

City Council Chamber, City Hall, Tuesday, June 29, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 29, 2010, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; Ms. Stella Ortega, Agenda Office present.

At 1:49 p.m. Mayor Parker called the meeting to order and stated that Council would start with presentations beginning with Council Member Lovell. Council Members Stardig, Johnson, Adams, Sullivan, Rodriguez, Noriega and Jones absent.

Council Member Lovell stated that it was her pleasure to introduce someone who was no stranger to anyone present, Mayor Lyda Ann Thomas, who was Mayor of Galveston during Ike and Rita; that she met her through work on the Houston/Galveston Area Council Board and was lucky enough to become friends and invited her to the podium. Council Member Lovell stated that Mayor Thomas was a Galveston native who demonstrated an enduring commitment to family, the State of Texas and community of Galveston; that during her tenure as Mayor she used her experience, business and political leadership to tend to all needs and because of this and more presented her a Proclamation proclaiming today as "Mayor Lyda Ann Thomas Day" in Houston, Texas. Council Members Johnson, Adams, Rodriguez, Noriega and Jones absent.

Mayor Parker stated that she also wanted to thank Mayor Thomas for the hard work, vision and commitment to Galveston and to making the whole region safer. Council Members Johnson, Adams, Rodriguez, Noriega and Jones absent.

Mayor Thomas thanked all for the recognition and stated that it was a privilege to be present; that she wanted to leave a message from Galveston and a little history, a long time ago after the 1900 storm many civic and financial leaders looked to Houston and in some historical notes Houston was referred to as the "mud hole or swamp", but things have changed; that they had mutual interest such as in their ports, medical contacts in partnership, tourism, etc., and she would still be available and involved and invited all to Galveston. Council Members Johnson, Adams, Rodriguez and Noriega absent.

Council Members Clutterbuck, Hoang and Stardig expressed appreciation for Mayor Thomas and her leadership and thanked her for her service. Council Members Johnson, Rodriguez and Noriega absent.

Council Member Clutterbuck invited Mr. Anthony Rendon to the podium and stated that many knew Anthony if they were a Rice baseball fan; that he was the 2010 American Baseball Coaches Association and Rawlings Sporting Goods Division I Player of the Year as well as Baseball Americas College Player of the Year and most importantly also the 2010 Conference USA Player of the Year and Freshman of the Year 2010; that it was truly an accomplishment as he was only a sophomore; that it was a privilege to honor him today and because of this and much more presented him a Proclamation proclaiming today as "Anthony Rendon Day" in the City of Houston. Council Member Rodriguez absent.

Mayor Parker stated that on a very good Rice Baseball Team which was rather inconsistent this year, Anthony was a bright spot in the lineup and truly an outstanding hitter with always the right attitude. Council Member Rodriguez absent.

Anthony stated that he was overwhelmed to be present, he never thought he would be a

City Hall being recognized by so many prestigious people; that he thanked them and presented Rice jerseys to Mayor Parker and Council Member Clutterbuck. Council Member Rodriguez absent.

The Mayor and Council Members congratulated and commended Mr. Rendon on his accomplishments on and off the field and applauded his parents on their parenting; and wished him continued success. Council Member Rodriguez absent.

At 2:12 p.m. Council Member Costello invited Monsignor William Young with St. Vincents DePaul Catholic Church to lead all in the prayer and Council Member Costello led in the pledge. Council Members Clutterbuck and Rodriguez absent.

At 2:15 p.m. Mayor Parker requested the City Secretary to call the roll. All present.

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

At 2:16 p.m. the City Secretary began calling the public speakers.

Mr. Dean Bixler, 9702 Cedardale, Houston, Texas 77055 (713-932-0051) had reserved time to speak but was not present when his name was called.

Ambassador Arthur Schechter, 1100 Uptown Park Boulevard #279, Houston, Texas 77056 (713-757-7811) appeared and stated that there was an amendment to the ordinance which set the Term Limits Commission and he understood it was on this weeks Agenda; that they were requesting an extension until July 14th to complete their work.

Mayor Parker thanked Ambassador Schechter for coming and for his work on the Term Limits Commission created under the previous Administration and stated that they looked forward to seeing his report

Council Member Noriega stated that much work had gone into this and knew that they had conducted a survey and it was important to note a great deal of time and effort put into this and she was certain the outcome would be improved by their having time to finish and all appreciated his and the other members time; and Ambassador Schechter stated that they wanted to be sure all information was indexed properly along with their recommendations for a City Charter amendment.

Upon questions by Council Member Jones, Ambassador Schechter stated that they did multiple surveys and polls directed to specific questions and issues and done by Rice, TSU and U of H and financed through the Houston Endowment; that several polls were taken from voters and the other side of the equation was the impact of the kind of term limits in Houston which were the strictest in the country right now; and other studies were brought in from other cities.

Council Member Adams thanked Ambassador Schechter; and upon questions, Ambassador Schechter stated that there were 21 members on the commission and 5 were appointed by Mayor White before he went out and the rest were appointed by various members of the City Council.

Council Member Noriega moved the rules be suspended for the purpose of extending time to question Ambassador Arthur Schechter, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2010-0486 ADOPTED.

Council Member Costello thanked Ambassador Schechter for all his efforts; that he knew the commission had very different views and he looked forward to their report.

Council Member Clutterbuck thanked Ambassador Schechter for appearing and for navigating through all opinions; and looked forward to the report and their suggestions; and the Ambassador stated that July 14th they planned on having recommendations, a proposed City Charter amendment and an index of all they discovered; that they had voted to change the system to two consecutive four year terms.

Ms. Lois Meyers, 9707 Westview, Houston, Texas 77055 (713-461-7447) appeared, presented information to Mayor Parker and Council Members and stated that they were asking Council to not pass the TIRZ 17 budget proposal until and unless it included detention ponds and larger drains and ask they be installed immediately; that the problem of flooding be addressed before they allow TIRZ 17 to spend another dime; that she came from another meeting this morning where they spoke of sprinklers, roads and beautification and nothing about detention ponds were mentioned; that in 1999 TIRZ 17 was formed to do drainage and mobility and \$26 million was appropriated and allocated for this and to date not one detention pond was in and five engineering firms showed there should be six detention ponds and where to put them; that in 2004 an engineering firm said to put a detention pond in the Memorial City Parking Lot but TIRZ got a hold of the studies and through them out and passed the budget and six months after TIRZ 17 did their construction and hundreds and hundreds of homes flooded.

Council Member Jones stated that she had gone to TIRZ 17 meetings and the board needed to be reevaluated; that Ms. Meyers was very active and the study did say areas would flood; that there was a new board member nominated by Council Member Stardig and today she had concerns about the TIRZ wanting to spend over half a million dollars on landscaping, etc., when there was nothing for detention and flooding and she was basically slapped down; and she hoped when the Mayor appointed to the board she would appoint people who actually lived there. Council Members Clutterbuck, Sullivan and Lovell absent.

Council Member Noriega moved the rules be suspended for the purpose of extending time to question Ms. Lois Meyers, seconded by Council Member Jones. All voting aye. Nays none. Council Members Clutterbuck, Sullivan and Lovell absent. MOTION 2010-0487 ADOPTED.

Mayor Parker stated that she knew this actually did span two Council Districts, Stardig and Pennington's, and they were very aware of the issues there and up to speed. Council Members Sullivan and Lovell absent.

Council Member Stardig stated that they were much aware and she was on the board of the TIRZ and they had numerous meetings; that they shared concerns of the entire region, this was a watershed issue, a regional issue, a citywide issue and they were all committed; and Mayor Parker stated that the city was putting finishing touches on a drainage overview by Klotz and Associates to help navigate through the issues so they could also look at this in the larger context. Council Members Sullivan and Lovell absent.

Council Member Pennington stated that his objective was to get the attention of the TIRZ which he thought they had; that they were doing a study of approximately 2,000 acres plus; that the city formed a taskforce and he thought there was oversight on the hydrological study and all interested parties needed to be involved to properly evaluate and solve the problem. Council Members Sullivan and Lovell absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending time to question Ms. Lois Meyers, seconded by Council Member Hoang. All voting aye. Nays none. Council Members Johnson, Sullivan and Lovell absent. MOTION 2010-0488 ADOPTED.

Council Member Costello stated that as chairman of the Flooding and Drainage Committee he attended meetings and assured residents that they would be taking an active role in the process and he had met with many including TIRZ 17 on how they were doing their study and to ensure both parties were together along the process. Council Members Johnson, Sullivan and Lovell absent.

Council Member Noriega moved the rules be suspended for the purpose of adding Ms. Susan Schmeling to the list of speakers after Ms. Julie Farr, seconded by Council Member Adams. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Lovell and Jones absent. MOTION 2010-0489 ADOPTED.

Mr. William Butler, 4315 W. Gulfbank, Houston, Texas 77088 (281-445-9332) had reserved time to speak but was not present when his name was called. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Lovell and Jones absent.

Ms. Alecia Lawyer, 1973 W. Gray #3, Houston, Texas 77019 (713-665-2700) appeared and stated that five years ago she created the River Oaks Chamber Orchestra (ROCO) with 40 musicians; that their mission was to create relationships through the language of music and last year performed in all Council Districts; that they were broadcast 26 times across the nation with the name Houston tied to them; that the HOT tax support was a small, but very important part of their budget, and thanked Council for all that they did. Council Members Johnson, Clutterbuck, Adams, Sullivan, Rodriguez, Lovell and Noriega absent.

Ms. Lynette Wallace, 2402 Munzer, Houston, Texas 77053 (713-926-6368) appeared and stated that she was the executive director of the Orange Show for Visionary Art and they were supported by the Houston Arts Alliance and the HOT tax and with that funding they were able to preserve their two national landmarks, the beer can house and orange show monument; and thanked all for their support. Council Members Johnson, Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Gonzalez thanked Ms. Wallace for coming and for her perspective. Council Members Johnson, Sullivan, Rodriguez, Lovell and Noriega absent.

Ms. Julie Farr, 4848 Main, Houston, Texas 77002 (713-529-4848 X103) appeared and stated that she was the executive director of Houston Center for Contemporary Craft and on the board of directors for the Museum District and involved with the Houston Arts Alliance as a volunteer; that she was present to thank all for their assistance and support and their vision in recognizing the importance of arts and culture in the city which made it the world class city that it was. Council Members Johnson, Sullivan, Rodriguez and Noriega absent.

Mayor Parker and Council Members Clutterbuck, Adams and Stardig commended and thanked all for promoting something so positive and for their hard work. Council Members Johnson, Sullivan, Rodriguez and Noriega absent.

Ms. Susan Schmeling, 4208 Rushin, Houston, Texas 77005 (713-349-0780) appeared and stated that she was representing Core Performance Company, a contemporary dance company dual based in Houston and Atlanta, HOT funds made this possible; and thanked all for their support and urged continued support. Council Members Johnson, Sullivan, Gonzalez, Costello, Noriega and Jones absent.

Mr. David Bracher, P. O. Box 38592, Houston, Texas 77238 (713-822-6062) appeared and stated that last year he received a letter stating he had \$10,000 in past due water bills from 1984, 26 years old, plus recent bills of 13 years old; that after several meetings he was told maybe he forgot to turn off the water or overlooked the bills; that he told them after his pink copy of the bill he would have so many days and it would be turned off and he did not believe they had water bills sitting around for 26 years; that he was told the city had millions of dollars in lost accounts; that he told them it could have been defective meters; that in the rental houses the average bill was under \$10.00 a month. Council Members Johnson, Sullivan, Gonzalez, Costello, Noriega and Jones absent.

Upon questions by Mayor Parker, Mr. Bracher stated that he asked the city assign someone to help him review this; that he already had to pay over \$900.00 as water was shut off on one of his tenants; and Mayor Parker stated that she did not know if they could resolve the issue, but Mr. Roberto Medina with Public Works was present and could speak with him at this time. Council Members Johnson, Sullivan, Gonzalez, Costello, Noriega and Jones absent.

Council Member Clutterbuck stated that she knew Mr. Bracher's sisters who were outstanding public servants; that she hoped they would be able to resolve not only Mr. Bracher's issues but also address the larger issue to which he did point, if there were so many unresolved accounts after that much time something was clearly wrong in the Water Department; that Mr. Medina was present to speak with him and he could contact her office, but did hope this would be resolved long-term; and Mayor Parker stated that they were working on this and Council Member Stardig was having conversations with Ms. Mitchell, but before they talked about raising rates they would talk about the collections process and make sure money due was received and a simple aging report would solve a lot of this and she was surprised it was not done in the past. Council Members Johnson, Sullivan, Hoang, Gonzalez, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

Mr. David Mears, 5107 Tidewater, Houston, Texas 77045 (713-433-0563) appeared, presented information to the Mayor and Council Members and pictures for viewing and stated that he was present for the third time seeking assistance and a fix to his mother's driveway; that he wanted someone responsible and to just do the right thing; that the CAD drawing was dated in April 2010 showing contact between his vehicle and the driveway; that Public Works went back and redid the drawing and now said it showed no contact; that he tried contacting Council Members Adams, Jones and Costello for several months; that Attorney John Helms was communicating with members of Public Works stating he was represented with Counsel and there was litigation with this matter. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Costello and Noriega absent.

Ms. Frances Mears, 5107 Tidewater, Houston, Texas 77045 (433-0563) appeared and stated that this had been going on a whole year; that all she wanted was her driveway fixed and Mr. Menendez promised the work would start in June, but nothing had started; and urged someone be appointed to fix her driveway; that Council Member Adams dropped the ball on her. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Costello and Noriega absent.

Mayor Parker stated that one issue was whether she was represented by counsel and if she was which was what Mr. Helms the Assistant City Attorney said, they could not discuss the issue with her; that she was interested in getting street work done in a manner to make those happy who lived there and judging from the pictures she would be less than satisfied, however, by bringing in an attorney it made it difficult to discuss and would respectfully request she visit with Mr. Helms and a representative in Public Works. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Costello and Noriega absent.

Upon questions by Council Member Bradford, Mayor Parker stated that the issue was not being litigated, but she understood the Mears were being represented by counsel and if so the city had to speak through their attorneys; and Ms. Mears stated that they brought counsel in after working so hard with Council Member Adams Office and the Public Works Department as they could get no consideration; that Mr. Helms was the one holding up everything; that they were not represented by an attorney, but they brought an attorney in to speak with the Public Works Department; that in May Public Works stated they would change specifications and work would start in the middle of June or last of July; and Council Member Bradford stated that he would look into this and try and get an answer from Public Works. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Costello and Noriega absent.

Upon questions by Council Member Jones, Mayor Parker stated that she understood Ms. Chafin who was present to speak was an attorney and did speak on behalf of the Mears with the city's attorney; and upon further questions, Mr. Heilman stated that he did believe they received communication from Ms. Chafin that she was representing the Mears on a pro bono basis. Council Members Johnson, Sullivan, Pennington, Gonzalez, Rodriguez, Costello and Noriega absent.

Mr. Marvin Smith, 5103 Tidewater, Houston, Texas 77045 (713-962-6017) appeared and stated that he lived directly next to the Mears and had the same issue; that a gentleman from Council Member Adams Office came out and they went through the process and both his cars scraped; that on June 1st he demonstrated with two individuals and the first time he scraped and the second time he did not; that he received a letter stating it met specs and nothing would be done, but he had video to prove the problem with two vehicles and it was only his truck that did not hit; that he was only asking for a smaller slope and also he needed an expansion joint in the driveway as without it on a hot day it was going to break and it was on his side and he would have to pay to fix it, all he wanted was it fixed as they did at two other addresses on his street and he was not represented by counsel. Council Members Johnson, Sullivan, Pennington, Gonzalez, Rodriguez, Costello, Lovell and Noriega absent.

Council Member Adams stated that they had been working with this since it came to their attention; that a statement was previously made that her office dropped the ball, but when she and her staff were publicly cursed out and they would discontinue to communicate; that they did say they would repair his driveway, but it did have to be ADA compliant; and upon questions, Mr. Smith stated that he did not express satisfaction with his driveway as it now was; and Council Member Adams stated that she would get with Mr. Menendez and have them go and examine his driveway again. Council Members Johnson, Sullivan, Pennington, Gonzalez, Rodriguez, Costello and Noriega absent.

Mayor Parker stated that in the picture it clearly needed an expansion joint among other things; and Council Member Adams stated that those were old pictures. Council Members Johnson, Sullivan, Pennington, Gonzalez, Rodriguez, Costello, Lovell and Noriega absent.
(NO QUORUM PRESENT)

Ms. Janet Chafin, 1401 McKinney, Houston, Texas 77010 (713-752-4230) appeared and stated that she was the pro bone attorney from Jackson Walker Law Firm representing Mrs. Mears and originally was brought in to assist her in part because her son was deemed by the city to be rude, obnoxious and verbally confrontational, however, that was not the issue as the issue was whether the city made a mistake in repairing the driveway and reconfigured the slope so it was now a speed hump rollercoaster; that she met with the city engineer in May who said he did not need a demonstration to see cars hit and damage themselves he could recognize it had a problem and he already repaired two driveways a couple of blocks down; that he could formulate a fix and believed it would be done in early June and Mr. Menendez called Ms. Mears to inform her the fix would begin in June, but now they were informed no work

would be done on Mr. Smith or Mrs. Mears driveway unless she demonstrated it scraped and hit; and discussed the information presented previously. Council Members Johnson, Sullivan, Pennington, Gonzalez, Rodriguez, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mayor Parker thanked Ms. Chafin for coming and clarifying; and upon questions, Mayor Parker stated that she did represent the Mears whether it was pro bono or not and she would ask Council Members to be cautious in how they did phrase their questions, but she would commit they would continue to work on the issue as it needed to be resolved and she would ask for an update from the Public Works Department on why they had fixed certain driveways and not others in the same neighborhood. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones stated that she wanted to see a copy of the video and would respectfully submit that if what the previous gentleman said and one car did scrape; that she wanted all facts and Mr. Mears behavior should not determine whether the driveway should be corrected and she did not believe in disparity. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Lovell and Noriega absent.

Council Member Hoang moved the rules be suspended for the purpose of extending time to question Ms. Janet Chafin, seconded by Council Member Jones. All voting aye. Nays none. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Lovell and Noriega absent. MOTION 2010-0490 ADOPTED.

Upon questions by Council Member Adams, Ms. Chafin stated that she got on this assignment in January; and Council Member Adams stated that there was no disparity made with constituents and all was done equally across the board; that they had street meetings, etc., but they did have to abide by ADA requirements and the original complaint from the Mears was not for their driveway to be lowered but to be back to its original state and refused its repair; that she witnessed with her own eyes with her staff to see what Public Works and contractors had done to come to conclusion in fixing their driveway and her office worked closely with the Mears until she had to stop, he did everything but jump in her face; and they would do what they could to fix things, but not break rules to do it. Council Members Johnson, Clutterbuck, Sullivan, Gonzalez, Lovell, Noriega and Bradford absent.

Mayor Parker stated that if she would give them one more chance with Attorney Helms and Mr. Menendez in the Public Works Department they would do what they could to get this resolved. Council Members Johnson, Clutterbuck, Sullivan, Gonzalez, Lovell, Noriega and Bradford absent.

Mr. James Williams, 3030 Gorton, Houston, Texas 77051 (713-738-1170) had reserved time to speak but was not present when his name was called. Council Members Johnson, Clutterbuck, Sullivan, Gonzalez, Lovell, Noriega and Bradford absent.

Ms. Jackaline Hickman, 4210 FM 1960 #100, Houston, Texas 77269 (832-884-6197) appeared and stated that it gave her joy to introduce herself, she was Ms. Hickman, the blessing of God, the voice of God and she stood before Bill White and told him what thus said the Lord; and continued expressing her personal opinions until her time expired. Mayor Parker, Council Members Johnson, Sullivan, Gonzalez, Lovell, Noriega, Bradford and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Shaw Guo, 1515 Holcombe Boulevard, Houston, Texas 77030 (832-771-0226) appeared, presented information and stated that she and others were present as their organization was honored, the Shen Yun Performing Arts would have three performances in

the Wortham Center on July 2nd and 3rd and they were present inviting the Mayor, Council Members and their staff; that it was a classic Chinese dance and it was a music program restoring the antithetic traditional Chinese culture; that the new constitution of the Chinese culture by Shen Yun and the global acceptance of it indicated disintegration of the communist culture and the Communist Regime had tried by all means to interfere with the performance; and continued expressing her personal opinions until her time expired. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that there were no questions but she had seen the performance and it was beautiful. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Kim Nix, 2148 Cove Park, Kemah, Texas 77565 (281-334-7422) appeared and stated that she was a community activist and present to speak on the active contribution of many different groups of the performing arts; that from the City of Houston or other places they had rich artistic culture of their people and this organization created and brought a beautiful dance which told a story of compassion; and on behalf of this group requested the honor of the Mayor's and Council Members presence to support the Shen Yun Group. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Sandra Massie-Hines, 4421 Alvin, Houston, Texas 77051 (832-374-5585) appeared and stated that she wished as an appointed ambassador for world peace by members of the Asian culture to extend the same invitation to attend the performance by the world renown Shen Yun performers from New York; that she also wanted, on behalf of the Black community, to issue a declaration for peace and reconciliation, a moratorium to cease fire involving shooting deaths of Black men and youth in Houston by local law enforcement; and continued expressing her personal opinions until her time expired. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Luis Ramos, 1120 Hammock, Houston, Texas 77009 (832-671-3620) had reserved time to speak but was not present when his name was called. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Jack Terence, 7265 Sims, Houston, Texas 77061 (832-434-7998) appeared, presented information and stated that their was a large substantial building at 2410 Polk and above the door it stated "Let facts be submitted to a candid world", but HCAD's Jim Robinson had not submitted facts, how could there be fair taxation and evaluation when the proper tax information was not provided by HCAD; that his handout would show the square footage of the building was zero and it occupied many thousands of square feet and the land value of the building owned by the Houston Chronicle was \$25.00 a square foot last year and this year reduced to \$20.00 and the substantial building evaluation for the last four years was a mere \$100.00; that the Chronicle paid 64¢ a year in property tax; and Jim Robinson needed to be term limited and the Houston Chronicle needed to start paying their fair share of property taxes. Council Members Johnson, Sullivan, Hoang, Gonzalez, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that she would point out the city did not do property tax appraisal at the City of Houston, it was the Harris County Appraisal District; and Mr. Terence stated that the Mayor appointed members to the HCAD Board and anything going on in the City of Houston was of her concern; and Mayor Parker stated that she would be happy to forward his concern,

but wanted to point out Mr. Robinson did not work for the City of Houston. Council Members Johnson, Sullivan, Hoang, Gonzalez, Rodriguez, Costello, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpster, Houston, Texas 77026 (FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Gonzalez, Rodriguez, Costello, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Ms. L. Jones, 3534 Russell, Houston, Texas 77026 (832-885-0386) had reserved time to speak but was not present when her name was called. Council Members Johnson, Hoang, Gonzalez, Rodriguez, Costello, Noriega and Bradford absent.

Ms. Angie Kelly, 5565 Gasmer, Houston, Texas 77035 (832-359-2484) had reserved time to speak but was not present when her name was called. Council Members Johnson, Hoang, Gonzalez, Rodriguez, Costello, Noriega and Bradford absent.

Ms. Judy Kerley, 1330 Augusta Drive #2, Houston, Texas 77057 713-894-2562) appeared and stated that she lived in District G and there was a fire Thursday night at her complex, there were five units, it was struck by lightening and almost an immediate response by HFD and all residents were cleared; that it was a two alarm fire and she took comments from other residents and they were all disappointed with the response and procedures; that water was not put on the building for 30 minutes; that lightening struck unit number one and it was able to spread through all five units and by the time she came home the whole building was engulfed in flames; that many in uniform ready to fight a fire were just standing around and 1-1/2 hours later they had nine fire trucks and all those firemen on the site setting up ladders, etc., but the fire hydrant was 50 feet from where the fire first struck and there was no pressure in the line and that happened one block away at Sugar Hill eight months ago. Council Members Johnson, Hoang, Gonzalez, Rodriguez, Costello, Noriega and Bradford absent.

Mayor Parker stated that they did want to offer sympathies; that she understood her apartment was destroyed, but they did successfully rescue her pet and she was happy to hear that; that she had no information at this time on what the problem was at the site, but she did know there was an issue of water pressure and she would ask the Fire Department to meet with her and provide both of them a response on what actually happened. Council Members Johnson, Hoang, Gonzalez, Rodriguez, Costello, Noriega and Bradford absent.

Council Member Clutterbuck thanked Ms. Kerley for coming and stated that she wanted to express sincere condolences on the loss of her property; that she could not image what it was like to drive home with your son and see everything you own and love on fire; that the Captain with HFD was present and would meet with her; that she was concerned about the 30 minute delay of water especially if they had warning of the lack of water pressure and knew this would be looked into. Council Members Johnson, Hoang, Gonzalez, Rodriguez, Costello, Noriega and Bradford absent.

Council Member Jones stated that she was sorry; and upon questions, Ms. Kerley stated that it was a Houston Fire Department which responded and they called in from Bellaire also; that her complaint was there was a fire a block away eight months ago with no water pressure at the hydrant on that line and apparently nothing had been done about it; that someone who had been a firefighter was there and said it should be out in five minutes and it was no concern, but also no one was present to tell residents what was going on and there was a lack of compassion for residents, things should have been explained, it took 4-1/2 hours to put the fire out. Mayor Parker, Council Members Johnson, Adams, Hoang, Gonzalez, Rodriguez,

Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Pennington thanked Ms. Kerley for coming and stated that it was in District G and they became aware of it today; that they would coordinate with the Mayor's Office and talk to the Fire Station on Woodway and also investigate the water pressure for lines in her area to assure water when needed. Mayor Parker, Council Members Johnson, Adams, Hoang, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Boyan Zdranvic, 1330 Augusta Drive #3, Houston, Texas 77057 (713-320-8905) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Johnson, Adams, Hoang, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Fred Shaw, 4109 Kashmere Drive, Houston, Texas 77027 (832-297-3630) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Johnson, Adams, Hoang, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Osiris, 6409 Peerless, Houston, Texas 77021 (832-236-8897) appeared and stated that he lived at 6407 Peerless and a project was going on called the Dixie Street Area; that before Mayor Brown left he complained about the resurfacing because the structure was not right and now they were back doing resurfacing; that the street behind him had no ditches and he wanted to know why they were working on the streets again in less than 20 years and the streets were still not fixed, it looked like a country street with ditches. Mayor Parker, Council Members Johnson, Adams, Pennington, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Dale York, 8833 Gulf Freeway, Houston, Texas 77017 (713-941-8000) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Johnson, Adams, Pennington, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas, 77088 (832-453-1900) appeared and stated that he came previously to Council about a detention pond required by Code Enforcement; that he asked about a Texaco Service Station being built about one mile away and Mr. Costello was not present now but he said there was no way he had to have one on there; that he spoke with Mark Latham over Storm Drainage and he said there was no way they had a drainage system at the Texaco Station and drawings at the Texaco showed they had nothing but a note from their engineer; and continued expressing his personal opinions until his time expired. Mayor Parker, Council Members Johnson, Adams, Pennington, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Jacquelyn Doakes, 3637 Griggs Road, Houston, Texas 77021 (713-796-2263) appeared, presented information and stated that her concern was the Hurricane Preparedness Plan; that they were continuously told by city officials to "shelter in place" and they needed to know what to do on the next morning; gave a scenario of waking up like lost sheep with no communication and they needed an address to know what to do; that they were to "shelter in place" and then what; and recommended that the Astrodome and Reliant Center was an appropriate area for an emergency staging site or disaster command site. Mayor Parker, Council Members Johnson, Adams, Pennington, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Clutterbuck stated that there were a number of websites and all were urged to have cars gassed before "shelter in place" and a representative with Citizens Assistance was present to speak with her at this time. Mayor Parker, Council Members Johnson, Adams, Pennington, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Mark Smith, P. O. Box 896, Bellaire, Texas 77402 appeared and stated that he had a situation yesterday where he took his cart to the library and a security guard said he could not take his basket in; that he had gone through this about five times already, but another officer first said he could go in and then said he could not; that she accused him of yelling at her and he was agitated, but she said treat her with respect and she would do the same; that he saw people homeless or alleged to be homeless verbally abused by clerks in downtown stores and mistreated by security guards in the library; and continued expressing his personal opinions until his time expired. Mayor Parker, Council Members Johnson, Adams, Pennington, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Joseph H. Burnley, 4218 Dragon Wick Drive, Houston, Texas 77045 (713-385-9205) appeared and stated that he was present as he had been to several places, he was a cab driver and trying to get the county and city to work with him; that at the county people were killed and raped and they would do nothing; that people were working without cab license and they let them do it; that he was trying to change ordinances which did not pertain to cab drivers like solicitation, etc., that he was told the only way to get change was to come before Council; and continued expressing his personal opinions until his time expired. Mayor Parker, Council Members Johnson, Adams, Pennington, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Clutterbuck stated that there was someone present in the Mayor's Office who could assist him with a follow-up on the taxi license. Mayor Parker, Council Members Johnson, Adams, Pennington, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was present regarding \$8 million he owned and publically wanted to say Gordon Quan provided him emergency protection; and continued expressing his personal opinions until his time expired. Mayor Parker, Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she brought children with her as she was working with the kids and feeding them everyday and the YMCA was her heart and she asked Joe Turner, the City of Houston and Harris County get together and plan and get it into action. Mayor Parker, Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

At 4:16 p.m. Mayor Pro Tem Clutterbuck stated that City Council was recessed until 9:00 a.m., Wednesday, June 20, 2010. Mayor Parker, Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Costello and Bradford absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m., Wednesday, June 30, 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. David M. Feldman, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director present.

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

At 9:05 Mayor Parker called the meeting to order. Council Members Clutterbuck, Adams and Costello absent.

Council Member Lovell moved to suspend the rules to consider Item No. 2 out of order before the Mayor's Report, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Clutterbuck, Adams and Costello absent. MOTION 2010-0491 ADOPTED.

2. REQUEST from Mayor for confirmation of the reappointment of **MS. MEG AHERN OSWALD** as full-time **MUNICIPAL COURT JUDGE**, for a two year term – was presented, moved by Council Member Sullivan, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Clutterbuck and Costello absent. MOTION 2010-0492 ADOPTED.

Mayor Parker stated that they had reappointed one of their judges and asked Ms. Meg Ahern Oswald to stand and be recognized. Council Members Clutterbuck and Costello absent.

MAYOR'S REPORT - City Council Redistricting - David Feldman, City Attorney

Mayor Parker stated that the Mayor's Report had to do with the anticipated redistricting timeline, they had distributed to Council a couple of weeks ago and had redistributed it at the table today, that she wanted Mr. David Feldman, City Attorney, to walk through it so that everybody could understand what the dates were, that they did not anticipate a lot of debate or discussion on this, that the first item on there they may spend a little bit of time talking about, but she would be referring that item to a Council Governance Committee meeting and had already talked to Council Member Sullivan about that. Council Members Clutterbuck and Costello absent.

Mr. Feldman reviewed a slide presentation titled "Anticipated Redistricting Timeline", a copy of which is on file in the City Secretary's office for review. Council Member Clutterbuck absent.

Upon questions by Council Members, Mr. Feldman stated that the only possible impact from the Legislative session might be in terms of filing deadlines because they change that from time to time, but he thought that it was pretty much well assured that the 90 day, the August 8, 2011 date, would be the first date to file, that September 7, 2011 would be the last day to file, and Council Member Noriega stated that one more thing that might be helpful next time they talk when they had a full debate, if he could include the requirements that the Department of Justice normally looked at so that they would have a clear understanding of what "pre clearance" meant and what kind of things were going to get them into trouble, and Mr. Feldman stated that he would be glad to, that of course that was a more lengthy discussion, and Mayor Parker stated that they would be taking that discussion to committee. Council Member Clutterbuck absent.

At 9:33 a.m. Mayor Parker stated that they would move to the consent agenda. Council Member Adams absent.

CONSENT AGENDA NUMBERS 1 through 51

MISCELLANEOUS - NUMBER 1

1. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **HOUSTON ARTS ALLIANCE**, for terms to expire June 30, 2012
Position Five - **MS. SHANNON BUGGS**
Position Six - **MR. DAVID ASHLEY WHITE**
- was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent. MOTION 2010-0493 ADOPTED.

Mayor Parker and Council Member Jones congratulated Mr. White and Ms. Buggs and thanked them for their service, that they both had very extensive arts backgrounds and was glad that Mr. White came in to be recognized. Council Member Adams absent.

Council Member Johnson stated that he wanted to take a point of personal privilege and stated that Mr. Carlos, who was in the back, was from Herbal Life, the healthy protein drinks that they were drinking this morning. Council Member Adams absent.

Council Member Rodriguez stated that he wanted to take a moment of personal privilege and wished his wife Wendy a happy third anniversary today. Council Member Adams absent.

ACCEPT WORK - NUMBERS 6 through 10

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,228,436.51 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Neighborhood Sanitary Sewer Improvements: Peden Street to Willard Street and West Polk to West Gray Street - 13.60% under the original contract amount **DISTRICT D – ADAMS** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent. MOTION 2010-0494 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$22,625,867.12 and acceptance of work on contract with **REYNOLDS INLINER, LLC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method - 4.82% over the original contract amount - **DISTRICTS D - ADAMS; F - HOANG; H - GONZALEZ and I – RODRIGUEZ** - had been pulled from the Agenda by the Administration, and was not considered. Council Member Adams absent.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,116,837.68 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in the Blossom Heights Area - 2.73% under the original contract amount - **DISTRICT G - PENNINGTON** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent. MOTION 2010-0495 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,151,881.08 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Water Line Replacement in Brookhaven Area - 16.17% under the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent. MOTION

2010-0496 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,830,688.48 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Water Line Replacement in First Ward Section 1 - 4.69% over the original contract amount - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent. MOTION 2010-0497 ADOPTED.

PROPERTY - NUMBER 12

12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Michael Breazeale, for sale of ±2,731 square feet of excess, fee-owned Sawyer Street right-of-way (Parcel A67-156), located within Tracks 9A and 10A, Block 385, W. R. Baker Addition, out of the John Austin Survey, A-1, Parcel SY10-064, SY10-077 and SY10-078 - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent. MOTION 2010-0498 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 20

13. ORDINANCE appropriating \$103,000.00 out of Equipment Acquisition Consolidated Fund for Purchase of Driver Training System from **VIGIL SOLUTIONS INC** for the Houston Fire Department – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0508 ADOPTED.
- 13a. **GIL SOLUTIONS INC** for VigilVanguard Driver Training System for Houston Fire Department – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent. MOTION 2010-0499 ADOPTED.
14. ORDINANCE appropriating an additional \$46,938.00 out of Fire Consolidated Construction Fund for issuance of purchase order to **TERRAIN SOLUTIONS, INC** for Additional Assessment and Corrective Action for the Houston Fire Department – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0509 ADOPTED.
- 14a. **AMEND MOTION #2009-505, 6/30/09, TO INCREASE** spending authority from \$63,998.00 to \$110,936.00 for Additional Assessment and Corrective Action for Houston Fire Department, awarded to **TERRAIN SOLUTIONS, INC** - \$46,938.00 - Fire Consolidated Construction Fund **DISTRICTS A - STARDIG and D - ADAMS** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent. MOTION 2010-0500 ADOPTED.
16. **HOUSTON WORKS USA** to train and employ youth to be energy and environmental conservation advocates - \$73,953.92 - Mayor's Summer Youth Conservation Corps and Grant Funds – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent. MOTION 2010-0501 ADOPTED.
17. **ALTIVIA CORPORATION** - \$148,944.28; **DX TERMINALS, LTD.** - \$332,814.78 and **UNIVAR USA** - \$424,802.93 for Emergency Purchase of Caustic Soda for Department of

Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent. MOTION 2010-0502 ADOPTED.

18. **THE MUR-TEX COMPANY** for Chemical Storage Tanks for Department of Public Works & Engineering - \$79,494.00 - Enterprise Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent. MOTION 2010-0503 ADOPTED.
19. ORDINANCE appropriating \$1,400,000.00 out of Street & Bridge Consolidated Construction Fund for Emergency Repair of Clay Road at the Langham Creek Bridge for Public Works & Engineering Department – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Adams absent.
- 19a. **TOM-MAC, INC** for Repairs to Clay Road at the Langham Creek Bridge for Department of Public Works & Engineering - \$1,151,328.29 and contingencies for a total amount not to exceed \$1,277,893.73 - **DISTRICT A - STARDIG** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Adams absent.
20. **GODWIN PUMPS OF AMERICA, INC** - \$273,723.00, **HAHN EQUIPMENT CO., INC** - \$1,054,508.00, **JDC FLUID EQUIPMENT** - \$169,452.00 and **GRIFFIN DEWATERING CORPORATION** - \$63,340.00 for Pumps for Department of Public Works & Engineering \$1,561,023.00 - Enterprise Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent. MOTION 2010-0504 ADOPTED.

ORDINANCES - NUMBERS 23 through 51

23. ORDINANCE approving the issuance and sale of Coastal Water Authority Contract Revenue Refunding Bonds, Series 2010 (Luce Bayou Project), approving the form, terms, and substance of the Bond Resolution of the Authority relating to its Contract Revenue Bonds, Series 2010; making various provisions relating to the subject; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0510 ADOPTED.
24. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of East Avenue O, from 96th Street to its eastern terminus (Parcel SY9-009A) and East Avenue N, from 96th Street to its eastern terminus (Parcel SY9-009B), in the Manchester Subdivision, Callahan and Vince Survey, A-9; vacating and abandoning said tracts to Valero Refining - Texas, L.P., abutting owner; in consideration of its payment to the City of \$145,538.00 **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0511 ADOPTED.
25. ORDINANCE amending Exhibits “A” and “B” of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2009-722), to amend the Master Classification Ordinance to revise the pay structure, change one job title and increase the number of positions for the Associate Judge Classification; providing a repealer; providing for severability – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0512 ADOPTED.
27. ORDINANCE approving and authorizing first amendment to Loan Agreement between

the City of Houston and **GUIDING LIGHT COMMUNITY DEVELOPMENT CORPORATION** authorized by Ordinance Number 2010-313 to increase the portion of loan proceeds which may be allocated to allowed project delivery costs - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0513 ADOPTED.

29. ORDINANCE approving and adopting an Updated Ongoing Service and Assessment Plan for and on behalf of the Lamar Terrace Public Improvement District No. 2 covering the period 2010 through 2019 pursuant to Chapter 372 of the Texas Local Government Code – **DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0514 ADOPTED.
- 29a. ORDINANCE appropriating \$223,725.26 out of Fund 7508, Lamar Terrace Public Improvement District No. 2 Fund, for payment to Saint George Place Redevelopment Authority pursuant to Ordinance No. 2003-0432 - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0515 ADOPTED.
31. ORDINANCE approving and authorizing submission of application for grant assistance for Bioterrorism Discretionary Projects and contract with the **DEPARTMENT OF STATE HEALTH SERVICES** to implement four Public Health Emergency Preparedness Projects from such grant funds; declaring the City's eligibility for such grant; authorizing the Director of the Houston Department of Health & Human Services or his designee to act as the City's representative in the application process, with the authority to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0516 ADOPTED.
32. ORDINANCE approving and authorizing submission of an application for grant assistance to the **TEXAS PARKS AND WILDLIFE DEPARTMENT**, Urban Indoor Recreation Grant Fund, administered by the Texas Parks and Wildlife Department, to renovate and expand the Moody Park Community Center; declaring the City's eligibility for such grant; authorizing the Director of the Parks & Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0517 ADOPTED.
33. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **THE HOUSTON INDEPENDENT SCHOOL DISTRICT** for Printing, Copying, Scanning and On-site Copy Shop Management Services for City Departments - 5 Years with 5 one-year options – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Adams absent.
35. ORDINANCE appropriating \$35,000.00 out of Public Library Consolidated Construction Fund for purchase of Materials, Furniture and Information Technology Equipment for the Ring Neighborhood Library - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0518 ADOPTED.
36. ORDINANCE amending Ordinance No. 2009-1411 (Passed 12/29/2009) to permit use of previously appropriated funds for the purchase of real property located within the Industrial Center Subdivision, Harris County, Texas, in connection with the expansion and renovation of the BARC Facility; approving and authorizing the use of such funds to bid at

- a Harris County Tax Sale; authorizing the Mayor's designee to make the purchase - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0519 ADOPTED.
39. ORDINANCE appropriating \$30,190.00 out of Street & Bridge Consolidated Construction Fund and \$30,422.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to the Construction and Maintenance Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Replacement of Sherwell Street Bridge at Jordan Gully (Approved by Ordinance No. 1998-279) - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0520 ADOPTED.
40. ORDINANCE approving and authorizing first amendments to Advance Funding Agreements between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Safe Routes to School Projects (Approved by Ordinance No. 2009-0971) - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0521 ADOPTED.
43. ORDINANCE appropriating \$508,750.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to contract between the City of Houston and **WHITLOCK, DALRYMPLE, POSTON AND ASSOCIATES, INC** for Professional Engineering Services at William P. Hobby Airport (Project No. 592); providing funding for the Civic Art Program **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0522 ADOPTED.
45. ORDINANCE appropriating \$224,000.00 out of General Improvement Consolidated Construction Fund, \$222,000.00 out of Water & Sewer System Consolidated Construction Fund, and \$172,000.00 out of Public Health Consolidated Construction Fund for Minor Construction, Repairs, Rehabilitations or Alterations of various facilities under the Job Order Contracts Program – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0523 ADOPTED.
46. ORDINANCE appropriating \$196,099.00 out of Fire Consolidated Construction Fund; awarding construction contract to **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank Remediation, Removal and Installation at Fire Station 28; 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 materials testing and project management and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0524 ADOPTED.
48. ORDINANCE No. 2010-0490, passed first reading on June 23, 2010
ORDINANCE granting to **TEXAS ENVIRONMENTAL CONTROL, INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0490 SECOND READING IN FULL.
49. ORDINANCE No. 2010-0491, passed first reading on June 23, 2010
ORDINANCE granting to **FPF DEMOLITION, LLC, A Texas Limited Liability**

Company, dba FERNANDEZ & SONS, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0491 SECOND READING IN FULL.

50. ORDINANCE No. 2010-0492, passed first reading on June 23, 2010
ORDINANCE granting to **AMERIWASTE SERVICES, LLC, A Texas Limited Liability Company**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0492 SECOND READING IN FULL.
51. ORDINANCE No. 2010-0493, passed first reading on June 23, 2010
ORDINANCE granting to **TWISTER WASTE INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0493 SECOND READING IN FULL.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MISCELLANEOUS

3. RECOMMENDATION from Director Administration & Regulatory Affairs for the designation of a residential parking permit area in the Super Neighborhoods of University Place and Washington Coalition/Memorial Park - **DISTRICTS C - CLUTTERBUCK and H - GONZALEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. MOTION 2010-0505 ADOPTED.

ACCEPT WORK

4. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$10,179,760.00 and acceptance of work on contract with **PRIME CONTRACTORS, INC** for The African American Library at the Gregory School - 19.59% over the original contract amount - **DISTRICT I – RODRIGUEZ** – was presented, and tagged by Council Member Hoang.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,743,130.50 and acceptance of work on contract with **BOYER, INC** for 69th Street Wastewater Treatment Plant Improvements (Package 1) - 3.04% under the original contract amount - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. MOTION 2010-0506 ADOPTED.

PROPERTY

11. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court and pay the costs of Court in connection with eminent domain proceeding styled City of Houston v. Woon Sun Lee and Kil Soon Lee, d/b/a Lee's Sign Co., et al., Cause No. 951,765; for acquisition of Parcel AY8-051;

for the **BUNKER HILL PAVING PROJECT, PHASE II (IH-10 Feeder Road - Long Point Road) - DISTRICT A - STARDIG** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. MOTION 2010-0507 ADOPTED.

PURCHASING AND TABULATION OF BIDS

15. ORDINANCE appropriating \$742,350.00 out of General Improvement Consolidated Construction Fund for Parking Lot Improvements under the Pierce Elevated, for the General Services Department – was presented, and tagged by Council Member Clutterbuck.
- 15a. **CARRERA CONSTRUCTION, INC** for Parking Lot Improvements under the Pierce Elevated for General Services Department - \$707,000.00 and contingencies for a total amount not to exceed \$742,350.00 - **DISTRICT I – RODRIGUEZ** – was presented, and tagged by Council Member Clutterbuck.

ORDINANCES

21. ORDINANCE **AMENDING SECTION 4-12 OF CHAPTER 4 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the provision of Emergency Medical Services and Medical Transfer Services in the City to modify patient transport guidelines; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2010-0525 ADOPTED.
22. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, CHAPTER 14**, relating to the payment of holiday compensation to eligible employees who have a regularly scheduled day off on a holiday; containing findings and other provisions relating to the foregoing subject, providing for severability - was presented, and tagged by Council Members Bradford and Jones.

Mayor Parker stated that the administration would appreciate an opportunity to discuss with Council Members the issues they may have, that it would affect holiday pay for the Fourth of July and a financial impact on the City, that they could always come back to it at the end of the meeting if there was an opportunity to visit with the Council Members or they could discuss it now.

Council Member Jones stated that HOPE asked her to tag Item No. 22 to give them a chance to look at it and as a courtesy when constituents ask her to tag items so they could look at them she does, that she would have to speak with the HOPE representatives to see if that was okay with them.

Mayor Parker stated that she was going to confirm but it was her understanding that the proposed revision had been discussed with HOPE by the administration.

Council Member Bradford stated that his staff spoke with a HOPE representative yesterday and this morning and they had advised that they were not necessarily in concurrence at this point, that they were still reviewing this particular item and they needed more time to come to a conclusion; that secondly, he had some concern about the amendment in that, if he understood the proposed amendment correctly, as it existed today, the employees that worked on the holiday they were paid for that and this would modify the ordinance giving the department director discretion whether they were going to permit that person to receive pay versus comp time and he believed that was unlike what existed with classified employees, that

he thought if they were going to modify he thought they should at least consider treating all City employees as it related to this type of compensation, so those were the issues that still needed to be flushed out in his view.

Mayor Parker stated that this issue arose when they went to flexible work week for City employees, that it did not directly impact the classified employees who worked on a different schedule, that it had to do with when a holiday fell on a short work week, for a municipal employee, because many of their employees had now gone to a four day work week or a 9/80 work week and they were trying to equalize that, that the point was noted and they would attempt to get information to him.

After further discussion by Council Members, Mayor Parker stated that their employees would be paid appropriately and would not want anyone to believe otherwise, that this was an inadvertent outcome of trying to be flexible with their employees work week, that there was a matter of interpretation that the administration believed was incorrect under the previous administration and they had worked through those issues with HOPE, that she was not suggesting that they override tags, she was trying to see if there was a particular issue that they could address by the end of the meetings; that as to the impact this could cost the City a minimum of between \$200,000 and \$500,000.

After further discussion by Council Members, Mayor Parker stated; that she was not suggesting that they did not have the right to tag, that it was an issue that she thought was inappropriately dealt with previously and they had numerous conversations with HOPE about this, that they were not pleased with the change because it would mean that employees, who in her opinion, had been double dipping on their holiday pay, would get less pay.

After further discussion by Council Members, Council Member Bradford moved to suspend the rules to let the HOPE representative speak, seconded by Council Member Jones. All voting aye. Nays none. MOTION 2010-0508 ADOPTED.

Upon questions by Council Members, the HOPE representative appeared and stated that her name was Marisol Rodriguez, that as far as the ordinance they would just like to have the opportunity just to review the language, and that was what her leadership had asked her to do and that was why she was here, that they would just like to review the language, and Mayor Parker asked if there were not conversations between the union and the HR Director about this, and Rodriguez stated that yes, there was and they did have their discussions and from what she understood from her executive director and leadership they just wanted to review the material a little bit more and they sent it through to their legal folks over at SCIU and ASME to review the policy as well, and Mayor Parker asked if she knew when that was done, and Ms. Rodriguez stated that to her knowledge she believed it was two days ago.

After further discussion by Council Members, Council Member Jones stated that she wanted to be on the record that she absolutely believed that they were treating this tag differently than they treated other ones and she thought that they should give all tags due respect and all Council Members the opportunity to either receive information for themselves or allow a constituent who asks them to receive information so that they could make the best decision possible on the Council.

After further discussion by Council Members, Mayor Parker stated that all the tags were being respected and she had not asked for an override of a tag or any tags to be withdrawn, that they did respect tags at this table and certainly she would be getting things in writing from HOPE in the future; that this was a gray area in the contract, in her opinion, the City controller actually issued a note on this to Council Members a couple of weeks ago, that she believed as she said earlier that it was incorrectly interpreted by the previous administration and it was

within the purview of the Council to do this but they would not do something that affected their employees without having an appropriate conversation and discussion with HOPE, and again, she would not have brought it to the agenda without the belief that HOPE had signed off on it, that they were correct it was not a requirement that HOPE signs off on it. Council Member Johnson absent.

Mayor Parker stated that Item No. 22 had been tagged. Council Member Johnson absent.

After further questions and discussion by Council Members, Council Member Adams stated that she would add her tag to Item No. 22.

26. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2009-0632 by adding eight Engineer/Operator Positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance – was presented.

After discussion by Council Member Hoang a vote was called on Item No. 26. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0526 ADOPTED.

28. ORDINANCE appropriating \$16,238,886.43 out of Tax Increment Funds for Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, (Lake Houston Zone), and Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone) for administrative expenses, payment of project costs, payment to Humble Independent School District, and payments to certain redevelopment authorities as provided herein - **DISTRICTS B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GONZALEZ and I – RODRIGUEZ** – was presented, and tagged by Council Member Johnson. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding.
30. ORDINANCE approving and authorizing Amendment No. 1 to agreement for Convention and Tourism Services between the City of Houston and the **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0527 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City of Houston and **THE OHMSTEDE GROUP, INC. D/B/A COIN COPIERS** to install and maintain a Coin and Debit Card Copier Machine System for the Houston Public Library Department - 5 years – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0528 ADOPTED.
37. ORDINANCE amending Ordinance No. 2009-981, relating to the City of Houston Term Limits Review Commission, to defer the date of the Commission's final report to the City Council – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0529 ADOPTED.
38. ORDINANCE appropriating \$850,200.00 out of Metro Projects Construction Fund; approving and authorizing Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Houston's Heritage Corridor, Bayou Trails West from San Jacinto Street to Stude Park (Approved by 95-1290) - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor

Pro Tem Clutterbuck presiding. ORDINANCE 2010-0530 ADOPTED.

41. ORDINANCE appropriating \$472,362.00 out of Airports Improvement Fund and approving and authorizing Project Development Agreement between the City of Houston and **CONTINENTAL AIRLINES, INC** for Construction Management Services for Terminal A North-Gate A 3 Expansion at George Bush Intercontinental Airport/Houston (Project 641); providing funding for the Civic Art Program - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2010-0531 ADOPTED.
42. ORDINANCE appropriating \$3,887,592.00 out of Airport Improvement Fund and awarding construction contract to **THE GONZALEZ GROUP, LP** for Terminal A North-Gate A 3 Expansion at George Bush Intercontinental Airport/Houston (Project 641); 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 the Civic Art Program, engineering testing services and for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2010-0532 ADOPTED.
44. ORDINANCE appropriating \$1,000,000.00 out of Airports Improvement Fund for supplemental allocation to contract for Professional Consulting Services by and between the City of Houston and **HNTB CORPORATION** for On-Call Planning Services for the Houston Airport System (Project No. 616; Contract No. 4600004495) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2010-0533 ADOPTED.
47. ORDINANCE No. 2010-0482, passed first reading on June 23, 2010
ORDINANCE adopting amended Land Use Assumptions, Capital Improvement Plan, and Impact Fees in accordance with Chapter 395 of the Texas Local Government Code; amending Chapter 47 of the Code of Ordinances of Houston, Texas and containing findings and other provisions relating to the foregoing subject; containing a savings clause; and providing for severability - **SECOND AND FINAL READING** – was presented. All voting aye. Nays none. ORDINANCE 2010-0482 ADOPTED SECOND AND FINAL READING.

NON CONSENT AGENDA - NUMBER 52

MISCELLANEOUS

52. RECOMMENDATION from Director Department of Public Works & Engineering to amend Motion #2010-303 and #2010-392, which set public hearing dates to consider adopting Municipal Setting Designation Ordinances for **FPA/PINPOINT MYKAWA, LLC** and **BAE SYSTEMS RESOLUTION**, to reflect the correct published hearing dates - **REQUIRES THREE MOTIONS** - was presented.

Council Member Clutterbuck moved to suspend the rules for the purpose of reconsidering Motion Number 2010-303 and 2010-392, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2010-0509 ADOPTED.

Council Member Clutterbuck moved Motion Numbers 2010-303 and 2010-392, be brought back to Council for reconsideration, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2010-0510 ADOPTED.

Council Member Clutterbuck moved to amend Motion 2010-0303, passed and adopted, May 19, 2010, to correct the date for the Public Hearing for 9:00 a.m., Wednesday, August 4,

2010, for BAE Systems Resolution Corporation, Inc. for the site located at 4516 Harrisburg; and to amend Motion No. 2010-0392, passed and adopted, June 16, 2010, to correct the date for the Public Hearing for 9:00 a.m., Wednesday, July 14, 2010, for FPA/PinPoint Mykawa, LLC, for the side located at 6712 Telean Street, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2010-0511 ADOPTED.

MATTERS HELD - NUMBERS 53 through 59

53. ORDINANCE approving and authorizing contract between the City of Houston and **eCIVIS, INC** for subscription to the grant network and related services for the Mayor's Office of Intergovernmental Relations; providing a maximum contract amount - 3 Years - \$201,450.00 General Fund – **(This was Item 12 on Agenda of June 23, 2010, TAGGED BY COUNCIL MEMBER ADAMS)** – was presented. All voting aye. Nays none. ORDINANCE 2010-0534 ADOPTED.
54. ORDINANCE approving and authorizing Parking Operations and Management Services Agreement between the City of Houston and **REPUBLIC PARKING SYSTEM, INC** for Convention & Entertainment Facilities Department; providing a maximum contract amount 3 Years with two one-year options - \$11,929,380.00 - Enterprise Fund - **DISTRICTS D - ADAMS; H - GONZALEZ and I - RODRIGUEZ – (This was Item 13 on Agenda of June 23, 2010, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. ORDINANCE 2010-0535 ADOPTED.
55. ORDINANCE approving and authorizing third amendment to contract between the City of Houston and **SEVERN TRENT ENVIRONMENTAL SERVICES, INC** for Operation and Maintenance Services for the Kingwood Area Water and Wastewater Utilities and Facilities (Approved by Ordinance No. 2002-91); amending Ordinance No. 2002-91 to increase the maximum contract amount - \$1,000,000.00 - Enterprise Fund - **DISTRICT E – SULLIVAN – (This was Item 19 on Agenda of June 23, 2010, TAGGED BY COUNCIL MEMBERS JOHNSON, JONES and ADAMS)** – was presented.

Council Member Johnson stated that last week he tagged the item because of the request by this particular company to reduce it's MWBE participation from 24%, which was put on at the original onset of the contract, down to 15%, that he had never received information until this morning, that while he did understand that the MWBE Department sent something out to the administration on Friday, his office sent something to them on Wednesday and did not receive the information until today.

After further discussion by Council Member Johnson a vote was called on Item No. 55. Council Members Johnson and Jones voting no, balance voting aye. ORDINANCE 2010-0536 ADOPTED.

56. ORDINANCE appropriating \$50,000.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Interlocal Agreement between the City of Houston and **GEOTECHNOLOGY RESEARCH INSTITUTE** for Professional Consulting Services for a sustainable infrastructure program – **(This was Item 24 on Agenda of June 23, 2010, TAGGED BY COUNCIL MEMBER COSTELLO)** – was presented. All voting aye. Nays none. ORDINANCE 2010-0537 ADOPTED.
57. ORDINANCE appropriating \$1,563,164.75 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES, L.P. d/b/a NATHELYNE A. KENNEDY & ASSOCIATES, INC** for Design

of Broadway Street from IH 45 to Airport Boulevard (Approved by Ordinance No. 2006-0201) - **DISTRICT I – RODRIGUEZ – (This was Item 27 on Agenda of June 23, 2010, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. ORDINANCE 2010-0538 ADOPTED.

58. ORDINANCE amending Ordinance No. 2009-1359 to increase the maximum contract amount for contract between the City and **RON SMITH & ASSOCIATES, INC** (Contract #4600009345) for Latent Print Support Services - \$2,332,000.00 - General Fund – **(This was Item 37 on Agenda of June 23, 2010, TAGGED BY COUNCIL MEMBER JONES)** - was presented.

Council Member Jones stated that she had concerns about the contract, that it reminded her about the DNA thing that started a long time ago, that Ron Smith and Associates hired somebody who used to work in the fingerprint lab, that it reeked of impropriety, that the whole thing with the lab felt like a money pit, that she would be voting “no”, that it was frustrating that they kept having to pay twice and three times for things that should have been done right the first time.

Mayor Parker stated that she shared their frustrations and clearly she did not want to waste money, and the fact that they were having to do redo the forensic investigations over and over again was a huge problem for the City of Houston, however, they had hired the scientist, which was what Ron Smith and Associates were and if they wanted to continue to do their backlog of fingerprints they had to have someone to do it, that if their issue was that they were unhappy with the work that the Finger Print Analyst in the Police Department, with the work they did, she agreed with that, but was their issue with Ron Smith and Associates because they needed to have fingerprint work done; that this was for the fingerprint analysis piece.

Council Member Bradford stated that he wanted to go on record expressing that he had serious concerns about allowing the company to go forward with a third amendment to the contract, that nothing against the vendor but the process that they utilized and no RFP was issues, they were just passing on to the same company for the third time in a row, that he had some concerns about that.

Mayor Parker stated that to be clear there was an RFP when this contract was originally let, there were only two bidders, the other bidder was much less qualified than Ron Smith and Associates to do the work, and respectfully had Council Member Bradford considered recusing himself from this process and debate at the Council table, and Council Member Bradford stated that he did not see any reason to recues himself, the first point the RFP was let years ago, and the issue on the table had to do with the process that the vendor utilized, an employee that worked in the laboratory should not be allowed to come back and be part of the audit review training process to determine whether the work was valid or not, and Mayor Parker stated that she respectfully asked a question as to a recusal and she believed his answer was that he did not believe it was necessary.

After further discussion by Council Members, Mayor Parker stated this was an issue that spanned a number of Police Chiefs and Mayors and they were endeavoring to get all forensic science work out of the Police Department and into the Crime Lab and then they were in active negotiations with Harris County for at least a regional approach to DNA but it was their intention to move toward an independent regional crime lab, but until that could happen they wanted an independent crime lab within the City not reporting to and through the Police Department, that part of the issue with the fingerprint examiners was that some of those were, she believed, Class B police officers and they had some union issues as to whether they could move them out and who could report to whom, they had, to her knowledge, resolved all of

those issues, that one of the experts that Ron Smith and Associates brought in was someone who, yes, was an employee of the Houston Police Department for a long time in fingerprints, that she was not aware of any allegations that that person failed scientific standards of rigor, and that person was not involved in any of the audit of the Houston Police Department, that she would not have made that choice to bring her in originally, but to have someone who was familiar with the workings at the lab and the problems of the lab, she believed, may have helped Ron Smith in their audit of what was going on, that they were, with this contract, attempting to tackle the backlog and at some point justice delayed becomes justice denied, there were people whose fingerprints needed to be examined, if not this firm, the original request for qualifications, as she said, had only one other taker, that if they wanted to go back for another request for qualifications Council had the ability to kill this project, that the Police Department firmly believed that they were on the right track and that Ron Smith and Associates was doing good work for them. Council Member Adams absent.

Mayor Parker stated that her knowledge Ron Smith had not hired anybody who was fired or let go from their job, Mr. Feldman stated that was not the situation; and Mayor Parker stated that if they were aware of current problems in the lab she would respectfully request that they immediately meet with her and inform her of what those were.

After further discussion by Council Members, a roll call vote was called on Item No. 58.

ROLL CALL VOTE:

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|---------------------------------------|-------------------------------------|
| Mayor Parker voting aye | Council Member Gonzalez voting aye |
| Council Member Stardig voting aye | Council Member Rodriguez voting aye |
| Council Member Johnson voting no | Council Member Costello voting aye |
| Council Member Clutterbuck voting aye | Council Member Lovell voting aye |
| Council Member Adams voting aye | Council Member Noriega voting aye |
| Council Member Sullivan voting aye | Council Member Bradford voting no |
| Council Member Hoang voting no | Council Member Jones voting no |
| Council Member Pennington voting aye | ORDINANCE 2010-0539 ADOPTED. |

59. ORDINANCE relating to Water Conservation Incentive Program for rent restricted apartment units; containing provisions related to the subject – **(This was Item 39 on Agenda of June 23, 2010, TAGGED BY COUNCIL MEMBER JONES)** – was presented.

Council Member Jones moved to postpone Item No. 59 for two weeks pending discussion of the item at a specially called meeting of the Housing Committee, seconded Council Member Bradford.

Council Member Sullivan asked Mayor Parker what was the administration's position on the motion to delay, and Mayor Parker stated that the motion to delay was not critical to the administration, that it did delay rate relief to the rent control apartment projects, that the item had been negotiated with HUD, that they were in negotiations and they were not completely happy with it but they did sign off on it, they had thought there was a Housing Committee meeting prior to it coming to the agenda and that it was not considered at that committee meeting, they thought that was a signal that all Council Members were in agreement with it, but it could survive a delay, it was how fast they wanted to provide the relief to the apartment owners, that it was only the piece that dealt with HUD rent control properties where the water bill was actually included in the rent; that they had originally placed the item on the June 8, 2010 agenda, and Council Member Jones rightly pointed out to her that it had not gone to her committee and they pulled it from the agenda, that Council Member Jones had a committee on June 15, 2010 with an array of HUD representatives and the administration mistakenly believed that she would discuss this with them while they were all in the Chamber, the item was then on the agenda for June 16, 2010, it was tagged, it was on the agenda for June 23,

2010 and it was tagged and now it was on the agenda for the third time formally, that it was not that they had not tried to accommodate, that as she stated she was happy to have it go back, they would take as much time as it takes to have Council satisfied that this was something that was worthwhile, but there was an opportunity for the HUD administrators who were assembled in the Chamber to address the range of issues that needed to be discussed with them; that the administration misunderstood the purpose of the range of HUD administrators being here, that she would take ownership and they would communicate more clearly with Council Members in the future.

After further discussion by Council Members, Mayor Parker stated that this was something that Council Member Jones raised after it being brought to her attention by HUD and she had her own conversations with them, that this was an issue for rent control properties where they literally could not raise the rent to cover the new rate increase and it was a valid issue and they had a number of meetings with HUD working through it, that obviously they (HUD) would like more money than they (the City) would like to put in the pot, but this was not part of their original plan, it was something that they added at the request of the Council Member, that it was correct that delaying this would stop people from getting some help on their water bills, that the administration was clearly not opposed to a delay; that if this passes today they would start the disbursement of funds to the particular multi family units with the following month's water bills, that she would have to confirm that.

After further discussion by Council Members, Council Member Jones stated that HUD was reviewing documentation that the City gave to them about their inventory and what properties they were to see how it was going to impact them and if it could effectively drive some businesses out, that HUD was working with the City and understood that the City had to raise their rates, but they were trying to figure out the best way to be less impactful of those properties that they fund.

Council Member Rodriguez moved to extend time for continued questions on Item No. 59, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Hoang absent. MOTION 2010-0512 ADOPTED.

After further discussion by Council Members, Mayor Parker stated that Council Member Jones raised a valid issue during the rate discussion that they frankly had not considered, that they did have discussions with HUD and determined that it in fact was an issue and Council Member Jones was correct that her support of the water rate increase was predicated on their working through this issue, that as she stated earlier she would take ownership for the fact that they did not formerly bring it to committee because they thought it would be discussed, because they had already negotiated the issue with HUD, that with that said she would say that it was helpful if they knew how many people were actually in the negotiations and it was difficult for the administration to negotiate with HUD and then have separate negotiations by other parties, that again, she wanted to respect their commitment to the Council Member to take it formerly to the committee for a full vetting, that it would take place a month following whenever Council passes the item and the administration would support a two week delay to make sure that all Council Members got their questions answered. Council Member Hoang absent.

Council Member Jones stated that she would move a substitute motion for a week delay, seconded by Council Member Bradford. Council Member Hoang absent.

Council Member Johnson asked if they would retroactively pay the apartment owners the money that they may have had to use for the water rate increase, would they reimburse them for what they had already had to put in, and Mayor Parker stated that she did not believe that was possible, but would confirm that clearly before the committee meeting.

A roll call vote was called on Council Member Jones motion to postpone Item No. 59 for one week.

ROLL CALL VOTE:

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|--------------------------------------|-------------------------------------|
| Mayor Parker voting aye | Council Member Gonzalez voting aye |
| Council Member Stardig voting no | Council Member Rodriguez voting aye |
| Council Member Johnson voting aye | Council Member Costello voting no |
| Council Member Clutterbuck voting no | Council Member Lovell voting no |
| Council Member Adams voting aye | Council Member Noriega voting aye |
| Council Member Sullivan voting no | Council Member Bradford voting aye |
| Council Member Hoang voting no | Council Member Jones voting aye |
| Council Member Pennington voting aye | MOTION 2010-0513 ADOPTED. |

Items received during meeting.

19. ORDINANCE appropriating \$1,400,000.00 out of Street & Bridge Consolidated Construction Fund for Emergency Repair of Clay Road at the Langham Creek Bridge for Public Works & Engineering Department – was presented. All voting aye. Nays none. ORDINANCE 2010-0540 ADOPTED.
- 19a. **TOM-MAC, INC** for Repairs to Clay Road at the Langham Creek Bridge for Department of Public Works & Engineering - \$1,151,328.29 and contingencies for a total amount not to exceed \$1,277,893.73 - **DISTRICT A – STARDIG** – was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2010-0514 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sullivan stated that he wanted to recognize a Sign Administration employee, who he caught in his district on Sunday working and doing a good job, Mr. Lou Nghiep; that the Office Depot at 10525 Gulf Freeway at Edgebrook had a re-opening celebration and ribbon cutting this week because they had been shut down since Hurricane Ike; that Senior HPD Police Officer James Chapman gave their office a tour of the new Police Museum; that the Greater Houston Partnership hosted a meet and greet for Metro's new board members last week and it was well attended; that July Fourth parades were this weekend and he encouraged everybody to enjoy them and be safe and give thanks for the freedoms they had in this Country. Council Members Hoang, Gonzalez, Bradford and Jones absent.

Council Member Lovell stated that this week she and her staff were thrilled to welcome a new addition to their At-Large staff, that Jennifer Camaro and her husband, Juan, welcome their first son on Monday, that they were proud to welcome Elijah, that he had three older sisters. Council Members Sullivan, Hoang, Gonzalez, Bradford and Jones absent.

Council Member Johnson stated that he wanted to thank Carlos Sambria for the breakfast this morning, that he was at the corner of Main and Walker with Herbal Life; that "George Foreman's Youth Summer in the Law, Knowing Your Rights" was a series designed to utilize basic legal education teaching students how to communicate effectively, advocate a position, make decisions and reason out more problems, that it had already started, June 28 through July 2, 2010, that the second series would be July 26 through July 30, 2010 and the third series would be August 2 through 3, 2010, from 9:00 a.m. to 12:00 p.m. at the George Foreman Youth and Community Center at 2202 Lone Oak in District B; that the Herbal Life 5K Run at Bear Creek Park, 3535 Wall Memorial Drive, from 7:00 a.m. to 8:00 p.m.; that he wanted to say Happy Birthday to Dr. Freeman of Texas Southern University who was 90 years

old on Sunday, that he was the world renown debate coach at Texas Southern who was known across the world. Council Members Sullivan, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Clutterbuck read, in celebration of Independence Day over 234 years ago, a proclamation from Congress on July 4, 1776, that she believed that there were 56 signers to it, that they would recall that following the Declaration of Independence a few short years later an amazing group of individuals also met for the Constitutional Convention and set forth their form of government, that they knew at that time that a constitutional republic was not an easy government to maintain because of the treatment that many of the signers of the Constitution had received, that they knew that a constitutional republic required an informed citizenry that understood and exercised it's rights, duties and privileges and was willing to fight to preserve and protect those rights and privileges, that she would like to thank the many people who were fighting overseas to preserve their rights and privileges, the people who worked hard around the table to do so, as well as the many people who get active in politics and stay interested and involved and worked very hard to continue to keep their republic, that they follow in the stead of the people who helped to sign the Declaration of Independence, that of course they knew of Adams, Hancock and Jefferson, but those who signed the Declaration of Independence faced treason against the crown, and read from a website that was on the U. S. Founding Fathers. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that read on the internet an article about care of the elderly in the New York Times Health Section on June 28, 2010, that it was called 'Preparing more care of elderly" by Milt Freudenheim, that they talked about the fact that about 20% of Medicaid patients used 80% of the resources and helping seniors stay independent was a key to not having them cost so much money, which certainly was not the only issue but an interesting public policy question, that as she began to read it she was struck with how much what they were suggesting resembled their frequent flyer program for the folks that called for ambulance transport, that they had a program that they were working on now that if folks were calling 9-1-1 because they needed to see a doctor or get medications because they needed a ride, because they had to see a regular doctor or clinic, they were providing resources to try to get them counseled to where they needed to be, that the kind of support was very similar to what they were suggesting for dealing with the elderly, that they were saying that something like 20%, \$3.5 billion of health care costs could be eliminated if there was a team that supported seniors as they stayed out of the hospital, that rather if someone was falling rather than give them more medication or just go and pick them up and take them to the hospital if they worked on their gait and balance and have them do exercises or if they had the kind of consultation that they needed they could really prevent a great many of their health concerns, so what she was struck by was the idea that they were developing a model that may have the ability to be expanded in other ways, that they were not going to be responsible for all of these folks, but as a community as they deal with seniors, as baby boomers get older, as they have changes in their demographics, they were going to need alternatives to just taking people to the hospital all the time, so she just thought it was interesting and wanted to share it and would be happy to share it with her colleagues because she thought they were onto something with this in more ways than one; that she also wanted to mention that their colleague had taken his Flooding and Drainage Committee on the road and they were all challenged to live up to that example and they were going to take Public Safety and Homeland Security Committee on the road, they were planning a meeting on Thursday, July 8, 2010, at the Sunnyside Multi Service Center, from 6:30 p.m. to 8:30 p.m. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Adams announced the following events; a meeting of the Public Safety and Homeland Security on July 8, 2010 at the Sunnyside Multi Service Center 6:30 p.m. to

8:30 p.m.; they had a meeting this past week at the Near Town Super Neighborhood No. 24, that Saint Thomas University would be bringing back their Nursing Program in the fall; that last week she met with the Timbercrest Community and various civic associations and home owner associations in the district and one of the main topics being discussed were deed restrictions; that she wanted to thank the Museum Super Neighborhood No. 66 for their continued efforts to move forward; that on Saturday they had their second cleanup in the Hiram Clarke Community with the help of Hope Worldwide and Keep Houston Beautiful and over 60 volunteers; that she wanted to thank Special Operations and her office for a meeting prior to the Pride Parade, that it was a wonderful event and well organized; that on July 10, 2010 they would be hosting "Fun Day in the Park" at the Sunnyside Multi Service Center at 3503 Bellfort from 10:00 a.m. to 5:00 p.m., that she wanted to thank the various sponsors and City departments. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Hoang stated that he was invited to the Organization of Chinese American Convention in Houston; that he attended the Centenarian Party, that last year they broke the Guinness World Record with 28 at 100 years or older, that this year they had only 19 that were older than 100 years, that they had about 10 who were 99 years old, that he appreciated The Clarewood House in Sharpstown for organizing the event. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Stardig stated that she was continuing to tour all of the fire stations in her district and had a great time meeting the firefighters and getting a feel for what they experience on a day to day basis, that she thought it was an opportunity to get feedback about the frequent flyer issue directly from the source and was going to continue with her efforts to see what they could do to educate the public, the citizens, to understand the cost that the City incurred of taxpayer dollars to accommodate folks who wanted a ride to get their prescription filled or whatever the case may be; that she wanted to thank Director Hayes for meeting with her, she had a great demand for the green recycling bins in her district, that Director Hayes had expressed his willingness to go out into the district, in a townhall format, to discuss options on how to fulfill the request of the citizens; that she wanted to remind everyone that there was a Adopt a Fire Station Program and citizens should be aware that in their neighborhoods it was a great opportunity for civic clubs and homeowner associations to organize and get with their local fire stations and find out what their needs were, that there was a process and it was on the City of Houston website; that she wanted to remind the Mayor that she was really passionate about the Freedom to Act Guidelines that empower their employees with opportunities to empower the associates, that when she says guidelines they had to drill it down by departments, that they go back to the example of the lady without water and giving them the opportunity to have a guideline or estimate of how much latitude they had to act without coming back to a director or supervisor or whatever the case may be to insure they had excellent customer service to their citizens, that they had discussed it in the past but wanted to highlight that again; that the District A team would like to wish a fun filled and safe Fourth of July Holiday. Council Members Johnson, Adams, Sullivan, Hoang, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker asked Council Member Stardig if the presentation on recycling been scheduled yet for the Neighborhood Protection and Quality of Life Committee and was she aware, that it would be coming to the committee as well and she appreciated his coming to her district and knew that Council Member Costello also wanted an in depth presentation on the recycling program so they would be doing that for Council also, and Council Member Stardig stated that yes, they were going to have it through committee but she wanted the citizens to understand that they were listening to the requests and did want them to understand that they did have options and wanted their feedback in the process. Council Members Johnson, Adams, Sullivan, Hoang, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent. (NO

QUORUM PRESENT)

Council Member Pennington stated that she wanted to thank Council Member Clutterbuck for reading to them and speaking about the majestic and truthful words in the Declaration of Independence, that in his view it was the most American of their founding documents; that he was pleased that the amendment to the Police Department goals last week to urge the Police Department to work together and communicate with super neighborhoods and homeowner groups; that in the matter of crime prevention it was baring fruit, that as many of them knew a group led by Jim "Mattress Mack" McInvale had founded a non profit to raise funds to purchase and place security cameras in public areas to deter crime, that this initiative "Operation Westside Success" had been working to place privately funded cameras in City rights-of-way and private property, and once the City approves deployment of the cameras the police would control all phases of operations and it might even be possible for some citizen volunteers to monitor some of those operations, that he was highly supportive of this program, the cameras would work in areas prone to criminal activity, the folks who lived and worked in these areas had a vested interest in crime prevention and programs like these, that many of his constituents wanted to be involved in their community to make it a better and safer place and they should take full advantage of opportunities such as this, that they had a website, www.websitesuccess.org if they were interested; that the hours of the Kendall Library in District G had been expanded by the Library Department starting July 1, 2010, in the afternoon from 10:00 a.m. to 8:00 p.m., that Kendall Library would be open on Saturday from 10:00 a.m. to 5:00 p.m. and they thanked Dr. Lawson and the library staff for evaluating the Kendall situation and making that available; that on Saturday he would be the Grand Marshall for the Westmont Neighborhood Parade, which was near Richmond and Hillcroft; and read a letter from one of their great Americans, John Adams, to his beloved wife, Abigail. Council Members Johnson, Adams, Sullivan, Hoang, Gonzalez, Rodriguez, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck continued to read about the founding fathers and the signers of the Declaration of Independence. Council Members Johnson, Adams, Sullivan, Hoang, Gonzalez, Rodriguez, Bradford and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:02 p.m. Council Members Johnson, Adams, Sullivan, Hoang, Gonzalez, Rodriguez, Bradford and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary