

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 13, 2010, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David Feldman, City Attorney; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; Ms. Marta Crinejo, Assistant Agenda Director present. Council Member Melissa Noriega absent on personal business.

At 1:44 p.m. Mayor Parker called the meeting to order and stated that she would begin the meeting with a presentation today with volunteer students to be "Green" Ambassadors for the City of Houston; that there was a 501c3 Green Team America which was established to link area high school students to environmental causes and issues nationally, locally and internationally and today the ambassadors present would be traveling to China with a separate delegation from the city delegation and they would visit with the China delegates on environmental projects there and plan joint projects, etc., and after returning would share what they learned; that this would not happen without wonderful underwriters and community sponsors and she wanted to thank Cindy and Frank Liu, a couple active in the international program for some time and she appreciated them helping to underwrite the trip to China; thanked Gary and Jan Dunham for their ongoing support of Green Team America; and presented a Certificate of Appreciation to Mr. Dunham for what they did; and invited all of the "Green" Team to the podium for recognition. Council Members Stardig, Johnson, Sullivan and Jones absent.

Mr. Dunham stated that Green Team America was an initiative to unite environmental clubs which already existed to high schools across the country and they were zeroing in on high schools because they truly believed the young people were their last hope on the environmental situation spreading around the globe; that they understood the situations which all were faced with today and their motto told the story. Council Members Stardig, Johnson, Sullivan and Jones absent.

Miss Lucy Lee stated that she was representing students which would be leaving shortly to China to attend the International Youth Summit on Energy and Climate Change; that they would visit Beijing, Shanghai, etc., next week to learn and share environmental knowledge with Chinese students and work together to find ways to solve critical climate problems; and thanked all for designating them as Green Ambassadors of Houston and they would work to present themselves in a manner reflecting Houston's image and America's leadership; and expressed appreciation to all their leaders and supporters for guidance; and urged all to remember the world was in their hands. Council Members Stardig, Johnson, Sullivan and Jones absent.

Mayor Parker and Council Members Clutterbuck, Gonzalez, Adams and Lovell congratulated and thanked all for their work, for bringing attention to the environment; and invited all back to give a report on their return. Council Members Stardig, Johnson and Jones absent.

At 1:59 p.m. Council Member Rodriguez led all in the prayer and pledge. Council Members Stardig, Johnson and Jones absent.

At 2:01 p.m. Mayor Parker requested the City Secretary to call the roll. Council Member Noriega absent on personal business. Council Members Stardig, Johnson and Jones absent.

Council Members Lovell and Costello moved that the minutes of the preceding meeting be

adopted. All voting aye. Nays none. Council Members Stardig, Johnson and Jones absent. MOTION ADOPTED.

Council Member Adams on a point of personal privilege stated that she wanted to thank BJ with the Parks Department for bringing such wonderful students and invited the Opening Doors Team Mentor Workshop to stand to be recognized; that their primary focus was to offer a well rounded chance for young teens to make a difference in their community. Council Members Stardig, Johnson and Jones absent.

Council Member Bradford moved the rules be suspended for the purpose of hearing Mr. Robert Fickman, Mr. Mark Bennett, Mr. Chris Tritico and Ms. Nicole Deborde at the top of the three minute speakers, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Stardig, Johnson and Jones absent. MOTION 2010-0526 ADOPTED.

The City Secretary began calling the public speakers.

Mr. Michael Kubosh, 1701 Lubbock, Houston, Texas 77007 (713-632-6006) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson and Jones absent.

Mr. Robert Fickman, 444 Louisiana #800, Houston, Texas 77002 (713-655-7400) appeared and stated that he was the past president of the Harris County Criminal Lawyers Association and present on the issue of asking the Police Chief to retract his memo of July 1st; that the Association represented here today by many, and asked they stand to be recognized, were asking it be retracted and the Texas Criminal Defense Lawyers Association joined them in the request; that the Chief's memo stated effective immediately officers should have no discussion with criminal defense attorneys regarding any pending criminal cases without first obtaining permission from the prosecutor; that the memo violated basic standards of due process and the Chief responded yesterday by stating that it made you wonder if there was something improper going on between police officers and defense attorneys; that historically officers had been free to speak with the defense bar without limitations if they elected to do so, contrary to the Chief's assertion officers had never been required to seek a prosecutors permission to speak to the defense; that every lawyer in Texas takes the same oath where they swear to support the Constitution of the United States and of this state and discharge his duties to his client to the best of his ability and that included interviewing witnesses including police officers if they were willing to talk. Council Members Stardig and Johnson absent.

Council Member Clutterbuck thanked all for appearing and stated that she had not seen the Chief's memo and asked the City Attorney to respond. Council Members Stardig and Johnson absent.

Mr. Feldman, the City Attorney, stated that he was familiar with the Chiefs circular and had reviewed it; that he was also familiar with the defense bar as it had been well publicized and knew Mr. Fickman from the past; that he could speak with particular knowledge of what was going on in the Municipal Courts and on that basis could say the requirement the Chief set forth as being something absolutely essential; that all attorneys in the Chamber could appreciate the fact that sometimes laws had to be implemented because of a couple of bad apples who could not follow ethical requirements or procedure appropriately; that in the Municipal Courts they had problems with officers speaking directly with members of the defense bar without the knowledge of the prosecutors and it affected their ability to prosecute cases in the best interest of citizens on behalf of this city; that he spoke at length with prosecutors and the Chief Prosecutor in the Municipal Courts and had discussion with prosecutors in other offices as well and it was his understanding the common practice was for members of the defense bar to go to prosecutors

and advise them they would like to speak to officer witnesses and most often times the permission was readily given; that he did not see how this circular on its face was unconstitutional or how anyone could interpret it to be a violation of the tampering provision of the Penal Code as stated in a press release and newspaper and he was sure Mr. Fickman and all defense counsel, on any given case, if requested permission to speak to a police officer witness and the permission was denied it was something which could be dealt with in that particular case, but as a rule or directive he saw this as essential and not unconstitutional or unlawful on its face. Council Member Adams absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending the time for questions of Mr. Robert Fickman, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Member Adams absent. MOTION 2010-0527 ADOPTED.

Mr. Feldman stated that the discussion arose initially as a closer look was taken at how to make the Municipal Courts more efficient and to decrease use of officers overtime and it was found officers were speaking to defense counsel and leading to situations not in the best interest of the city and prosecution of its cases or best interest of Houston citizens. Council Member Adams absent.

Council Member Jones stated that Mr. Fickman could use her time; and Mr. Fickman stated that if there was a problem in the Municipal Courts the defense bar was unaware, to issue a broad base rule to go through all court houses was a flagrant violation of their duty to investigate cases; and Council Member Jones stated that she would have to respectfully disagree with Mr. Feldman, she was looking at a case which referred all to look at the ABA Project on Standards for Criminal Justice which she read dealing with principles of fair play and defense counsels responsibility to seek out potential witnesses; and this was much bigger than the Municipal Courts, the case she was referring to was murder, and the second she tried to speak to a police officer representing one of her clients and they said no because the DA said so she would be filing a grievance with the Bar because she had an obligation and this was America and HPD was the agency probably which arrested the most people in the felony criminal courts where peoples lives were being destroyed. Council Member Adams absent.

Council Member Bradford stated that he was not sure which action prompted the particular memo but it was correct to say the justice system was based on the premises of equal access to evidence, witnesses, etc., on both sides. Council Member Adams absent.

Council Member Bradford moved the rules be suspended for the purpose of extending the time for questions of Mr. Robert Fickman, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Member Adams absent. MOTION 2010-0528 ADOPTED.

After a lengthily discussion, and questions by Council Member Bradford, Mr. Fickman stated that under due process they had a duty to present witnesses and it more accurately interfered with the right to counsel and it was the right of an officer to talk to them if they so chose and to go through the prosecutor to get permission would take up more officers time and interfered with their duty and he believed the DA's office embraced this as it gave them more control over when officers talked, to who and in what manner and that was not supportive of due process or fair play; and Council Member Hoang stated he was a member of the Texas Criminal Defense Attorneys and understood they wanted due process and the memo was not just for Municipal Courts.

Council Member Hoang moved the rules be suspended for the purpose of extending the time for questions of Mr. Robert Fickman, seconded by Council Member Bradford. All voting

aye. Nays none. Council Member Noriega absent on personal business. MOTION 2010-0529 ADOPTED.

After further a lengthily discussion, Council Member Hoang stated that he would have to agree the memo would tie the hands of attorneys doing their job and duty; and upon questions of Council Member Gonzalez, Mr. Feldman stated that the policy said specifically, "officers shall have no discussions with criminal defense attorneys with regarding any pending criminal case without first obtaining expressed permission from the prosecutor assigned to the case." and this presented a logistical matter in his view that the officer had to notify the prosecutor and it was his understanding most often there would be no difficulty in the prosecutor saying fine, go ahead and speak, but there had to be a gatekeeper and to give the prosecutor opportunity to be present, he was certain there was no objection from the defense bar; and Mr. Fickman stated that he disagreed with the City Attorney's response, the memo clearly stated they shall not have discussions with criminal defense attorneys regarding any criminal case without first obtaining permission and it was not a logistical matter but a matter interfering with them being able to carry out their job; that an officer is a witness and should not have to seek out and obtain permission from anyone and the prosecutor should not have to be present at anytime they spoke to an officer and if they were in trial and an officer wanted to speak to him he should not have to go to the prosecutor, it had always been the officers right to talk, this was a principal.

Upon questions by Council Member Stardig, Mayor Parker stated that the memo was not her memo and she was not notified before the Chief signed it; and upon questions by Mayor Parker, Mr. Feldman stated that he was not aware the Chief was going to distribute the memo in advance, but did talk to him afterwards; and Mayor Parker stated that she did not know how she felt about it at this point.

Council Member Hoang moved the rules be suspended for the purpose of extending the time for questions of Mr. Robert Fickman, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2010-0530 ADOPTED.

After a lengthily discussion, Mayor Parker stated that she would see if there was something else they could do to effect the change needed; and Mr. Feldman stated that as City Attorney he had some hesitancy in recognizing they were talking about a directive from the chief law enforcement officer of this city; that he could discuss it with the Chief and would, but unless he concluded the directive violated the law he did not believe he would be in any position to advise the Chief to change it; and Council Member Stardig stated that she wanted Council Members kept in the loop of any change in the future and if the Mayor was not notified she had concerns; and Mayor Parker stated that department directors took action on a regular basis managing their departments.

Council Member Jones stated that she did not think an effort to curtail overtime trumped the Constitution; that people were also entitled to due process in the Municipal courts; that the Constitution was to make sure the government did not overstep its bounds; that the City Attorney was not a defense attorney and in trial if officers could not speak to them and someone was sentenced to death and appealed and years later was able to appeal the city would be up for perhaps killing someone illegally; that this was a slippery slope. Council Member Costello absent.

Council Member Bradford stated that he was Police Chief for seven years and never saw the need for such a restriction on officers; and upon questions, Mr. Feldman stated that if it was just an issue of overtime it would not be enough. Council Member Costello absent.

Council Member Hoang moved the rules be suspended for the purpose of extending the time for questions of Mr. Robert Fickman, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Member Costello absent. MOTION 2010-0531 ADOPTED.

Mr. Feldman stated that the review of overtime led to a review of the entire process of the conduct of cases in the Municipal Courts and it was learned some defense lawyers and police officers would be having discussions regarding cases and presentation of cases which impeded prosecution of such cases; it was clearly against the interest of the people of Houston to permit those kind of private discussions to go on unchecked thus the requirement of prosecutors being notified and given opportunity to furnish authorization was necessary; that the chief Prosecutor in the Municipal Courts did not request this but did support it. Council Members Stardig, Costello and Jones absent.

Upon questions by Council Member Hoang, Mayor Parker stated that at the appropriate time she could ask the Police Chief to meet individually with Council Members, they could schedule a meeting with the Chief and appropriate Council committee to discuss the issue; that she was not aware of the Chief's directive until she read it in the paper. Council Members Stardig and Jones absent.

Upon questions by Council Member Pennington, Mr. Fickman stated that there was a limited right to take depositions in criminal cases, it was rare. Council Members Stardig and Jones absent.

Council Member Hoang moved the rules be suspended for the purpose of extending the time for questions of Mr. Robert Fickman, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Stardig and Jones absent. MOTION 2010-0532 ADOPTED.

Mr. Fickman stated that he had only taken depositions in three cases, one where they thought someone was so elderly they may die before the case came up and one where a soldier was being shipped out before trial; that it was always the same rule that they attempted to interview and it was up to an individual officer and that was under various Police Chiefs. Council Members Stardig, Johnson, Sullivan and Rodriguez absent.

Mayor Parker stated that clearly this was an issue of concern with Council and if they would allow her, she fully supported the Chief of Police having authority and ability to take action as he saw fit to run his department, but if she, Mr. Feldman and the Chief and perhaps Mr. Fickman had opportunity to have a quiet discussion and if they could not get something resolved she would bring it back to the Public Safety Committee for a more complete hearing. Council Members Stardig, Johnson, Sullivan, Rodriguez and Jones absent.

Mr. Mark Bennett, 735 Oxford, Houston, Texas 77007 (713-224-1747) appeared and stated that he was past president of the Harris County Criminal Lawyers Association and wanted to address something the City Attorney said; that he seemed to be talking in code about what was going on there and his feeling was that there were many other courts out there where bigger things were decided, where people could go to prison and the death chamber and when a police officer talked with a defense lawyer there was a free interchange of information which could not help but make the system run more smoothly and better chance for the truth to come out and that was whether a plea needed to be made or the case dismissed; that officers should not be forced to speak with them but allowed to speak with them. Council Members Stardig, Johnson, Sullivan, Rodriguez and Lovell absent.

Council Member Jones stated that all lawyers on the front row were current or past presidents of the Harris County Criminal Defense Lawyers Association and it was about the Constitution; and asked Mr. Bennett to continue; Mr. Bennett stated that with free interchange of information it helped to get cases resolved which in the long run might reduce officers overtime as they would not have to go to court; and he felt the City Attorney had not looked closely enough at the Texas Tampering with the Witness Statute which provided it was a felony for a person to coerce a prospective witness to withhold information. Council Members Sullivan, Rodriguez and Lovell absent.

Mr. Chris Tritico, 5111 Center, Houston, Texas 77007 (713-869-1155) appeared and stated that he practiced law 22 years in Harris County and friend to Mr. Feldman; that today he had shown why he was not a criminal defense lawyer, his lack of understanding of the Constitution and due process was astounding; that he was wrong in his understanding of the Constitutional principles by which he relied to support this memorandum; that they were driving a wedge between due process, police were responsive for the investigation and citizens demanded that police do a fair and complete evaluation of the facts and when an officer said he had a fact which did not fit into the prosecution's scheme he had the right and duty to tell him that and this memo was telling citizens the Chief, etc., did not have faith in the officers to do the job and it also told citizens this Police Department was a tool for the prosecution and not the free investigators they wanted; that what "he" heard Mr. Feldman say was there were officers talking to defense lawyers at Municipal Courts and causing the cases to get dismissed and because of that the city was not getting enough money off traffic tickets. Council Members Sullivan and Rodriguez absent.

Council Member Jones stated that she would give Mr. Tritico time to continue; and Mr. Tritico stated that when an officer wanted to go to a defense lawyer with information they should have the ability to do so without going to authorities and if it was a Municipal Court problem then fix it there, but they should not hurt the system of justice; and urged the Mayor and Council to order reversal of this and uphold the right and duty of the police officers to do their job properly. Council Members Johnson, Sullivan and Rodriguez absent.

Upon questions by Council Member Bradford, Mr. Tritico stated that it was an officers duty to give them information and if it showed his client would not win he needed to be an advocate for him and say, "you're going lose, let's see if we can resolve the case.", but if it showed he was not guilty then he had tools he needed to talk to the prosecutor on why the case should be dismissed or resolved in a different fashion. Council Members Johnson and Sullivan absent.

Council Member Jones stated that she was set for trial with an officer as the star witness but could never reach him; that there were inconsistencies with the report and what she saw on the scene and the case drug on for two years and her client could not get work because of his record and had to go to court and then on the day of trial it was dismissed and that was only one example; that inconsistencies did matter and it was not defense lawyers vs. someone else, justice was what it was; that criminal and civil law were different and down the road she believed the city could have big liability for this. Council Members Clutterbuck and Sullivan absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Mr. Chris Tritico, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Clutterbuck and Sullivan absent. MOTION 2010-0533 ADOPTED.

Upon questions by Council Member Gonzalez, Mr. Tritico stated that the fact an officer would have to go to the prosecutor and say he wanted to speak to a defense lawyer he may likely not speak with him and the idea that the person who was the independent investigator of

this could not go to him with information, he resented the implication they were doing something wrong by investigating the facts of the case. Council Members Clutterbuck and Sullivan absent.

Council Member Stardig thanked all for coming and making Council aware of the issue, but her concern right now was they were not giving the Chief opportunity to speak and work through the process and he needed opportunity to show his intent and then they move forward; and Mayor Parker stated that as she indicated she would be happy to pull the Chief and Mr. Feldman and a representative of the Bar together and then if they could not work it out bring it to Council. Council Members Clutterbuck and Sullivan absent.

Council Member Adams moved the rules be suspended for the purpose of adding Ms. Vivian King to the list of speakers after Ms. Nicole DeBorde, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Sullivan and Pennington absent. MOTION 2010-0534 ADOPTED.

Ms. Nicole Deborde, 808 Travis 24th floor, Houston, Texas 77002 (713-526-6300) appeared and stated that what stood out to her was the truth did not take sides and this was not just about lawyers but citizens; that she was current president of the Harris County Criminal Lawyers Association and was a member of the Harris County District Attorney's Office and prosecuted cases for eight years; that many officers had been her clients over the years and a circular such as this was disingenuous with a great impact on how they functioned and chose to interact with the justice community and what was important here was for citizens to get justice and there had to be a degree of judicial economy; that a case which ran years because all sides could not get access to evidence was not justice and was a rip-off to citizens here and the one sitting on bond while his or her life was on hold; and one thing which had come up over the years was having a crime lab which functioned as a police department and she would ask them to consider the serious ramifications of this circular as it related to crime lab functioning; that she was hearing an employee of the Houston Police Department and member of the Crime Lab would not be able to discuss evidence with out first consulting the party to the case and why would that be unless perhaps presentation of the facts might be shaded more appropriately in the eyes of one of the parties and that would be shocking and disturbing. Council Members Sullivan and Gonzalez absent.

Mayor Parker stated that she did not want misinformation to get out; that they were working as diligently as possible to sever all ties between the Police Department and the Crime Lab, they wanted an independent crime lab and a good deal of discussion was on this during budget discussions. Council Members Johnson, Sullivan and Gonzalez absent.

Council Member Jones stated that Nicole worked both sides and knew both sides of the coin and now on the defense side represented officers accused of crimes and everyone was entitled to a fair trial and justice delayed was justice denied and when you did not get information early cases took forever; and she wanted to thank all who came on this issue today as it was so important. Council Members Sullivan and Gonzalez absent.

Council Member Bradford stated as a former prosecutor he had her a question; and upon question, Ms. DeBorde stated that she personally never encountered a situation or facts where she thought it would be necessary to implement the particular directive and she felt as a part of her oath as a lawyer it would be completely improper to encourage or discourage a witness, rather more appropriate to say discourage a witness, from speaking with anyone on a case as it was tampering with a witness. Council Members Stardig, Sullivan, Hoang and Gonzalez absent.

Ms. Vivian King, who was previously added to the Speakers List, appeared and stated that she was also a prosecutor and an officer used to keep a spiral notebook, he was the DWI

operator and he would document if they smelled strongly or slightly of alcohol and if he smelled nothing and sometimes it would contradict an officer and prosecutors eventually got him fired because they wanted to tell him what to say and that was a problem and it impeded justice and messed up lives; and in federal court federal agents actually sat and talked to them as a part of discovery and went over all documents which was totally different from the city and as stated before the truth did not change. Council Members Stardig, Sullivan and Gonzalez absent.

Ms. Melissa Butler, 8115 Mobud, Houston, Texas 77036 (816-522-0958) appeared, presented pictures for viewing and stated that she noticed Houston had a lot of prostitutes and she was not comfortable in this city with so many strip clubs; that she believed favoritism was shown and the manager's favorite girls got her fired; and continued expressing her personal opinions until her time expired. Council Members Stardig, Sullivan, Gonzalez and Jones absent.

Mayor Parker stated that the City of Houston had no jurisdiction over a private employer and suggested she visit with a defense attorney; and Ms. Butler stated that she did not have money and she was going to come again next week and if she was ignored; and Mayor Parker again stated that she had no jurisdiction over a private employer. Council Members Stardig, Sullivan, Gonzalez, Rodriguez and Jones absent.

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

Ms. Martha Lockett, 4015 Jewel, Houston, Texas 77026 (713-674-9317) appeared and stated that she was present with a housing grievance; that she purchased the 99k competition home, a joint project with the City of Houston, Rice University, Architecture Center of Houston and Harvey Builders; that the purchase was problematic, she had to get Council Member Johnson's support to complete the walkthrough; she petitioned with the LARA Board, of late spoke with a representative of Council Member Jones's office about reoccurring problems with the construction team and selling agent would not take care of; that after nine months of occupancy and being told she had a two year appliance warranty and structure warranty and after she reported a problem with her washing machine and kitchen faucet, etc., she got no response; that it was a city project, the lot was donated to the group and Harvey Builders was the pro bono construction team; that today she came to appeal to the Mayor and Council for intervention in the matter. Council Members Sullivan, Gonzalez, Rodriguez and Jones absent.

Mayor Parker stated that Mr. Butler with Housing and Community Development was present and he and a representative of Citizens Assistance could meet with her and she asked they attempt to tackle Ms. Lockett's issues. Council Members Sullivan, Gonzalez, Rodriguez and Jones absent.

Upon questions by Council Member Stardig, Ms. Lockett stated that her two year warranty was on appliances and when she made contact with the warranty company she was told appliances were not covered; that she brought it to the attention of the selling agent and her attitude was "oh well" and there was a loss of integrity; that she had been in her home nine months and she had her original documents; and Council Member Stardig stated that she wanted to see what the city was supporting as a product and would like copies of what was presented to Citizens Assistance; and Mayor Parker stated that this was a design competition home and done more than a year ago and that was why she asked Citizens Assistance to share with her as well. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Upon questions by Council Member Johnson, Ms. Lockett stated that these were additional problems since November; that there were no new players, just new problems; that

the warranty people were saying her appliances were not warranted. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Council Member Costello moved the rules be suspended for the purpose of extending the time for questions of Ms. Martha Lockett, seconded by Council Member Jones. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent. MOTION 2010-0535 ADOPTED.

Ms. Lockett further stated that there were some discoveries made at the time of inspection but was told they had to close that day or lose the grant money and she was appealing for help; and Council Member Johnson stated that they would look into it and he would speak to her after Council. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Mayor Parker stated to Mr. Chris Butler and Mr. Nelson Espitia to make sure both Council Members were looped in. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Council Member Jones stated that Ms. Lockett came to the LARA Board Meeting and there were a number of problems at her house; and upon questions, Ms. Lockett stated that Mr. Fairfield who lived in the neighborhood offered to provide some intervention and brought an independent builder to look and an itemized list was made of things the Administration should handle, things the builder should be responsible for and things that were iffy and she had the list if she would like to see it; that she was told a few things could be done, but it was just a Band-Aid and she wanted a solution; and Council Member Jones requested to hear from Mr. Butler; and Mayor Parker stated that before Council Member Jones came in she had requested Mr. Butler and someone in Citizens Assistance to sit with her and make this right; that she could not express how tired she was of things still coming from the past. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Upon questions by Council Member Adams, Ms. Lockett stated that she was the only project; and Council Member Adams stated that while Mr. Butler was getting people together she would also like all contractor agreements provided to her on the agreements because their had to be an initial agreement; and usually in a new home appliances are warranted; and apologized for what she was going through. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Mayor Parker stated that frustration was evident, this was a showcase project for the previous Administration; that she had been in the house nine months and there were expressed warranties and a lot of implied warranties. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Ms. Cynthia Olivarez, 1415 W. Gulfbank #703, Houston, Texas 77088 (832-507-1077) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Ms. La Shonda Jenkins, 1415 W. Gulfbank #112, Houston, Texas 77088 (713-932-9102) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Mr. Armand Morgan, 1415 W. Gulfbank #910, Houston, Texas 77088 (832-892-8070) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Ms. Cloriss Thomas, 1415 W. Gulfbank #544, Houston, Texas 77088 (no phone) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Gonzalez, Rodriguez, Bradford and Jones absent.

Ms. La Shandra Mayfield, 1415 W. Gulfbank #109, Houston, Texas 77088 (832-746-0756) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Gonzalez, Rodriguez, Bradford and Jones absent.

Mr. Sammie Jones, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Gonzalez, Rodriguez, Bradford and Jones absent.

Mr. Anthony Donovan, 6222 Darlinghurst, Houston, Texas 77085 (832-725-5152) appeared and stated that he was present with a proposition, asking for the Astrodome property, currently redevelopment would cost about \$1.3 billion and other properties on a plaza designed around \$873 million and all were extremely too high; that he believed it should be demolished and he proposed a library similar to a Presidential Library but to honor Pastor Kirby John Caldwell for all his efforts in economic development, empowerment, etc., with the project costing about \$573 million; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Gonzalez, Rodriguez, Bradford and Jones absent.

Mr. J. W. Masseh, P. O. Box 742413, Houston, Texas 77274 had reserved time to speak but was not present when his name was called. Council Members Sullivan, Gonzalez, Rodriguez, Bradford and Jones absent.

Mr. Andrew Whallon, 1955 Canal Avenue, Long Beach, California 90810 appeared and stated that he was present as one owner of Candlelight Trails; that he wanted to point out some of the trickery, most units were owned by LLC, two-thirds of the units the city would not be able to collect a dime on and they were spending hundreds of thousands going after small time investors like him not smart enough to put their property into an LLC and he wondered if Council really wanted to help trickery triumph; that they had options and solutions; that Mr. Feldman stated there were so many defendants, but they could combine them and only have one to negotiate with and not have to go to trial. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Upon questions by Council Member Stardig, Mr. Whallon stated that he had 14 units first purchasing around the end of 2004, it had potential and he had turned others; and Council Member Stardig stated that he was a sophisticated buyer as he had a history and he would know to check into the number of investors participating in a condo type property; and Mr. Whallon stated that the other group acquired a lot of the property right after him. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Council Member Jones stated that she met last week with a number of people who lived there and then had to leave; that what she took from the meeting was they also wanted the property torn down and were willing to sign something allowing the city to demolish; that they were able to fix the inside of their units but not the outside and they paid to have things fixed, but there was a lot of slight of hand; that the ones holding all the interest were playing a huge shell game and she felt they were going after all the wrong people and she hoped they did not execute on default judgments, etc., they were even trying to figure how to raise money to help with the demolition; and Mayor Parker stated that they preferred to not speak of legal strategies at the Council Table, they did recognize there were many absentee owners not investing in the property, not funding the home owners association and allowed the property to deteriorate and many good people lost a lot of money and a lot of scumbag property owners were walking

away; and Council Member Jones agreed that was clear. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Ms. Jan (did not want information public) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

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

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was sorry for what happened to Council Member Johnson and would help with anything he needed; that today she was present to speak about Parks; that they needed a meeting with Mr. Joe Turner and who ever was in authority with Harris County to get their project together; and the children at the Copper Tree apartments needed fed and there was no air in the club room and it leaked. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was present requesting more time and present regarding official cash funds he was owed and Gordon Quan provided him emergency protection; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Mr. Sammie Jones, no address (no phone) who was not present when his name was recalled and appeared and stated that he had several issues come up since he last spoke to Council and his subject was the city should protect its citizens; that a relative of his was arrested for a serious crime and he went to visit and found he had bruises about his face and that was not documented at the Sheriff's Office; that he went back and got the runaround at the Sheriff's Office and was concerned about his relative as he was jumped on by the guards. Council Members Johnson, Sullivan, Hoang, Rodriguez and Bradford absent.

Council Member Jones stated that she would try and facilitate a meeting with a Sheriff or their Internal Affairs and help navigate that even though the city had no authority or control over the Sheriff's Department. Council Members Johnson, Sullivan, Hoang, Rodriguez and Bradford absent.

At 3:48 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, July 14, 2010. Council Members Johnson, Sullivan, Hoang, Rodriguez and Bradford absent.

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

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

At 9:05 Mayor Parker called the meeting to order and stated that the first item on the agenda was a public hearing on a Municipal Setting Designation. Council Members Johnson, Adams, Hoang, Rodriguez and Lovell absent.

HEARINGS – 9:00 A.M.

1. **HEARING** to consider a Municipal Setting Designation ordinance for FPA/PinPoint Mykawa, LLC for the site located at 6712 Telean Street - **DISTRICT I – RODRIGUEZ** – was called. Council Members Johnson, Adams, Hoang, Rodriguez and Lovell absent.

The City Secretary stated that Ms. Carol Ellinger Haddock would make remarks concerning the hearing. Council Members Johnson, Adams, Hoang, Rodriguez and Lovell absent.

Ms. Haddock stated that she was a Senior Assistant Director of the Department of Public Works & Engineering, that more than six years ago the Texas legislature provided another tool to encourage redevelopment of contaminated properties by authorizing Municipal Setting Designations or MSDs, that an MSD protected public health by designating a particular parcel, beneath which contaminated groundwater was prohibited from use as potable water, that this State Law was administered by the Texas Commission on Environmental Quality, that she was here today because, although the TCEQ issues an MSD, participation in the State program required local support, that Article 13 of Chapter 47 of the Code of Ordinances provides a process by which the City may support, or not support, a party's MSD application to the State, that as part of that process they were holding this public hearing, that the application was submitted by FPA/PinPoint Mykawa, LLC for 19.34 acres of land located at 6712 Telean Street, that the site, commonly known as the Former Gulf Metals site, was previously used as a landfill from the 1950s to 1970s, that in 2002, the organic waste in the landfill was solidified and a clay landfill cap was constructed, that the site was a former State Super Fund site and was transferred to the Texas Voluntary Cleanup Program when the landfill cap was completed, that the groundwater plume was decreasing, however, six contaminants of concern still existed in the groundwater that exceeded human ingestion protection levels, that depending upon the outcome of today's hearing, the Director of Public Works and Engineering would forward a request for City Council to adopt an ordinance to support this MSD application, that the ordinance would include all elements required by State Law and Article 13 of Chapter 47 of the Code of Ordinances, that she and the applicant were available if they had any questions. Council Members Johnson, Adams, Rodriguez and Lovell absent.

The City Secretary stated that no one had reserved time to appear at the hearing. Council Members Johnson, Adams, Rodriguez and Lovell absent.

Council Member Costello moved to close the public hearing, seconded by Council Member Costello. All voting aye. Nays none. Council Members Johnson, Adams, Rodriguez and Lovell absent. MOTION 2010-0536 ADOPTED.

Mayor Parker stated that they would move to the agenda, but had a couple of quick announcements on the Mayor's Report. Council Members Johnson, Adams, Rodriguez and Lovell absent.

MAYOR'S REPORT

Mayor Parker stated that if they had checked the City's website they would notice that they had a new website up, that she wanted to thank Bob Novack and Bryan Carr, but all of the webmasters in the various City departments also worked on it, they had checked it and checked it but it was a new website, if people saw glitches or things that they should have or were not being linked properly to please let them know, but were excited about the new look and would encourage them to check out the City's website; that immediately after the Council meeting they were having a press conference downstairs on the Major League Soccer All Star Game, and a

press conference to present the new Public Works Director and she had distributed that information to Council, that he would be available in her office prior to that and after the Council meeting if the Council Members wanted to visit with him. Council Members Johnson, Adams, Rodriguez and Lovell absent.

CONSENT AGENDA NUMBERS 2 through 44

MISCELLANEOUS - NUMBER 2

2. REQUEST from Mayor for confirmation of the reappointment of **MR. BORIS A. HIDALGO**, to Position One, of the **HOUSTON ARTS ALLIANCE**, for a term to expire June 30, 2013 – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. MOTION 2010-0537 ADOPTED.

ACCEPT WORK - NUMBER 5

5. RECOMMENDATION from Director Houston Airport System for approval of final contract of \$2,234,005.60 and acceptance of work on contract with **W. W. WEBBER, LLC** for Automated People Mover Phase 3, Package 1 - Utilities Relocation at George Bush Intercontinental Airport/Houston, Project No. 536H - 0.795% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Bradford. Council Members Johnson, Rodriguez and Lovell absent. All voting aye. Nays none. MOTION 2010-0538 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 9

6. **IBM and SIRIUS COMPUTER SOLUTION** for Hardware, Software and Extended Maintenance Support Services from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - 5 Years - \$3,435,524.00 - Enterprise Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. MOTION 2010-0539 ADOPTED.
7. **UNIVAR USA** for Chemical, Caustic Soda for Department of Public Works & Engineering 3 Years - \$7,165,015.54 - Enterprise Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. MOTION 2010-0540 ADOPTED.
8. **JERZY INDUSTRIES, INC dba JERZY SUPPLY** for Hydraulic Hoses and Couplings for Solid Waste Management Department - \$266,331.00 - General Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. MOTION 2010-0541 ADOPTED.
9. **IDEXX DISTRIBUTION, INC** for Purchase of E. Coli Water Test Kits and Supplies for Various Departments - \$803,911.00 - General and Enterprise Funds – was presented, moved by Council Member Clutterbuck, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. MOTION 2010-0542 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 10 through 44

10. RESOLUTION designating certain property within the City of Houston as a historic landmark (Playhouse Theatre - 4816 Main Street) - **DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. RESOLUTION 2010-0041 ADOPTED.
11. RESOLUTION designating certain property within the City of Houston as a historic landmark (Strickland-Lasater-Thomas House - 2184 Troon Road) - **DISTRICT G - PENNINGTON** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. RESOLUTION 2010-0042 ADOPTED.
12. RESOLUTION designating certain property within the City of Houston as a landmark and protected landmark - (Magnolia Park City Hall and Central Fire Station - 7301 Avenue F) **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. RESOLUTION 2010-0043 ADOPTED.
13. RESOLUTION supporting the certification of a Municipal Setting Designation outside the boundary of the City of Houston at 12715 Royal Drive, Stafford, Texas – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. RESOLUTION 2010-0044 ADOPTED.
14. **RESOLUTION** amending Resolution No. 2010-35 approving and authorizing the nomination of Sysco Corporation to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. RESOLUTION 2010-0045 ADOPTED.
15. **ORDINANCE AMENDING ARTICLE XIII OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Municipal Setting Designation Ordinances to prohibit certain contaminated groundwater from potable use; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0556 ADOPTED.
17. ORDINANCE approving and authorizing Amendment No. 1 to contract between the City of Houston and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** (Approved by Ordinance No. 2009-525) in order to increase the maximum amount of funding provided by TCEQ for the City’s Air Pollution Control Program; authorizing the Director of the Health & Human Services Department to act as the City’s representative in the administration process; authorizing the Director to accept future modifications to the grant and expend the grant funds, as awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$720,418.00 Grant Fund – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0557 ADOPTED.
18. ORDINANCE approving and accepting the Texas Department on Aging and Disability Services Area (DADS) FY2011-2013 Area Plan on behalf of the Harris County Area Agency on Aging (“HCAAA”) for Supportive Services, Nutrition Services, Caregiver Programs, Administration, Medication Management Training, Elder Abuse Prevention, and Ombudsman Activity; declaring HCAAA’s eligibility for such plan funding; authorizing the Director of the Health and Human Services Department of the City of Houston to act as the HCAAA’s Representative for purposes of the DADS Area FY 2011-2013 Plan; authorizing the Director to apply for, accept and expend the DADS Area FY 2011-2013 Plan Funds, if awarded, and to apply for, accept and expend all subsequent DADS Area

FY 2011-2013 Plan Awards, if any, pertaining to the DADS Area FY 2011-2013 Plan - 3 Years - \$11,202,354.00 - General and Grant Funds – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0558 ADOPTED.

19. ORDINANCE approving the change of control of **TVMAX, HOUSTON, LP** that holds the right, privilege and franchise to own, operate and maintain a Cable Television System within the City of Houston, pursuant to City of Houston Ordinance No. 2005-582 – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0559 ADOPTED.
20. ORDINANCE relating to the Fiscal Affairs of the **SAINT GEORGE PLACE REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0560 ADOPTED.
21. ORDINANCE relating to the Fiscal Affairs of the **MAIN STREET/MARKET SQUARE REDEVELOPMENT AUTHORITY d/b/a DOWNTOWN REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICTS D - ADAMS and H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0561 ADOPTED.
22. ORDINANCE relating to the Fiscal Affairs of **REINVESTMENT ZONE NUMBER FOUR, CITY OF HOUSTON, TEXAS (VILLAGE ENCLAVES ZONE)**; approving the Fiscal Year 2011 Operating Budget for the Zone - **DISTRICT G - PENNINGTON** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0562 ADOPTED.
23. ORDINANCE relating to the Fiscal Affairs of the **MEMORIAL-HEIGHTS REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICTS A - STARDIG; D - ADAMS; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0563 ADOPTED.
24. ORDINANCE relating to the Fiscal Affairs of the **OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0564 ADOPTED.
25. ORDINANCE relating to the Fiscal Affairs of the **GULFGATE REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICT I -**

- RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0565 ADOPTED.
26. ORDINANCE relating to the Fiscal Affairs of the **SOUTH POST OAK REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone); approving the Fiscal Year 2011 Operating Budget for the Authority - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0566 ADOPTED.
27. ORDINANCE relating to the Fiscal Affairs of **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON ZONE)**; approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0567 ADOPTED.
28. ORDINANCE relating to the Fiscal Affairs of the **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0568 ADOPTED.
29. ORDINANCE relating to the Fiscal Affairs of the **CITY PARK REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone); approving the Fiscal Year 2011 Operating Budget for the Authority - **DISTRICTS A - STARDIG and H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0569 ADOPTED.
30. ORDINANCE relating to the Fiscal Affairs of the **OLD SIXTH WARD REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0570 ADOPTED.
31. ORDINANCE relating to the Fiscal Affairs of the **UPTOWN DEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICTS C - CLUTTERBUCK and G - PENNINGTON** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0571 ADOPTED.
32. ORDINANCE relating to the Fiscal Affairs of **REINVESTMENT ZONE NUMBER EIGHTEEN, CITY OF HOUSTON, TEXAS (FIFTH WARD ZONE)**; approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICTS B - JOHNSON and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0572 ADOPTED.
33. ORDINANCE relating to the Fiscal Affairs of the **UPPER KIRBY REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Nineteen, City of Houston, Texas

(Upper Kirby Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICTS C - CLUTTERBUCK and G - PENNINGTON** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0573 ADOPTED.

34. ORDINANCE relating to the Fiscal Affairs of the **SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone); approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0574 ADOPTED.
35. ORDINANCE relating to the Fiscal Affairs of **HARDY/NEAR NORTHSIDE REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone); approving the Fiscal Year 2011 Operating Budget for the Authority **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0575 ADOPTED.
36. ORDINANCE relating to the Fiscal Affairs of the **LELAND WOODS REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Twenty-Two, City of Houston, Texas (Leland Woods Zone); approving the Fiscal Year 2011 Operating Budget for the Authority **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0576 ADOPTED.
37. ORDINANCE approving and authorizing Lease Agreement, for ten years with two renewals of five years each, between the **UNIVERSITY OF HOUSTON SYSTEM, on behalf of the University of Houston-Clear Lake, or its affiliate, lessor**, and the City of Houston, Texas, lessee, with a monthly License Fee of \$1,500.00 and an estimated Site Improvement Fee of \$100,000.00, with a total cost for the initial ten year base term of \$180,000.00, to allow the Radio Communications Division of the Information Technology Department to construct and install one communications tower and equipment space in connection with a new Public Safety Radio System located at 14211 Middlebrook Drive, Pasadena, Texas – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0577 ADOPTED.
39. ORDINANCE amending Ordinance Nos. 07-1325, 07-1326, 07-1327, and 07-1328 to set maximum contract amounts; appropriating \$200,000.00 out of General Improvement Consolidated Construction Fund, \$200,000.00 out of Fire Consolidated Construction Fund, \$50,000.00 out of Julia Ideson Library Contributions Fund, and \$70,000.00 out of Parks Consolidated Construction Fund for Professional Environmental Consulting Services Task Order Program – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0578 ADOPTED.
40. ORDINANCE awarding contract to **COGENT, INC d/b/a COGENT SYSTEMS, INC** for Software and Hardware Technical Support and Maintenance Services for the City's Automated Fingerprint Identification System for the Houston Police Department; providing a maximum contract amount 3 Years with two one-year options - \$658,584.61 - General Fund – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0579 ADOPTED.

41. ORDINANCE authorizing **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390** to issue bonds for certain road facilities and recreational facilities subject to certain terms and conditions **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0580 ADOPTED.
42. ORDINANCE approving and authorizing Contribution Agreements between the City of Houston and **RICE UNIVERSITY** and the City of Houston and **GRAYCO PARTNERS, LLC** for the Main Street Corridor Revitalization Project - **DISTRICTS C - CLUTTERBUCK and D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0581 ADOPTED.
43. ORDINANCE approving and authorizing contract with **SEVERN TRENT ENVIRONMENTAL SERVICES, INC** for Operation and Maintenance Services of the Greater Northeast Houston Service Area Water and Wastewater Utilities and Facilities; providing a maximum contract amount 3 Years with two one-year options - \$24,116,364.00 - Enterprise Fund - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0582 ADOPTED.
44. ORDINANCE amending Ordinance No. 2010-0482 relating to Water and Wastewater Impact Fees to correct certain clerical errors; and containing findings and other provisions relating to the foregoing subject - **FIRST READING** – was presented. All voting aye. Nays none. Council Members Johnson, Rodriguez and Lovell absent. ORDINANCE 2010-0583 PASSED FIRST READING.

Council Member Sullivan stated that he wanted to thank his colleagues for allowing the passage of renewing the Water Services Contract for Severn Trent in Kingwood, that he wanted to thank June Chang of Public Works and the Public Works Evaluation Team and the Legal team who worked on the contract, RFP and RFQ, that it was very open and transparent and they ended up saving the City of Houston \$8 million over five years so they had more homes and more businesses, increased services, they had a vendor, Severn Trent Environmental, that he saw Pat Myers and Katy Dorfman in the audience and thanked them for what they had done since annexation and since 1974 in Kingwood, that he wanted to thank everybody involved. Council Member Lovell absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. RECOMMENDATION from Director Houston Airport System to amend Motion #2009-285, 5/27/09, to charge and collect the current Harris County filing fee for affidavits required by the Airport Compatible Land Use Ordinance, which regulates development in areas surrounding George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Lovell absent. MOTION 2010-0543 ADOPTED.
4. RECOMMENDATION from Director Houston Airport System to establish fees for variance requests associated with the Airport Hazard Area Regulations Ordinance regulating development in areas surrounding George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by

Council Member Gonzalez. All voting aye. Nays none. Council Member Lovell absent.
MOTION 2010-0544 ADOPTED.

RESOLUTIONS AND ORDINANCES

16. ORDINANCE approving the application of Centerpoint Energy Houston Electric, LLC for authority to revise certain discretionary charges filed with the City of Houston, Texas on June 16, 2010; containing a repealer; containing a severability clause; containing findings and provisions related to the foregoing subject – was presented. All voting aye. Nays none. Council Members Lovell and Noriega absent. ORDINANCE 2010-0584 ADOPTED.

38. ORDINANCE approving and authorizing Professional Architectural Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Acres Home Multi-Service Center Renovation under the American Recovery and Reinvestment Act - \$338,826.00 ARRA Fund - **DISTRICT B – JOHNSON** – was presented. Council Member Lovell absent.

Council Member Stardig stated that she was concerned on Item No. 38, there seemed to be quite a bit of money and new it was not from the General Fund, however, she was looking at the amount of money. Council Member Lovell absent.

Mayor Parker stated that if she wanted more information could they come and visit with her before the end of the meeting, and Council Member Stardig absolutely, and Mayor Parker stated that they would have someone answer the questions, that Item No. 38 was tagged by Council Member Stardig. Council Member Lovell absent. (Note: Council Member Stardig released her tag later in the meeting.)

NON CONSENT AGENDA - NUMBER 45

MISCELLANEOUS

45. **SET A HEARING DATE** regarding the designation of a Tax Abatement Reinvestment Zone for **DEAN FOODS (DEAN FOODS REINVESTMENT ZONE) - DISTRICT I – RODRIGUEZ - HEARING DATE - 9:00 A.M. - WEDNESDAY - AUGUST 4, 2010** – was presented. Council Member Lovell absent.

Council Member Gonzalez moved to set a hearing for Wednesday, August 4, 2010 regarding the design of a Tax Abatement Reinvestment Zone for Dean Foods, seconded by Council Member Pennington. All Voting aye. Nays none. Council Member Lovell absent.
MOTION 2010-0545 ADOPTED.

MATTERS HELD - NUMBER 46

46. ORDINANCE appropriating \$46,432,124.69 out of Airport Improvement Fund and awarding construction contract to **W.W. WEBBER, LLC** for Rehabilitation of Taxiways “WA”, “WB” and New West Vault at George Bush Intercontinental Airport/Houston (Project 648); 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 – (This was Item 16 on Agenda of July 7, 2010, TAGGED, BY COUNCIL MEMBER JOHNSON)** – was presented. Council Member Lovell absent.

Council Member Johnson stated that this was a \$46 million with the Houston Airport System to build some new runways at Intercontinental Airport, that while he was excited about the opportunity for expansion and growth at the International Airport he was a little concerned that they were putting \$46 million into Houston Airport System and of this contract not one Houston contractor was going to be working on this item, that \$46 million would leave the City of Houston and go to Austin and San Antonio, with many of the DBEs coming out of other City municipalities, that he thought it was imperative that if they were going to be willing as a City to put money back into their coffers he thought it was important that they look at finding ways to find companies that were local DBEs, if not local primes on this particular item, that he appreciated Houston Airport System responding to his inquiry when it came to this matter, but his plea and certainly the call to action right now was how do they find more businesses for local vendors in their City, that he knew they always wanted to find the best contractor and knew they wanted to find the best price but thought it was important that if they were going to find that they also had to look at best value and often times best value came in working with local contractors who would hire local people to help their economy get back on the right track, that he hoped in the future they looked a lot harder at these particular items, especially with an item at \$46 million.

Mayor Parker stated that the point was well taken and the Legal Department was looking at the whole aspect of a "Hire Houston" component to their contracting and would point out in this contract of \$46 million that \$10 million of it was going to minority contractors.

After discussion by Council Members, Council Member Gonzalez asked if Mayor Parker could give them an update on the timeline for "Hire Houston" if they had one, and Mayor Parker referred to the Mr. David Feldman, the City Attorney. Council Member Adams absent.

Mr. Feldman stated that he had two versions that he had drafted, a more conservative version and a more aggressive version and had to sit with the Mayor and go over those and suspected they would probably be seeing something in the next couple of weeks. Council Member Adams absent.

After further discussion by Council Members, Mayor Parker stated that she wanted to point out that this complied completely with all of their current ordinances, and what they were trying to do was improve on how they do the process. Council Members Stardig and Adams absent.

After further discussion by Council Members a vote was called on Item No. 46. Council Member Johnson voting no, balance voting aye. ORDINANCE 2010-0585 ADOPTED.

Council Member Stardig stated that she would release her tag on Item No. 38, and Mayor Parker stated that she wanted to thank Council Member Stardig for letting her get somebody over who could actually answer the question quickly.

38. ORDINANCE approving and authorizing Professional Architectural Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Acres Home Multi-Service Center Renovation under the American Recovery and Reinvestment Act - \$338,826.00 ARRA Fund - **DISTRICT B – JOHNSON** – was again before Council. All voting aye. Nays none. ORDINANCE 2010-0586 ADOPTED.

Mayor Parker stated that for those who were fans of Extreme Home Makeover they had put out a press release today that they had chosen a home in Houston to do the makeover on, that her office had been working with them for the last couple of weeks on permits and making sure that they complied with all of their rules, but they did not do anything to slowdown the process once they get on the ground, that they were going to be excited to welcome Extreme Home Makeover to Houston.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Johnson stated that he would be attending a meeting with State Representative Sylvester Turner in the Near Northwest Management District for a community townhall meeting on Thursday, July 15, 2010 from 6:30 p.m. to 8:30 p.m. at the River Way Church at 6700 Antoine, they would be discussing the Weed and Seed Program for an informative community meeting on the status and future impact on apartments, residents and local businesses within the area; that HCC Northeast Center for Entrepreneurship would be holding an Entrepreneur Book Camp on Friday, July 16, 2010 from 9:00 a.m. to 3:00 p.m. at the Learning Hub of the Northeast Campus at 555 Community College Drive, that it was a free one day seminar on information about starting and running a business. Council Members Gonzalez and Rodriguez absent.

Council Member Clutterbuck stated that they started yesterday morning at 7:00 a.m. with a meeting of Southwest Houston 2000, they had a bimonthly breakfast at Houston Baptist University; that last night they had a community meeting outdoors and thanked the people at Tiny Boxwoods who provided a space for them, that they met to discuss a problem that was typical for the Washington Avenue area and many places throughout the City of Houston, where commercial abuts residential and they had parking and traffic issues, that Gerald Wilson and people from parking showed up and Gerald had been doing significant amount of work trying to alleviate the problem on Saint Street, that it was an interesting block, some portions were commercial, that there were three residential townhomes on the eastside of the street and at the bottom there were 18 townhomes that had a Saint Street address and then there were 168 condo units just north of those 18 and the 168 had a Timmons Street address, even though only eight cars or so could access on Timmons and the rest of the 168, the balance of those units accessed on Saint Street, that when the City of Houston and Mr. Wilson came up with an excellent idea to convert Saint Street to a one way only 18 of the residents were notified because they had a Saint Street address and the commercial properties were notified, the 168 units that accessed Saint Street but had a Timmons address were not notified, that she called for the meeting last night so that everybody could have some input and the decision was made to hold off on converting the street to a one way and instead to try a no parking on the eastside to try to alleviate the problems, that they were also going to seek a double stripping down the middle so that they could identify which was the northbound and southbound lanes, that this area also did not have sidewalks, that any time of the day they could drive down there and people were walking down the middle of the street to access the various commercial properties, that it was extremely difficult and very complicated, like many of the places in the City of Houston, that this was one of those issues that they hoped going forward that they would look at their internal policies at Public Works in terms of notification and just making sure that everyone who had access ingress and egress to a public street did get noticed on any of these major changes, that additionally they hoped that some of their internal policies at Public Works would help facilitate, for example, the stripping of a street where needed even through their policies did not necessarily authorize it for such a short street; that she wanted to congratulate Council Member Noriega on her birthday. Council Members Gonzalez and Rodriguez absent.

Mayor Parker stated that sometimes common sense had to prevail over what the strict policy was on notification. Council Members Gonzalez and Rodriguez absent.

Council Member Noriega stated that she wanted to thank her staff for the cupcakes and the card, they started her birthday out on a good day, that today was Bastille Day, which was independence day in France, that she always had a hankering to be there on her birthday and would probably get around to it eventually, that she was born the same year as Brown vs the Board and was born on a day that celebrates liberty, equality and fraternity, all of which were things that were very meaningful in her family and she was always aware that it was sort of a

legacy for her; that they had been having meetings to talk about public safety, they had taken the public safety committee to two neighborhoods and planned on having at least three meetings more, there may be more than that, that she wanted to thank the Houston Police Department who had provided command staff and officers in the area where they had been, that she wanted to thank the Municipal Channel who had taped the events and the office of special events who were there setting up and late breaking it down, the Citizens Assistance Group who was there in case people had particular problems and were needing to talk to someone about things that did not have to do with public safety, they had been to Sunnyside and Kashmere Gardens, that it was her intent, as Chair of the committee to have a final committee hearing here to talk about all of the things that they gather up and bring forward from these meetings, that she wanted to thank each of the staff and Council Members who had come to these meetings, that the next meeting was August 3, 2010 on Tuesday from 6:30 to 8:30 at 170 Heights Boulevard at the West End Center, that if there were people in the audience who were not aware of these meetings they were welcome to call her office, or any of the Council offices; that she wanted to congratulate Ricky Noriega who was graduating on Friday from Houston Prep, a program for about 250 inner city students that was held at Downtown U of H, it was science, technology, engineering and math programs, the kids go to school from 9:00 a.m. to 2:30 p.m. and they worked hard, they build and draw things and worked on mathematics projects, logic and engineering and all kinds of things, that it was a terrific program, that engineering was probably not going to be his field and vectors were never her strong suit but they were working this out together, and she wanted to congratulate Ricky and all of the other students that were graduating on Friday. Council Members Gonzalez and Rodriguez absent.

Council Member Adams stated she wanted to thank the District D Community for coming out on this past Saturday for Fun Day in the Park and she wanted to thank all of the sponsors who came out and made the event what it was; that tomorrow there would be a Career Mentoring Day kickoff breakfast at 7:30 a.m. at the Greater United Way Building at 50 Waugh to support the mentoring programs in the City of Houston; that she wanted to thank Council Member Noriega, Chair of the Public Safety and Homeland Security Committee for having a meeting in District D last week; that she wanted to thank the Health and Human Services Department for sending employees, on Monday they traveled to Austin to meet with the taskforce on re-entry to look at some of the ways that they were trying to handle re-entry and noticed that Harris County had a long way to go compared to some of the other counties in Texas, that a lot of information was received, a lot of education was provided and she wanted to thank them for allowing to share in that meeting with them in Austin, that she looked forward to a task force being built in Houston; that on a sad note many of them knew that the zoo falls in District D and they lost one of their animals, Noel, a 15 year old giraffe and her calf during delivery on Monday morning, that they wanted to send their sympathies to the Houston Zoo staff; that she wanted to say congratulations and happy birthday to Council Member Noriega. Council Members Gonzalez, Rodriguez and Lovell absent.

Mayor Parker stated that Council Member Adams also represented the Museum of Natural Science, which had lines out the door right now at the Butterfly Center to see "Lois". Council Members Gonzalez, Rodriguez and Lovell absent.

Council Member Hoang stated that he wanted to say congratulations and happy birthday to Council Member Noriega; that she appreciated that she organized the public safety meetings and hopefully would organize one in his district in the near future; that on Saturday Council Members Jones and Bradford were at the ribbon cutting of the Mercado of the PlazAmericas, that it was in Sharpstown Mall and wanted to congratulate the owner Mr. Howard; that the Houston Parks and Recreation Department would hold it's sixth annual "Lets Play Carnival" at Alief Community Center on Friday, July 16, 2010, from 10:00 a.m. to 1:00 p.m.; that the recycling day in Alief would be on July 24, 2010 from 9:00 a.m. to 1:00 p.m. at the Crump Athletic Stadium, 4214 Cook Road, that it was organized by the Alief Independent School

District. Council Members Gonzalez, Rodriguez and Lovell absent.

Council Member Stardig stated that this week she attended the Third Annual Hot Dog Eating Championship benefitting the Northwest Lions Club at the Hot Dog Shop, that one of Houston's Finest Police Officer tied for first place, earning the title of "Top Dog", the winners ate 17 hot dogs in approximately 10 minutes, that she wanted to thank the organizers and sponsors of the event and congratulate the winners; that she wanted to send her condolences to the Houston Zoo and Debra Cannon and her team, who do a fine job out there, that she hoped the citizens do not ever take their zoo for granted, that the animals were beautiful and they did a great job of caring for them and Noel had a dear place in their heart and they were saddened by the loss; that she attended the Oak Forest Home Owners Association, they represented about 5,000 homes, that Oak Forest was an opportunity for their citizens and the City and had many of the same issues that they discussed day in and day out about the garbage and tree waste bags and she assured them that they were looking into strengthening the mill of the bags and moving forward with the Bio Degradable Bag Program and that they were not giving up on that program, that she had to keep reassuring their citizens that they were working on that, that as always, Neighborhood Protection issues, it was the same thing across the City, citizens were concerned about the response and they continued to educate them on how to communicate with the City and she thought that was still a big issue after all these years, that they work with 3-1-1, people still did not understand that was their customer service and to call 3-1-1 on issues. Council Members Gonzalez, Rodriguez, Lovell and Noriega absent.

Council Member Pennington stated that he wanted to congratulate Council Member Noriega on her birthday, that she was his next door neighbor in the annex and she and her staff were very wise and always willing to help a freshman out; that like Council Members Bradford, Costello, Jones and others he was interested in Super Neighborhoods, either he or his staff members attend all of their Super Neighborhood meetings, that he thought they had five or six in District G, that Monday night he attended the Super Neighborhood 22 meeting, which was the Heights Shepherd area where Guy Hagstette, who led the effort to create Discovery Green, presented proposed plans for the improvement of Buffalo Bayou between Shepherd Drive and Sabine, that it was a joint effort between Harris County Control District and believed there was some federal money for hike and bike trails, that there was some private money available to, that he thought it was a well conceived project, that he was inspired by the ideas presented at the meeting and believed that the Bayou was an underutilized jewel in the heart of the City and believed with some innovative thinking Buffalo Bayou would be a destination for Houstonians and tourists alike, that he believed that if the improvements were made they must consider implications for the area surrounding the Bayou. Council Members Clutterbuck, Gonzalez, Rodriguez and Noriega absent.

Mayor Parker stated that she wanted to assure that they were looking at not just the Bayou but what bordered the Bayou and how it integrated with the surrounding communities, that it was a point well taken. Council Members Clutterbuck, Gonzalez, Rodriguez and Noriega absent.

Council Member Jones stated that she wanted to ditto what Council Member Hoang stated, the Clarewood Mercado was out there and they should go, they had a businessman come out there and invest in that area and they needed to try to make sure he makes a profit so other people would want to invest around it, that she thought it was an interesting concept that Sharpstown would be divided and sold in parcels, that she thought it was thinking outside the box and she liked it; that she participated in a fashion show last Saturday at St. John's Missionary Baptist Church on McGowen, that she had some good food and saw a bunch of people who worked at the City there, they had some really talented people who worked at the City; that on Sunday she represented the City in welcoming Prime Minister Lee of Singapore and met his wife; that she wanted to thank the Harris County Criminal Lawyers Association for

standing up for the rights of citizens and fairness in the justice system; that Council Member Hoang spoke about recycling at Crump Athletic Stadium which was named after Leroy Crump, who was the Athletic Director at Alief when she was at Olle and Elsie; that she rides down the Columbia Tap when she comes to Council and there was a part she would like to see them maintain, the ditches were not cleaned out and it was really nasty, that she knew they cut over there and she would like to see them clean that; and to Council Member Noriega "cumple anos feliz" for the Spanish speakers; that they had a workout group at the City, they started working out at 7:30 a.m., that it was short and if they wanted to come be on time; that there was a Housing and Community Development meeting tomorrow, Thursday, July 15, 2010, at 2:00 p.m. in City Council Chambers at 901 Bagby, Second Floor. Council Members Clutterbuck, Gonzalez, Rodriguez, Lovell and Noriega absent.

Council Member Costello stated that to his colleague he thought it was great about her exercise program, but by 7:30 a.m. he had already exercised, had breakfast and already been to a meeting in north Houston so it was rather late, that to Council Member Noriega he wanted the opportunity to visit with her young son Ricky to convince him that engineering was a worthwhile career; that on a more serious note, last Thursday, Renew Houston, submitted a group of petitions to the City Secretary to get a Charter amendment on the November ballot for a street and drainage program, that he thought it was a terrific idea and personally supported it, but what he wanted to say to his colleagues today was that over the past two weeks, in particular, he had the opportunity to go to such communities as Sunnyside, Southside, Independence Heights and to Kashmere Gardens and what the general theme and more of a frustrating theme had to do with some of these communities that had been neglected for 50 years and it was sort of sad so he hoped that if the program was successfully passed in November that they were able to address all of these communities on a needs based system so that they could fix a predominance of drainage and street problems that they had in those neighborhoods. Council Members Clutterbuck, Gonzalez, Rodriguez, Lovell and Noriega absent.

Council Member Bradford asked Council Member Jones if the 7:30 a.m. thing was just a girly thing or were guys invited to workout also, and Council Member Jones stated that the guys were invited also, and Council Member Bradford stated that they might convince her to move the time up a little bit; that he wanted to commend Mr. Novack also and all of the City webmasters, that he had a chance to see the new website and navigate it, that it was great and he liked it and was very impressed with the new website and thought they did a good job, that he would like to ask that at some point they worked toward adding a button where the citizens could click and get information, general information, data, crime statistics based on Super Neighborhood boundaries because he thought that particularly as they had done the Public Safety Meetings in the neighborhoods there was a little disconnect in the neighborhoods as to how they get information about what was going on in the City per their particular boundaries so he would make that request; that citizen complaints about vicious dogs were up throughout the City, more and more citizens and police officers were having to shoot vicious dogs around the City and he was concerned about how aggressive their enforcement efforts were as it related to stray and loose dogs in the neighborhoods and the number of Animal Control Officers they had, as well as their response time because they see in the media more frequently today, and during the summer months, there were thousands and thousands of children kind of lose in some neighborhoods and he saw more loose dogs as well in the neighborhoods, that he would ask for them to take a look at that and see what they could do to more aggressively police some of the loose vicious dogs that were on the streets of Houston; that he wanted to commend Council Member Noriega for a yeoman's job in hosting the neighborhood Public Safety Committee meetings, they had two and he thought they had gone well and attendance had been acceptable and he wanted to encourage citizens, business owners, members of the clergy, organizational leaders and activists to come out and participate in these meetings because they needed community input when they were considering changes or modifications to citizen

complaint and issue process so this was an opportunity to get input from the community so they could consider what improvements could be made to the process that was utilized to receive and investigate their complaints. Council Members Clutterbuck, Gonzalez, Rodriguez, Lovell Noriega and Jones absent.

Mayor Parker stated that his point about the Super Neighborhoods was well taken, they were already working on his budget amendment asking for data to be compiled on the Super Neighborhood basis and once that was done they could easily have it accessible through the website. Council Members Clutterbuck, Gonzalez, Rodriguez, Lovell, Noriega and Jones absent.

Council Member Sullivan stated that he had a townhall meeting scheduled tonight at the San Jacinto College South Campus to discuss drainage and flooding issues at 6:30 p.m. at the Marie Flickenger Fine Arts Center on Beamer Road, that this was not in conflict with Council Member Costello's committee or work, that it was a continuation of something that he started when he was first elected that was isolated to strictly the southbelt area; that he and his staff toured Johnson Space Center to learn more about their programs and missions and to get an update on what they were working on and to meet more employees of Johnson Space Center, that he wanted to thank Brian Freedman, Public Information Office, for scheduling and leading them on the tour; that they had two HFD retirements in District E, on Friday, Captain Lonnie Meders, who served 35 years with the Fire Department and yesterday, Lester Harvey who served 32 years and what was remarkable about Lester's service was that he served 32 years at Fire Station No. 61; that the first meeting of the Special Ethics and Council Governance Committee on redistricting and term limits, today at 3:00 p.m. in the Council Chamber, that his office sent out backup on materials they had available as of this time this morning and there may be more information as the day goes on; that he had two ribbon cuttings, one at the Metro South Point Park and Ride Lot on Monday, it was an expansion of the parking lot capacity, that they had a new walking trail at Lake Houston Wilderness Park in the north part of his district, it was a 5,000 acre park that the City of Houston was a partner in, it was in the parks inventory, that the trail was built by AmeriCorps National Civilian Community Corp, it was a grand opening for a 3 1/2 mile trail, they built a couple of bridges over some streams, these were college students who stayed on site at the park, lived and worked there, that they also came downtown and volunteered at the fireworks display, that they did it all on a very small daily stipend and after ten months of service they receive a check for about \$5,000, that it was not confidential, it was in their brochure, that it kind of harkens back to the Peace Corp days, that he wanted to recognize Paul Hendricks, the Parks Employee Manager, that he and his wife did the mother hen over these students and cooked for these kids at their home and invited them over for events, that Joe Turner, Parks Director, was out of town and could not make the ribbon cutting but he stayed in touch with him. Council Members Johnson, Hoang, Gonzalez, Rodriguez and Jones absent.

Mayor Parker stated that she wanted to thank Council Member Sullivan for highlighting the AmeriCorps Program, that she believed that it was started by President George H. W. Bush, that their son Giovan was an AmeriCorps student and served the Houston Program which was one of the AmeriCorps Programs in Houston, that it was a great program for kids in that transitional age that had not quite landed where they needed to be at. Council Members Johnson, Hoang, Gonzalez, Rodriguez and Jones absent.

Council Member Lovell stated that she wanted to say congratulations to her Chief of Staff, William Paul Thomas and his wife Chanthini, on Sunday, July 18, 2010, they would celebrate their 23rd Anniversary, that her gift to William Paul would be to not talk about how Chanthini should have a proclamation from the City, what a great example of a true partnership; there would be a joint meeting of the Transportation, Infrastructure and Aviation Committee and the Flooding and Drainage Committee on Tuesday, July 27, 2010 at 10:00 a.m. in the Council

Chamber, that on the agenda the Public Works Department would present information on a number of planned maintenance and construction projects for the City's Storm Water Program and representatives from Renew Houston would present an overview on their work on the Charter Amendment that would create a dedicated funding source to repair City drainage and streets, that she was looking forward to co-chairing the meeting with Council Member Costello, who chairs the Flooding and Drainage Committee; that the Development and Regulatory Affairs Committee would not meet tomorrow, there were no agenda items so they would meet in August; that their thoughts and prayers go out to Helen Green, wife of Congressman Gene Green, that she was involved in a terrible accident at their office, a sign fell and hit her in the eye and after three tries at keeping the eye they had to remove it because of the damage; that she wanted to say to BARC thank you, she received a call from a friend of hers who woke up during the night and her dogs were going crazy around the room and she turned on the light and some bats had gotten into the home, they immediately left, closed the door, got the dogs out and left the bats in, called BARC, they came in the morning to retrieve the bats, they had come in through the fireplace, so all of them make sure they had screens over their fireplaces, that when they caught the bats they sent them to the City of Houston lab for testing and the request was for a "rush" because the rule was if it was in the night and you were asleep the bat bite was so tiny that they may not have known if they were bitten or not so the decision to go ahead with the series of shots, which was not any kind of fun, they could not decide what to do, that BARC came and got the bats and took them to be tested, it was on a Thursday, they were assured they would get the results back by Friday afternoon, and as they sat in the physicians office waiting for the results to decide whether she, and her two daughters, had to go ahead and have the series of shots they were informed that the tests had not been completed yet and would not be completed until maybe Monday, that they had to go ahead and have the series of shots, the City of Houston lab did the test and found out that one was negative and one they could not determine because it was so decomposed, that Mayor Parker stated earlier about common sense, and they could go through this and make a policy change for City of Houston, that it ought to just be common sense at the Health Department that when there was a bat in somebody's residence and they did not know if they had been bitten or not, and were afraid and concern, they would just rush the tests, so they could decide whether they wanted to go ahead with the series of shots or not, and the truth was that it did not happen, so she did not know, do they do a policy change or just say could somebody over there put themselves in the same situation and decide that they would want this test done pretty quickly, that there were all kind of conditions, the bottom line was that they had a citizen that needed some help and they failed them on a simple test that could have been run and the results could have been given them, that for all of the criticism that BARC gets she wanted to say thank you because they rushed out there immediately, did what they needed to do to find the bats, they did their job, but the City of Houston Health Department failed the family and that should not be, that she did not want to do a policy change, if a letter or some common sense could prevail that would be great. Council Members Johnson, Hoang, Gonzalez, Rodriguez and Jones absent.

Mayor Parker stated that it was noted, that they could not legislate common sense, but she would have a conversation with the Health Department about it. Council Members Johnson, Hoang, Gonzalez, Rodriguez and Jones absent.

Council Member Adams stated that many of her colleagues submitted amendments about citywide recycling and she and Director Harry Hayes, Solid Waste, met and she was sure he had met with some other Council Members about proposals to implement citywide recycling so on July 28, 2010, at 2:00 p.m. the Neighborhood Protection and Quality of Life Committee would meet in the Council Chamber to discuss citywide recycling proposals; that last night she was in the Westmorland Civic Association meeting to discuss historic preservation, that she had the opportunity to visit a home at 211 Hawthorne which was an abandoned home, they restored the house and it was a beautiful house, that she wanted to thank the president, Mr. David Crints for the invitation and Mr. Bart Truxillo for coming out and providing information on how to continue

to support the quality of life of historic neighborhoods on preserving their homes, that the Chadberry Civic Association met last, that she wanted to thank Council Member Costello for meeting with the Sunnyside Committee yesterday evening to discuss flooding and drainage. Council Members Johnson, Hoang, Gonzalez, Rodriguez and Jones absent.

Council Member Sullivan stated that the Term Limits Review Commission completed their work and forwarded their recommendation on Monday night, that he wanted to thank Chair Ambassador Arthur Schecter and his commission for the work they did; that he wanted to acknowledge Public Works for helping the District E office with a traffic problem at Kingwood College, they had a school zone and the parking lot was on the other side of the college campus and they had a number of sand and gravel pits in the area so they had dump trucks and gravel trailers that ran up and down there, that it turned out that they had a school zone that was not in the books so an enthusiastic defense attorney found a loophole in the law, had the case thrown out so they had to take the school zone down, which meant the speed limit was 45 miles per hour between the parking lot for the students and the college campus, that Public Works staff met with him and the president of the college this week and they were committed to finding some reasonable solutions to slow people down so that the students could get back and forth to their cars everyday. Council Members Johnson, Hoang, Gonzalez, Rodriguez and Jones absent.

Mayor Parker stated if they would indulge her for a moment in continuing the discussion about bats that Council Member Lovell raised, they had very large bat colonies in the City of Houston, one under the Waugh Drive bridge, under the bridges over Buffalo Bayou and down by the post office, that most of the bats in Houston were insect and fruit eating bats, that the idea of a bat bite was remote, that the bats they had in Houston, for most part, were no threat to people unless they handled them, they could have rabies and what they encourage was if they found a bat on the ground that they leave it on the ground and simply not touch, they could report an injured bat to the City so that it could be tested, but for the most part the bats were great and eat lots and lots of mosquito's, they wanted the bats, they just did not want them in their houses and did not want people to handle them, that it was not usually a bite issue, it was if they came in contact with them on their skin and the rabies virus. Council Members Johnson, Hoang, Gonzalez, Rodriguez and Jones absent.

Council Member Stardig stated that with all the rain they did have a mosquito issue that was pending and would be having a lot of conversations with constituents about that, that she already had questions and it was a common misunderstanding that the City sprays for mosquito's, and Mayor Parker stated that it was actually Harris County Mosquito Control and they were on a very aggressive spraying schedule right now, but were also encouraging them to do their part, there were a lot of containers in backyards that had water, so they were going to spray aggressively and would continue to do that for a while. Council Members Johnson, Hoang, Gonzalez, Rodriguez and Jones absent.

Council Member Lovell stated that when they wake up in the middle of the night with dogs flying around the room and a bat is found it was pretty scary and when they were told that unless they had the bat, they err on the side of safety, it was a series of shots and when there were children involved it was different, and Mayor Parker stated that it was painful and expensive, that the family did everything right, she just wanted to make sure that unnecessarily raise an alarm about the bats, and Council Member Lovell stated that her point was that she did not think they had a backlog of these kind of tests in their lab and if they did they needed to educate people about how to keep bats out of their home, that they ought to be able to get a rush test and common sense should prevail that they could ahead and do that for them. Council Members Johnson, Hoang, Gonzalez, Rodriguez and Jones absent.

Mayor Parker stated that Council Members were invited to her office for a few minutes to

meet her selection for Public Works Director, they would be down in the rotunda and not the proc room because of the press conference for the upcoming soccer match, that she would invite Council Members to join her. Council Members Johnson, Hoang, Gonzalez, Rodriguez and Jones absent.

There being no further business before Council, the City Council adjourned at 10:15 a.m. Council Members Johnson, Hoang, Gonzalez, Rodriguez and Jones absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary