

City Council Chamber, City Hall, Tuesday, April 13, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 13, 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, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; and Ms. Marta Crinejo, Assistant Agenda Director present. Council Member Melissa Noriega absent on personal business.

At 1:42 p.m. Mayor Parker called the meeting to order and called on Council Member Clutterbuck who invited Ms. Susan Myers, director of the Houston Holocaust Museum to the podium and stated that a great honor was to represent the city and Council on the board of directors of the Holocaust Museum Houston and this was a significant week as it was a period of time known as Yom Hoshowa, Hebrew words meaning a time of remembrance or day of remembrance; that the Holocaust Museum Houston was significant as it preserved memories of Houston residents who survived the Holocaust and was an amazing resource for children and families to see and learn more of it and how to take lessons to stop hate; and presented Ms. Myers a Proclamation proclaiming today as "Holocaust Museum Days" in Houston, Texas. Council Members Johnson, Sullivan, Rodriguez, Bradford and Jones absent.

Mayor Parker stated that she too was a member of the Holocaust Museum Board and it was a pleasure to proclaim this in remembrance. Ms. Myers stated that they were celebrating the fifteenth anniversary of the museum and they welcomed about 200 visitors a year; that their mission was to teach the consequences of hate; invited all to the museum, and thanked all for the recognition. Council Members Johnson, Sullivan, Rodriguez, Bradford and Jones absent.

Council Members thanked all for the work they did at the museum. Council Members Johnson, Sullivan, Rodriguez, Bradford and Jones absent.

Council Member Costello invited Mr. Hershel Rich to the podium and stated that he was an advocate of literacy in Houston and on the Houston Read Commission which had 100 literacy programs and his company supported one of those programs; that they provided educational services geared to needs of the community; and presented Mr. Rich a Proclamation for being a major force in advancing literacy and was founder and first president of the Houston Read Commission; and proclaimed today as "Hershel Rich Day" in Houston, Texas. Mr. Rich thanked all for the recognition and discussed the importance of literacy and libraries. Council Members Hoang, Rodriguez, Bradford and Jones absent.

Council Members thanked Mr. Rich for his years of tireless service in promoting literacy. Council Members Rodriguez and Jones absent.

Council Member Adams invited coaches of the Southside Cowboys Peewee Football Team and Third Ward 49ers and coach of the Cheerleader Squad to the podium and stated that the team could not be present because of school; that the coaches were the leaders and they were present; that the youth received positive structure and were empowered through encouragement to develop self discipline and social and physical skills while focusing on academic excellence; that the Southside Cowboys Peewee Football Team won the Peewee Division II Championship Game and the Southside Cheerleader Squad captured the national title; and presented a Proclamation to each proclaiming today as "Southside Cowboys Peewee Football Team and Cheerleader Squad Day" in Houston, Texas and "Third Ward 49ers Day" in Houston, Texas. Council Members Rodriguez and Jones absent.

Council Member Clutterbuck congratulated and thanked all for the work they did with the youth in the community. Council Members Rodriguez and Jones absent.

At 2:03 p.m. Mayor Parker called on Council Member Lovell who stated that it was the 40th anniversary of the mid Mission Oxygen Tank Rupture aboard Apollo 13 which lead flight commander James Lovell to speak the famous phrase "Houston we have a problem."; that another well known sentence written for the movie based on the Apollo 13 mission was "Failure was not an option." and the line was later adopted by flight director Gene Cants for his autobiography because he fully expressed the NASA ethic; that in the City of Houston they were now facing difficult decisions and tough choices which would impact all residents and the future of the city and her prayer today was to remember, "Failure was not an option."; and led all in the prayer and pledge. Council Member Jones absent.

At 2:04 p.m. Mayor Parker requested the City Secretary call the roll. Council Member Noriega absent on personal business. Council Member Jones absent.

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

At 2:05 p.m. the City Secretary began calling the public speakers. Council Members Johnson and Jones absent.

Mr. Ray Hill, P. O. Box 13624, Houston, Texas 77253 (713-523-6969) appeared and stated that he had still never received a phone call from the city after his last visit wanting to speak to the City Attorney; that there was an interesting story in the newspaper that day about a Houston officer charged for filing a false report against a woman, it was proved by her recording; that he was present accusing the current City Attorney of suborning perjury because he faced certain civil litigation on testimony of the very same officers who openly admitted in the blog in the Houston Chronicle article that they needed to lie in most cases to lock up bad people. Council Members Rodriguez and Jones absent.

Council Member Clutterbuck stated that if an individual was making allegations against a named city employee he needed to be sworn in; and the City Secretary administered the oath to Mr. Hill on testimony he was about to give and had given. Council Members Rodriguez and Jones absent.

Mr. Hill further stated that there were multiple city lawsuits which had been filed based on testimony of officers who readily admitted as a matter of daily practice they lied under oath to convict bad people and he was sure they had a good moral purpose in mind, but they dare not be so moral that they forgot to be ethical; and he hoped the incoming City Attorney would return his calls and allow him to speak with him or his staff about problems they had with city litigation and he was prepared to help the city find its ethical course and hopeful for cooperation from the City Attorney in the matters. Council Members Rodriguez and Jones absent.

Mr. Courtney Rogers, 539 Sandy Walk, Stafford, Texas 77477 (713-446-6024) appeared and stated that he was an owner of Candlelight Trails and representing 200 property owners; that until March 24th the city was doing the right thing and now did an about face and was again suing them and instead of the \$4,000.00 it was now \$10,000.00; that Real Estate scammers in California had taken over their board and ran them into the ground and now the city was suing those present who had been doing what they should and not the scammers; and suggested the city look into this as it was an injustice to all who were trying to do right. Council Members Sullivan and Jones absent.

Mayor Parker stated that the city had taken every effort to track down owners and offer a settlement for \$2,000.00 per unit for homestead and \$4,000.00 per unit for a non-homestead unit; and upon questions, Mr. Rogers stated that he was aware of the offer, but initially the city was going after the lien and not suing for monetary issues and now they were suing for money. Council Members Rodriguez and Jones absent.

Upon questions by Mayor Parker, Mr. Heilman stated that the city initially filed suit for recovery of civil penalties under Chapter 54 of the Local Government Code and for demolition costs and they wanted a declaration from the judge to demolish the property; that they set trial for last fall and received a number of complaints from the public and so they amended the petition to do away with the civil penalties, unfortunately the outside counsel included demolition costs so for a week the live pleading did not include a claim for monetary damages, the error was corrected and they had outside counsel amend the petition to go back where they were before the error was made; and the actual settlement offer was \$2,000.00 for homestead and \$4,000.00 for a rental property that was not homesteaded and the offer remained open until the eve of trial; that he did not know if they would still consider the settlement offer with Mr. Rogers but he could follow-up on that; and Mayor Parker stated that she thought Mr. Rogers received a good explanation and if he had further questions he may direct them to Mr. Heilman. Council Member Jones absent.

Ms. Jeronima Morales, 19118 Ruble Drive, Houston, Texas 77084 (281-579-7042) appeared at the podium with her translator; and Council Member Clutterbuck moved that the rules be suspended for the purpose of allowing two individuals at the podium, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Sullivan and Jones absent. MOTION 2010-0207 ADOPTED.

Ms. Morales through her interpreter stated that she was speaking on behalf of Candlelight Trails; that she wanted Council to know attention should be placed on the management office which was in charge of Candlelight Trails and not on the renters; that she had no money to pay \$10,000.00 the city was asking for; that they should ask the big corporations, specifically the ones from California, they were the culprits who ruined Candlelight Trails; that she and the others continued paying their fees due until the very end and here she was unemployed, no one would give her work, she could not pay the money and so she came today Council Member Sullivan absent.

Mayor Parker stated that Ms. Morales needed to also visit with Mr. Heilman, the representative of the Legal Department, unfortunately an offer was made to try and settle, but not enough did and now they had proceeded to trial, maybe she could still be helped. Council Member Sullivan absent.

Mr. Jerry Castro, 7502 Corporate Drive #294, Houston, Texas 77036 (832-689-6219) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Gonzalez absent.

Mr. Daniel Bosincetann, 8855 Gulf Freeway, Houston, Texas 77017 (713-941-8000) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Gonzalez absent.

Mr. Anthony Davis, 6702 Los Angeles, Houston, Texas 77016 (713-828-4860) appeared and stated that he was present giving kudos to Council; that in the past they helped him with a problem he had at a park, it was like a mob and Council Member Bradford was Chief at the time and they really helped him; that the problem was about to arrive again though the city had taken action and he was just present to actually thank them for what had been done so far; that HPD

had been going out and Parks and Recreation had called him and rules were now being enforced and hopefully this summer things would not get bad at all; that he and his neighbors were held hostage as they were on a dead-end street and when it became bottlenecked they could not get in or out and no emergency services could get in; and thanked Council Member Johnson's office and Officer Warren Jones and Mr. Paul Dubach for all their concerns and getting things done. Council Members Stardig, Clutterbuck, Sullivan and Gonzalez absent.

Council Member Bradford stated that the City of Houston process did tend to work more often than not; that he notified them of a problem and things were taken care of; and thanked him for working with them and acknowledging that things were taken care of; and if it came up again to notify them and allow them opportunity to make it work once more. Council Members Stardig, Clutterbuck, Sullivan and Gonzalez absent.

Mr. Lonnie Mercer, 9415 Dornoch, Spring, Texas 77379 (832-671-8212) appeared and stated that eight months ago he stood here on behalf of a company he had been employed with for seven years and today he stood before Council speaking on behalf of himself; that he worked in the inflatable industry his entire life and it was all he knew; that decisions were made by Council's predecessors to put an ordinance in place banning attention getting devices in Houston city limits and 12 days ago his employer said he was giving him two weeks notice, he was having to lay him off; that it was a hard thing to take because before the ordinance this company was thriving and helping hundreds of other businesses to get out of their downward spiral; that he thought if he were to lose his job it would be because of economic times, but never that the city would give him a push; that he worked in the field his whole life and was essentially having to start over and that was because of poor decisions made in the Council Room; that he did think they should live in a city clean and pleasing, but at what cost, higher unemployment, higher tax revenues; that their devices boosts sales by 30% and he understood he was just one in thousands being affected by this ordinance; that when he was present last he presented acceptable solutions for all and if they would like to discuss solutions he would be more than happy to; and urged immediate action be taken on such a serious matter. Council Members Clutterbuck, Sullivan, Gonzalez and Jones absent.

Council Member Johnson stated that he appreciated him coming; that when the ordinance was passed it was done so with unintended consequences and that was individuals like him who worked in the business; that one major concern he had was that the ordinance may have that type consequence and small businesses did use attention getting devices to make sure their customers could find them; that obviously the ordinance was put in place to help with the landscape of Houston; that he did wish there was an alternative to what happened to him and probably many others and thought it would behoove them to come up with sound solutions and maybe they could amend what was in place. Council Members Clutterbuck, Sullivan, Gonzalez and Jones absent.

Minister Joe Angel Lopez, 13334 Wells River Drive, Houston, Texas 77041 (281-638-6209) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Sullivan, Gonzalez and Jones absent.

Mr. David Green, 9307 Maxroy, Houston, Texas 77088 (713-894-3631) appeared and stated that he was a ex-employee of the City of Houston working 28 years, 4 months and 12 days and Mayor Parker had now put forth a 49% increase for city employees who retired under the age of 65 and it would be devastating to all; that this could not be readily accepted, many took big pay cuts from the start; that the plan she presented for a 49% increase was unconscionable, he paid \$790.72 for health insurance now and if the recommendation passed he would pay \$1,179.90 a month for health insurance, an increase of \$289.18 each month and in most cases that was enough to pay for a house and a car and to single out a group of individuals who served citizens of the City of Houston and had met requirements to be able to

retire was not fair; that at retirement he took a large pay cut, paying almost three times the amount of health insurance and he prepared for it, but now again they were asked to bear the burden of a 48% increase and just their group and it was devastating to those who served the city, was that the message they wanted to send to the rest of the world, how could one even sleep or face the public when they knew it was devastating to that group who worked hard for this city; that today was for the age 65 and tomorrow would it be for over 65; and urged the Mayor to rescind the order she put forth. Council Members Clutterbuck, Sullivan, Gonzalez, Lovell and Jones absent.

Upon questions by Council Member Adams, Mr. Green stated that he received notice of the increase about two weeks ago he thought; that he met deadline, but did not make adjustments; and Council Member Adams stated that her question to this body and to the Administration, who she respected, was when HBAC had their meeting, the Health Benefits Advisory Committee, had their meeting in early March an agreement was made and her only concern was three options were brought forth to the committee, but this was the highest option and she was going to be like Ms. Taylor asking weekly about health benefits and not only for those under 65, she had concern for all, but a high percentage Ms. Aldridge presented was forced to retire because of disability or health and now since they fell in the under 65 category many could no longer afford the healthcare benefit to cover the illness they had; that she knew this was signed, but nothing was written in stone and again she was asking for options so retirees could have a strong voice; that she did not agree it should be totally put upon retirees, they had given 30 plus years and she wished the powers that be could be proactive and do what was needed to make adjustments and look at numbers and costs. Council Members Sullivan, Hoang, Gonzalez and Jones absent.

Council Member Clutterbuck stated that they had not had proper opportunity to discuss this, but she would like to express to the public the difficulty in this issue because it was not just those who worked many years, it was for anyone who had worked even the shortest amount of time a civil servant could do; that military required 20 years to retire with benefits and the City of Houston required 17 years and in a difficult time of budget it put them in a difficult position to decide who would fund this; that in the private sector you had to bare the financial burden of it and would support the Mayor's decision. Council Members Sullivan, Hoang and Gonzalez absent.

Council Member Stardig moved that the rules be suspended for the purpose of extending the time for questions of Mr. David Green, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Sullivan, Hoang and Gonzalez absent. MOTION 2010-0208 ADOPTED.

Mayor Parker stated that she was under the impression a presentation had been made to City Council; and Council Member Adams stated that she was not speaking of the presentation, but the presentation to make the necessary increase; and Mayor Parker stated the discussion of the cost structure and what she used to base her decision. Council Members Sullivan, Hoang and Gonzalez absent.

Council Member Bradford thanked Mr. Green for his service and stated that the Mayor was on record that this issue was being revisited and another point was what was being proposed as options today would not cost the City of Houston any additional money, three groups were segmented, unfortunately, to participate in the City of Houston's healthcare plan, active employees, employees under 65 and then over 65 and discussions were underway to spread the necessary burden of increase among all three groups as opposed to weighing so heavily on one group; that he appreciated the fact there was a discussion at the table concerning the increase, but there was no discussion behind the reasoning or rational for the 65 and under group; and he appreciated Mayor Parker's flexibility and courtesy being extended to

discuss the issue further; and Mayor Parker stated that she had communications from both the Police and Fire Union indicating they may be interested in voluntarily having actives pick up some of the cost of the increase; that the Municipal Union (HOPE) had not so indicated to her and they were contractually committed to a 79/21 split with actives so there were discussions, but she would not say they were making a lot of progress as it needed to cover all to have the cost increase spread out widely; that one issue for active employees was if it became necessary to balance next years budget with a furlough option she may be cutting salaries of active employees who would have just agreed to take more of the healthcare costs for retirees who would continue to receive their retirement checks and she saw no equity in that either; that this was a complicated structure, at the same time she had made a request to the Firefighters Retirement System asking for a lower payment into the system which would not effect benefits to the retirees possibly putting \$14 million back to the General Fund Budget or a portion thereof and she was waiting to hear from that pension system; that many issues were tied to this; and Council Member Bradford stated that many individuals like Mr. Green, retirees, were unable to do more; that some physically were unable to do more work and those still active as a city employee were in more of a position to give and bend. Council Members Johnson, Sullivan, Hoang and Gonzalez absent.

Council Member Clutterbuck moved that the rules be suspended for the purpose of extending the time for questions of Mr. David Green, seconded by Council Member Adams. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Johnson, Sullivan and Hoang absent. MOTION 2010-0209 ADOPTED.

Council Member Pennington stated that his remembrance of the Budget and Fiscal Affairs Committee Meeting was they received an explanation that cost of service to retirees under 65 was far greater than to other groups and that was the reason the money was allocated to them, but he could be wrong; and he believed questions were asked about that and it was discussed. Council Members Johnson, Sullivan and Hoang absent.

Council Member Adams stated that as she understood the May 1st date on increases still stood as of today; and Mayor Parker stated she was correct; and upon further questions of Council Member Adams, Mayor Parker stated that the new contract took effect and the overall cost was the same, increases would begin May 1st and that was the part being discussed with employees unions, but again there was reluctance, particularly on the part of very low paid active city employees to pick up the cost when they may be facing impacts on their salaries, which they would try not to do, but would probably be the last big city in America to go that route, but it was not beyond the realm of possibility, but the date of increase was May 1st. Council Members Johnson, Sullivan and Hoang absent.

Council Member Jones stated that she wanted clarification; notwithstanding it was going to go into effect May 1st were there still ongoing discussions about the under 65 increase and if so when and where were the discussions taking place because she had asked to be a part of it and she had not heard from anyone; that she also understood non-classified employees were making \$10.00 an hour and that was 40 years which was obnoxious to her, she could not imagine making such a salary that long and then paying more; that she understood this was complicated but thought there could be meaningful discussions; and Mayor Parker stated that there had been informal discussions with the unions and she had not seen a lot of progress right now, but the subject was not closed; that there were other things retirees could do to show they understood what was coming at the active employees, she just mentioned as revenue continues to fall for next year she was not sure if they may have to implement a furlough for active employees and she could not in good conscious tell them that was not going to happen or if enough Council Members thought she was wrong in her decision she would be happy to sit with them and try and figure out how to try and slice the pie; and Council Member Jones stated that she wanted to be a part of the discussion as she had many former employees contact her

and she wanted to be able to relay information; Mayor Parker stated that this had gone to Fiscal Affairs on March 29th and if they wanted another complete discussion she could bring it up as a Mayor's Report, etc., but otherwise they had now extended the time three times. Council Members Johnson, Sullivan and Hoang absent.

Mr. William Beal, 5814 Overdale, Houston, Texas 77033 (713-738-3410) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan and Hoang absent.

Mr. Zeke Moore, 3422 Prudence, Houston, Texas 77045 (713-433-8480) appeared and stated that he wanted to commend Council Member Adams for working with their civic club and subdivision off Almeda and West Orem, but their problem now was last year they received two speed bumps on Townwood and they again needed help with three more streets which were Ripple Brook, West Hampton and Prudence about 250 yards of street coming his way and most people came through the streets speeding and many young children were playing, cars ran into the yard and they would like more speed humps on those streets; that also young men sat in the cars smoking marijuana and he had been an officer in Precinct One and he hoped for more officers in his area patrolling day and night. Council Members Johnson, Sullivan and Hoang absent.

Upon questions by Council Member Adams, Mr. Moore stated that he lived in Townwood about 33/34 years; and Council Member Adams stated that him being a former Houston Oiler Football Player she could not believe he was nervous; that he did much for the community and the speed hump program was currently being revisited and in Legal and she thanked Mayor Parker for allowing this back; that tonight they would be in his community at the Hiram Clarke Community Center at 6:30 p.m. to discuss issues including crime, they received calls about crime with gang members being in the community; that when the program came back for speed humps she would make sure communication was with him so he would know how to apply. Council Members Johnson, Sullivan and Hoang absent.

Mr. Clay Warwick, 2907 Kenross, Houston, Texas 77043 (281-914-7628) appeared and stated that he recently learned about the City of Houston's desire to cut library hours and he recently got into genealogy and spent much time at the Clayton Library; that he spoke with librarians and understood his access was being cut, the Clayton Library was being closed on Fridays and that was one of the busiest days, the Medical Center was down the street and people wanted ability to do that when they came in town and would not be able to; that Saturday's were being cut to four quadrants; that earlier in the meeting they praised Mr. Rich regarding literacy and how was closing libraries going to help that, if they wanted to cut spending they should go to 3300 Main where he went to submit plans weekly on fire alarms and one gentleman walked about the speed of frozen molasses with nothing in his hands and a few minutes later returned the same way, same speed and it looked like waste to him; that they were beautifying Clay Road, Kempwood and Hammerly from the Beltway east and he knew it looked nice but the people living there by the piles of litter could care less what was done to medians. Council Members Sullivan and Hoang absent.

Council Member Stardig thanked Mr. Warwick for coming and stated that she had met with those in the Library with the same issues and others expressed the same concerns about Fridays at the Clayton Library; that when Dr. Lawson returned she requested they meet again to visit with those folks and express concerns and maybe rethink that, especially on Clayton, people had volunteered and she thought they should at least visit that opportunity; and Mayor Parker stated that she would love to talk with Dr. Lawson about a volunteer program. Council Members Sullivan and Hoang absent.

Council Member Jones stated that many departments were asked to cut and she was not convinced that cutting an arbitrary percentage across the board was necessary; that some things could kill two birds with one stone, she just had discussions with constituents and they had a public safety meeting last evening in the Third Ward and many children had way too much time on their hands and libraries were a positive outlet; that access to education for low and moderate income people was the library; that libraries served dual functions and she would like to revisit that for all libraries. Council Members Johnson, Sullivan and Hoang absent.

Council Member Gonzalez thanked Mr. Warwick for coming and expressing his concerns and stated that all understood the importance of libraries in the community and they did serve multiple purposes and they were critical for the city; that in looking across the country this problem was not unique to Houston and some cities faced even more drastic measures considering layoffs of employees, etc., stripping it to the bare minimum and this was a plan being rolled out with support of Dr. Lawson as she looked at her circumstances; that in committee meeting he asked about flexibility of hours and was told once the program was rolled out perhaps they could look at flexibility measures. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Council Member Bradford moved that the rules be suspended for the purpose of extending the time for questions of Mr. Clay Warwick, seconded by Council Member Jones. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Johnson, Sullivan, Hoang and Rodriguez absent. MOTION 2010-0210 ADOPTED.

Council Member Pennington stated that they had received a number of complaints as well and one thing they would be interested in would be if they had to cut library time, it probably varied depending on location of the library and the purpose of how they should do it; that he would like information on the Saturday, Sunday, Monday and usage of volunteers such as how much supervision would it take, etc., then it could be considered comprehensively with the adoption of the new budget; and Mayor Parker stated that was noted. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Council Member Adams thanked Mr. Warwick for coming and stated that she thanked Mayor Parker as she remembered when she first came in she put a call out to departments to look at ways they could cut on their budget for the upcoming year and Dr. Lawson did look at ways, she looked at other cities and how programs worked and came before the Neighborhood Protection and Quality of Life Committee and this was discussed; and again she wanted to emphasize attendance at committee meetings because this was some of the things she brought up and she took pride in the fact no employees would be terminated, the city was saving money and she did not have to furlough anyone; that a library would be opened at all times and with special libraries such as Clayton she said she would be flexible, but things had to be rolled out; and she saved about \$2 million in budget and without cutting service to the community. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Council Member Stardig stated that she wanted to reiterate at committee they did have a good discussion on all this, but she also wanted to reemphasize that Dr. Lawson did offer, to those in town for genealogy, by appointment Clayton could be open on Friday's. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Council Member Clutterbuck stated that Mr. Joe Angel Lopez was now present in the Chamber and wished to speak; and moved that the rules be suspended for the purpose of hearing Minister Joe Angel Lopez at the end of the three minute speakers, seconded by Council Member Jones. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Johnson, Sullivan, Hoang and Rodriguez absent. MOTION 2010-0211 ADOPTED.

Mr. Joseph Kaye, 9210 Carvel Lane, Houston, Texas 77036 (713-777-5903) appeared and stated that his background was in public health and he was present speaking on behalf of children; that the major focus of his work was prevention of child abuse, neglect, sexual, physical and emotional abuse and all conditions associated with that in the children's lives; that he was present speaking on behalf of the children about the library and to bring to their attention and understanding the library represented a safe space for many children in the community who may not be in their class group of economic security; that if they were to change place with some children in the community for a few weeks he thought they would have a greater sensitivity and understanding on the importance of a safe space for children, adolescents and adults; that in times of economic duress it was not right for libraries all over the city hours to be cut as in those times children suffered more and had greater stress and so did their families; that in such economic times they should add hours, not delete them; that a person with threats in their lives needed a safe space; that he visited families and started a mentors program for boys without fathers and he knew what such children faced; that one boy thanked him for getting him into the program and said he had been considering suicide, it was probably one of a few times that boy had anyone stand for him; that he worked for MHMRA, but this he volunteered from his heart as he saw the system had failed the children and he spoke for them. Mayor Parker, Council Members Johnson, Adams, Sullivan, Hoang and Rodriguez absent. Mayor Pro Tem Clutterbuck presiding.

Ms. Theresa Haynes, 3647 Villa Glen Drive, Houston, Texas 77088 (832-882-3704) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Johnson, Adams, Sullivan, Hoang and Rodriguez absent. Mayor Pro Tem Clutterbuck presiding.

Mr. Richard Latter, 5330 North Freeway #102, Houston, Texas 77022 (832-507-9126) appeared and stated that he was present asking for a full investigation regarding the City of Houston Sign Administration and their outlaw tactics dealing with the new business owners; that you would think the City of Houston and Sign Administration would want to encourage people to open businesses, but Sign Administration employees felt they could get away with anything with no consequences; that last week he spoke to Council Member Gonzalez's assistant who contacted Sign Administration so he could get problems resolved and they took care of one problem, but the targeting issue of accusing their authority and the good buddy system that was never done and he would like to share the point of the targeting issue and what he went through; that they abused authority, covered up what happened to him and were rude. Mayor Parker, Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez and Jones absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Gonzalez thanked Mr. Latter for coming and stated that his office was in communication with him to discuss this and Sign Administration had also been in communication with him on this particular issue and a representative was present if he could visit with her and someone from his office would join in to see where things stood and then they would follow-up again to see if it could be worked through and he understood a citation was issued and that too would have to be worked through the Municipal Courts so there may be a couple of different issues going on and they would see if they could find resolution. Mayor Parker, Council Members Johnson, Adams, Sullivan, Hoang and Rodriguez absent. Mayor Pro Tem Clutterbuck presiding.

Mr. Dick Tyson, P. O. Box 1376, Alvin, Texas 77512 (281-865-8196) appeared and stated that he was present from Alvin because of a statement the Mayor made and he wanted to express his appreciation to the Council and Mayor; that he traveled on his "Q" card and it was free and he appreciated it and thought it a value to the city and the statement Mayor Parker made about considering public transportation to be possibly free for the public got a horselaugh

from METRO, but he hoped as they went through economic downturns they realized the public suffered also; that all roads led to Houston and hopefully the Mayor and Council would continue the vision of expanding Houston and METRO into surrounding counties with a proper plan; that many years ago railroads came into Houston and on to the Gulf and Alvin was blessed to be called the "Cross Roads of Texas", but now they were the little town in Texas cut off and much because of HGAC's failure of leadership and vision; and hopefully the Mayor's appointments would help with that; that as a child he got on a train to go to Houston or Galveston and now to go to the VA or Medical Center he used his "Q" Card. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mr. Ricardo Peduzzi, 14614 Falling Creek Drive #105, Houston, Texas 77068 (281-781-8969) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mr. Rodrigo Carreon, 1122 Avenue C, Fresno, Texas 77545 (281-431-6734) appeared and stated that he came in part because of water rate problems; that they were trying to balance the budget and he thought it unfair as it would affect the middle class; that they were charging people for a 6,000 gallon limit even if they were not using it and a water and sewer rate should increase for commercial usage not residential; that maybe to help the budget they should put an extra sales tax on unhealthy beverages; that they had a beer tax so why not a soda tax; that the Mayor of New York agreed, if people could not afford health insurance then they should not buy unhealthy products, but they should have access to water. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington and Rodriguez absent.

Mayor Parker stated that she would point out the City of Houston had very healthy water, it was highly rated and it could not be used to balance the budget as it was a separate pot of money. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington and Rodriguez absent.

Council Member Gonzalez thanked Mr. Carreon for coming and for all his information and stated that these were two separate matters and they were not seeking to balance the budget with any possible rate increase on the water, it was two separate entities, it was an enterprise fund, it was a cost base system which unfortunately producing quality water had gone up due to electricity, chemicals, etc., and they had to respond to them; that they wanted this to be a long-term sustainable system, not only for us but also for our children and grandchildren; and the 6,000 gallons was just an average of what the average single family residence used and in one proposal it would be approximately \$5.00 for that residence and they heard concerns about multifamily and commercial as well, nothing had been decided as yet, but all wanted a first class water system; and you would be charged only for what you used. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mr. Douglas Nichols, 2418 Broad, Baytown, Texas 77521 (281-426-2376) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang 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 Johnson, Sullivan, Hoang 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 Johnson, Sullivan, Hoang and Rodriguez absent.

Minister Joe Angel Lopez, who was previously not present when his name was called, appeared and stated that he was involved with all politics for the past 35 years in Houston; that God called him out here to help the poor for 50 years now and he was present as an ordinance was recently passed regarding trains blocking traffic and Easter he spent time in the Fifth Ward and they were stood down; that he was a proud first responder and officers were standing down along with paramedics and firefighters and first responders because the Union Pacific Railroad did not care about ordinances this Council passed and it made him angry. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Ms. Deborah Elaine Allen, P. O. Box 26352, Houston, Texas 77207-3552 (832-885-1659) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Ms. Barbarann LaCourse, 1600 Louisiana, Houston, Texas 77002 (832-880-2010) appeared and stated that she was asking for the Mayor's help; that her case had been going on for two years in August and no lawyer in Houston would help her fight HPD; that police needed to be reprimanded and pay for her time in jail and her disgrace, etc., saying she could not get up when she was crippled. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was the official U. S. President; that he was a national crime victim; and continued expressing his personal opinions until his time expired. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Ms. Joy Leverett, 165 Zachary, Houston, Texas 77029 (713-373-9860) appeared and stated that she had three subjects, first was Project Sugarbee which was a project to help parents and caregivers if they had a child crying, etc., they could come and take them to a child development center or safe place and help them care for their child; the next program was the caregiver responsibility permits where caregivers would have a permit meeting all laws in order to care for children; that there were up to 87 violations monthly in child development centers. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Ms. Maryssa Square, 5826 Southgood, Houston, Texas 77033 (832-368-0124) appeared and stated that she had been without running water in her home and the Water Department could not show her where she made the bill; that she called Entergy in Baton Rouge and they were going to send a letter showing where she had a light bill from June 2,000 until 2003 and the water bill was made February 2001 to June 2001; that she had an eight year old son in her home and they could not flush the toilet and it was backed up and gnats in the kitchen and she needed the issue resolved. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Council Member Jones stated that it was brought to her attention that Public works decided that Ms. Square should still pay the bill and she could not understand the reasoning or logic; that it was like departments were just making decisions, she did not think they proved she had made the bill; that she had a variety of papers showing she lived in Louisiana and to not accept that it seemed unconscionable, but sometimes government did not care about people and she wanted to say that on the record. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mr. Sammie Jones, no address (no phone) appeared and stated that he was present asking if Ann Street that connected to Jensen and McAlpine Street that connected to Ann Street

were private streets; that he was on his way to Marcus Kitchen to eat lunch and Officer Polk came out and said he had to go walk around and hit Jensen and come back around to get to the kitchen when he was only a few steps away; that when he did get there he tried to ask him why he was denied access on Ann Street. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez and Jones absent.

Council Member Clutterbuck stated that she was concerned with Ms. Square appearing again; that this was probably being addressed at the back of the Chamber, but wondered if it was possible the water could be turned on for her while they process the disputed issue; that the woman was not in Houston and she had records of her child being born in Louisiana and her electric bill and perhaps the water could be turned on and the legal issue relating to the bill could be resolved or a payoff plan set; and Mayor Parker stated that she had been offered a no interest payout plan and Citizens Assistance and Water Customer Utility met with her; that they were required to do their best efforts to attain whether she actually owed the bill, they could not give a gift of service to someone and she left it in the hands of Public Works and Citizens Assistance Departments; and Council Member Jones indicated her interest in the issue and if she would work with her to review the records; that one issue was she had been combative in providing information, but if she would assist and help her ascertain that she actually had some evidence she was not responsible for the bill they would try and move it forward; and Council Member Clutterbuck stated that she thought it was often the claim a constituent was combative and certainly that had not been Council's experience the times she had appeared before public session, she had been anything but, she had been factual and direct and on point and as all lawyers knew around the table it was extremely difficult in a hearing to prove a negative and if processes were in place to enable her to prove her point that she was elsewhere some weight should be given to that rather than calling her combative or the response which did tend to be a bureaucratic governmental one that it had to be paid out and her question was could the water be cut on while they figure out if she actually owed it; and Mayor Parker stated that she did believe the water could be cut on while they were deliberating, yes they could; and Council Member Clutterbuck stated that it seemed to be a simple solution and it was terrible she had to come so many times; that part of the issue was if the Public Works Department would in some way feel empowered or the wonderful Citizens Assistance Office would feel empowered to think of that type of solution and come forward rather than the circle they had to go around in and that was whether it was regarding a broken curb, etc., and Mayor Parker stated that the issue she was trying to raise with Council Member Jones since she was meeting with Ms. Square was that Public Works reviewed the records and she met with Citizens Assistance and they stood by their position and she could review the information, but if a volunteer would like to review the information and help her adjudicate it she would appreciate it, but yes, get the water turned on and Ms. Square could continue to work with them. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Council Member Jones stated that she thanked Council Member Adams for going back and discussing this with them, they were both trying to figure this out, and for Public Works to say she could pay something, if I did not do something then I did not want to pay it;, how could you prove a negative; that she herself was frustrated because she did not want to see a child without water and commonsense decisions needed to be made; that she would be happy to help the Mayor figure it out; and Mayor Parker stated that she could review it and make a recommendation and if another Council Member wanted to participate that would be great. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Council Member Adams stated that she wanted to thank Council Member Clutterbuck as they were discussing the matter earlier before she and Council Member Jones went to the back and if you had been around the District D area apartments were there and in the past they had seen cords running from one unit to the other with people trying to survive because they could not afford an electric bill and they began to share and that was where she lived; that probably

they could not prove this, they did not know who was in the home or who knew her, no documentation needed to be filed when getting utilities you just called and got you water turned on; that her concern was a young lady with a young son, despite what economic conditions she was in, she had to live without water and someone could have made a decision at first onset to decide this so why did it have to take 15 days or an order from the Mayor to say cut the water on; that they needed to be considerate and compassionate individuals; and discussed a story on FOX 26 News where people could not afford food, etc., that God had blessed all at the Council Table and when they saw people who could not bathe or flush or eat, etc., they should be empathetic and place themselves and take the necessary stand. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Council Member Bradford stated notwithstanding the humane decision in his view just made by the Mayor and Council, he thought this called into question the need to review the process that Public Works utilized to terminate services, how many others were out there suffering the same condition or circumstances Ms. Square was suffering; that either they stand by the process delegated to Public Works to terminate services or they did not; and Mayor Parker stated that she did not know if that was a request or not but it seemed a good time to review that process as they were considering water rates and suggested Public Works lay out for them how they went through the process so Council could review it. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Council Member Stardig stated that she appreciated everyone's position on this, it was unsettling, but she also had to take the position that they had to make sure going forward there were guidelines and direction for staff which were consistent and she would like to be included in conversations if there were any; that they should file a police report and if at a later date it was found otherwise and they were responsible, but for health reasons and compassion she thought they should take care of the services with the understanding the police report be in place so they have recourse and have bases covered; and Mayor Parker stated that was another excellent suggestion. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

At 3:48 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, April 14, 2010. Council Member Noriega absent on personal business. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, April 14, 2010, with Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney, Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo., Assistant Agenda Director, present.

At 8:35 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:03 Mayor Parker called the meeting to order and stated that they were going to have several items to deal with this morning including a public hearing and recognized Council Member Gonzalez for a motion. Council Member Noriega absent.

Council Member Gonzalez moved to suspend the rules to consider Item No. 4 out of order, seconded by Council Member Lovell. Council Member Noriega absent.

4. REQUEST from Mayor for confirmation of the appointment of **CHARLES A. McCLELLAND, JR.**, as City of Houston Police Chief – was presented, moved by Council

Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega absent. MOTION 2010-0213 ADOPTED.

Mayor Parker administered the oath of office to newly appointed Chief Charles A. McClelland, Jr.

Chief McClelland stated that he appreciated the opportunity and wanted to thank Mayor Parker for having the confidence and trust in him to lead such a fine organization, number one, that he certainly wanted to thank all of the Council Members for their support over the years, he truly appreciated it and would need their support going forward, that he wanted to introduce them to his immediate family starting with the highest priority, his mother, Patty McClelland, who instilled all of the values and morals and taught him all of those life lessons that had made him so successful today, that he certainly could not have done it without her, that next was his sister Cassandra, who was the oldest and was always in charge, he was the middle kid and they knew what they say about middle kids, sometimes they get lost but he found his way, that she was a City employee and worked for the Health Department, that she supported him and he lived with her when he was a cadet in the Houston Police Academy, that his oldest daughter was Ashley along with her three kids, his grandkids, Xavier, Darrius and Scott, and his baby daughter, Brittany, who was a college student, that he wanted to thank them for all of their support, he had a wonderful family and they were very close.

Mayor Parker and Members of Council congratulated Chief McClelland on his appointment and thanked him for his service to the City of Houston.

Mayor Parker stated that the first item on the agenda was a public hearing on the scheduled revisit of the Juvenile Curfew Ordinance. Council Member Lovell absent.

#### **HEARINGS - 9:00 A.M.**

1. Pursuant to Section 370.002 of the Texas Local Government Code, City Council will conduct a public hearing regarding the Juvenile Curfew Ordinance (Ch. 28, Art. V, City of Houston Code of Ordinances) to determine whether the Curfew Ordinance should be continued. Copies of the Curfew Ordinance and data provided by the Houston Police Department are available for inspection in the Office of the City Secretary. To reserve time to appear and testify call the Office of the City Secretary (832) 393-1100 prior to the commencement of the public hearing. Alternatively, written comments may be submitted to the Office of the City Secretary – was called. Council Member Lovell absent.

The City Secretary stated that no one had reserved time for any of the hearings, one, two or three, that present were Captain S. A. Smith and Sergeant S. A. Harris. Council Member Lovell absent.

Captain Smith and Sergeant Harris reviewed a PowerPoint slide presentation of the Juvenile Curfew Ordinance, a copy of which is on file in the City Secretary's office for review. Mayor Parker and Council Members Adams and Lovell absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Noriega stated that this was a tool that they needed to use to manage and it went hand in hand with the Anti Drop Out efforts and all of the things that they did, that all of them had grandmothers or moms who said that nothing good happens between twelve and midnight, nothing had changed with that, that kids needed to be at home, that they had an extensive conversation in Public Safety about this and if anyone had any questions they were welcome to contact the Police Department or her office and moved to close the public hearing, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Adams

and Lovell absent. MOTION 2010-0214 ADOPTED.

The City Secretary stated that they had two more hearings listed on the agenda and understood that they would be conducted together, that no one had reserved time to appear on these two hearings, that Ms. Carol Haddock, Public Works Department, would make remarks concerning the hearings. Council Members Adams and Gonzalez absent.

2. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance for Flex Tank Systems, LLC for the site located at 16514 De Zavalla Road, Channelview, Texas – was called. Council Members Adams and Gonzalez absent.
3. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance for Westbrook Investments, LP for the site located at 1111 Lockwood Drive, Houston, Texas - **DISTRICT H – GONZALEZ** - was called. Council Members Adams and Gonzalez absent.

Ms. Carol Ellinger Haddock, Senior Assistant Director of the Department of Public Works & Engineering, stated that it was more than six years ago that the Texas legislature provided another tool to encourage redevelopment of contaminated properties by authorizing Municipal Setting Designations or MSDs, that an MSD protects public health by designating a particular parcel, beneath which contaminated groundwater was prohibited from use as potable water, that this State law was administered by the Texas Commission on Environmental Quality, that she was here today because, although the TCEQ issues an MSD, participation in the State program required local support, that Article 13 of Chapter 47 of the Code of Ordinances provided a process by which the City may support, or not support, a party's MSD application to the State, that as part of that process, today they were holding a public hearing for two separate applications, the first of which was in the City's extraterritorial jurisdiction; that this application was submitted by Flex Tank Systems, LLC for six and three quarters acres of land located at 16514 De Zavalla Road, in the unincorporated area know as Channelview, that property was developed in 1981 as a bulk transport truck loading facility, and from 1983 to 1994, it was operated as a gasoline distribution facility, that currently, it was a petroleum processing terminal, that in 2003 a hydrocarbon collection trench was installed, and approximately 11,000 gallons of hydrocarbons had been removed, that groundwater monitoring data from 2001 to 2009 indicated that the area of groundwater contamination was stable, however, seven contaminants of concern still existed in the groundwater that exceeded human ingestion protection levels. Ms. Haddock stated that the second application they were hearing today was submitted by Westbrook Investments, LP for eight and one half acres of land located at 1111 Lockwood Drive, that the facility was constructed in the 1930s, that in 1998, Westbrook Manufacturing, a company that made pipefitting's, purchased the facility, that in late 2000, an Agreed Order was issued by the TCEQ, and investigation and remediation activities had been conducted in accordance with its terms, that the area of contamination was decreasing in both size and concentration and there were no source materials remaining on the site, however, four contaminants of concern still existed in the groundwater that exceeded human ingestion protection levels; that depending upon the outcome of today's hearing, the Director of Public Works and Engineering would forward separate requests for Council to adopt ordinances to support these two MSD applications, that these ordinances would include all the elements required by State law and by Article 13 of Chapter 47 of the Code of Ordinances.

Mayor Parker stated that there were no Council Members on the list to speak and there were no citizens signed up to speak.

Council Member Noriega moved to close the public hearings, seconded by Council Member Clutterbuck. All voting aye. Nays none. MOTION 2010-0215 ADOPTED.

## **MAYOR'S REPORT**

Mayor Parker stated that she had a very brief Mayor's Report this morning, that she wanted to apologize to Council Members, she was a little distracted at the public session yesterday, she was being briefed on the fact that Firefighter Jane Dracott had filed a lawsuit against the City of Houston and she was taking those calls while trying to chair the meeting, that she finally had to step out and she apologized, that to be very clear, because there was litigation, if they had particular questions or comments that they had about that they needed to be addressed to City Attorney Arturo Michel away from the Council table, but to what was happening publicly when she received the final report from the FBI about a week and a half ago and the conclusion was that yes the incident had happened but the suspect was unknown, that she indicated to Mr. Michel that it was time to move the City and the department forward, he communicated the findings to Ms. Dracott's attorney and they made plans for her target date to return to work and back on shift, that it was her request that she return to Station No. 54, that there had been a number of changes at Station No. 54 and a lot of turnover there and it was their responsibility to make sure that when she goes back that she would be dealt with professionally and returned to firefighting, that her first shift should be Monday morning, that the City would vigorously defend itself against the lawsuit, but she and the department would continue their efforts to make the Houston Fire Department a more productive and more welcoming workplace to all of the men and women in the Houston Fire Department and they expect all firefighters to perform their duties in a professional and competent manner and that they would move on as well, that if there were any questions about that she was happy to answer them but again due to the litigation a lot of the questions would have to be addressed separately to City Attorney Michel, and asked Mr. Michel if he had anything to add to that.

Mr. Michel stated no, that he thought that was an excellent summary.

Council Member Bradford stated that he appreciated the fact that litigation was pending and therefore they needed to be mindful of what they were saying, but for a question that he thought would serve for the greater good of the public was that the investigation was completed by OIG, but it may behoove a comment due to Chapter 143 of the Local Government Code, because of the status of the investigation how was it concluded they were not able to release that public investigation anyway, and his second point was that the inquiry or audit that was done by the law firm, to Mr. Michel, would that fall in the same classification as the OIG investigation per 143 guidelines.

Mr. Michel stated that he thought that was a good point that he raised, that OIG when it investigates and did a report because it had jurisdiction over both workplace rules but also criminal complaints, that when it was a criminal complaint, and under these facts that was where it led because it was not solved yet, it was a document that was not public information that could be released, because it was still ongoing in the sense that it had not been closed, so he thought that was a good point to raise; that on the other issue, the report of the assessment, that was released publicly and in fact was directed to be done in a manner so that it could be put out there because part of the issue was answering the public's questions as to what needed to be done and use that as a roadmap.

Council Member Bradford stated that he thought these were their two points because there was just a lot of concern about why do they not release that OIG investigation and it was simply because the statute did not commit such at this time.

Mayor Parker stated that was correct and she appreciated his raising the issue, the report by the law firm was actually released under the previous administration and there was no active investigation at this time, but because the suspect was unknown it was still pending and they could not release all of the information in the report, and it was actually not unusual, unfortunately, for employees to be engaged in litigation with them (the City) but also to continue

to work for the City.

Mayor Parker stated that it was her intention to name a new Director for the Houston Airport System with a press conference at 11:00 a.m. today or as close thereafter as they could, at the end of the Council meeting, that he was flying in and would not be available before 11:00 a.m., but if Council Members would like an opportunity to meet him they were welcome to her office at the conclusion of this morning's Council meeting.

Mayor Parker stated that they would move to the agenda.

### **CONSENT AGENDA NUMBERS 4 through 28**

#### **ACCEPT WORK** - NUMBERS 6 through 8

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$518,947.28 and acceptance of work on contract with **D.L. ELLIOTT ENTERPRISES, INC** for Lake Houston Septic System Removal Project - 6.0% under the original contract amount - **DISTRICT E – SULLIVAN** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2010-0216 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,608,375.20 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 1.18% over the original contract amount - **DISTRICTS A - STARDIG; D - ADAMS; F - HOANG; G - PENNINGTON and I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2010-0217 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,136,770.47 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.C.** for FY08 Citywide Fire Hydrant Replacement and Height Correction 32.8% under the original contract amount – was presented, moved by Council Member Clutterbuck, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2010-0218 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBER 10

10. **NATIONAL ELECTRICAL SYSTEMS, INC** for Installation of an Emergency 800 KW Generator and purchase of a second 800 KW Generator at Houston TranStar for Department of Public Works & Engineering - \$534,908.00 and contingencies for a total amount not to exceed \$561,653.40 - Grant and Greater Houston TranStar & Emergency Center Funds – was presented, moved by Council Member Clutterbuck, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2010-0219 ADOPTED.

#### **ORDINANCES** - NUMBERS 11 through 28

11. ORDINANCE approving the application of Entergy Texas, Inc. for authority to implement new Rough Production Cost Equalization Adjustment rate filed with the City of Houston on March 25, 2010 - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2010-0269 ADOPTED.
12. ORDINANCE relating to the Retail Electric Rates of Entergy Texas, Inc. within the City of Houston, Texas; ordering reimbursement of all rate case expenses incurred on behalf of

all Entergy Texas, Inc. ratepayers within the City of Houston, Texas; denying rate increase request and maintaining the current Entergy Texas, Inc. rates in effect - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2010-0270 ADOPTED.

14. ORDINANCE directing the Department of Planning and Development to prepare service plan that provides for the extension of Municipal Services into certain territory in the vicinity of Aldine Westfield and Farrell Road, in Harris County, Texas; calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston to annex certain territory in the vicinity of Aldine Westfield and Farrell Road, in Harris County, Texas; providing for the publication of notice of such hearings - **HEARING DATE - WEDNESDAY - 9:00 A.M. - MAY 5 and MAY 12, 2010** – was presented. All voting aye. Nays none. ORDINANCE 2010-0271 ADOPTED.
15. ORDINANCE approving and authorizing contract between the City of Houston and **RECYCLERWARDS, INC** for Web-Based Recycling Incentives Rewards Program Services for the Solid Waste Management Department; providing a maximum contract amount - 3 years with 2 one-year options - \$528,000.00 - Recycling Revenue Fund – was presented. All voting aye. Nays none. ORDINANCE 2010-0272 ADOPTED.
16. ORDINANCE approving and authorizing joint funding agreement between the City of Houston and The United States Geological Survey for Water Resource Investigation and Monitoring; providing a maximum contract amount - 1 year - \$840,250.00 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2010-0273 ADOPTED.
17. ORDINANCE awarding contract to **KEILERS HOLDINGS, INC dba CY-FAIR TIRE** for Tire repair services for Various Departments; providing a maximum contract amount - 3 years with 2 one-year options - \$1,201,618.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2010-0274 ADOPTED.
18. ORDINANCE appropriating \$733,065.95 out of Equipment Acquisition Consolidated Fund for the purchase of Capital Equipment for the Houston Fire Department – was presented. All voting aye. Nays none. ORDINANCE 2010-0275 ADOPTED.
19. ORDINANCE appropriating \$10,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for construction of Brittmoore Road from Old Katy Road to Hammerly Boulevard - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. ORDINANCE 2010-0276 ADOPTED.
20. ORDINANCE appropriating \$26,728.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Compromise and Settlement Agreement between the City of Houston and **BOVAY ENGINEERS, INC** – was presented. All voting aye. Nays none. ORDINANCE 2010-0277 ADOPTED.
21. ORDINANCE appropriating \$368,109.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services contract between the City of Houston and **AECOM USA GROUP, INC formerly known as TURNER COLLIE & BRADEN, INC** for Yale Street Paving from West Tidwell Road to West Parker Road (approved by Ordinance No. 2006-0478) - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. ORDINANCE 2010-0278 ADOPTED.
22. ORDINANCE appropriating \$2,860,049.00 out of Metro Projects Construction Fund and \$172,651.00 out of Water & Sewer System Consolidated Construction Fund, awarding

contract to **CONRAD CONSTRUCTION COMPANY, LTD.** for 11th Street Rehabilitation from West of Heights Blvd. to Studewood Dr.; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Metro Projects Construction Fund; Water & Sewer System Consolidated Construction Fund **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. ORDINANCE 2010-0279 ADOPTED.

23. ORDINANCE appropriating \$484,012.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PIPELINE VIDEO INSPECTION, LLC dba PIPELINE VIDEO INSPECTION & CLEANING, LLC** for Sanitary Sewer Cleaning and Television in support of rehabilitation; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2010-0280 ADOPTED.
24. ORDINANCE appropriating \$954,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R&B GROUP, INC** for Benbrook Lift Station Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2010-0281 ADOPTED.
26. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **ROYAL OAKS SUBDIVISION, SECTIONS 1 - 3, SECTION 4 REPLAT AND SECTION 6** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. ORDINANCE 2010-0282 ADOPTED.
27. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **ACADIA PLACE SUBDIVISION, BARR CIRCLE ESTATES SUBDIVISION, GRANADOS ESTATES SUBDIVISION, KERRWOOD ESTATES SUBDIVISION, PEPPERMILL ESTATES SUBDIVISION, SPRING BRANCH ESTATES SUBDIVISION, SECTIONS 2 AND 2 REPLAT, AND ALLEGRO VILLAGE PATIO UNRECORDED** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. ORDINANCE 2010-0283 ADOPTED.
28. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SHEPHERD PARK TERRACE SUBDIVISION, SECTIONS 1 - 3** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2010-0284 ADOPTED.

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

**MISCELLANEOUS** - NUMBER 5

5. Confirmation of the appointment or reappointment of the following individuals to the **ANIMAL ADVISORY COMMITTEE BOARD OF DIRECTORS**, for the remainder of a two year term that will end December 31, 2011:
- Position One - **DR. TAFFI S. TIPPIT**, appointment
  - Position Two - **DR. CHRIS SOUDERS**, reappointment
  - Position Three - **MS. KAPPY MUENZER**, reappointment
  - Position Four - **MR. NEIL SACKHEIM**, appointment

Council Member Clutterbuck moved to refer Position No. 1 back to the administration, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2010-0220 ADOPTED.

Council Member Clutterbuck moved to appoint individuals to Positions Two, Three and Four of the Animal Advisory Committee Board of Directors, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2010-0221 ADOPTED.

Mayor Parker asked if there was anyone present from the Animal Advisory Board, and asked Mr. Chris Souders to stand and be recognized, and she and Council Member Clutterbuck congratulated him on his reappointment.

#### **PURCHASING AND TABULATION OF BIDS**

9. **RDI MECHANICAL, INC** for Emergency HVAC System Repair for General Services Department \$132,667.50 - Public Health Consolidated Construction Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. MOTION 2010-0222 ADOPTED.

#### **ORDINANCES**

13. ORDINANCE approving and authorizing contract between the City of Houston and **DENTON, NAVARRO, ROCHA & BERNAL, P.C.** for Legal Services and Representation of the City in connection with negotiation of employee agreements between the City and the Professional Firefighters Association Local 341, Houston Police Officers' Union and the Houston Organization of Public Employees; establishing maximum contract amount - \$400,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2010-0285 ADOPTED.
25. ORDINANCE awarding construction contract to **MILLIS DEVELOPMENT AND CONSTRUCTION, INC** for Fifth Ward Multi Service Center New Parking Lot; 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 materials testing and contingencies relating to construction of facilities financed by the American Recovery and Reinvestment Act - \$276,400.00 - ARRA Fund **DISTRICT B – JOHNSON** - was presented, and tagged by Council Member Johnson.

Mayor Parker stated that Item No. 25 had been tagged.

Council Member Johnson stated that he tried to get in contact with the Millis Development corporation, that they were doing some work in the Fifth Ward Community at the Fifth Ward Multi Purpose Center and while it was such a meager amount of money he wanted to know what they were going to sell, perform or were they going to look for any opportunities for employment for the people that lived around the multi purpose center; that what he recognized when he pulled the bid was that of the 15 bidders, 12 of those bidders were from the City of Houston and while the Millis Corporation was in Sugarland, and he knew they were a regional

market and they all worked together in concert for the betterment of their City he truly believed that as Mayor she had talked about Houston first and knew that Sugarland was regional but at the end of the day they certainly needed to make sure that they were working to create opportunities for Houston companies, that yes this was a low bid contract and he understood that but he wanted them to look at some point or another how did they find ways if it was for contracts under \$250,000 that they would continue to do low bid but he really believed that they needed to be looking at best value for everything, that when they looked at best value then they created opportunities for City of Houston companies to be able to get that added incentive or added bonus that they needed in order to be able to compete for contracts in the City of Houston; that he was waiting on a call from Millis Development, they gave them a call yesterday and he wanted him to talk to his secretary as opposed to him so he figured that if he wanted him to talk to his secretary he would wait for him to give him a call so that he could talk to him about what his project was going to be doing in the City of Houston.

After further discussion by Council Members, Mayor Parker stated that they were working on how to implement a "Hire Houston Program" but to be very clear she did consider it a region that economically benefits and it was directed more at companies that were outside the greater Houston area, but it was on her radar as well and she clearly heard their concerns.

Upon questions by Council Member Jones, Mr. Michel stated that the State requiring a low bid and then the lowest responsible bid which one was it, and Mr. Michel stated that it was the lowest responsible bid because that included things, for example, it was what allowed them to ban a contractor if they had not complied with their regulations such as MWBE, that there was a responsibility factor where they were allowed to look at past performance and other issues, that it was often synonymous but somewhat different, and Council Member Jones requested that Mr. Michel provide her a copy of the law that controls this, and Mr. Michel stated that he could provide her the law and some Attorney General opinions that talked about it also.

Mayor Parker stated that she appreciated the comments about regional economy and all of her efforts were going toward that, that she wanted to make sure they understood that.

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

Council Member Noriega stated that she wanted to remind folks that on April 17, 2010 from 11:00 a.m. to 9:00 p.m. the Houston Fire Museum would be raising money at Bullritos at 3651 Wesleyan at Richmond; that she wanted to remind folks that it was not too late to be counted for the Census, they could mail their census forms until Monday, April 19, 2010, but that was the absolute last day to mail completed forms, that households that do not mail completed forms by Monday, April 19, 2010, would receive a visit from a Census enumerator starting May 2, 2010 and continuing thru June, that it was her understanding that there were still jobs available through the Census as well, that she wanted to remind everybody that answering the Census made a difference between gaining or losing \$1,700 per person per year, that was \$170,000 for only 10 people who send back that form, that federal funds for social services, education programs, public transportation and public health clinics were at stake, that Census data allowed redistricting and would probably give them at least one of two new House of Representative seats for Texas and also allow them to make decisions about two new Council seats, that was important to neighborhoods in Houston, that it was really the best way to take a snapshot of their diversity and used to make decisions to help grow businesses and maintain their status as a top U.S. city for business and international relations and all of those things, that if they needed more information they could visit [www.houstoncounts.com](http://www.houstoncounts.com) and if they needed help filling out their form or any other thing they could call the hotline at 832-394-2010; that for the last few days she had been doing her taxes and she understood the issues about folks complaining about taxes because she had some things to work her way through but the other thing that she realizes every year as she writes her check was how important those resources

were for the common good, that she thought people get very cynical about elected officials and government and she would like to believe that local government like their seats were close to the ground and was really the real stuff because they dealt with their driveway as it hits the pavement that they help maintain, they turn on the water, they flush their toilet, they had police on the corner, their kids were safe in a school zone, all those things were government but so was their Army, Navy and Coast Guard, so were the disaster relief things that were available when a hurricane hits, as inevitably it did, the trees that they got down in such an amazing fashion that was the government, there were so many things that they accomplish as a Country and a State and a community and sales taxes and income taxes had a real purpose, there was health care and schools, so she tried to remember that, that she had a clear understanding where she sits as to why it was important, and she knew how many real public servants there were helping make those decisions so she wanted to remind folks of that at tax time. Council Members Johnson, Sullivan and Lovell absent.

Council Member Adams stated that she wanted to thank the administration and the colleagues who supported Marissa Square yesterday, that she wanted to thank Mr. Drabek and Conya Perry with MCAO because as of yesterday Ms. Square's water had been turned on and they were working with the Department of Public Works to make sure that everything was in line and to follow through that and to make sure she signed the necessary documents and the information that she needed to sign with them; that Council Member Noriega briefly mentioned the 2010 Census and it's importance, but to inform everybody as of yesterday the City of Houston was at 57% in returning their forms, that they were trying to get at least over 65% if they could so they wanted to continue to encourage those who had not mailed their forms back to please do so before the deadline on April 19, 2010; that she wanted to thank the Hiram Clarke Community, last night they had a wonderful meeting and it was a great turnout and she wanted to thank the departments who came out and did a wonderful job, that she wanted to thank Council Members Jones and Costello for their support and attendance last night and for addressing the crowd on both their committees and letting the community know what they were doing, that she wanted to thank her staff for block walking door to door in the community yesterday and going to some of those communities who normally do not attend civic club meetings, so there were a lot of new faces last night; that many of them had received an email about a senior at HISD Yates High School for receiving a WestPoint appointment and she wanted to thank Congresswoman Sheila Jackson Lee for writing a letter for Mr. Frunel Smith and he would be attending WestPoint, that he stated that it was a major accomplishment when they considered the adversity that he faced, that his father passed away and his mother was diagnosed with throat cancer but he continued to thrive and never thought about college until he did a summer internship at WestPoint, so congratulations to the Yates senior who had a 3.8 GPA and ranked number 5 out of 228 seniors; that on Saturday they had a beautification cleanup and she wanted to thank her staff, that they cut 10 vacant lots and de-littered streets in the Sunnyside area and beautified 15 esplanades, that she wanted to thank New Hope Worldwide, they had 100 volunteers who showed up, that they would continue to have a cleanup every month with New Hope Worldwide, that she wanted to thank Keep Houston Beautiful for their participation; that they would be participating with the Hunt and Feed Outreach Program and would serve home cooked meals to approximately 350 women at the Star of Hope Mission Housing on Friday at 4:30 p.m., that her staff does this every year to do a community service project; that they lost an icon who lived in District D, Ms. Lenora "Doll" Carter, she was the founder, along with her husband, of the Forward Times Newspaper, that she wanted to give condolences to the family members. Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Gonzalez stated that he wanted to thank all of the volunteers who showed up for the Greater East End Cleanup this past weekend, they had a great turnout; that a couple of times he had heard people talk about the potential water rate increase and at times they refer to it as trying to balance the budget at the expense of a water rate increase, but he

wanted to point out that they were two separate things, that any budget measures that they take to close the gap not only for this year but going forward were one thing, but the Combined Utility System was an Enterprise Fund and had to be sustainable by itself and be able to provide the long term water needs of their City, that it was a cost based system and some of those expenses, obviously, had been outside of their control, such as unfunded State mandates that had been sent down the pipe to them, that he wanted to clarify that regardless of how the potential water rate increase turns out that it was not a measure to balance the budget. Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Hoang stated that he wanted to thank his staff and the Alief Super Neighborhood, the International Management District, Taylor and Elsie High School and various 200 volunteers who came out last Saturday to cleanup the whole Alief area, that he wanted to thank all of the donors, especially Republic Waste who donated more than 200 pizzas for the event, that hopefully they would do it again in the near future; that mentioning the Census, he appreciated the hard work of Brenda Jo, who was helping him a lot, they went out and posted a sign on many walls that said "fill it in and send it in", that this morning she said that the turnout in Alief was about 58%, in Sharpstown about 57%, that Westwood and Gulfton was only 37% so they needed to do a lot more on Westwood, Gulfton and Ranchester Square, that he believed that next weekend they would do the block walking and knock on doors at houses and apartment complexes to make sure that they send it in. Council Members Johnson, Clutterbuck, Sullivan, Gonzalez and Rodriguez absent.

Mayor Parker stated that it seemed there was a lot of Spring cleaning going on around the City of Houston so they thank all of the volunteers who go out and do that. Council Members Johnson, Clutterbuck, Sullivan, Gonzalez and Rodriguez absent.

Council Member Stardig stated that in collaboration with Crime Stoppers and the Houston Police Department she would be hosting a Crime Prevention Townhall meeting on Wednesday, May 19, 2010, at 7:00 p.m. at the Spring Branch VFW located at 156 Foley Street, near Campbell and Long Point; that she wanted to thank her staff for their diligence in moving these locations around the district for the convenience of their citizens, that they would be covering many issues challenging Houston, from burglaries to gangs and the drug cartel; that last Saturday she attended the grand opening of the Houston Astros Major League Baseball Urban Youth Academy at the Sylvester Turner Park, that the academy would provide year round free baseball and softball instruction to local youth ages 7 to 17, that the park features a show field, permanent seating for 500 fans and space for an additional 1,800 fans, one auxiliary field, two little league fields, softball fields and 1,500 square feet of office space and other facilities, that the park was a great asset to District A and she wanted to thank Major League Baseball, the Houston Astros, the Houston Parks and Recreation Department for all of their work on the project, that she wanted to thank the Mayor, Council Member Johnson, Representative Turner, Senator Whitmire, Congresswoman Lee, the Astros and Chief McClelland for attending the event and supporting District A; that this weekend she rode the Union Pacific Train from Spring, Texas to the Amtrak Station in Houston, that the Number 844 Locomotive, which was the last locomotive built for Union Pacific, was visiting Houston for the first time to celebrate railroad history and heritage, that she wanted to thank Union Pacific for the opportunity to attend the historic ride, along with Council Member Adams, that she encouraged her colleagues to take advantage of these opportunities; that they had a strong Polish Community in District A and she would like for everyone to keep the Polish Community in their prayers as they lost their president in a plane crash this week. Council Members Johnson, Clutterbuck, Sullivan, Gonzalez, Rodriguez and Lovell absent.

Council Member Pennington stated that he attended the Greater Houston Partnership sponsored State of the City Address last week where the Mayor spoke and he felt that she gave an inspiring speech, a very personal speech that was very well attended and he received a lot of

ad hoc comments to that effect afterwards and he congratulated her, that was a very dynamic organization and he knew the Mayor was helping to provide leadership; that they would welcome in District G the new Police Chief and had a conference in his office prior to his confirmation and also he heard comments from Council Members today that everybody looked forward to a partnership with the new Chief and with the other senior staff, that he knew they had a lot of volunteers who were very active in providing security to the westside and they looked forward to taking additional measures with them; that they had a meeting with the Rydell Estates, which was one of the older neighborhoods on the westside and they would be getting with Public Works on their needs; that Council Member Costello and their staffs had a meeting in his office with Mr. Marcotte and Ms. Bandy from Public Works which he thought was very informative to talk about the proposed water rate increases and one of the things they discussed and asked for additional information on were additional personnel costs and he would urge them to get that information together because it was a very important ingredient to the need for the water rates. Council Members Gonzalez, Rodriguez and Lovell absent.

Council Member Jones stated that last week it was exciting to see the new Metro Board sworn in and thought they were going to go in the right direction; that the confirmation of Chief McClelland she was very excited about that and wanted to thank former Chief and current Council Member Bradford for bringing then acting but now official Police Chief to the Third Ward area, Good Hope Missionary Baptist Church, because that had been an area that had problems with the police and she thought it was a proactive move; that speaking of Cy Fair there was a non profit event set up by high school kids and was called Step Up 2 a Reason and their goal was to feed 45,000 people and it was well attended, that it was in the region and she always commends volunteerism and charity events, especially when youth do it, that interestingly Chiney Ogwumike, who played for Cy Fair and who was every organizations Player of the Year and happened to be the President of Cy Fair's Student Body, was one of the organizers; that the Sisters Network, Inc. Breast Cancer Walk started at Emancipation Park, that African American women had the lowest survival rate so it was really important that they bring awareness so she was glad that they had their National Conference here and that Mayor Parker took the time to come; that on Thursday there was a Life's Gift Second Annual Celebration of Life in conjunction with the Texas Medical Center and they would talk about transplants and Dr. Wainerdi would be there so she would encourage people to go there; that also on Thursday they would have an awards ceremony honoring Houston Police Department Senior Officer, David Fratag, who was the 2009 Officer of the Year; that insofar that they were talking about the water rates, she would like for the administration to revisit it's effect on low and moderate income multi family housing which receives federal funding and how that was going to affect both existing low and moderate income multi family and future, that she would get a memo to the Mayor on how that happens because obviously when they get all these new people who were going to come to Houston because they had one of the better economies in the Country they needed to have sufficient multi family housing, that everyone who was coming was not going to be rich and they needed to be mindful of that, that she agreed that they needed a rate increase but they would have some discussions, that she would forward that memo to her colleagues so that they could understand how it was going to affect that; that at the Housing Committee meeting this week on Thursday, April 15, 2010 at 2:00 p.m. in City Hall Chambers at 901 Bagby, Second Floor, they had someone new to Chair the Housing Department, Mr. Noteware, that they also had a better relationship with HUD so they would have a couple of people from HUD presenting at the Housing Committee meeting, one was on fair housing and the other was equal opportunity, so that people who lived in housing that was subsidized by HUD would know their rights, that they would also have Daniel Bustamante who was the Executive Director of the Greater Houston Fair Housing Center coming in to speak on Fair Housing Month, that the National Deputy Director came down and Mr. Bustamante's organization received a federal grant for this specific purpose, that they had a number of ordinary Housing committee agenda items where they would be voting to spend money, but what was probably most important was that Bob Bradford would be presenting the Consolidated

and Action Plans, which were really important because it was where they decide who they give their money to insofar as organizations that wanted to help them provide services to the City, that there was a public comment section that ends on April 28, 2010, so please come to that meeting and see how they intend to disburse the money, if they thought they could provide better services or if they thought they should reevaluate it they had to comment by April 28, 2010. Council Members Gonzalez, Rodriguez, Lovell and Noriega absent.

Council Member Costello stated that he wanted to thank Mayor Parker and Council Member Sullivan for the progress they were making on saving NASA and NASA jobs, that the article that was in the Chronicle today was indicating and he hoped it was a result of her efforts in Washington and he knew that everybody really appreciated her efforts; that he wanted to follow up on the water and sewer rate increase and remind everybody that since they changed the rates in 2004 they had over \$100 million of additional costs, they had over \$123 million of additional debt service, they were projected to have another \$37 million of debt service increase next year and it was going to peak out 5 years from now so these were costs that had not been recovered because their rate had stayed the same, that he would direct his colleagues to a very good piece about the water and sewer rate, that he believed that the recommendation from Public Works was a valid recommendation and best practices and looked forward to that discussion as they moved forward to adopting the rates; that he wanted to congratulate Nancy Kinder with the Kinder Foundation and Guy Hagsette, who was the President of Discovery Green, for their two year anniversary of Discovery Green and the huge success of that particular park within downtown Houston, that it had obviously improved the quality of life within the corporate limits of the City of Houston; that this weekend was the MS150 and he wanted to wish everyone who was riding in the MS 150 a safe ride, that in 1985 273 riders raised \$117,000 for MS research, they were going to have just under 13,000 riders and they were going to raise \$18 million this year for MS research. Council Members Gonzalez, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that she wanted to respond to the questions about multi family, she had heard Council Members and they were working with the Houston Apartment Association and working with Mr. Miller on some options for the low income multi family that they thought were a win win for all of them in the context of the rate increase, so keep an open mind on that, that in addition to Mr. Noteware, the number two slot over at Housing they should note that Veronica Chappa Jones would be coming in with Mr. Noteware, they lured her away from the State and she was a HUD expert so they thought they were going to have a really good working relationship going forward. Council Members Hoang, Gonzalez, Rodriguez, Lovell and Noriega absent.

Council Member Bradford stated that he wanted to re-voice what Council Member Adams indicated, Houston lost a role model and longtime community servant in the death of Lenora "Doll" Carter and his condolences to the Ms. Carter's family; that he would request to try to reconcile the information or data that was out there concerning the health care costs and the use of such by those retirees under the age of 65, the HPLU had produced information indicating that it was true that those under the age of 65 use the system to a greater extent but only the first two years of their retirement and then it was even with everyone else and it was because in the first two years after retirement they go and get those things done, whether knee or hip replacement, etc., that they did not do while they were on the job because they did not want to burden the City with weeks or months of absences from the job to get it done and in many cases these medical procedures were necessary due to the impact of having done certain jobs in the City, that he would ask that they try to continue discussion on this issue and knew that the Mayor said she was doing that and he appreciated that to see what they could do to reconcile and represent by May 1, 2010 the best solution that was possible given what they were confronted with. Council Members Gonzalez, Rodriguez and Noriega absent.

Council Member Sullivan stated that he wanted to congratulate State Representative nominee for the Republican Party who won his election last night in a runoff, Dan Huberty, that it was important to them because it was the first time that the District 127 Seat had been opened since Kingwood was annexed by the City of Houston; that Council Member Pennington talked to him this morning about President Obama speaking at Kennedy Space Center tomorrow and the speculation was that there was going to be some good news for manned space flight, which would be good for Johnson Space Center and for Houston; that with respect to the cut in library hours his office forwarded to him 21 emails that they had received from the Southbelt Ellington Chamber of Commerce Membership, that there was widespread belief that Saturday was not the best day to close the library and the press release and accompanying information from the library that was sent to Council Members via Citizensnet just said that they studied the information, so he was going to specifically ask for the data that would justify in his mind that they did do a thorough assessment and that closing libraries on Saturday was in fact the best thing to do to achieve savings, that if it turned out that it was otherwise then maybe it was a discussion that they could have in public, that he did not question her decisions, but this he thought would help him with his constituents; that the HPD Academy had a ceremony yesterday where they were showing of the renovation at the Training Academy, a new gym floor, among other things and he appreciated Chief Montalvo and the command staff for trying to keep the academy in the best condition and shape that it could be for training future cadets, that Council Member Johnson was there and shot him with a taser, that he tried to anyway but he ran fast; that it had already been mentioned that Senior Officer Fratag was going to be recognized as Officer of the Year tomorrow night; that the Kingwood Library was going to have a grand opening Monday, April 19, 2010, at 10:00 a.m. and he would like to invite the Mayor and all colleagues to attend; that he would like to thank the employees with Public Works Right-of-Way that recently completed street sweeping, if Mr. Drabek would let these guys know, that it was the little things like that that make their jobs nice and that was keeping the streets clean and safe for everybody, that it was more than aesthetics. Council Members Gonzalez and Rodriguez absent.

Mayor Parker stated that she would make sure that Dr. Lawson would get with Council Member Sullivan on the library hours in his area, that they did look at total attendance on different days but also tried to look at who comes in on different days and there were distinct populations, that kids came in on some days and adults on others, so she would make sure that she would get with him. Council Members Gonzalez and Rodriguez absent.

Council Member Lovell stated that tomorrow the Transportation, Infrastructure and Aviation Committee would meet in Council Chambers, Thursday, April 15, 2010, at 10:00 a.m.; that today they would have the second meeting of the Off Street Parking Commission, it would take place at Judson Robinson Community Center, 2020 Hermann Drive, from 4:30 to 6:30, that they had gotten some calls into the office about this from specific neighborhoods that thought they should be included and she wanted to explain that this was an overall for the City, there were certain neighborhoods that had definite problems with this issue and some that did not and in order to not exclude anyone they put together a very diverse commission and committee from people from all different interests, but they specifically did not put one neighborhood on because if they did they felt like since it was citywide they would have to put every neighborhood on, that this was why they were going around to different neighborhoods in different parts of the City to have input from the different communities and civic associations and super neighborhoods, that once they were done with this process they would then come back to a committee and have as many committee meetings as they needed with what was then a draft ordinance to discuss with the communities and at that point was when the super neighborhoods and civic associations and other groups input they would be looking for, so she wanted to clarify that, that the third committee meeting was scheduled for April 21, 2010 from 5:30 pm. to 7:30 p.m. at the United Way of Greater Houston at 50 Waugh Drive; that when she first joined Council one of the functions that she went to was the ribbon cutting and groundbreaking for Discovery Green and it

was in the paper this week that the downtown park had attracted 55% more visitors than was projected only two years after it had opened, that the 12 acre park was drawing an estimated 850,000 visitors per year, that there were many activities that go on at Discovery Park and most of them were free, it had now become a central gathering place in the middle of downtown and it had also become a great selling point when they were booking conventions, that probably the more significant was that it had been credited for attracting new development to the eastside of downtown, which included a 29 floor office tower, a high rise apartment building and there was a new hotel under construction, that to former Mayor White thank you for his vision and to Richard and Nancy Kinder, who led the funding raising campaign, thank you for their efforts, they had left them with another crown jewel in the middle of their City. Council Members Gonzalez and Rodriguez absent.

Council Member Johnson stated that Council Member Sullivan did out run the taser and when they saw how slow he ran and the taser could not get him, they needed some new equipment; that on April 17, 2010 they would have a Family Fun Day in the Park, which would be Super Neighborhood Council No. 48, that it would be at Tidwell Park, 9720 Spalding Drive from 11:00 a.m. to 2:00 p.m.; that also on Saturday he would host the All American Mandatory Solutions Project, where they would talk about enhancing economic development in the community as they also looked at some special projects that could be done, that they knew that government could not be the solver of their problems in the City and often times businesses had to do their part, but then the City had to make sure that they were supporting business so it was important that they come out to this meeting as they discuss solutions for how do they enhance economic development in the City of Houston and then support some of their programs in the community; that on April 28, 2010, Mayor Parker would be a special guest at their townhall meeting in the Acres Homes Community, that he appreciated her agreeing to do this, they would talk about gauging the changing needs of the community and then how the City of Houston could meet those needs, that he would encourage everyone to come out to the Acres Homes Multi Service Center on April 28, 2010 from 6:00 p.m. to 8:00 p.m. Council Members Rodriguez and Lovell absent.

Council Member Clutterbuck stated that the discussion that was happening yesterday, in her opinion, the effective delivery of City services, and specifically they were talking about the woman who was having difficulty getting her water cut on, that in her opinion she had her identity stolen and was in Louisiana at the time and was having a lot of difficulty establishing service without paying what the previous occupant owed on the bill, that she knew that the system had been resolved thanks in large part to her Council Member, Wanda Adams and Council Member Jones and their effort and Gary Drabek, that she would like to suggest that perhaps they have a written checklist of some kind in place for the effective delivery of services, that basically focusing on the basics and have written policies so that anyone who answers the phone, for example at Public Works, would be able to help a constituent understand, number one, what they needed to do to hook up their water, that they knew those were printed out, that they knew what was printed out if they wanted to terminate their water, but do they have a checklist for what was in place for disputed payments and a way for somebody to be able to prove, with certain objective, obtainable data, what they were trying to prove and then that the City would then accept it, for example on an outstanding bill, that in this particular case, and in all cases going forward, she thought it would behoove them to have a written requirement for a police report, that enables them to insure that the person was not lying and with the possibility of penalty and perjury it would help keep people honest, and then proof of residency, that should be very easy to establish, that going in this over and over again where it becomes an evaluation of the attitude of the person who happens to be approaching the City or the attitude of the person delivering the City services that should not be part of the process, it should be an objective process driven, written commemoration of their intent and it would keep them from wasting time and saves them personnel time and certainly saves them on taxpayer dollars, that the same thing could be said for a number of other situations where a constituent contacts

them, for example when a City truck damages City property, there should be a set standard, a written policy, of exactly what needed to happen so that they do not keep going in this round and round and wasting so much of their good employees time and it would save them tremendous frustration, that certainly they would all agree that nobody should have to come to this body during public session to be able to achieve their ultimate goal, if they were being reasonable, let's have the process work for them; that also there was some discussion yesterday about some of the struggling families in their community and while the family that was highlighted on one of their local news shows that was forced to eat dog food was not a City of Houston resident, they were in their region, and Houstonians had proven one again their tremendous generosity of spirit and pocket book in giving over resources, but there were a number of resources available, nobody should go hungry and put in a situation like that, and the good news was that all of them in the City of Houston had a number of resources that they could tap into, the largest being the Houston Food Bank, which would help provide food to people and tell them exactly where the individual ministries were that administer that food and to be able to get it out and it did not serve just the people in the City of Houston. Council Members Sullivan, Rodriguez and Lovell absent.

Council Member Jones stated that she wanted to go back and talk about Ms. Square and thankfully Mayor Parker had decided to look at their policy, as Council Member Clutterbuck was talking about, and she would like to commend Council Member Bradford for bringing that up, but she thought if they were going to hold citizens responsible, which they should, they absolutely needed to hold them responsible and in dealing with this thing which was the Square fiasco they as a City, before they go forcing people to prove, like filing a police report, they needed to be able to prove that they were the people who opened the account, they should always place the onerous on them (the City) first and after they set everything in place where they could prove who in fact they had opened water service for then they get to them but anything short of that she thought was requiring citizens to do more than government, that government for the most part generally had more resources than citizens, so she welcomed the challenge to get that process, that anyone who wanted to help she was happy to use their help, but to then, and what ever they say the rules were, and it sort of reminded her of how they do things sort of generally, they needed to let people have clear and specific notice of what the rules were and then they needed to hold them to that, but they needed to hold themselves to that, that it sort of reminded her of the Ashby High-rise thing, there was stuff going on after that, they had a lot of that, but to the extent they could get their policies and procedures tight she thought it was important because they had to set the standard. Council Members Johnson, Sullivan, Gonzalez, Rodriguez and Lovell absent.

Mayor Parker stated that she appreciated Council Member Jones letting her volunteer her yesterday, and Council Member Clutterbuck had some excellent suggestions, Council Member Stardig as well, that Mr. Drabek was out there and listening to the discussion, that the items that were mentioned today she expected to see in some sort of a policy, that she was right it was a give and take, they made it really easy to get their water turned on because it was public safety so because it was so easy they do not want to put unnecessary burdens on someone to prove the negative, and they discussed that, that no one should hesitate to file an affidavit saying they were not the ones and sign it and swear to it and they move on, if she would continue to work with Mr. Drabek, and she appreciated the other Council Members who had weighed in, she thought they could get moving forward on that very quickly and she wanted to say that one of the things that she had asked Mr. Feldman to do, as he comes in as City Attorney, was to make the Legal Department an asset to the departments, not an impediment to the departments and to get the Legal Department involved earlier in the process instead of later in the process where they just say "no". Council Members Johnson, Sullivan, Gonzalez, Rodriguez and Lovell absent.

Council Member Pennington stated that on the water billing matter he knew that every

Council Member gets some bizarre stories about water billing, he knew they had their fair share and they talked to Mr. Marcotte and Ms. Bandy about those, but he was all for written rules, as a lawyer that was the way they make their living, but a lot of the stories, like this one yesterday, he did not know that it would have been covered by written rules, perhaps it could have, but all written rules needed to be administered and the written rules that they had one day may or may not be applicable six months later, and as he understood it from Ms. Bandy there was some kind of supervisors in the department that answers the telephone calls that could monitor the calls and give advice and he thought that was at least as important as having the written rules, to have some really quality people who could make decisions to keep the process moving along and he hoped they would look at that and support that. Council Members Johnson, Sullivan, Gonzalez, Rodriguez and Lovell absent.

Mayor Parker stated that she did not think they were talking about a lot of rules, that yes, knowledgeable supervisors and a simple checklist or an affidavit process and move on. Council Members Johnson, Sullivan, Gonzalez, Rodriguez and Lovell absent.

Council Member Adams stated that there was a wonderful woman who had been a part of her life since birth and had been just a jewel to her and always instilled in her the best qualities of life and giving the best life that she could ever have and she wanted to wish her Mom, who watched every Wednesday, to make sure that everything was in order and to make sure that she was correct in what she says, that she wanted to say that she loved her so much and looked forward to celebrating with her this weekend. Council Members Johnson, Sullivan, Gonzalez, Rodriguez and Lovell absent.

Council Member Stardig stated that she wanted to say Happy Birthday to her Aunt Wanda, she was a role model in her life; that she wanted to support the departments and their freedom to act and to support the citizens and to deliver excellent customer service, that sometimes when they had an issue like this that comes up they get bogged down in that one issue and they fall back to the lowest common denominator rather than keeping everything up here and just handling that one issue and move forward, that she did not want to burden their system with maybe addressing one issue for everyone, if that makes sense, in their process, that she wanted them to caution the administration in making sure that they do not overreact and kneejerk react to one issue and give that department the freedom to act and take care of that issue without jeopardizing service to the rest of their citizens. Council Members Johnson, Sullivan, Gonzalez, Rodriguez and Lovell absent.

Council Member Clutterbuck stated that her annual ode to the taxpayer and the interesting reminder that a staggering 46% of all of them do not pay any Federal Income Taxes at all, that she would dare say that it was not true of anybody in this Chamber, but it was a fascinating statistic that reminded them all of the challenges that they had of balancing the delivery of quality good services and of course certainly in the City of Houston they do not have an Income Tax so everybody here pays, if they lived in a house, rent an apartment, if they lived in the City of Houston she would dare say that some form of their rent or mortgage payment or their taxes were property taxes that went to fund their General Fund, that similarly if they bought anything in the City of Houston or if they were a consumer of anything other than groceries that were tax exempt then they also contributed to the General Fund in the City of Houston and taxpayers today they salute them, that as Council Member Noriega said they were always trying to figure out, when they pay their taxes, what was the common good, and certainly that was their duty here at the Council table, to determine what was the responsibility of government and in their case what was the responsibility of Municipal Government and what was the responsibility of their charities, of their churches of their non profits, and what was the responsibility of the individual and certainly they were reminded that if government spends more money than government takes in then they all had a problem, and as they approach their annual budget cycle and all of it's challenges that they had entering Fiscal Year 2011 they must decide what

was the responsibility of the City government and as Council Member Bradford so eloquently puts it what was the essential City responsibility, and essential City service, as their Mayor so beautifully puts it, what were the vegetables and what was dessert, and that they focus on the basis because if government spends more money than it takes in then they all had a problem, they would disagree as they enter this budgetary cycle on what exactly the basics were and they would struggle, that she could tell them from past experience it was a very painful and difficult time and she could also tell them with great respect to all of their colleagues they come back and she would urge all of them, she was speaking to herself at this point, to not take things personally, that they all deal with this with great integrity, and on these very difficult issues there were no right answers, there was no right or wrong, as much as they liked to feel that passionately, but she was certain that they would all keep in mind all of these items and those that provided them the dollars that they used to provide these basic City services and possibly a little bit of dessert, that it was estimated that those of them who did pay Income Taxes that 54% of them or so that did pay Federal Income Taxes and also of course those of them who lived in Houston who paid Sales Tax and Property Tax, pay an average of a total of 50% of their total income and that was a tremendous tax burden of almost 50% of all that they bring in going to support the common good, and certainly she looked forward to a vigorous debate on this with great respect and certainly by law a balanced budget. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

There being no further business before Council, the City Council adjourned at 10:50 a.m. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary