City to repair the line and as of today still no repairs were made and some of their neighbors were still having problems with the sewer lines and were told by the City of Houston that repairs were not done correctly in the first place; that after countless phone calls to the city departments they were now present asking for assistance; that they were told today the city and Dover Plumbing would be out tomorrow to replace the gas line, but they were skeptical about waiting and they were enduring freezing temperatures with no heat, cooking stove or hot water and both were senior citizens with disabilities and urged assistance as tonight would be freezing temperatures once more. Council Members Pennington, Gonzalez and Noriega absent.

Mayor Parker stated that Council Members were distributed a letter from Mike Marcotte and she was correct a contractor did cut the line and had refused to make repairs and the city had issued an emergency repair order and would undertake it as rapidly as possible; that she did apologize to her parents for being without gas and would strongly suggest to Mr. Marcotte that the company in question not be allowed to do business with the City of Houston again. Council Members Pennington, Gonzalez and Noriega absent.

Council Member Rodriguez thanked Ms. Dees and her parents for coming and stated that he knew they dealt with much hardship in the last 11 days; that they heard the contractor would no longer do business with the City of Houston, but he was sorry it had taken 11 days; that Public Works had been working with his office, but it was going to freeze tonight and they did have a crew ready to go and he wondered if they could get out tonight; and Mayor Parker stated that this was unacceptable and she would see what could be done to get them out; and Council Member Rodriguez stated that Mr. Drabek and Mr. Soto with Public Works were present to speak with them at this time. Council Members Pennington, Gonzalez and Noriega absent.

Council Member Lovell stated that in working with gas lines a licensed plumber had to go out and that was something Public Works should have known and checked to see before they got disagreement with the subcontractor and she would ask Mr. Marcotte if it could be put into the policy or work orders; and Mayor Parker stated that it was an excellent suggestion and would see it was passed on. Council Members Clutterbuck, Pennington, Gonzalez and Noriega absent.

Council Member Rodriguez asked Mayor Parker if there was a way this could be enforced so Metro City...; that they should be sanctioned; and Mayor Parker stated that there was a process for that, but the problem was arguing with them the last 11 days you now had citizens who did not have gas for 11 days and it should have been resolved much quicker. Council Members Clutterbuck, Pennington, Gonzalez and Noriega absent.

Council Member Rodriguez stated that he would also like Metro City to be held responsible; and Mayor Parker stated that was for the Legal Department, they just wanted to be sure citizens were no longer inconvenienced. Council Members Clutterbuck, Pennington, Gonzalez and Noriega absent.

Ms. Helen Childs, 410 Windsor Drive, Friendswood, Texas 77546 had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Pennington and Noriega absent.



Mr. James Garrett, 12114 Sandrock, Houston, Texas 77048 (713-991-5334) appeared and stated that he was having problems with the Water Department as they were saying he had a leak, but he called a plumber and it was the city's main line and it was corrected; that the history of his water usage was August 15,000 gallons, September 7,000 gallons, October 3,000, November 1,000, December 2,000 and January was 15,000 gallons and he called the Public Works Department and they came out and looked at the meter and saw water in it and said he had a leak in the meter; that this past Saturday Public Works came again and dug up the meter and found the leak on the city side coming from the street, but the connection from his line to the meter had no leak and they said they would put a work order in; that he called and went four times to the office and no one was there, they said the lady was in the field; that he had a bill now for \$105.86 and his previous bill was \$8.67; and he wanted this straightened out. Council Members Clutterbuck, Pennington, Rodriguez and Noriega absent.

Council Member Adams thanked Mr. Garrett for coming and stated that Mr. Drabek stepped out for a moment, but she wanted to commend the Mayor's Citizens Assistance Office staff because they were following his complaint and making sure they stayed on top; that she was glad Ms. Solis was not at the Sunnyside Center sometimes because she used to have that position and nine times out of ten they were not there unless there was an appointment because they spent a large amount of time in the fields because they did handle complaints on behalf of the Mayor's Office; that Mr. Drabek would be back in the Chamber shortly and could speak with him and her staff member Ms. Johnson would meet with them to make sure they stayed a part of the process. Council Members Clutterbuck, Pennington, Rodriguez and Noriega absent.

Mayor Parker stated that they would continue working with him and there was a leak on the city side of the meter but that would not register on his meter so Public Utilities wanted to inform him he did have a leak on his side of the meter and would encourage him to call a licensed plumber to locate the leak. Council Members Clutterbuck, Pennington, Rodriguez and Noriega absent.

Ms. Synthia Hall, 1515 Snyder, Houston, Texas 77020 (832-886-7771) appeared and stated that she was present regarding the Fifth Ward's insufficient library in the Fifth Ward Multi Center; that the service center had a visible face there since 1977 and members of the community in many cases used it as a place for their children to go; that she was pleased when she found out it was going through a rebuilding transition, but disappointed to find in October 2008 the new and improved temporary library they received was shameful; that they only serviced approximately 5 people and it was about 561 square feet, it had no computers and maybe about 5 rows of books and only open 4 hours a day 5 days a week and it was unacceptable; that she was told by Council Member Johnson's office untruths and she and her neighbors would like to have cleared up, she was told a new library was being erected on Lyons through the Mayor's Office and Fifth Ward Redevelopment Office and Council Members offices but she was not given a date; that she was told also by his office the community was surveyed and the outcome was people did not want a library in the center, but she received no survey nor did anyone she spoke with; that the community wanted their library back; and urged something be done. Council Members Clutterbuck, Pennington and Noriega absent.

Council Member Johnson stated that he appreciated Ms. Hall coming and as they cleared the untruths told to her he did not know who said a survey was done; and Ms. Hall stated that it was Mr. Alvin Byrd; and Council Member Johnson stated that he would speak with Mr. Byrd about that message, but the library was to be constructed at the Lyons Theater directly across the street from the Multi Purpose Center and the appropriate dollars were already appropriated for the library and theater in which Texas Southern University would be doing in the theater part; that the library in the service center was not adequate for the growth anticipated in the Fifth Ward Community and therefore they were going to build a much larger library and did not want

to use more funding for the center as it would go to the library; that they had no specific date but were working diligently to provide an adequate library for all of the fifth Ward Community and looking at 2011; that as with any endeavor to make improvements inconveniences would be there; and Ms. Hall stated what about here and now for the children; and Council Member Johnson stated in order to improve, to build a newer and better library and hopefully by 2011 they still had to build although all wanted it now. Council Members Sullivan and Pennington absent.

Mayor Parker stated that she thanked Council Member Johnson for pointing out this was a temporary library location and the entire collection of the Houston Library was on line and a request would have the book delivered to the Fifth Ward Library, this was just a temporary holding location. Council Members Sullivan and Pennington absent.

Mr. Simplicio Mendoza, Jr., 6143 Willow Glen Drive, Houston, Texas 77033 (713-734-2002) appeared and stated that greeted all and stated that God put Mayor Parker as Mayor to bring truth to the City of Houston; that he brought the word by the power of the God that the world would end by water on or before July 12, 2012; that today his issue was to congratulate Mayor Parker; that secondly, since Mayor White was Mayor his name had been messed up as an employee of the City of Houston; that he was no terrorist and he wanted a job, even janitorial, but he was told he was not qualified so what was going on in the City of Houston; that he received a letter from Neighborhood Protection about his heavy trash, he received a ticket and it was out one week before when his neighbor had it out one month and received no ticket; and continued expressing his personal opinions until his time expired. Council Members Sullivan and Pennington absent.

Ms. Gladys House, 1605 Andrews, Houston, Texas 77019 (713-742-6995) appeared and stated that Freedmen's Town as well as the Eighteenth Congressional District was being terrorized and unfortunately by terrible police officers; that residents could not walk the streets there and your age did not matter, if you were African American you were being harassed and it needed to stop; that this was the fourth week trying to get a meeting with the chair of the Public Safety Committee and this morning she was told they would try and meet with them Thursday and they did not want a murder again there by HPD as a result of waiting for the Public Safety Committee to find the time; and urged Mayor Parker to urge the committee to go out and meet with them this week. Council Members Sullivan and Pennington absent.

Council Member Noriega stated that she appreciated Ms. House coming to Council; that she knew they had been going back and fourth trying to get a meeting and they were not having a meeting Thursday, that was not her understanding; that they were trying to get both the vice chair, Council Member Gonzalez, and herself out and they took a step and visited with their district Council Member as to what had been going on there; that she understood she had concerns of police harassment, but she understood some in the community appreciated the police presence and her district Council Member had been meeting with them and they were trying to sort through it and get their meeting and they were happy to do so; and Ms. House stated that they did not want anything adverse to happen to the African American population in Freedmen's Town; that she understood Council Member Rodriguez met with a lot of new homeowners in the community and in most cases they were not African American, but this had to stop and they could not always wait until she found the time and do her little survey or whatever, this was real harassment throughout the Eighteenth Congressional District and she should not take it lightly; and Council Member Noriega stated that her neighborhood was very important and the safety of everyone in the area was important. Council Members Sullivan, Pennington, Rodriguez and Lovell absent.

Council Member Bradford stated that a bad police officer did not just choose a certain gender or race to do bad things to, but public safety was a community responsibility and she

had been in the field a long time and some agreed with her philosophy and some disagreed, but nonetheless she was there and a force to be reckoned with and they needed community input to help develop a strategy for the issues and they needed private sector resources to help put into the pool of resources to resolve issues and he would do what he could to get into her area as soon as he could to listen; that he did not know what authority he had but to listen and report to the Mayor, but he did not like hearing the regular tone of officers not listening to citizens. Council Members Sullivan, Pennington and Rodriguez absent.

Council Member Noriega moved the rules be suspended for the purpose of extending the time for discussion with Ms. House, seconded by Council Member Bradford. Council Members Sullivan, Pennington and Rodriguez absent. A vote was not recorded.

Council Member Noriega stated that there had been three town hall meetings in the area held by the District Council Member and they were willing to go out and visit again, but it was not as if they were not talking to the community and they had every intention of addressing every concern; and Mayor Parker thanked Council Member Noriega for the information and stated that she was going to speak on behalf of Council Member Rodriguez as she knew he had town hall meetings there and there was not one organization which spoke for the entire neighborhood. Council Members Sullivan, Pennington and Rodriguez absent.

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

Mr. Victor Bluitt, 8200 Broadway #904S, Houston, Texas 77061 (832-322-5924) appeared and stated that he had worked in dialysis 20 plus years and loved it; that he obligated his life to it; that he was incarcerated and still granted opportunity with work in that field because of his popularity and success he brought besides the community he was raised in; that the problem was he could not change the community but by being a product of the community he was faulted as well with individuals who were harassed by police as well; that until last year in dialysis he lost his job because he filed a sexual complaint on a woman, but they felt a man should take that and run with it and the EEOC was not obligating because of his history, they stepped down; that some attorneys tried to help but it was a year ago he was terminated without reasonable cause; that he looked for work and there was no assistance through the Work Source where they assisted guys with his history; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Pennington and Rodriguez absent.

Mr. Richard Freeman, 121 Riggs, Houston, Texas 77022 (no phone) appeared and stated that he had a few milestones in music, he worked hard at it; that he was a city bus driver 20 years and one milestone in that era was him taking a three piece band to the polio ward at Jeff Davis Hospital; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Pennington and Rodriguez absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) appeared and stated that he was with the Houston Property Rights Association and had been before Council the last three meetings talking about the problems METRO was facing with its financing of its operational problems and today was a new problem; that if they read the Houston Chronicle today they saw the story where a fellow plead guilty to planning to blow up a railcar in New York City and it was a problem Houston faced; that METRO bragged the rail car could hold 200 people and as the rail program expanded they were placing more and more Houston citizens at risk of a terrorist attack and it was another reason Council should call for review of METRO's plans and insist on a new election for the new plan. Council Members Sullivan, Pennington and Rodriguez 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 Sullivan, Pennington and Rodriguez absent.

Mr. Sammie Jones, no address (no phone) appeared and stated that he took seriously what he was saying; that he submitted what he considered against the Civil Rights Act of 1964 with him being thrown out of the library because he had a large bag and he had not heard anything on whether Council voted to override that ordinance, but since he also had other issues of him using the public library and annex. Council Members Sullivan, Pennington and Rodriguez absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 had reserved time to speak but was not present when his name was called. Council Members Sullivan, Pennington and Rodriguez absent.

Mayor Parker stated that after the final speaker if Council Members would remain they would go back to the first topic as City Attorney Michel was present to address the bid issue. Council Members Sullivan, Pennington and Rodriguez absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682), appeared and stated that again she was present asking for the same thing, where was their projects; that they had projects funded and projects on the books for parkland, but the land was being butchered and other buildings being placed there; and asked Mayor Parker to take care of the issues as she had been coming a year with the same thing. Council Members Sullivan, Pennington and Rodriguez absent.

Mayor Parker stated that Ms. Taylor kept coming with the same question and did not like the answer and she apologized for that; and Ms. Taylor stated that they had 26.82 acres in their community allocated for a park and they were taking out what they wanted and putting on it what they wanted; and Mayor Parker stated that was a new issue to her and she could speak with Citizens Assistance and then brief her. Council Members Sullivan, Pennington and Rodriguez absent.

The City Secretary stated that the public session was completed. Council Members Sullivan, Pennington and Rodriguez absent.

Mayor Parker stated that a question was raised about a contract issue for tomorrow morning and she would like to go ahead and hear Mr. Michel; and Mr. Michel stated that he apologized as from the chair he sat in it was acceptable to say they did not know and would get back to Council right a way, but they should not be saying they were not personally involved and did not know the answer, that was unacceptable and it was his responsibility and he apologized for it; that the issue raised was legal and policy and questions were legitimate; that the issue of why was information conflicting or appearing to conflict with a requirement not disqualify a bidder and from the legal end the city wanted to control what the contract was and the proposal set out by the city was an offer and the response was the acceptance, but the city controlled the response in the way it put the documents; that it was on the official signature page and it said by signing this you agree to the requirements herein attached and it was that signature and acceptance which was the binding contract in the end; that he believed this followed the protocol here and they did have a binding contract which required Kemira to meet the minimum pH level of 2 and an MWBE of 11% and then the administrative policy question of why did they allow it and why not disqualify someone, but the policy reason behind it was they wanted the best value for the city and people would make mistakes, but as long as they controlled what was the contract you hold their feet to the fire and that was the commitment; and with such a large

desperately here in terms of price to eliminate and go to the second bidder would not make much sense. Council Members Sullivan, Pennington and Rodriguez absent.

Council Member Bradford stated that he appreciated and accepted Mr. Michel's response as he rendered it, but his additional question had to do with the nonresponsive characterization of a particular bid; that he understood the 11% participation was a goal but the good faith effort was a requirement and if a bidder on his face acknowledged they did not do that and the bid was accepted then his question was when would the MWBE Program have viability; and Mr. Michel stated that on its face it went to the issue of what was the face of the contract, what was the legal issue; that he agreed he felt there was a conflict here and one reason it seemed starker when looking at it after the fact was that not all documents were required at the same time; that the subcontractor list was a form they put out there but it was to be provided after there was a recommendation of who to go for and then people lined up the subs and wrote them down and it was an error for them to say they did not use subcontractors but what they committed to was meeting the 11% and subsequently they identified subcontractors who would do it; and Council Member Bradford stated that he understood a bidder having an opportunity to explain when and how they would meet the requirement and the MWBE could be submitted later, but it was different in his view when someone left that component because they would do it later, but that was very different than on its face saying they were not going to do it. Council Members Sullivan, Pennington and Rodriguez absent.

At 3:34 p.m. Mayor Parker stated that seeing no other questions, City Council was recessed until 9:00 a.m., Wednesday, February 24, 2010. Council Member Jones out of the city on city business. Mayor Parker stated that seeing no other questions

The Houston City Council reconvened at 9:00 a.m., Wednesday, February 24, 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, 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. Council Member Stephen C. Costello absent on personal business.

At 8:25 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:03 a.m. Mayor Parker called the meeting to order. Council Members Council Members Johnson, Hoang and Noriega absent.

Council Member Lovell moved to suspend the rules to consider Item No. 1 out of order, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Johnson, Hoang and Noriega absent. MOTION 2010-0092 ADOPTED.

1. REQUEST from Mayor for confirmation of the appointment of **MR. OMAR C. REID** as Director of the **HUMAN RESOURCES DEPARTMENT** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Hoang and Noriega absent. MOTION 2010-0093 ADOPTED.

Mayor Parker asked Mr. Omar Reid to come forward and stated that he had just gotten confirmed as the new HR Director. Council Members Hoang and Noriega absent.

Mr. Reid stated that he wanted to thank Mayor Parker and the City Council Members for

confirming him as the Director of HR.

Members of Council congratulated Mr. Reid for his appointment as Director of the Department of Human Resources.

Mayor Parker stated that she wanted to thank Mr. Reid for agreeing to serve, that for those who may be watching on television, Mr. Reid started out washing trucks at UPS, the very lowest entry level position, he worked his way up over a number of years to a regional HR Manager and had a lot of experience in HR and clearly he had done his homework on the City and would start the job with a lot of good will behind him and a lot of support at the Council table and clearly from representatives of their employee union, that she wanted to note that HR had been led over the last three years by an Acting Director and wanted to acknowledge the services of Candy Aldridge, but thought it was time that they had a permanent director installed and move forward, that she wanted to wish him luck and thanked him for coming on board. Council Member Johnson absent.

### **MAYOR'S REPORT** - NASA: Regional Response and Action Plan

Mayor Parker stated that this was her first Mayor's Report, that she did not intend to jam up the Council agenda with a lot of Mayor's Reports but there were some critical issues that they needed to deal with and she would ask them to give a few minutes attention to the video that they were going to show and then they had some discussion of the current situation at NASA; that the video was designed to give people an idea of what the Constellation Program was all about and a hint at what their Nation was at risk of losing under the administration's proposed 2011 budget, that Representatives Pete Olson and Gene Green had created a bipartisan working group with other Members of Congress whose communities would be negatively affected by the administration's proposed budget cuts, that additionally they had formed a local working group consisting of their Congressional and State delegation, the City of Houston, Harris County, Bay Area Houston Economic Partnership, known as BAHEP, and the Greater Houston Partnership, that she had referenced to the working group a few times over the last few Council meetings, that for the last few weeks the working group had created an email exchange network where timely information could be passed to the entire group and they had held two teleconferences to discuss their combined efforts to preserve NASA funding, that there were several goals of the working group, first, that as she said to restore federal funding to the human space flight program, Constellation, in which they believed the Johnson Space Center at NASA played a vital role, to save nearly 31,000 jobs nationally and approximately 7,000 jobs locally that were directly or indirectly affected, that they wanted everyone here to be able to speak intelligently and with a unified voice on what the issues were, that the Constellation Program was part of the vision for space exploration introduced by NASA in 2004, that it's mission was to provide the means for testing and deploying new technology systems, flight operations and techniques to serve future space exploration and outpost missions to the moon and ultimately to Mars and other destinations, furthermore the program would develop new launch vehicles and spacecrafts that were more capable and safer than those currently in use, that NASA JSC currently had the lead to manage Constellation but the 2011 Federal Budget proposes the cancellation of the Constellation Program, which would economically devastate many communities across their Country and have a particularly harsh impact on the Clear Lake area and NASA, that human space exploration was fundamental to the future leadership, national security and economic vitality of the United States, that JSC was the centerpiece of NASA's human space exploration mission and needed to continue in that role, that cancelling the Human Space Flight Program Constellation jeopardizes America's and JSC's leadership role in human space exploration; that there were other benefits to human space flight, it inspires future generations to consider science as a career and for their future, that commitment to excellence in science, technology, engineering and mathematics stem for their students as critical, that 35% of the industry team working on the Orion Crew Exploration Vehicle Program

that was managed by JSC was comprised of young professionals, those under 35 years of age, if they cancel the Constellation Program how were they going to encourage young people to commit themselves to stem education when their career opportunities were shrinking and not expanding, that a few of the benefits to human space exploration, and she would remind Council Members and the listening public, that advances in cardiology, mammography, magnetic resonance imaging and kidney dialysis had benefitted from NASA research and technology, that radiant barrier materials that improve energy efficiency in their homes were derived from NASA research, that space based solar power and passively safe nuclear reactors all show promise for powering American cities as well as their spacecraft, that NASA had enabled advancements in space to ground communications and sensor technologies that provided secure mobile networks for first responders, special forces and other military units, that President Kennedy once said that in a very real sense it would not be one man going to the moon it would be an entire Nation, that for all of them as a Nation let us work to put him there, that their work to save human space flight would be difficult but working together she believed that they could convince Congress and the White House to adequately fund the Constellation Program, that this morning there were going to be some guests who would talk about what the strategy was, but overall House Budget Hearings on NASA were being held today and tomorrow and were being monitored by the City of Houston's Intergovernmental Relations Team, that 29 Members of the U.S. House had signed and submitted a joint letter to NASA Administrator Bolden, asking him to stop any activities that would directly or indirectly close out the Constellation Program, that going forward Representative Pete Olson would lead efforts on securing a letter of support from the U.S. Conference of Mayor's, that BAHEP and the Greater Houston Partnership would work on securing a letter of support from the U.S. Chambers of Commerce, that she would be traveling to Washington in March to meet personally with General Bolden and BAHEP was planning a trip to D.C. on March 24 and 25, 2010, to discuss the funding of the Constellation Program, that 150 to 175 members of Citizens for Space Exploration would travel to D.C. to reemphasize the importance of human space flight, that there was a new website, [www.GoBoldlyNasa.org](http://www.GoBoldlyNasa.org), that they were also using Facebook and Twitter to try to keep people updated, that communications from Council Members to the White House to NASA to Members of the key congressional committees would be extremely helpful and they would supply information on who to target those letters to and talking points, that as other actions were needed the Intergovernmental Relations Team would contact individual Council Members, that the Council Member who represented Johnson Space Center, Council Member Sullivan, had some additional information and she would recognize him.

Council Member Sullivan stated that he wanted to introduce distinguished guests that were present in the audience, State Representative John Davis, University of Houston Clear Lake President Dr. Bill Staples, Jim Sweeney, former Chair of the Clear Lake Area Chamber of Commerce and Jess Mosley, President and CEO of Greater Houston Partnership, that he wanted to commend Mayor Parker for her commitment to the issue of NASA funding, that she publicly stated in the past that she wanted to foster more regional cooperation on issues and this was a great example of how she was coming together to benefit their City and the entire region; that the cancellation of both manned space flight and the space shuttle programs would have a negative effect in a number of areas from their local to regional economy to their ability to conduct meaningful research projects that directly benefitted them and last but not least their national security position, that he was conducting a press conference today at 10:30 a.m. to discuss NASA funding, it would be held in the City Hall rotunda on the first floor, that representatives from government, industry, education and the business community would make comments and answer questions for the media, that one of those speakers would be Bob Mitchell, President of Bay Area Houston Economic Partnership, and with Mayor Parker's permission would like for him to come forward, and Mayor Parker asked Mr. Mitchell to come up the front microphone.

Mr. Mitchell stated that he wanted to thank them for giving him an opportunity to speak on

what he thought was a very important topic for not only the City, but the region, State and America and that was human space exploration, that it was fundamental to their Nation's future leadership and NASA's security and economic vitality, that he wanted to thank Mayor Parker for helping them pull together the conference call every Friday to get a lot done and it was great getting that message out; that the President's proposal in February 2010 actually kills the human space flight program when it takes away the Constellation Program, that what they saw on that video was gone, all of the work that had been happening in the last four years, including the Orion and the Ares I Rocket, which had a successful launch about six weeks ago, they just killed that, that trying to lean on commercial space was just not going to work, that they had already spent \$500 million of taxpayers money in the commercial world to try a launch a rocket, they had yet to launch the Falcon 9 and they thought they were going to have humans in space, it was just not going to happen in the very near future; that there were 18,000 direct jobs that worked at the Johnson Space Center, that equated to a little over 31,000 people that actually worked and attributed to the JSC economy, that he wanted to mention that those total jobs were valued at \$2 billion in personal income and expenditures in that region, that they all knew that the shuttle retired this year, a lot of people did not believe that but after 134 flights by September in over 30 plus years the shuttle retired, that if they continued down the administration's path they would not have American humans in space for over 20 years, and he would quote the administration when he said, "we hope to have Americans in space in 2030", that like the Mayor said human space exploration inspired future generations, these kids needed something that inspired them and human space flight, going back to the moon, was what could inspire students to continue to stay in the STEM classes, science, technology, engineering and math, if they take that away from these students, like the Mayor said, what were the opportunities to work in that field so they had to focus on that, that he could stand there all day and talk about the spinoffs of the technology that had come from space, including the items that the Mayor had mentioned how about the fetal monitors that everyday saved thousands of babies in hospitals, that fetal monitors came from the space program, the MRI Technology and laser surgery came from the space program, they could go on and on with that, that they had heard the administrator tell them on national television that human space flight was not dead, but he had yet been able to tell them what they were going to do, they talked about creating new technology, what was it, that he had always been the kind of person who says if they were going to do something they had to have a goal, there was no goal in this current administration's policy, they were going to develop new technology but what was that new technology going to be developed for, that the bottom line was that the administration, the community and the American people must engage to keep human space flight in the forefront, they had to continue their leadership, create jobs and small businesses, that most people did not realize that on the Orion, a crew capsule, there were 75 small businesses working on that crew capsule, it was just not Lockheed Martin, there were 75 small businesses with companies that ranged anywhere from 2 employees to 50 employees, those were the kind of companies that needed to continue to stay involved, to talk about the Go Boldly website, they had over 8,000 hits on the website and over 24,000 letters and those had already been sent to the White House and the current administration telling them to relook at what was going on in the human space flight program, that if they had an opportunity they needed to go to that website, that bottom line was America willing to give up their leadership in space. Council Member Jones absent.

Mayor Parker stated that there were three issues with this, one, if they cared about manned space flight and the ability to inspire people with the idea of putting human beings into space that was important, but from an economic impact standpoint the loss of these jobs in their area was a huge blow, and then there was another opportunity cost that they really had not talked about, if the scientists and engineers that were in the Clear Lake area right now supporting the program get pulled away to other communities they could not get them back, so it was also about being positioned for the future.

After discussion by Council Members, Mayor Parker stated that after the Council meeting



today Council Members would receive a package showing, as mentioned, the Members of Congress who should be contacted and talking points, that they could make their own outreach, that for those of them who grew up on "Star Trek" they understood where the website came from, [www.goboldlynasa.com](http://www.goboldlynasa.com) and would encourage viewers to visit the website and get involved with this effort.

At 9:45 a.m. Mayor Parker stated that they would move to the consent agenda.

### **CONSENT AGENDA NUMBERS 1 through 41**

#### **MISCELLANEOUS** - NUMBER 2

2. RECOMMENDATION from Interim Director Houston Airport System for approval of membership fees in the Airports Council International (ACI) for the Calendar Year 2010 - \$195,298.00 Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0094 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 3 through 10

3. RECOMMENDATION from Interim Director Houston Airport System for approval of final contract amount of \$2,791,808.50 and acceptance of work on contract with **VANDERLANDE INDUSTRIES, INC** for Terminal D Explosive Detection System (EDS) Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston (IAH) Project 612H 2.46% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0095 ADOPTED.
4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,041,105.00 and acceptance of work on contract with **MILLIS DEVELOPMENT & CONSTRUCTION, INC** for Hobart Taylor Park - 4.98% over the original contract amount **DISTRICT B - JOHNSON** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0096 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,890,101.42 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Turkey Creek Wastewater Treatment Plant Improvements - 0.12% under the original contract amount - **DISTRICT G - PENNINGTON** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0097 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$791,215.74 and acceptance of work on contract with **NORTH HOUSTON POLE LINE, L.P.** for Wastewater Collection System Rehabilitation and Renewal 2.30% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - HOANG; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0098 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,514,791.77 and acceptance of work on contract with **NORTH HOUSTON POLE LINE, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 0.82% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON and G - PENNINGTON** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0099 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,026,287.00 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 2.85% under the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0100 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$911,719.23 and acceptance of work on contract with **TEXAS ReEXCAVATION, L.C.** for New Front Easement Reconnections, (UM) - 4.1% under the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0101 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,324,332.93 and acceptance of work on contract with **PRELOAD, INC** for Construction of 12.5 MG Concrete Ground Tank at East Water Purification Plant No. 3 7.61% under the original contract amount - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0102 ADOPTED.

**PROPERTY** - NUMBER 11

11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Angelo Moscarelli, that the City decline the acceptance of, reject, and refuse the dedication of a 20-foot-wide alley, within Block 169 of the Genoa Addition, out of the John Austin Two League Survey, SY10-013 - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0103 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 and 15

14. **BUCKEYE CLEANING CENTER (BID NO. 1)** - \$2,870,197.72 and **UNISOURCE WORLDWIDE** - \$1,822,553.91 for Disposable Paper Products for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0104 ADOPTED.
15. **AMEND MOTION #2000-1552 as amended by Motions 2003-1450, 2004-1056, 2006-0037, 2009-0502 and 2009-0680 TO EXTEND** the term from March 30, 2010 to September 30, 2010 for Vehicle Locator System for Various Departments, awarded to

**TELETRAC, INC** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0105 ADOPTED.

**ORDINANCES** - NUMBERS 16 through 41

16. ORDINANCE approving and authorizing application to the Department of State Health Services for the City's Community Preparedness Section/Public Health Emergency Response Focus Area 1, Phases I, II and III Grant; declaring the City's eligibility for such grant; authorizing the Director of the Health & Human Services Department to act as the City's representative in the application process; authorizing the Director of the Health & Human Services Department to accept the grant and expend the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$5,685,896.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0152 ADOPTED.
17. ORDINANCE approving and authorizing grant application to the U. S. Department of Health and Human Services, Centers for Disease Control for the City's HIV Prevention Activities - Health Department Based; declaring the City's eligibility for such grant; authorizing the Director of the Health & Human Services Department to act as the City's representative in the application process; authorizing the Director of the Health & Human Services Department to accept the grant and expend the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$5,438,911.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0153 ADOPTED.
18. ORDINANCE approving and authorizing an application to the U. S. Department of Health and Human Services, Centers for Disease Control for the City's Tuberculosis Elimination and Laboratory Program Funding; declaring the City's eligibility for such grant; authorizing the Director of the Health & Human Services Department to act as the City's representative in the application process; authorizing the Director of Health & Human Services Department to accept the grant and expend the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$8,735,140.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0154 ADOPTED.
19. ORDINANCE approving and authorizing contract between the City and **THE COLLABORATIVE FOR CHILDREN** for Various Health Services provided by the Department of Health & Human Services - \$412,227.75 - Revenue – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0155 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City of Houston on behalf of the Health & Human Services Department and **CHILD CARE COUNCIL OF GREATER HOUSTON, INC** for Homelessness Prevention and Rapid Re-Housing Program Services - \$4,113,202.00 Revenue – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0156 ADOPTED.
21. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON VOLUNTEER LAWYERS PROGRAM, INC** to provide \$125,000.00 in Housing Opportunities for Persons With AIDS Funds for Legal Supportive Services - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0157 ADOPTED.

22. ORDINANCE approving and authorizing contract between the City of Houston and **CAREER AND RECOVERY RESOURCES, INC**, providing up to \$297,692.00 in Housing Opportunities for Persons With AIDS Funds, which amount includes a limitation on additional funding in the amount of \$148,846.00, for the administration of a Computer Literacy/Job Placement Assistance Program, along with supportive services – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0158 ADOPTED.
23. ORDINANCE approving and authorizing agreement between the City of Houston, **AMEGY BANK** and **CATHOLIC CHARITIES COMMUNITY DEVELOPMENT CORPORATION** to provide a Second Lien Construction Loan of Federal “HOME” Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT H – GONZALEZ** - had been pulled from the Agenda by the Administration, and was not considered.
24. ORDINANCE approving and authorizing contract between the City of Houston and **CHELSEA SENIORS I, LLC** to provide a \$1,965,755 Loan of Federal "HOME" Funds to assist in the development of a 150 unit affordable housing development, targeting seniors 55 and older, to be located in the 6900 block of W. TC Jester at W. Little York, of which 4 units will be designated as very low income home affordable floating units and 12 units will be designated as low income home affordable floating units for a 20-year affordability period - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0159 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON NORTH APARTMENT HOMES I LLC** to provide a \$1,000,000 Performance Based Loan of Federal "HOME" Funds to assist in the land acquisition and construction of a 172 unit multifamily housing facility, targeting low income tenants, to be located at the north side of W Grenfell Lane and west side of Northline Drive, of which nine units will be restricted to floating home assisted units with seven units restricted to HUD high home rents and two units restricted to HUD low home rents for a period of 20 years - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0160 ADOPTED.
30. ORDINANCE approving and authorizing amendment to four contracts between the City of Houston and **PAYLESS INSULATION INC, DIRECT ENERGY LP, STANDARD RENEWABLE ENERGY LP, and PMG PROJECT MANAGEMENT LLC** for the Residential Energy Efficiency Program – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0161 ADOPTED.
31. ORDINANCE approving and authorizing fourth amendment to Electric Supply Agreement between the City of Houston and **TEXAS GENERAL LAND OFFICE** (Approved by Ordinance No. 04-0273 and Amendments One, Two and Three approved by Ordinance Nos. 06-0014, 06-0439 and 07-0839) – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0162 ADOPTED.
32. ORDINANCE appropriating \$300,000.00 out of Fire Consolidated Construction Fund, \$500,000.00 out of Parks Consolidated Construction Fund, \$115,000.00 out of Solid Waste Consolidated Construction Fund, \$325,000.00 out of Police Consolidated Construction Fund, \$400,000.00 out of Public Library Consolidated Construction Fund, \$200,000.00 out of Public Health Consolidated Construction Fund, \$200,000.00 out of General Improvements Consolidated Construction Fund for Project Management Costs -

\$248,000.00 - Enterprise and Building Inspection Funds – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0163 ADOPTED.

33. ORDINANCE appropriating \$200,320.00 out of Julia Ideson Library Contributions Fund and awarding construction contract to **CST ENVIRONMENTAL, LP**, for Asbestos Abatement and Demolition at Julia Ideson Building - Phase 2; 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 project management, construction oversight and air monitoring and contingencies relating to construction of facilities financed by the Julia Ideson Library Contributions Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0164 ADOPTED.
34. ORDINANCE appropriating \$16,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Reconstruction of Market Street from North Wayside to McCarty Road; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0165 ADOPTED.
35. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath two tracts of land containing 4.1228 acres commonly known as 1610 Oliver Street and 1701 Oliver Street, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0166 ADOPTED.
39. ORDINANCE appropriating \$504,200.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation and approving and authorizing first supplement to the Professional Engineering Services Contract between the City of Houston and **DODSON & ASSOCIATES, INC** for Regional/Sub-Regional Stormwater Detention Analysis for the City of Houston (Approved by Ordinance No. 07-0815); providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund **DISTRICTS A - STARDIG and B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0167 ADOPTED.
40. ORDINANCE appropriating \$6,648,000.00 out of Drainage Improvement Commercial Paper Series F Fund; \$1,084,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **JFT CONSTRUCTION, INC** for Academy Street Storm Sewer Segment 2; 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 Drainage Improvement Commercial Paper Series F Fund; and the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0168 ADOPTED.

41. ORDINANCE granting to **DOUBLE T SERVICES, LLC, A TEXAS LIMITED LIABILITY COMPANY**, 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 Costello absent on personal business. ORDINANCE 2010-0169 PASSED FIRST READING IN FULL..

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

**PURCHASING AND TABULATION OF BIDS**

12. **CARASOFT TECHNOLOGY CORP.** for Purchase of Policy Manager™ Software from the General Services Administration Schedule 70 contract through the Cooperative Purchasing Program for the Information Technology Department - \$299,000.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0106 ADOPTED.
13. **LONE STAR UNIFORMS, INC** for Purchase of Uniforms from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Police Department - \$204,920.50 - General Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0107 ADOPTED.

**ORDINANCES**

26. ORDINANCE approving and authorizing agreement between the City of Houston and **MIDWAY FOUNTAINVIEW INVESTORS, LLC** to provide a \$1,730,000.00 Performance-Based Loan of Federal "CDBG - DR" Funds for costs to acquire and rehabilitate Vista Bonita Apartments, a 118 unit (following rehabilitation) multi-family project located on the east side of I-45, approximately 1.5 miles south of Monroe Rd., Houston, Texas, of which 74 units, being approximately 51% of the current 144 units, will be restricted for a period of five years to tenants with 80% or less of the AMI at rents to be consistent with TDHCA Affordable Rents - **DISTRICT E – SULLIVAN** – was presented, and tagged by Council Member Jones.

Council Member Sullivan stated that this apartment project was in his district and was the epitome of a dangerous situation, they had a 23 year old infant die in the swimming pool when he first came into office, they had to shut it down and move people out, it was in just a horrible condition, that they were fortunate that a private developer had stepped forward to rehabilitate the apartment project and get it back on the tax rolls and make it into a livable and affordable housing project for the community and he would strongly be supportive of them doing that going forward.

27. ORDINANCE approving and authorizing contract between the City of Houston and **SOUTH ACRES RANCH II, LTD** to provide a \$960,000 Loan of Federal "HOME" Funds to assist in the land acquisition and construction of a 49 unit Multifamily Housing Facility, targeting low income tenants, to be located on the east side of the 11400 block of Scott Street, of which five units will be restricted to floating home assisted units with four units restricted to HUD high home rents and one unit restricted to HUD low home rents for a period of 20 years - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none.

Council Member Costello absent on personal business. ORDINANCE 2010-0170 ADOPTED.

28. ORDINANCE appropriating \$1,716,709.00 from the Miscellaneous Capital Projects / Acquisitions CP Series E Fund and reimbursing \$1,716,709.00 to the Reimbursement of Equipment / Project Fund (as passed by Ordinance Nos. 2009-116, 2009-397, 2009-629) - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0171 ADOPTED.
29. ORDINANCE awarding contract to **HOV SERVICES, INC** for Mail Processing Services for the Municipal Courts Administration, General Services and Public Works & Engineering Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,510,000.00 General, Parking Management and Building Inspection Funds – was presented, and tagged by Council Member Stardig.
36. ORDINANCE amending Ordinance No. 2003-1034 relating to Special Event Temporary Information Signs – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0172 ADOPTED.
37. ORDINANCE appropriating \$277,200.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for Extended Feasibility Study for Willow Waterhole Area Drainage Improvements; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - **DISTRICT C - CLUTTERBUCK**

Council Member Noriega stated that it was her intent to tag this item and Item No. 38, she had some of the same questions that had come up in the past about subcontractors and minority participation and some questions about what they had, that at the same time, in discussion with the Council Members involved, they had expressed to her their concerns, that there were crucial projects and that the neighborhoods were very invested and involved, that she was going to go ahead and pursue her questions and not tag the items, that it was not her intent to stop them and it was her intent to get her questions answered, that she wanted to make the Mayor aware that they continued to discuss the fact that contractors list subcontractors and then do not give them the work and then come back and say they did not necessarily have their minority participation in, that it was not going away but she was not going to hold the projects up she asked similar kind of questions.

Mayor Parker stated that they would make sure to follow up with her questions but she expected to see a report from her transition team looking at the MWBE Program, she believed within the next week, and they would be taking some information to Council Member Rodriguez's committee and hopefully being able to tighten it up, and Council Member Noriega stated that she thought there was a perception among some of the subcontractors that the only leverage or ability they had to get involved was to ask for a tag and she thought that was not an efficient way to deal with it so she appreciated the Mayor's transition team and the fact that she was attending to this.

A vote was called on Item No. 37. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0173 ADOPTED.

38. ORDINANCE appropriating \$394,100.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **WALTER P. MOORE AND ASSOCIATES, INC** for

Extended Feasibility Study for Sagemont Area Drainage Improvements; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2010-0174 ADOPTED.

**NON CONSENT AGENDA** - NUMBERS 42 and 43

**MISCELLANEOUS**

42. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for Flex Tank Systems, LLC for the site located at 16514 De Zavalla Road - **HEARING DATE - 9:00 A.M. - WEDNESDAY - APRIL 14, 2010** – was presented.

Council Member Clutterbuck moved to set a hearing for 9:00 a.m. on Wednesday, April 14, 2010 to consider a Municipal Setting Designation for Flex Tank Systems, LLC for the site located at 16514 De Zavalla Road, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0108 ADOPTED.

43. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for Westbrook Investments, LP for the site located at 1111 Lockwood Drive - **DISTRICT H – GONZALEZ - HEARING DATE - 9:00 A.M. - WEDNESDAY - APRIL 14, 2010** – was presented.

Council Member Clutterbuck moved to set a hearing for 9:00 a.m. on Wednesday, April 14, 2010 to consider a Municipal Setting Designation for Westbrook Investments, LP for the site located at 1111 Lockwood Drive, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Costello absent on personal business. MOTION 2010-0109 ADOPTED.

**MATTERS HELD** - NUMBERS 44 and 45

44. RECOMMENDATION from Purchasing Agent to award to **KEMIRA WATER SOLUTIONS** - \$4,739,569.70 for Liquid Ferrous Iron Solution and payment to **PENCCO, INC** - \$1,071,600.00 for Emergency Purchase of Liquid Ferrous Iron Solution for Department of Public Works & Engineering - Enterprise Fund – **(This was Item 7 on Agenda of February 17, 2010, TAGGED BY COUNCIL MEMBERS JONES, COSTELLO and BRADFORD)** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell.

Council Member Bradford stated that this item should be rebid, that the obvious wide disparity between the two bids simply did not pass the smell test, that in this bid the recommended vendor expressed that the product was a pH of less than 2, the City's bid documents required a minimum pH of 2, also the vendor's statement that "we don't use subcontractors" was plain language to disregard the requirement to make good faith effort to subcontract at least 11% to an MWBE, that the fact that the bidder came back and subsequently implemented a plan to utilize the MWBE after the competitor raised an issue, a great concern in his mind, that the disparity between the two bids obviously led him to conclude that there was conflict, misinformation or the bidder knew something very different here, so he would urge that Item No. 44 be rebid.

Council Member Jones stated that her concern when they sent out an RFP and the bids came back in the company that ultimately got or won the bid, notwithstanding that they had a significantly lower bid, which she was happy for that, but when there were two things that directly contradicted what their specifications were she had concerns about that, that one, the



company put "we do not subcontract", in other words they would not try to meet the minority goals and she just thought that if someone blatantly disrespect the City's specifications like that how do they stand a chance of getting the bid, and two, their response to their bid was less than they required, if meeting the bid specifications cause a contract to be significantly more expensive than they hoped to have to pay she thought that, respectfully, the proper mechanism was to perhaps rebid it, but she thought that if they set a precedent where they put out specifications and someone responds to them and disregards the specifications then that was not any certainty and she thought people wanted to know what the rules were, that when the gentleman came up last week, who did not get the bid, and said "if we would have known that we could bid lower" then they would have come back and how would they know that they would not have been as competitive, that seemed to her to be the transparent way to do things, that coming back and trying to fix mistakes after the fact, she thought, was disingenuous, she thought it gave them the ability to be subjective, that on hard requirements she did not think they should be subjective, that they asked for what they asked for and that was what they expected in an answer, that again, she understood that they went back and tested the quality and said it was fine after the fact and they came back and try to use minorities, or smalls, but she just thought it did not spell the smell test and thought that the price of the company that did not win the bid was high, she did believe that, so she was uncomfortable with that as well, but she thought they had to protect the integrity of the process, that they constantly heard people coming to Council and saying they had process that did not have integrity, they were not transparent and to her this was just not transparent and for that reason she would be voting no and thought they needed to be consistent.

Mayor Parker stated that she respected Council Member Jones right to vote no, did she have questions that she wished to address to Mr. Michel because there were several things that she just stated that she would take exception to and did not believe were true.

Council Member Jones stated that she thought that if they put out specifications people should either meet them or they do not, and she thought that if they did not meet them then they either rebid or something, but when they start lowering the bar she thought it was a slippery slope.

Mayor Parker stated that she would argue that it may not have been as smooth a process as it could have been when these bids were received, but to say that they had been subjective on hard requirements she would challenge, the bidder agreed to all specifications when the bid was submitted by signing the bid documents stating that they agreed to all specifications and she would ask Mr. Michel to weigh in on that.

Mr. Michel stated that was correct and knew that there were issues as to how this process could be better and thought that was largely an issue of how they dealt with people in the field to make sure that bidders understood that they had very specific requirements, there was not a need to submit additional documents, the MWBE document was one that should not have been submitted at that time, it was done a little afterwards, but they say if they wanted to bid here were the requirements, make an offer and sign it, once they did that it was accepted, they go for the lowest responsible bid here, he knew that Council Member Bradford raised the issue of the disparity and of the concern and perhaps they were not providing the product even with testing, that part of the process of what the City did was look at responsibility, which included the history and this company has had a history before with the City, a prior successful bidder, and they successfully met the requirements at that time, but he understood what she was saying in terms of the appearance of what he had but he thought that was a process that could be worked through, but in terms of the legal requirements he thought that there was a basis for a solid contract here and it was very clear what they were getting and what they could require the vendor to provide.

Upon further questions by Council Member Johnson, Mr. Michel stated that yes this was a low bid contract, that as to the signature page attached to it were several requirements of the City, there was the box that the City set up that said there was really no negotiation, here was what they were to provide and they adhere to it or make that commitment by signing it, that sometimes bidders provide additional information which was what they did in the case here, they provided an industry data sheet that had a reference to a pH level that would not have met the requirement, they also provided a list of subcontractors that they do subsequently to the time the administration selects someone to be the recommendation, they list their subcontractors and they provided it at that time and said they do not use subcontractors, but within what they require them to do for the contract they agreed to meet the 11% MWBE which they identified afterward and agreed to meet a pH level of a minimum of 2, of which they provided samples and it was tested; that they agreed to the subcontractors at the time because of the way the City controlled the way the contract was let, which was important so that there was not an ambiguity or an issue later, that he agreed when they get something that appeared to conflict with it that called it into question but as a matter of law if they signed that sheet and said they were going to meet the City's requirements they were going to meet their requirements, that what they provide additionally could neither help nor hurt them, that there were sometimes when bidders come in and say "we could also do this", they disregard that because that did not provide a level playing field, they look only at what they were asking them to be the terms of the contract.

After further discussion by Council Members, Council Member Sullivan moved to call the questions, seconded by Council Member Rodriguez. Council Members Bradford and Jones voting no, balance voting aye. Council Member Costello absent on personal business. Council Members Hoang and Lovell absent. MOTION 2010-0110 ADOPTED.

A vote was called on Item No. 44. Council Members Jones, Bradford and Johnson voting no, balance voting aye. Council Member Costello absent on personal business. Council Member Hoang absent. MOTION 2010-0111 ADOPTED.

45. ORDINANCE amending Ordinance No. 2009-287 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and the **YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON** for Elderly Services provided through the Harris County Area Agency on Aging - \$5,364,720.52 - American Recovery and Reinvestment Act and Other Grant Funds – **(This was Item 14 on Agenda of February 17, 2010, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Member Hoang absent.

After discussion by Council Members, Council Member Sullivan stated that he wanted to know what the Y.W.C.A. did in the past so he would know whether 2009 were increased services, level services or decrease in services, they wanted to make sure that they use the federal government funds wisely.

Mayor Parker stated that she clearly heard him that he wanted more information and wanted them to be more responsive and thanked him for allowing the item to go forward because they did not want to punish the seniors for the fact that the administrators of the program may not be as respectful of his questions as they should be. Council Member Lovell absent.

After further discussion by Council Members, Council Member Adams requested a report from the Y.W.C.A., before the Human Services and Technology Committee, to give them a report on exactly what the Y.W.C.A. had been doing as an agency in the City of Houston, and in the future to send them periodic reports and she would ask the administration and Mr. Stephen Williams that there were reports given, especially from the funding source that they were

providing to them on behalf of the City of Houston.

After further discussion Mayor Parker stated that she believed she heard Council Member Johnson say he was willing to hold a committee hearing on this so that Council Members could be fully informed about the current status.

After further discussion Council Member Sullivan stated that when the administration provided the additional information to him he would like to receive a list of all the directors and their contact numbers for that location of the Y.W.C.A.

After further discussion a vote was called on Item No. 45. All voting aye. Nays none. Council Member Costello absent on personal business. Council Member Noriega absent. ORDINANCE 2010-0175 ADOPTED.

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

Council Member Bradford stated that the City of Houston had an Affirmative Action and Contract Compliance Division, that part of the stated mission was to administer the City's M/W/DBE program, however, a measurable number of prime contractors deem the program as unconstitutional set-asides and mandates, while many of the MBEs characterize the program as being broken and without teeth, that City Departments and their in-house contract selection committees' decisions were not subjected to review, much less revision, that while the Affirmative Action and Contract Compliance personnel are regularly subjected to strict scrutiny, they have no authority or the necessary resources to ensure "compliance", and by compliance, he meant the process used to recommend vendors, or to administer the contracts, that mainly, the concerns that have been expressed to him center around the Public Works' contracts, and today this Council just added one more warranted criticism to the growing list, by awarding a contract with a company whose original bid response indicated in plain language plainly on it's face that it doesn't "use subcontractors", that this was an indication in plain language to disregard the requirement to make good faith efforts to subcontract at least 11% to a MBE; that he stated earlier that the Affirmative Action and Contract Compliance personnel do not have the authority to ensure MBE Program compliance, but this body does, that by awarding a contract to a company that makes a gesture to comply after a competitor has brought the non-response issue to attention leaves much to be desired in bringing validity to the program, that either they stand up and hold the departments and their in-house selection committees accountable (and in this case primarily Public Works) or let's take down the MBE banner, quite mis-representing the fact that they had such a program, and repeal Resolution 81-2 which established the Affirmative Action and Contract Compliance Division back in 1981, that of course, another option was to give the Affirmative Action and Contract Compliance Division the authority and resources that they needed to do the job as outlined in Resolution 81-2, that whatever was done, he would urge the administration to conduct a review of the in-house process which would recommend a vendor with a plain conflict on the face of its bid. Council Members Rodriguez and Jones absent.

Council Member Sullivan stated that they would have a CIP meeting at Dobey High School tomorrow night, that sign in was at 6:00 p.m. and the meeting at 6:30 p.m., that he wanted to thank the City departments that participated in the Kingwood CIP meeting last night; that he received an email that complimented the Police Department's MRT Program, that it was from Buddy Inman, who lived in Kingwood, that they had a major fire in Porter that the City of Houston participated with Porter Fire Department on a mutual aid basis and Mr. Inman wrote that he saw the Mobility Response Team working at Loop 494 and Northpark, that traffic was extremely bad and one of the MRTs was working the control box and keeping the traffic moving as well and when he was going through the intersection another MRT officer was helping a driver push his disabled car out of the way by hand to help clear the roadway, that it was done

in what appeared to be a safe and appropriate manner and he found it refreshing that the TEAM was doing such a great job, that he wanted Gary Norman to carry that message back for them; that last week they helped Boy Scouts of America help celebrate their 100th Anniversary at Minute Maid Park and he wanted to thank Drayton McLane for opening up Minute Maid Park as well as all of the sponsors that helped, that they also attended the State of the Schools Luncheon, along with other Council Members and Mayor Parker, who was recognized for her work in support of the public school systems; that he wanted to congratulate Cub Scout Pack 595 for their celebration of Boy Scouts 100 year of service as well. Council Members Rodriguez and Jones absent.

Council Member Lovell stated that the Houston Association of Realtors had added a new function to their multiple listing service, the new search option allowed a potential home buyer to look up both historic and non historic homes. Council Members Sullivan, Rodriguez and Jones absent.

Council Member Johnson stated that he saw a program at the Fifth Ward Multi Service Center called One Sight, that it provided vision screenings, as well as free eyewear for many underprivileged children in the City of Houston, that he wanted to thank One Sight and the City of Houston's Health Department for doing one heck of a job, that they would be screening from March 13, 2010 through March 26, 2010 and would be back in October at the Third Ward Multi Service Center from October 11, 2010 through October 15, 2010; that on March 3, 2010 he would be hosting a job fair for ex offenders, that the Road to Re-Entry Employment fair would take place at the United Way of Greater Houston, 50 Waugh Drive, that it would be from 1:30 p.m. to 5:30 p.m.; that they would have a free health fair at the Fifth Ward Dialysis Center, 2133 Lockwood Drive on Saturday, February 27, 2010 from 10:00 a.m. to 3:00 p.m. Council Members Sullivan, Rodriguez, Lovell and Jones absent.

Mayor Parker stated that she wanted to salute Council Member Johnson for stepping up and showing leadership on the Re-Entry Job Fair for ex offenders, that it was a very critical need in the community. Council Members Sullivan, Rodriguez, Lovell and Jones absent.

Council Member Clutterbuck stated that on Friday Mayor Parker declared it as "James C. Meyers Day" in the City of Houston, that she wanted to express her sincere thanks to Jim for allowing Mayor Parker to declare Friday as his day, that he was not able to make it to City Hall because he was suffering from cancer, that he was an outstanding member of their community; that she wanted to thank all of the outstanding people who worked at the Municipal Courts Administration and who invited them out on Sunday, that she was struck by the amazing new facility and encouraged everybody to take advantage of it, that she wanted to thank Issa Dadoush and his team who made that all happen, that she was also stuck by how grateful that amazing group of people were that they would show up on Sunday, that she wanted to thank them for having the opening on Sunday; that she wanted to welcome Catherine Murphy to her office, that she was going to be joining them on a part time basis. Council Members Johnson, Sullivan, Rodriguez, Lovell, Bradford and Jones absent.

Mayor Parker stated that she would point out that it was not a new facility, it was a remodeled facility and they were actually doing the public's business on Sunday as well, there were citizens there taking care of traffic tickets. Council Members Johnson, Sullivan, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Noriega stated that they had in the past talked at some length of public safety issues and in response to some of those issues, and Mayor Parker's personal request, they were having a public safety hearing today, February 24, 2010, at 3:00 p.m. in the Council Chamber to talk about use of deadly force, Homeland Security and Public Safety. Council Members Johnson, Sullivan, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Adams stated that she wanted to thank the MCA team for such a wonderful event on Sunday, that she wanted to thank them for their invitation and allowing them to share as they took a tour of the facility; that for many weeks she had been promoting the Shiners' Hospital and making sure that they continued to help the Shiners' Hospital fund their children in the Burn Care Unit and making sure that there was funding available, that this year's goal was \$1.5 million, that they were trying to raise \$5 million in five years and this was their third year doing it, that she was now a Certified Pancake Flipper for the International House of Pancakes on behalf of the Shiners' Hospital; that the Coalition for the Homeless would have their Fourth Annual Land to Ground Work for the Future Annual Conference, that it would be held on Thursday; that on Saturday they had two 2010 Census Outreach events occurring in District D, that one would occur in the Fort Bend County Community, Briargate Elementary School, that the Ladies of Delta Sigma Theta were having an Empower You Health Fair, as well as a 2010 Census Community Walk, they were going door to door in the Briargate Community, that the second opportunity would be at the Palm Center at 11:30 a.m. where there would be a 2010 Census Rally; that she wanted to thank the HOPE employees who came today in support of the new Director, Omar Reid; that for the past three years they had been doing a newsletter in their office where they continued to reach many of their constituents in District D and she wanted to thank them for all of their input and to thank her staff for what they continued to do to make sure their newsletter gets out every month, for those constituents who do not receive the newsletter to call their office at 832-393-3001 and they would show them how to sign up for the monthly newsletter; that she wanted to thank her staff for everything they continue to do to make their office operate in a way that was efficient, effective and full of energy; that they were getting ready to close out Black History Month and she wanted to thank all of the organizations who invited many of them to be their guest speakers for Black History Programs; that last week she informed them that she was a guest speaker at the luncheon for the Parks Department for the employees who celebrated many years, that when she got to the dais she received a thank you card and some peach cobbler, that she wanted to thank the Parks Department for everything and all that they do. Council Members Johnson, Sullivan, Rodriguez, Bradford and Jones absent.

Council Member Gonzalez stated that he wanted to congratulate a Heights resident, Val Pagent, a retired English teacher, who recently drew worldwide attention to their area when she navigated her glider 269 miles on one trip, that she was the first woman to go that far while making three turns in a PW5 Glider, that was seven miles with no rest stops or restroom breaks, that he wanted to congratulate her on her efforts; that he wanted to give a special thanks to all who joined in the Conoco Fun Run Cleanup in District H and a special thanks to BARC who also participated with them; that this Saturday they would be joining the Sunbeam Curry Neighborhood Association and participate in a cleanup in that area, they would be meeting at 9:00 a.m. at 7700 Schuller Street. Council Members Johnson, Sullivan, Rodriguez, Bradford and Jones absent.

Council Member Hoang stated that his office had their first newsletter and he hoped that they would call their office, so that they can send out their newsletter, at 832-393-3002; that he wanted to thank Mr. Wea Lee for organizing the First Texas African American Business Summit last night, that many of his colleagues were there and Council Member Johnson was there to present a City proclamation as well as welcoming all of the officials, especially Ambassador Andrew Young, who gave a great speech on how to do business with their City as well as in Africa; that this Saturday they would have the Asian Lunar Calendar Fair at the Viet Qua at Bellaire and Beechnut; that on March 4, 2010 he would host the District F CIP meeting in the Sharpstown Civic Club Center. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Bradford and Jones absent.

Council Member Stardig stated that they had their District A CIP meeting last Thursday

and she wanted to thank all of the City of Houston departments and staff who participated and answered questions from District A constituents; that she would like to thank Neighborhood Protection for their vigilance in acting on complaints against local apartment complexes in District A, that due to their efforts one troublesome complex would voluntarily shut down this spring from numerous infractions, which was great news to the neighboring community; that the rodeo was arriving and they were very excited that the trail riders would be arriving at Memorial Park on Friday, that Go Texan Day was this Friday, February 26, 2010 and she encouraged everybody to wear their rodeo gear to celebrate their western heritage; that the Friends of Jaycee Park, Trees for Houston and the City of Houston Urban Forestry would host a tree planting to beautify Jaycee Park, at 1300 Seamist, on February 27, 2010, at 8:00 a.m. rain or shine. Council Members Johnson, Sullivan, Rodriguez, Bradford and Jones absent.

Mayor Parker stated that she was glad that Council Member Stardig raised the issue of Go Texan Day on Friday, that she had reminded City employees that it was Go Texan Day and they were allowed on Friday to wear the jeans and boots and get into the spirit of the day. Council Members Johnson, Sullivan, Rodriguez, Bradford and Jones absent.

Council Member Pennington stated that he wanted to remind his constituents that the district CIP meeting would be held on Wednesday, March 3, 2010, from 6:00 p.m. to 8:00 p.m. at Paul Revere Middle School, 10502 Briarforest Drive; that last week he toured the Municipal Courts Administration and was impressed with the personal and the operations; that last Friday he visited the Yorkshire Academy on Memorial Drive west of Kirkwood, that it was a school that specialized in international students and they held an Olympic like opening day parade and there were at least 25 countries represented and they had the flags for each one of those countries, that he participated as a member of the United States delegation; that he wanted to thank Council Member Gonzalez for organizing the Washington Avenue Task Force, they had a productive meeting last week with the stake holders, that it was a difficult situation with the parking mobility and quality of life, that they all agreed that they needed an entertainment district in the City and maybe this would be it although the Houston Press predicted that it would go by the wayside and it probably would unless they were able to corral some of the problems that existed out there; that Mark Kirschke of his staff attended the Army Corp of Engineers meeting last week which discussed flooding issues in west Houston and at the meeting the corp discussed the Addicks and Barker Dam, that Mark assured him that the Corp of Engineers Colonel was well plugged in and understood the problems, that they were working to improve the stability of those dams and that problem was ongoing, that he continued to work with the Corp, the County, the State and the Flooding and Drainage Committee and the private sector to arrange long term solutions, that he knew the Mayor was tuned in on this and remembered her campaign statement that it was a watershed problem and not a district problem and it would certainly take efforts by all of them to resolve it like they had done in the Brays Bayou Watershed and some of the other watersheds; that this weekend Mark Kirschke participated in the Fourth Annual Harris County Citizens CERT Rodeo, Community Emergency Response Team, which was held in Humble at the Harris County Fire and Sheriffs Training Academy; that last week they published their first newsletter and anyone who would like to join the mailing list at [www.houstontx.gov/council/g](http://www.houstontx.gov/council/g) and click on the bottom; that he wanted to encourage his constituents to join a super neighborhood, that most of the neighborhoods in District G were members and joining would give them an opportunity to have input on local solutions. Council Members Johnson, Sullivan, Bradford and Jones absent.

Council Member Rodriguez stated that he wanted to remind folks that tonight was their CIP meeting at 6:00 p.m. at the E.B. Cape Center at 4501 Leeland. Council Members Johnson, Sullivan, Bradford and Jones absent.

Council Member Clutterbuck stated that she wanted to thank the Houston Police Department and Gary Norman and a number of individuals at the Police Academy who hosted

them, the District C team, Council Member Noriega's office and several people from the Council agenda office, they toured the facility and saw the SWAT operations, some of the areas where they trained the police officers in the Shoot/Don't Shoot Program, that she was very encouraged to see that they had at every one of their training areas the "Escobar Rule" posted and that was drilled into everybody's consciousness before they had the opportunity to graduate from the Police Academy, that she was pleased to see it at both the SWAT range as well as posted outside of the firing range and in the training room. Council Members Johnson, Sullivan, Bradford and Jones absent.

Mayor Parker stated that the way a citizen could participate in that was through the Citizens Police Academy Program and citizens could contact the City if they were interested in that. Council Members Johnson, Sullivan, Bradford and Jones absent.

Council Member Hoang stated that wanted to remind them that the Primary Election was March 2, 2010 and early voting would end on Friday at 7:00 p.m. Council Members Johnson, Sullivan, Bradford and Jones absent.

There being no further business before Council, the City Council adjourned at 11:07 a.m.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary