

City Council Chamber, City Hall, Tuesday, August 3, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 3, 2010, Mayor Pro Tem Anne Clutterbuck presiding and with Council Members Brenda Stardig, Jarvis Johnson, Mike Sullivan, Al Hoang, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; Ms. Marta Crinejo, Assistant Agenda Director present. Mayor Annise D. Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business.

At 1:44 p.m. Mayor Pro Tem Clutterbuck called the meeting to order and stated that Council Member Stardig would begin the meeting with a presentation and Council Member Stardig invited those present with the Houston Association of Realtors to the podium and stated that she was also a member of the group and it was her honor and privilege to present the Houston Association of Realtors a Proclamation; that they were the largest individual membership trade association in Houston and the largest local association board of realtors in the United States; that they were recognized nationally for their excellence in promoting housing opportunities through public/private partnerships and last year their association presented the City of Houston with a \$5,000 check for affordable housing; that today they saluted the association for its contributions; and presented a Proclamation to the group proclaiming today as "Houston Association of Realtors Day" in Houston, Texas. Ms. Margie Dorrance stated that she was the 2010 Chair of their association and it was an honor and privilege to represent them and thanked all for honoring them. Council Members Johnson, Sullivan, Rodriguez, Costello, Bradford and Jones absent.

Mayor Pro Tem Clutterbuck and Council Members Hoang, Gonzalez and Noriega congratulated the group on all their work and their being recognized. Council Members Johnson, Sullivan, Rodriguez, Costello, Bradford and Jones absent.

Council Member Gonzalez invited those present with the Greater Houston Pest Control Association to the podium and stated that in June 2010 in collaboration with the Mayor's Citizen Assistance Office and Council Member Johnson's office the Greater Houston Pest Control Association stepped up and helped out citizens needing pest control services and today he was recognizing those special contributions; that they were the first such organization in Texas and their purpose was to promote general standards and ethics of the industry and help multiple communities; and presented them a Proclamation for helping the residents of Independence Heights and Acres Homes Communities in June with pest control of 150 homes by 35 volunteers, commended them for their dedication and proclaimed today as "The Greater Houston Pest Control Association Day" in Houston, Texas. A Spokesperson for the group stated that he thanked Nelson Espitia and his staff as without him and his staff they would have not been able to have this happen. Council Members Johnson, Sullivan, Rodriguez, Costello and Bradford absent.

Mayor Pro Tem Clutterbuck and Council Member Stardig thanked those present for stepping up for those who could not afford them as there was a true need for what they did. Council Members Johnson, Sullivan, Rodriguez, Costello and Bradford absent.

Council Member Jones invited those with Houston NAACP ACT-SO to the podium and stated that the ACT-SO Program stood for Academic, Cultural, Technical, Scientific Olympics, it was getting youth fired up about not just athletics but using their minds; that they had competitions and the last was in Kansas City and this group won more medals than anywhere else in the United States; that the ACT-SO Program was a major youth initiative of the NAACP

founded in 1978 and it provided a forum where African American youth demonstrated academic, artistic and scientific expertise and gained recognition only recognized for entertainers and athletes; and presented the group a Proclamation celebrating the 2010 winners, congratulating the winners and organizers; wishing them continues success and proclaimed today as "Houston NAACP ACT-SO Day" in Houston, Texas. A Spokesperson for the group thanked all for recognizing the students today and stated that they captured 10 national medals, more than any others in the United States, congratulated the students and asked their parents, co chairs and committee present to stand to be recognized. Council Members Sullivan, Rodriguez, Costello, Lovell and Bradford absent.

Council Members Stardig, Noriega, Johnson, Gonzalez and Hoang thanked them for their great representation of the City of Houston and thanked their parents for all their work. Council Members Sullivan and Rodriguez absent.

At 2:08 p.m. Council Member Lovell led all in the prayer and pledge. Council Member Sullivan absent.

At 2:09 p.m. Mayor Pro Tem Clutterbuck requested the City Secretary call the roll. Mayor Parker out of the city on city business. Council Member Adams and Pennington absent on personal business. Council Member Sullivan absent.

Council Members Lovell and Costello moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor Pro Tem Clutterbuck requested the City Secretary call the roll. Mayor Parker out of the city on city business. Council Member Adams and Pennington absent on personal business. Council Member Sullivan absent. MOTION ADOPTED.

At 2:10 p.m. The City Secretary began calling the public speakers. Council Member Sullivan absent.

Mr. Paul Carr, 1045 Ashland, Houston, Texas 77008 (713-869-0505) had reserved time to speak and advised he would not speak at this time but would come back when the Mayor was present. Council Members Sullivan and Jones absent.

Mr. David Beale, 316 W. 15th, Houston, Texas 77008 (713-863-0404) appeared and stated that he was co-chair of the coalition of Houston Historic Districts, a combination of historic districts and historic preservationists, their mission statement was to support amending the current historic preservation ordinance to protect all historic districts by eliminating the 90 day waiver and allowing visually compatible building materials; that their website was [preservehouston.org](http://preservehouston.org); and urged the amended preservation ordinance be adopted without any petitioning or notices or postcards. Council Members Sullivan, Noriega and Jones absent.

Council Member Lovell thanked Mr. Beale for attending all the meetings and his hard work and stated that this evening would be another public hearing at Proctor Plaza, the Norhill, Woodland Heights and Freeland Districts; that meetings had gone well and they were incorporating ideas; that tonight they were on another fact finding mission, but this was not the final document; and invited all to attend. Council Members Sullivan, Noriega and Jones absent.

Council Member Gonzalez thanked Mr. Beale for his hard work and stated that as Council Member Lovell stated they were soliciting community input at the meetings; and thanked him for coming. Council Members Sullivan, Noriega and Jones absent.

Ms. Paula Swain, 1432 Ashland, Houston, Texas 77008 (713-409-9793) appeared, presented information and stated that she strongly supported the Mayor's proposed historic

preservation amendment; that she lived in the Heights West District and all but three houses on her block were original; that in the last years houses were torn down with dense construction of town houses with little yard space; described pictures in her handout and encouraged the information from the meetings be posted on the City Planning website. Council Members Sullivan, Noriega and Jones absent.

Bishop Frank Rush, 10311 Sand Dollar Drive, Houston, Texas 77065 (832-275-3999) appeared and stated that he was Pastor of Houston Praise and Worship Center and a local practicing attorney; that today he was present to speak about communities which were under attack of ignorance, joblessness, poverty, drugs, etc., the major focus of the attack being youth, the leaders of tomorrow, and they must be prepared today and be offered stability and solutions; that a group of community churches, government, etc., were coming together August 21, 2010, offering a solution based youth rally in the Third Ward area and the next speaker who was founder of the organization would further explain. Council Members Sullivan, Noriega and Jones absent.

Council Member Bradford thanked Bishop Rush for what he had done for years in working on the prevention side of things; and upon questions, Bishop Rush stated that the problem was they did tend to react instead of acting in the first place, many youth were looking for answers and August 21st they wanted to do that; many times organizations were challenged with funds and they wanted to partner with the City of Houston and it would be a good idea to have officers and firemen present so citizens could see them in a positive way. Council Members Sullivan, Hoang, Noriega and Jones absent.

Mr. Fred Barkley, 6423 W. Linpar Court, Houston, Texas 77040 (713-543-1498) appeared, presented flyers to Council Members and stated that the name of their movement was Year Round Youth Movement and they called it that as they believed it was a start of something which would continue far beyond just that day; that they needed to do something to reach youths and communicate to them they were worthwhile and responsible and a person of vision or they would forever be locked in a pattern and incarcerated and to emphasize what the city would gain by supporting them, there would be less cause for developing programs to house them and less truancy issues, etc., they were being proactive in reaching youth; displayed the flyer of their theme and motto that the heart had to be changed and they were bringing a wide variety of resources to invest in youth and the city needed to come on board. Council Members Sullivan and Noriega absent.

Council Member Johnson thanked Mr. Barkley and others present with the event; and upon questions, Mr. Barkley stated that they had specific needs such as risers, waiver of park fees, etc., chairs, tables, tents for hosting the event; and their visible support would mean a lot; that it would be at the corner of Live Oak and Alabama across from the SHAPEe Center, the whole entire block; and Council Member Johnson stated that his office would be in contact. Council Members Sullivan and Noriega absent.

Mayor Pro Tem Clutterbuck stated that Mr. Nelson Espitia, Director of Citizens Assistance was ready to assist them with details on what the city could provide. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Jones thanked Mr. Barkley and Bishop Rush for what they did and stated that she would be happy to work with them; that she liked having a rally for education; that a more certain way out was education as at some point a sports career ended; and if she was in town would try and stop by there. Council Members Sullivan, Rodriguez, Lovell and Noriega absent.

Mr. Charles Vienn, 3806 Live Oak, Houston, Texas 77004 (832-661-5978) appeared in a costume, presented information and stated that Charles Vienn was his Dad and his name was Baby Issac and to a rap recording stated that he was present to tell kids to get a great education; stay in school; and not to forget to brush their teeth. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Gonzalez thanked Mr. Vienn for being presented and stated that for the money spent on incarcerating youth they could probably send them to college for less; and thanked him for his leadership and he had wanted to ask what time the event would be, but just saw in his information it was from 8:30 a.m. to 8:00 p.m.; and wished them good luck. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Jones stated as cute as the message was it was really important; that they could now determine by zip code the number of cavities a child would have by the time they were eight years old; that she would also like Baby Isaac to teach about flossing as a child could not focus in school when their teeth were hurting. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Ms. Michelle Harris, 12731 Braewood Glen, Houston, Texas 77072 (832-876-0339) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Mr. Andre Giden, 7150 Smiling Wood, Houston, Texas 77086 (281-377-4498) appeared and stated that he grew up in Houston and there used to be writing on a building which said you would change success when you gain the love of little children and the respect of intelligent men when you filled your niche and left this world better than when you found it; that love of children and respect of intelligent men was kind of easy, but filling your niche was kind of hard; that he had an idea and started working on a website he would like to see turned into an application, but he needed Council's help; that he would like to have access to the warrant status of vehicles, no owner information, just warrant status, that it may give people opportunity to know before they got in one that a warrant was on it or store owners seeing a car may know that it was wanted in robberies; that crime was going up and nothing was more motivating to get you in to pay as to know your neighbor would know you had tickets. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Mayor Pro Tem Clutterbuck thanked Mr. Giden for the excellent suggestion and stated that Lieutenant Gallier was present and he would be happy to speak to him. Council Members Hoang, Rodriguez and Noriega absent.

Minister Joe Angel Lopez, 13334 Wells River, Houston, Texas 77041 (832-891-2724) appeared and stated that he gave glory to God and second wanted to express that the Houston Area Urban League on Griggs Road threatened his life over the weekend, they invited themselves to a mother's home of a student in Southeast Houston and said for them to not let Reverend Lopez know they would be there waiting for him because he had their paperwork which was thrown in the garbage irresponsibly, it was criminal records, bank routing numbers, employee numbers, etc., it was all placed outside in garbage bags and it was thousands of students information because they did not care, it should have all been destroyed; and then they threatened his life. Council Members Hoang, Rodriguez and Noriega absent.

Ms. Jerrie McGahan, 1643 Arlington, Houston, Texas 77008 (713-890-2535) appeared, presented pictures to Council Members and stated that her family owned a home on Arlington and it was on the market; that they were opposing the revised historic district ordinance as if it passed it would be devastating to their family; that her brother-in-law's Mom, who was present with them today and was 91 years old and diagnosed with Alzheimer's and had to move from

her home; that if they could not sell it at top dollar she may have to go to a nursing facility, if it had to be sold at a reduced price her brother-in-law and sister's assets would have to start going to medical care cost for her and their dream of retiring to a small farm would be gone; that today she asked the Council to put themselves in the family's situation and see if they would still choose to make a structure more important than the family who had lived there; that the pictures she presented show new construction and remodeling all around their house and it was allowed for years, one house was a huge construction site; that Randy Pace said they had to start somewhere, but because of this they felt they were in a different situation than communities where change had not been extensive; that they were told they could sell their property to whoever wanted it, but in reality that was false as their house was on the market two months and they were told by those looking that they were waiting to see what Council did with the ordinance. Council Members Hoang and Rodriguez absent.

Council Member Noriega stated that Ms. McGahan should continue; and Ms. McGahan stated that the house was on the market, 1,100 square feet and needed to be seriously remodeled; that not many wanted such a small home; that they all grew up in the Heights and understood wanting preservation, but their area had already been extensively changed and they were asking for the same opportunity others had already. Council Member Rodriguez absent.

Council Member Lovell stated that she hoped they would be at the Heights meeting to explain their point of view; that what they said was people in districts would have opportunity to re-decide whether they wanted to stay a historic district or not if they wanted; and she felt in the Heights the boundaries may be changed; that she knew there were cases of hardship; and someone from her staff would come and get her particulars, they did not want them to lose the value of their home and they did believe they could do historic preservation, it was proved property values and square footage went up, they were not stopping anyone from new construction, revision, etc., and they would visit with her. Council Members Sullivan, Rodriguez and Noriega absent.

Upon questions by Council Member Stardig, Ms. McGahan stated that they listed their home at \$265,000, they were working with a realtor and they were told they would have a difficult time selling their home, it needed extensive remodeling and if it could not be enlarged few would want it; that right now it was lot value. Council Members Sullivan, Rodriguez and Noriega absent.

Ms. Susan Prospere, 521 E. 8th, Houston, Texas 77007 (713-860-6422) appeared and stated that she was present to reiterate what the previous speaker said, she was in a 880 square feet house and lived there 30 years; that she was against some of the inequity in historic preservation in Houston Heights South; that many signs against it were posted in the Heights now; that she did not see why they could not have development in the Heights keeping with the area, it felt like discrimination. Council Members Stardig, Sullivan and Rodriguez absent.

Council Member Gonzalez thanked Ms. Prospere for coming and voicing concerns; that they were listening and understood each side had compelling arguments; and encouraged her to attend the meetings and get her thoughts in; and Ms. Prospere stated that she could not attend the upcoming meeting because of her work. Council Members Stardig, Sullivan and Rodriguez absent.

Council Member Jones stated that what troubled her the most was the negative affect on the elderly; that she believed in historic preservation, but she hoped her house would be her legacy or inheritance to her child and she did not like what it did to those who could not get out and work, it was inequitable to change the rules on someone in their twilight; and encouraged her to go the Council Member Lovell's meetings. Council Members Stardig, Sullivan, Rodriguez and Noriega absent.

Mr. Alan J. McDonald, 10923 Carlton, Houston, Texas 77047 (713-734-3177) appeared, presented a display board and stated that he had been bombarding Mayor Parker with emails about the possibility of establishing a citywide sports organization; here at summer's end it was intended to use the money generated from the basketball league to rebuild the Third Ward; that none of the organizations listed on his display board were a part of the organization, they were sent invitations to participate because they already had well run adult men basketball leagues; that he would like the city seal on the playoff floor which would take place at Hofheinz Pavilion of Toyota Center, it would depend on how big games became, that he also mentioned to the Mayor a winter baseball league during November through February and it could include surrounding cities. Council Members Stardig, Sullivan, Rodriguez and Noriega absent.

Mayor Pro Tem Clutterbuck thanked Mr. McDonald for coming and stated that they would make sure Mayor Parker knew about it and Mr. Dan Pederson with Parks was present and heard him as well. Council Members Stardig, Sullivan, Rodriguez and Noriega absent.

Council Member Jones stated that Hofheinz belonged to the University of Houston and she did not know how they could put a seal on it and did not know who the Toyota Center belonged to; and upon questions, Mr. McDonald stated that it was for adult leagues; that the AAU League promoted young men to go to college; that there were leagues but this was for unification; that major leagues were recognized because they were around for so long and to establish unified leagues was something that had not been done; that over the years he tried to get the league together but there were certain doors he could not open; that he did not want anyone to give him any thing, but if they would open the door he could get it himself, he did know what needed to be done; that all leagues would have their own setup, but when nothing was going on they could utilize entities and still play off season sports as well as the education aspect, helping those between 18 and maybe 35 years of age. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

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, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Mr. Skip Beedle, 2525 Old Farm Road 2317, Houston, Texas 77063 (713-785-0220) appeared and stated that the last time he was present Mayor Parker was going to ask for a legal opinion on a suggestion made and he had a voicemail where an assertion was made by the sergeant involved in the case that he spoke to the District Attorney who said he did not have jurisdiction in Webster, he was the Harris County District Attorney and Webster was in Harris County; secondly, he presented it to the Mayor's Office and they responded yesterday evening and in that voicemail it was asserted that there was insufficient evidence and they covered that issue in the first Council Meeting he addressed; that he spoke to Lieutenant Gallier already and a number of suggestions were made and after Mayor Parker reviewed this they could discuss it further; and he used to be a pediatric dentist and was amazed at what Council Member Jones had said previously, she was very knowledgeable. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Mayor Pro Tem Clutterbuck thanked Mr. Beedle for appearing; and upon questions, Dr. Beedle stated that he had not received a memo from the City Attorney regarding his case; and Mayor Pro Tem Clutterbuck stated that she figured it was the case since most communication with him was leaving messages on his voicemail, she did not think that was an adequate method and would make sure he received a copy of the memo and they would take his CD as well; and encouraged Citizens Assistance to not just deal in voicemail on matters of significance such as this. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Mr. Gerald Blowers, 10906 Sagecanyon Drive, Houston, Texas 77089 (281-484-1550) appeared and stated that they had a situation with the District Attorneys Office which they found very apprehensible; and discussed a matter which happened last December regarding molestation of their granddaughter, actions his daughter had taken, police response, and actions against their daughter; and wanted to know who to go to for help. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Mayor Pro Tem Clutterbuck expressed sympathy to him and his daughter and stated that the District Attorney's Office was not under city jurisdiction, they were under jurisdiction of the Commissioner's Court at the county and would make sure he received information on that. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones stated that first she would suggest hiring a lawyer for his daughter and second, it was not a good idea for people charged with crime to speak to the media; and wished them luck. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Mayor Pro Tem Clutterbuck stated that after Council Members spoke with him the Office of Citizens Assistance was present and would provide him information at the county and how to express his grievance at that venue. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Hoang expressed sympathy to the family and stated that it was a sad situation for the citizens when they were victimized by an authority and if they could not hire an attorney they should seek pro bono services from somewhere like the Houston Lawyers Association. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he should be sworn in; that it was a known fact charges on police officer, false arrest, he was being stalked; and continued expressing his personal opinions until his time expired. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Mr. Sammie Jones, no address (no phone) appeared and stated that he was doing a follow-up from the last time he was present; that he would like what he was presenting photocopied and a copy given to the Mayor; and that was all he had to say at this time. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones stated that he came with concerns of his nephew in the county last time he appeared and said they would help him but he had no address or contact information to try and follow through, but she had explained to Mr. Jones to stay until they received details from him today so they could try and assist, but following through with no way to contact him was difficult. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

At 3:23 p.m. Mayor Pro Tem Clutterbuck stated that City Council was recessed until 9:00 a.m., Wednesday, August 4, 2010. Mayor Parker out of the city on city business. Council Member Adams and Pennington absent on personal business. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m., Wednesday, August 4, 2010, with Mayor Pro Tem Anne Clutterbuck presiding and with Council Members Brenda Stardig, Jarvis Johnson, Mike Sullivan, Al Hoang, 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. Mayor Annise D. Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business.

At 8:24 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:05 Mayor Pro Tem Clutterbuck called the meeting to order and stated that the first item on the agenda was a public hearing.

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

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance for BAE Systems Resolution Corporation, Inc for the site located at 4516 Harrisburg Blvd. - **DISTRICT H – GONZALEZ** – was called.

The City Secretary stated that Ms. Carol Ellinger Haddock, Public Works and Engineering Department, would make remarks relative to the hearing.

Ms. Haddock, Senior Assistant Director of the Department of Public Works & Engineering, stated that it was more than six years ago that the Texas legislature provided another tool to encourage redevelopment of contaminated properties by authorizing Municipal Setting Designations or MSDs, that an MSD 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 present today because although the TCEQ issued an MSD, participation in the State program required local support, that Article 13 of Chapter 47 of the Code of Ordinances provided a process by which the City may support, or not support, a party's MSD application to the State, that as part of that process, today they were holding this public hearing, that just as a side note, this would be the last hearing in front of this body as recent amendments to Article 13 of Chapter 47 allowed future hearings to be held in a Council Committee, that the application was submitted by BAE Systems Resolution Corporation, Inc. for 10.52 acres of land located at 4516 Harrisburg Blvd, the property was being re-developed as a retail shopping center and was previously used as a commercial/industrial facility, that the source of contamination was from historic industrial and commercial uses at the site with all potential sources of contamination having been removed, that the site was in the State's Voluntary Cleanup Program, that based on previous groundwater monitoring, all contaminants of concern were stable, and in most cases decreasing, however, eight 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 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.

The City Secretary stated that no one had signed up to appear at the hearing and asked if there was anyone in the audience who wished to be heard and there were none, Council Member Gonzalez moved to close the public hearing, seconded by Council Member Noriega. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. MOTION 2010-0572 ADOPTED.

2. **PUBLIC HEARING** regarding the designation of a Tax Abatement Reinvestment Zone for **DEAN FOODS (DEAN FOODS REINVESTMENT ZONE) - DISTRICT I - RODRIGUEZ**

The City Secretary stated that they had one person who had signed up to speak at the hearing, and Mr. Tim Douglas would make comments on the hearing.

Mr. Douglas stated that he was the Deputy Director of Finance for Economic Development, that he was present on a required public hearing for a tax abatement proposal for Dean Foods, which operated Oak Farms Dairy inside the City of Houston, that Dean Foods was a leading processor of milk and distributor of fresh milk and Oak Farms was the last surviving dairy inside the City of Houston, that the dairy was still at it's original location and much of the work still took place in the original building, that it was begun in 1940 as Lone Star Creamery, that it was the proposal of the administration that they would offer a tax abatement to Oak Farms Dairy and their parent Dean Foods to cover impact fees associated with a \$42 million investment they were going to make, that according to the ordinance passed last fall this was competitively sighted, they went up against a number of other cities inside the State of Texas for the expansion of the dairy facilities and it came to them or Dallas and they picked Houston for it's expansion, that the expansion would consist of both private property acquisition and \$21 million worth of new building construction, that there would be four dead end streets that would dead end into the campus, which would be acquired as part of this expansion, Roberts, Bell, Denver and Clay, that this expansion would have an economic impact associated with not only the \$42 million expansion on site and the retention of 584 jobs, but it had been determined by the data provided by Oak Farms Dairy by the Greater Houston Partnership's Research Department that there would be another 3,600 indirect jobs because of this, another \$1.1 billion in indirect payroll and another \$205 million in spin off sales, that the tax abatement would offset one half of the cost of the estimated \$500,000 in project development related impact fees, that the company would pay those impact fees upfront and the tax abatement, over a period of four years, would abate half of that amount, that the other half of that amount would be abated by Harris County in their tax abatement for this project, so they were partners with Harris County in this abatement, that there would also be an offset of about a half a million dollars in land swap on the abandoned roads, the street closings that were going to make the campus contiguous, that all of this would come forward to Council in four to five weeks, this was a mandated public hearing to hear from the public to see if there were any comments, there had been notice posted in the newspaper and there had been large signs posted on site, that with them today was the Project Manager Gordon Harris if there were any other questions.

Upon questions by Council Members, Mr. Douglas stated that the expansion would allow for the electric delivery vehicles to be plugged in and there would be no longer any need to run the diesels, that they were in full compliance with the order that they signed and had a five minute rule on diesels, that this would allow for a moiré systematic plug; that Oak Farms had been working with a refrigerant company to create an entirely new kind of container vehicle that would be plugged in and be completely quiet, that right now they plugged them into generators so that they were not running the diesels so they kept the product cool when it was in the tanker; that this would allow for complete reconfiguration so that the trucks themselves were further away from the neighborhood and further away from the school, that these trucks, while they were waiting to have their milk processed, to be plugged in to a single string of electrical outlets so that it quieted it down, that it would be an expansion of the operations and 600 jobs would be saved; that there were streets that dead ended into what would be the campus, that it was the intention of the administration to do a 380 Grant of the value of those streets, that street abandonment had been noticed to the community, that these were not thru streets, that the names of the streets were Roberts Street, Bell Avenue, Denver Street and Clay Road.

Mr. Gordon Harris, 3430 Leeland, Houston, Texas 77003 noted that he would decline to

speak at this time.

The City Secretary asked if there was anyone in the audience that wished to be heard.

Ms. Marcie Anderson, 3306 Pease Street, Houston, Texas 77003, appeared and stated that she lived off of Leeland and where Oak Farms was located, that she had just heard that Oak Farms was present for a tax rebate, if she was not mistaken, that she had lived there for about 40 or 50 years, there had been a lot of noise from Oak Farms, eighteen wheelers coming in and out of the neighborhood, that people could not rest, they had ill people there and she could not understand why they would let Oak Farms be downtown where they were polluting, bringing in noise, there were children in the neighborhood, they had to come to City Council and ask them to close the gate because they were coming into the neighborhood, so that the children would not be run over, that it was a sad situation, their complete life had been uprooted by Oak Farms, that she was sure it was a good idea what Oak Farms was planning on doing, but a lot of people had been uprooted from their homes, that people were afraid to talk about what was going on and if they would come and look at that community it was just a shamble, that a lot of people there owned property, that she really did not know what was going to happen to her because Oak Farms was just 15 feet from her front door, she could not sleep, eighteen wheeler lights were shining in her bedroom, she could not sleep because of the noise of horns blowing, that if Oak Farms stays there what were they going to do, that she barely could sleep at night because there was noise, that Oak Farms was still coming thru the neighborhood, 3:00 a.m. and 4:00 a.m., that her complaint was why would the City let a big milk company stay downtown; that her house was completely ruined from the diesel fuel, that she had developed a respiratory problem, that they had lost two people, her neighbor, Mercy D. Edwards, which was related to that and also Russell Luerman.

After discussion and questions by Council Members, Mr. Douglas stated that he thought it was appropriate that the Project Manager of Oak Farms address many of these questions, but it had been utmost of the concern and part of the negotiations from the beginning to make sure that they were diminishing significantly the potential for impact on the neighborhood by the rearranging of how the trucks come and go and the diminution of the idling, that they were under an agreement with Oak Farms and would let the attorney speak to that matter; that as to the homeland security component to this, to make it a safe compound type campus facility it would be completely enclosed. Council Member Lovell absent.

Ms. McAbee stated that in 2007 they entered into an Environmental Compliance Agreement with Oak Farms to address both air quality and water quality issues and the last report that they had, which was very current, was that they were on target or ahead of schedule in installing the electronic refrigerated units to take place of the diesel fuel generators trucks so that they would not have to sit and idle all night, as Tim discussed, and have those compressors work off of electricity, which significantly reduces the amount of pollutants from the diesel going into the air in the neighborhood, that they believe it would have a significant impact in reducing that pollutant level in the immediate area. Council Member Lovell absent.

After further discussion by Council Members, Council Member Jones stated that she wanted to know from either the administration or Mr. Gordon Harris, what could they do about the lights shining in people's houses, sound barriers and the environmental quality, that those were all very important to her if she was going to vote to give them a tax abatement, that she thought that they as good corporate citizens should try to mitigate that, that she would also like to find out about the routes that the trucks take, could they not do something to stop them from going through neighborhoods, that she wanted to make sure that all of those issues were addressed because she knew that the City had gone out of it's way to accommodate some neighborhoods, that she would like for them to give the same consideration to people who were not financially as well off, that she would like to hear Mr. Harris discuss those issues. Council Member Lovell

absent.

Council Member Bradford stated that it seemed like there had been quite a bit of effort put forth into modifying operations and procedures at the Oak Farms location for an extended period of time and asked Ms. Anderson if anyone had consulted her, talked to her or asked for her input as to how these modifications could assist her in her quality of life and asked if she had been involved in the process at all, and Ms. Anderson stated no, and Council Member Bradford asked if she knew if any other citizens had been involved in this process as at all, and Ms. Anderson stated not at all, and Council Member Bradford stated that he thought that Ms. McAbee stated that the last report indicated that Oak Farms were ahead of their schedule for environmental compliance, etc., who did the report, when was the report produced and what role did the City play in the production of this report, what monitoring were they doing or were they just taking a report that was self produced and cited from that report. Council Members Sullivan and Lovell absent.

Ms. McAbee stated that the Environmental Compliance Agreement had a five year term, so the third anniversary was July 2010. the Health Department, Bureau of Air Quality Control, sent investigators out in July on site to review what the company had done and they had indicated, in looking at her notes, that they saw 20 electric RTUs, refrigerated transport units, and under the terms of the agreement Oak Farms could ask for the agreement to be terminated earlier than the five years when they had satisfied all of the requirements and they were waiting at this point for a list of the ID numbers for those RTUs and to schedule an inspection so that they could see them on the ground, but the investigators believed that they had gotten the units there and that report was last week. Council Members Sullivan and Lovell absent.

After further discussion and questions by Council Members, Council Member Jones stated that Ms. McAbee had made mention of an Environmental Compliance Agreement and asked who were the parties to that agreement, and Ms. McAbee stated the City of Houston and Oak Farms, and Council Member Jones stated that she would like to have a copy of that agreement, and Council Member Jones asked when would these improvements be complete, and Mr. Douglas stated that he thought that was a question for the Oak Farms people, but they were to begin the work immediately and had already begun the work on some of the engineering and pre construction, that they had meetings with Public Works over the past few months as they prepared for their application for permits, and Council Member Jones stated that a question for Oak Farms was that she would like a list of all of the public meetings and where they were. Council Members Lovell and Noriega absent.

After further questions by Council Members, Mr. Douglas stated that the changes had not occurred yet, they were part of a design criteria when they put the entire campus together so when it moves forward that was when the bulk of the new changes would be made, that significant changes had been made to operations since the 2007 agreement was reached, that the proposal that the administration expected to bring forward would be a four year tax abatement and it would be a contractual agreement that was signed by Dean Foods, the parent of Oak Farms, and approved by the City Council, that enforcement would be built into that agreement that non compliance with certain portions of it would abate the abatement and would allow for a call back of any abatement that was given; that he thought that the City's response in the 2006 thru 2007 time period where they brought forth this enforcement action indicated that the City was willing to make health enforcement agreements, that they would structurally change where their trucks come into and out off the campus, they would be spending millions of dollars to make those structural changes and that would have a positive impact not only on the community but on the schools, so those trucks would be further away, that they would have to spend millions more to restructure how their campus was in order to go back on what they would be doing; that there was a proposal to spend money both on building and on property acquisition, that was a proposal and when they build something they do not have an exact

number with \$21 million in real property and \$21 million in construction activity, that most of the almost 684 jobs were multi generation families that resided in the East End of Houston and Harris County, they were people who had been there since the dairy had been in operation, since 1940 and these were long term employees and multi generation, that in this tax abatement it would be a retention of the existing jobs and the land acquisition would of course be local and the construction would be done by Oak Farms; that they competed with other cities, San Antonio, Dallas and Waco, that Dallas was the headquarters of the parent company, Dean Foods, and were very much in the running for a significant expansion, which would not only have reduced their presence here but potentially eliminated it, so their competition with the expansion means it happens in Houston and does not happen in other cities, they would serve a greater area of the southwest. Council Members Hoang, Lovell and Noriega absent.

The City Secretary asked if there was anyone else who wished to speak at the public hearing, and Mr. Gordon Harris indicated that he wished to speak at this time. Council Members Hoang, Lovell and Noriega absent.

Mr. Harris, Project Manager of Oak Farms, appeared and stated that he wanted to speak to some of Ms. Anderson's concerns; that he wanted to focus on what the proposed project would do for her, that there was a rectangle parking lot and just to the right of that were two sections, two blocks, and Ms. Anderson lived one block over from Leeland, she lived on the corner of Roberts and Pease, that they were looking on that map at the lot that was at her house, that it would, in the future, have the milk tankers on it, that the milk tankers had no refrigeration and were basically nothing more than a thermos bottle on wheels, so they would have the tankers dropping them off there and leaving, so all of the current coming and going for route trucks and things like that, during the day and evening, that what they would see in the future was that the tankers would be over there, that the other major impact on that area was that the fuel tanks were there, so all of their vehicles went to that lot to fuel, in the future they would see in the top right hand corner of the proposed site plan was the new fuel station, so what they were doing was creating a single secured compound, not so fragmented as they were today, and therefore creating all of the parking, all of the coming and going of all of their trucks, would all come and go off of the entrance off of Polk Street, so therefore all of the traffic that Ms. Anderson was talking about that was on Leeland would disappear and go back the other way, that there was a security office and was where they would take in the one dozen or so deliveries that they get in a day from outside vendors or deliveries of sugar, and was also where the tankers would cross Leeland Street to go straight in to bring the raw milk into the plant for processing. Council Member Hoang absent.

Upon questions and discussion by Council Members, Mr. Harris stated that the milk tankers that they saw up and down the Texas highways taking milk from the farm to the plant had no refrigeration units on them, so part of the problem was that they had refrigeration units on the trucks that were running, that they were running off of electricity but they still had a hum to it and the biggest factor on that property was the coming and going for fueling, that they were taking equipment that made noise and putting equipment over there that did not and it was actually not their company, it was the haulers, that everything would be pulled into that compound as far as the Oak Farms coming and going of the equipment, all of the traffic and everything would all be in one compound which would be on the northside of Leeland instead of being on that parking lot next to Ms. Anderson's house and that neighborhood; that the proposed changes would not be made without the tax abatement, that the changes would start taking place very soon after the tax abatement, that they had to get permits and the construction project would take approximately two years, that the move of the large equipment from the residential side to the other side was in the first phase, about 9 to 12 months after the initial start. Council Members Stardig, Hoang and Lovell absent.

Council Member Gonzalez moved to close the public hearing, seconded by Council

Member Noriega. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. Council Members Stardig, Hoang and Lovell absent. MOTION 2010-0573 ADOPTED.

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller – was presented. Council Members Johnson, Hoang and Jones absent.

Mayor Pro Tem Clutterbuck recognized City Controller Ronald Green and Mr. Kelly Dow, Finance Department.

Mr. Green and Mr. Dow reviewed the Monthly Operations and Finance Report and Mr. Green reviewed the Quarterly Investment Report, copies of which are on file in the City Secretary's office for review.

Upon questions by Council Members, Mr. Green stated that they were seeing an increase in Sales Tax, still not above the level of last year, but the last few months had been positive and they were seeing a trend but were still guarded on that trend, that as it relates to the Combined Utility System, obviously the revenue was still not looking good and that was because some of the surrounding water authorities were not receiving the water that the City expected that they would receive, that there had been discussions about how they really present it to the Council going forward because each month it was \$5 million here and \$5 million there and he thought they were probably going to readjust all of their projections so that it was probably a little more realistic in what they expected; that as to the increase of the Aviation Enterprise Fund, \$3.7 million on the Parking and Concession Revenue, much of that had to do with the fee increase, that before Council Member Hoang got on Council last year and when he was on Council they voted on a fee increase at the Airport and it really went in line with allowing the vendor to make improvements, they were improving the way they collected the funds and trying to improve security as well, that he thought that the number of travelers had been fairly steady, that in the next MOFAR they may be able to determine because of the summer travel, but he thought it was a combination of both; that on the Parking Management increase that they saw, the \$484,000, they were seeing a trend of more people using credit cards so there was a little lag time when they get the money from the credit card companies, that part of the goal of installing the new parking meters was one, to generate the revenue, so that individuals who did not have change would just walk away from an empty meter, they were now using their credit cards and they were seeing the result of that.

Council Member Noriega moved to accept the Monthly Operation and Financial Report and the Quarterly Investment Report, seconded by Council Member Lovell. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. MOTION 2010-0574 ADOPTED.

## **MAYOR'S REPORT**

Mayor Pro Tem Clutterbuck stated that they would move to the consent agenda.

## **CONSENT AGENDA NUMBERS 3 through 33**

## **MISCELLANEOUS** - NUMBERS 3 through 5

3. REQUEST from Mayor for confirmation of the appointment of the following individuals to

the **GREATER HARRIS COUNTY 911 EMERGENCY NETWORK BOARD OF MANAGERS:**

- Position One - **MR. DENNIS J. STOREMSKI**, for a term to expire 9/30/2011
- Position Two - **MS. VERGIL R. RATLIFF**, for a term to expire 9/30/2010 and a subsequent term to expire 9/30/2012

- was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. MOTION 2010-0575 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON MEDIASOURCE BOARD OF DIRECTORS:**

- Position One - **MS. SYLVIA CAVAZOS**, reappointment, for a term to expire 12/31/2010
- Position Two - **MS. LIZ LARA-CARREÑO**, appointment, for a term to expire 12/31/2011
- Position Three - **DR. MARGARITA DE LA VEGA-HURTADO**, reappointment, for a term to expire 12/31/2010
- Position Four - **MS. PHAN DUY**, appointment, for a term to expire 12/31/2011
- Position Five - **MS. KRIS THOMAS**, appointment, for a term to expire 12/31/2010
- Position Six - **MS. KYM I. KING**, appointment, for a term to expire 12/31/2011
- Position Seven - **MR. J. ALLEN PROVOST**, reappointment, for a term to expire 12/31/2010
- Position Eight - **MR. DANIEL "DAN" ARGUIJO, JR.**, appointment, for a term to expire 12/31/2011
- Position Nine - **MS. KAREN S. NIEMEIER**, appointment, for a term to expire 12/31/2010
- Position Ten - **MS. CASSY D. COOK**, appointment, for a term to expire 12/31/2011
- Position Eleven - **MS. MINI TIMMARAJU**, appointment, for a term to expire 12/31/2010
- Position Twelve - **DR. HERBERT KARPICKE**, reappointment, for a term to expire 12/31/2011
- Position Thirteen - **MS. TERRI BAILEY PARRIS**, reappointment, for a term to expire 12/31/2010
- Position Fourteen - **MR. OVI GALVAN, JR.**, appointment, for a term to expire 12/31/2011
- Position Fifteen - **MR. AL VERA**, reappointment, for a term to expire 12/31/2010

- was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. MOTION 2010-0576 ADOPTED.

5. RECOMMENDATION from Interim Director Department Public Works & Engineering to accept the July 2010 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$5,099,757.64 for Revenue Bond Debt Service as recommended in the Report - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All

voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. MOTION 2010-0577 ADOPTED.

Mayor Pro Tem Clutterbuck and Members of Council congratulated the new appointees and thanked them for their service to the City of Houston.

**PROPERTY** - NUMBER 9

9. RECOMMENDATION from Interim Director Department of Public Works & Engineering, on request from Reid C. Wilson of Wilson, Cribbs and Goren, P.C., on behalf of KSA Industries, Inc., a Delaware Corporation (K. S. Adams, Jr., President), reviewed and approved by the Joint Referral Committee, that the City decline the acceptance of, reject, and refuse the dedication of Grisby Road, from McDonald Road east ±719 feet, out of the J. N. O. Smith Survey, A-691, Parcel SY10-070 - **DISTRICT G - PENNINGTON** - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. MOTION 2010-0578 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 and 11

10. **RAE SYSTEMS** - \$92,545.00 and **FISCHER SCIENTIFIC** - \$75,365.99 through the Houston-Galveston Area Council for Hazardous Materials Detection Equipment for use by the Houston Fire Department - Urban Area Security Initiative Grant Fund - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. Council Member Noriega absent. MOTION 2010-0579 ADOPTED.
11. **AMEND MOTION #2007-884, 8/22/07, TO INCREASE** spending authority from \$952,874.65 to \$1,191,093.31 for Water Service Connections for Department of Public Works & Engineering, awarded to **FERGUSON WATERWORKS, INC** - \$238,218.66 - Enterprise Fund - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. Council Member Noriega absent. MOTION 2010-0580 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 12 through 33

13. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of 25,246 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, North to its terminus (Parcel SY10-027); vacating and abandoning said right-of-way to Vicente L. Alonso and wife, Maria C. Alonso, the abutting owners, in consideration of their conveyance to the City of a 20-foot-wide storm drainage easement (Parcel LY10-035), and their written agreement to maintain said easement; both parcels being located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147, Houston, Harris County, Texas; and their payment of \$46,037.16, and other consideration to the City **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0615 ADOPTED.
15. ORDINANCE approving and authorizing first amendment to Interlocal Agreement

(Ordinance No. 2005-956, approved August 10, 2005) between the City of Houston and **HARRIS COUNTY** for support of the Joint City-County Commission on Children - was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0616 ADOPTED.

18. ORDINANCE appropriating \$500,000.00 out of Public Library Consolidated Construction Fund for purchase of equipment for the Oak Forest Neighborhood Library - **DISTRICT A - STARDIG** - was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0617 ADOPTED.
19. ORDINANCE approving and authorizing the submission of a joint application for grant assistance from the Bureau of Justice Assistance to fund the FY2010 Edward Byrne Memorial Justice Assistance Grant Program and approving an Interlocal Agreement between the City of Houston and **HARRIS COUNTY** as joint applicants for such grant; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department, or Acting Chief, or any designated Assistant Chief of the Police Department, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the application - was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0618 ADOPTED.
22. ORDINANCE approving and authorizing Professional Residential Weatherization Home Inspection Contract between the City of Houston and **YOUR HOME CHECK L.P.** for Residential Energy Efficiency Program; providing a maximum contract amount - 3 Years - \$2,500,000.00 American Recovery and Reinvestment Act Fund - was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0619 ADOPTED.
23. ORDINANCE appropriating \$55,963.35 out of Parks Consolidated Construction Fund; awarding construction contract to **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition at Langwood Park Maintenance Barn and 803 W. 23rd Street; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management, construction oversight and air monitoring and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICTS A - STARDIG and H - GONZALEZ** - was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0620 ADOPTED.
24. ORDINANCE approving the closing to vehicular traffic of the At-Grade Railroad Crossings at Thompson Street and Bonner Street related to the Washington Avenue Corridor Quiet Zone **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0621 ADOPTED.
30. ORDINANCE awarding construction contract to **O'DONNELL/SNIDER CONSTRUCTION, LP** for Wortham Theater Hot Water Piping Replacement; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the proposer in default if it fails to meet

the deadlines; providing funding for contingencies relating to construction of facilities financed by the Civic Center Facility Revenue Fund - \$313,500.00 - Enterprise Fund - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0622 ADOPTED.

31. ORDINANCE granting to **OIL PATCH TRANSPORTATION, INC., A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** - was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0623 PASSED FIRST READING IN FULL.
32. ORDINANCE granting to **VELEZ TRUCKING, INC., A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** - was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0624 PASSED FIRST READING IN FULL.
33. ORDINANCE No. 2010-0609, passed first reading on July 28, 2010  
ORDINANCE granting to **V.F. WASTE SERVICES, INC dba V.F. TRASH SERVICE, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** - was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0609 PASSED SECOND READING IN FULL.

Council Member Stardig moved to suspend the rules to consider Item No. 37 out of order at this time, seconded by Council Member Gonzalez. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. MOTION 2010-0581 ADOPTED.

37. ORDINANCE amending City of Houston Ordinance No. 2008-1051, passed on November 19, 2008, as previously amended by City of Houston Ordinance No. 2009-1275, pertaining to the addition of a grant application for the Neighborhood Stabilization Program under the 2008 Consolidated Action Plan, to permit certain low to moderate income requirements to be satisfied through both single family homeownership projects and multi-family rental projects, to align program activities and to include land-banking as a potential activity - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GONZALEZ and I – RODRIGUEZ – (This was Item 36 on Agenda of July 28, 2010, TAGGED BY COUNCIL MEMBER STARDIG)** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0625 ADOPTED.

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

**ACCEPT WORK**

6. RECOMMENDATION from Interim Director Department of Public Works & Engineering for approval of final contract amount of \$3,941,218.90 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in the Woodland Heights East Area - 4.33% over the original contract amount - **DISTRICT H – GONZALEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Noriega. Council Member Hoang voting no, balance voting aye. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. MOTION 2010-0582 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,488,461.13 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances Package No. 6 - 0.77% under the original contract amount **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I – RODRIGUEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Noriega, and tagged by Council Members Jones, Bradford and Hoang.
8. RECOMMENDATION from Interim Director Department of Public Works & Engineering for approval of final contract amount of \$3,618,575.55 and acceptance of work on contract with **REPIPE CONSTRUCTION, LTD**, for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method - 3.08% over the original contract amount - **DISTRICTS A - STARDIG; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Costello. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. MOTION 2010-0583 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 12 through 33

12. RESOLUTION approving and authorizing the issuance of \$2,500,000 of bonds by the Greater Sharpstown Management District - **DISTRICTS C - CLUTTERBUCK; F - HOANG and G – PENNINGTON** – was presented, and tagged by Council Members Hoang and Noriega.
14. ORDINANCE approving and authorizing Lease Agreement between the City of Houston, Texas, as landlord, and **EL CENTRO DE CORAZON, A Texas Nonprofit Corporation**, as tenant, for 2,366 square feet at the building known as the Sunnyside Health Center, located at 9314 Cullen Boulevard, Houston, Harris County, Texas, for a term of five years with two five year renewal options, for the purpose of providing Primary Health Care Services, OB/GYN Care, Dental and Optometry Services, Behavioral Health Services, and other health services to low income persons **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0626 ADOPTED.
16. ORDINANCE approving and authorizing first amendment to agreement for Burglar Alarm Administration Services between the City of Houston and **PMAM CORPORATION** approved by Ordinance No. 2009-391 to correct a clerical error – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0627 ADOPTED.
17. ORDINANCE approving and authorizing contract between the City of Houston and

**EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.** for Legal Services relating to various utility related matters, legislative assistance and legal consultation; providing a maximum contract amount \$2,040,000.00 - General Fund – was presented.

Upon questions by Council Members, Mr. Feldman stated that this was going forward for a period of three years, that a lot of this would go to the pending rate case with CenterPoint Electric and included not only legal fees that would be reimbursed but also expert witness fees that would be reimbursed as well; that not quite 95% of the expenditures would be reimbursed, about in the neighborhood of 80%, that in the RCA the 95% was in connection, for example, with the CenterPoint case, the vast amount would be reimbursed.

A vote was called on Item No. 17. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0628 ADOPTED.

20. ORDINANCE awarding contract to **THE PUBLIC GROUP, LLC** for Online Auction Services of General Merchandise, Long Guns, Vehicles and Equipment for the Administration and Regulatory Affairs Department - 5 Years with five one-year options – Revenue – was presented, and tagged by Council Members Rodriguez and Jones. (Note: Council Member Rodriguez released his tag later in the meeting.)
21. ORDINANCE awarding contract to **RBEX, INC, dba APPLE TOWING CO.** for Towing Services for Vehicles and Equipment for Various Departments; providing a maximum contract amount 3 years with two one-year options - \$2,718,765.00 - General and Fleet Management Funds – was presented, and tagged by Council Members Rodriguez, Jones and Hoang.
25. ORDINANCE appropriating \$12,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Construction Management and Inspection Services Contract between the City of Houston and **UNITED ENGINEERS, INC** for various paving projects – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0629 ADOPTED.
26. ORDINANCE issuing a permit to **ENTERPRISE INTRASTATE L.P.**, to operate, maintain, improve, repair and replace one existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICT E – SULLIVAN** – was presented, and tagged by Council Member Jones.
27. ORDINANCE issuing a permit to **ENTERPRISE PRODUCTS OPERATING LLC**, to operate, maintain, improve, repair and replace three existing pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS D - ADAMS and E - SULLIVAN** – was presented, and tagged by Council Member Jones.
28. ORDINANCE issuing a permit to **SEMINOLE PIPELINE COMPANY**, to operate, maintain, improve, repair and replace four existing pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICTS A - STARDIG; B - JOHNSON; E - SULLIVAN; G - PENNINGTON and I - RODRIGUEZ** – was presented, and tagged by Council Member Jones.
29. ORDINANCE issuing a permit to **SOUTH TEXAS NGL PIPELINES, LLC**, to operate, maintain, improve, repair and replace one existing pipeline in certain portions of specified

public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICT E - SULLIVAN** – was presented, and tagged by Council Member Jones.

Council Member Sullivan asked Mr. Feldman that generally speaking and unrelated to the four or five pipelines that were tagged, all of which were in his district, did their pipeline carriers pay taxes and franchise fees to the City for transporting their protect through the City, and Mr. Feldman stated yes.

Council Member Rodriguez stated that he would release his tag on Item No. 20.

**MATTERS HELD** - NUMBERS 34 through 40

34. MOTION by Council Member Clutterbuck/Seconded by Council Member Costello to adopt recommendation from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court; in connection with eminent domain proceeding styled City of Houston v. Hiki Corporation, A Texas Corporation, et al., Cause No.951,771; for acquisition of Parcel AY8-126; for **HOMESTEAD ROAD GRADE SEPARATION PROJECT (Ley Road - Firnat) - DISTRICT B – JOHNSON** – **(This was Item 11 on Agenda of July 28, 2010, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Adams and Pennington absent on personal business. MOTION 2010-0584 ADOPTED.
35. ORDINANCE **AMENDING ARTICLE VI OF CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the regulation of jitneys; prescribing operating standards for jitneys; declaring certain conduct to be unlawful and providing a penalty therefor; containing findings and other provisions related to the foregoing subject; providing an effective date; providing for severability – **(This was Item 25 on Agenda of July 28, 2010, TAGGED BY COUNCIL MEMBERS BRADFORD, RODRIGUEZ and SULLIVAN)** - was presented.

After discussion Council Member Jones moved to suspend the rules to hear from Mr. Christopher Newport to answer some of the questions that he had on Item No. 35, seconded by Council Member Lovell. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Adams and Pennington absent on personal business. MOTION 2010-0585 ADOPTED.

Upon questions by Council Members, Mr. Newport stated that what they had tired to accomplish with the ordinance revisions was to clearly differentiate that for a Jitney service, which served a fixed route in a pretty defined and confined geographic area, that they would like the larger vehicles to service those fixed routes because they did a very good job of removing a number of both passengers and vehicles from particularly congested roadways, that in reference to one of two current permitted Jitney operators which utilized the smaller electric vehicles, which had a passenger capacity of six, and as was pointed out they were currently allowed to continue operating with those two vehicles that they had permitted, that what he thought they would like to do was to create room in the future, with what they had mentioned previously, the Green Vehicle Ordinance, as the working title, which would cover the smaller vehicles, which did an excellent job of moving passengers without emitting any carbon emissions, however they operated in a significantly distinct way from other vehicles for hire and they had different vehicle characteristics so that was where they wanted to bring the new ordinance, which they would be presenting a draft of in September, they had two stake holder meetings already for this and had another one scheduled for next week; that as a department they would like to expand the number of options that the riding public had which was why they

would like the Jitney's to be serviced as they were in other areas of the Country, which had better established Jitney services, by the larger vehicles and the smaller vehicles were just peddy cabs or electric shuttles, that they did recognize that there were different benefits from each type of vehicle, which was precisely the reason that they were bringing this separate ordinance revision back in September, that he thought the ordinance revision would provide a more flexible framework that would allow the current Jitney operator that was using the smaller vehicles to operate in a way which they would prefer to operate, that he also thought that they based the Jitney revisions off of what was practiced in other municipalities and other regions which had a very differentiated transportation set of options, that a Jitney was a unique animal in the public transportation sphere of options, just as a limousine was not the same as a taxi cab and they utilized those two services for a different set of uses, but a Jitney was typically, as it had surfaced in the Houston market, with larger vehicles, but in other areas of the Country, typically used to service a regular fixed route that establishes some degree of certainty as to arrival and departure times for the riding public, that he thought what they would clearly like to set to the riding public that these were their different set of options, this was the entire spectrum, and they would like, he thought, to encourage the development and investment in a full spectrum of options, that right now he did not think that they had that, the shorter service, as evidenced by the recent market developments and the increased supply of short trips by a number of different suppliers, peddy cabs and the electric shuttles and the Jitneys, there was room for them to encourage that and he thought with the combination of, one, the Jitney Ordinance, which specifically addressed the unique Jitney animal, so to speak, and the coming September, Green Vehicle or zero emission shuttle service, however that ended up being characterized, he thought both of those would put together a much more complete picture than what they currently had and a much more flexible picture; that as to how many passengers would apply to the ordinance before them, the passenger capacity would be revised from a minimum of 9 to a maximum of 15; that his opinion was that this would make for a more comprehensive ordinance and bring more clarity to this process, that he thought the existing ordinance was unduly inflexible, that it inhibited investment, the current operators could not differentiate their products from others sufficiently; that they were still in line to incorporating the electric vehicles into the ordinance, that they had two stakeholder meetings on this topic already and their goal was to have an external stakeholder meeting with the peddy cabs and electric shuttles and representatives, that at their two meetings they had members of the taxicab industry and invited members of the limousine industry, they hoped to have the stakeholder meeting every other week as they go forward, in addition to internal stakeholder meetings that they would have with the different departments, that they had another one scheduled for next week and were confident that they would be able to bring a quality product to City Council in September, that whereas the electric vehicles were not officially incorporated into the existing ordinance they were grandfathering them in the interim as they worked through this, that the intent would not be to eliminate that type of service, in fact it would be to encourage the development and investment and the provision of that service, that it was absolutely beneficial, what was particularly beneficial with the electric cars was that they provided a strong benefit and there were no emissions, and in cold startups they were in idling, which they spent a lot of time standing still when they were waiting to provide short trips, that in September they were excited because he thought they were going to create a flexible framework where more investment and expansion of this service could occur; that in the past electric cars were cited because they were operating outside the scope of the existing ordinance, that they had come into compliance with the ordinance, they were permitted, they were subject to the same rules of the road that all other vehicles for hire were and he did not anticipate that they would go out of their way to violate those in any manner, that so long as they did not violate those provisions they would not be cited. Council Members Rodriguez and Jones absent.

Upon further discussion and questions by Council Members, Mr. Newport stated that they currently had 2 permitted holders, that it was correct that the permitted operator who uses the smaller vehicle would be restricted to utilizing the same number of vehicles that they had

utilized for the previous two years that they had been using that business model, that the operator could not expand to provide Jitney service with the same size vehicles, that he was confident that the new ordinance was going to have a provision in there to create a new classification for permitting electrical cars, that he thought that the reason they were not doing the Green Ordinance first before the Jitney was because the Jitney revisions began late last year or early 2010 with the establishment of the Washington Avenue Task Force that Council Member Gonzalez set up at the request of the Mayor, and also the current permitted operator that uses the larger vehicle was actively engaged with them and some Members of City Council and with the administration to identify areas where the existing language was presenting a lot of problems, so they began working on the Jitney ordinance earlier, that the reason they were going to 9 as a minimum and not 6 as a minimum, for one because it was common that Jitney service was provided by larger vehicles, overwhelmingly in other areas of the Country where Jitney service was provided in a viable fashion, they had four permitted operators in the 15 year history of the ordinance, two of those managed to make it viable in a way that was similar to the service that was provided elsewhere in the Country and they utilized the larger vehicles, that the vehicles typically were sturdier, they did a very good job of removing more passengers from the roadway than a 6 passenger vehicle might, that for provision of a Jitney service, that again he wanted to emphasize, was on a small fixed route and it was important, he thought, when they were talking about a small fixed route that meant that they were going to have one, two or how many vehicles ultimately get permitted in the same area circulating back and forth, so he thought having the larger vehicle was one, most common in the Jitney market, and two, did a better job of mitigating the externalities than a smaller vehicle might, that did not mean that the smaller vehicles could not still provide short haul service, that taxicabs were still perfectly allowed and their vehicles went from 4 to up to 8 with the minivans to provide short haul service was perfectly permissible, that limousines, although he could not imagine why they would want to provide a short trip, could do that and ultimately in September these other ones would be able to do so as well, that they would be able to expand; that the grandfather clause provided that the currently permitted operators would be able to keep operating those vehicles that were permitted, whether or not they complied with the minimum passenger capacity increase, that if the Green Ordinance did not pass the permit holder who was not in compliance with the passenger size would still be able to operate as a Jitney.

After further discussion by Council Members a vote was called on Item No. 35. Council Members Jones, Bradford and Johnson voting no, balance voting aye. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0630 ADOPTED.

**36. ORDINANCE AMENDING ARTICLE II AND ARTICLE IV OF CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to taxicabs and sightseeing and charter services, concerning corrections to inadvertent inconsistencies regarding the regulation of taxicabs; and addressing inadvertent omissions regarding regulatory controls concerning sightseeing and charter services as a result of previous omnibus amendments effecting the repeal of the City's regulation of suburban buses; containing findings and other provisions related to the foregoing subject; providing an effective date; providing for severability - **(This was Item 26 on Agenda of July 28, 2010, TAGGED BY COUNCIL MEMBERS SULLIVAN and RODRIGUEZ)** – was presented, and tagged by Council Member Noriega.

**38. ORDINANCE** approving and authorizing Interlocal Agreement between the City of Houston and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Printing, Copying, Scanning and On-site Copy Shop Management Services for City Departments; providing a maximum contract amount 5 Years with 5 one-year options - \$7,557,460.00 - Central Services Revolving Fund – **(This was Item 43 on Agenda of July 28, 2010, TAGGED BY COUNCIL MEMBERS JONES and BRADFORD)** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Members Wanda Adams and

Oliver Pennington absent on personal business. ORDINANCE 2010-0631 ADOPTED.

39. ORDINANCE appropriating \$49,970.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Roofing Consultant Services Contract for Task Order Contract between the City of Houston and **BUILDING ENVELOPE CONSULTANTS, LLC** for Various City Departments; amending Ordinance No. 2008-0890 to increase the maximum contract amount - **DISTRICT I - RODRIGUEZ** – (**This was Item 54 on Agenda of July 28, 2010, TAGGED BY COUNCIL MEMBER JONES**) – was presented. Council Member Jones voting no, balance voting aye. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0632 ADOPTED.
40. ORDINANCE appropriating \$1,280,260.00 out of Police Consolidated Construction Fund and \$460,259.00 out of Street & Bridge Consolidated Construction Fund for Job Order Contract for Roof Repair/Replacement Services for Houston Police Department Southeast Command Center and the Public Works & Engineering Department McCarty Maintenance Facility under an existing citywide contract with **CHARTER ROOFING COMPANY, INC** (Approved by Ordinance No. 2008-0891) - **DISTRICTS E - SULLIVAN and I – RODRIGUEZ** – (**This was Item 55 on Agenda of July 28, 2010, TAGGED BY COUNCIL MEMBER JONES**) – was presented. Council Member Jones voting no, balance voting aye. Mayor Parker out of the city on city business. Council Members Wanda Adams and Oliver Pennington absent on personal business. ORDINANCE 2010-0633 ADOPTED.

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

Council Member Noriega stated that it was back to school time and the Houston Fire Department had teamed up with the Blue Cross Blue Shield Care Van to offer free childhood immunizations at area fire stations, that there was a schedule at the Houston Fire Department at 713-495-7900 or [www.carevan.com](http://www.carevan.com); that these were free immunizations for kids that were going to school, that if they qualified they could check in with their Houston Fire Department, that these were all Thursday's through November; that she wanted to draw their attention to an article that was in the August 2010 Texas Monthly, that it was about the dynamic tension between mentally ill Texan's who ended up interacting with the police and the Houston Police Department, that it was not just about Houston, it was about the State of Texas and the need for more services for the mentally ill, that it talked about a particular family and the incident that prompted the Houston Police Department to improve their response to calls on mentally ill citizens, that what often happens is that a family member does not know what to do with someone who was out of control so they call 9-1-1 and get the police, that if they had someone who threatens a police officer they either get tazered or shot, that was not an answer for this and the Houston Police Department has done a great deal to try to improve this, they had trained officers in techniques that allowed them to change the dynamics of these interactions, they had included physiologists and therapists on these calls, but it was always a dangerous situation, that this was just not a good situation and she would encourage both her colleagues and the citizens of Houston to be aware that the County Jail was not a mental health facility and they had more people in the Harris County Jail then they did in all of the mental health faculties, the public ones across the State and their Legislature was not choosing to deal with this, that's what happens when they had budget cutbacks, which they were going to have this year and they try to balance the budget without raising taxes, that was all very well and good when they talk about it but this was where the rubber meets the road and it was a terrible thing to do to their police officers, it was a terrible thing to do to their families and they do not have a good solution the way that it was now, that her personal interest in this went beyond the Police Department, some of these folks were veterans and they need services from the VA, the VA had stepped up and was improving both the quality and the quantity of their services but they still end up with concerns that had to do with that, that just shifting the mentally ill from hospital

settings where they do not have enough beds to jails and prisons was not an answer, that the chances of their being in prison was 8 to 1 rather than a mental health facility, so she would encourage all of them to contact their State Representatives and Senators about this, that State Representative Garnett Coleman had taken the lead on this over the years and had done wonderful work and she thought it was an important issue that they needed to draw attention to. Council Members Johnson, Lovell, Bradford and Jones absent.

Council Member Gonzalez announced the following; the Northside Health and Resource Fair, August 6, 2010, 8:00 a.m. to 12:00 p.m. at Moody Park, 3725 Fulton, in partnership with State Representative Jessica Farrar and the Northside Health and Resource Committee; White Linen Night in the Heights, August 7, 2010, 6:00 p.m. to 9:00 p.m.; the Ryan Civic Club Mural Celebration, August 7, 2010 from 7:00 p. m. to 8:30 p.m., that volunteers had begun transforming a wall at the Ryan Civic Association Building into a work of art, that the mural at 4512 Elysian would commemorate the life of former Ryan resident Earl Henderson, who was remembered as a man who formed a baseball league for Ryan youth during the days of segregation; Public Safety and Homeland Security Committee meeting on August 11, 2010 at 6:30 p.m. at Sharpstown Community Center, 6600 Harbortown and August 16, 2010 at 6:30 p.m. at the E.B. Cape Center, 4501 Leeland. Council Members Lovell, Noriega, Bradford and Jones absent.

Council Member Hoang stated that he wanted to thank the Shenandoah Home Owner Association who invited him to their meeting yesterday, that they recognized Ms. Jan Fry, who had done a lot of services and contributions to the community; that he wanted to thank the officers in the Westside Division for facilitating a ride along for him last week, that they took him to several areas in District F, that the ride along helped him better understand the challenges and significant contributions of the officers in the community; that he would like to ask for their help to turn on the lights at Burnett Bayland Park, that the Parks Department had entered the "Pepsi Refresh Everything Campaign" in hopes of winning a \$250,000 grant to keep up soccer play at Burnett Bayland Park, their entry was called "Bright Fields Bright Futures" and the goal was to light a 330 feet X 220 Soccer Field in Burnett Bayland Park in District F, that he wanted to encourage all residents of Houston to vote by going on line at [www.refresheverything.com](http://www.refresheverything.com) and vote for their park, that they could also vote by texting 101847 to PEPSI, that the voting would end on August 31, 2010. Council Members Gonzalez, Lovell, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Stardig stated that she wanted to let Council Member Hoang that she shared the link with all of her Facebook friends; that she wanted to say Happy Birthday to Council Member Costello, tomorrow was his birthday; that she wanted to thank Solid Waste Director, Harry Hayes, and Houston Fire Department Assistant Chef, Karen Dupont, for their informative presentation at last weeks District A townhall meeting discussing City of Houston recycling and Adopt a Fire Station Programs, a second townhall meeting covering the same topics would be held next Tuesday, August 10, 2010, at Oak Forest Elementary School at 7:00 p.m.; that she would like to thank the Korean Chamber of Commerce for inviting and including her to speak at their meeting last week with regard to public safety along the Long Point Corridor, along with the Houston Police Department command staff at Sol Garden Restaurant. Council Members Gonzalez, Lovell, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Costello stated that he also shared a birthday with the City Secretary, Anna Russell, who would celebrate her birthday tomorrow as well; that he wanted to highlight a couple of things to his colleagues about what their staff was doing relative to budgets and trying to save them money, and he had said this on a number of occasions that it was so easy for them to comment and criticize and how difficult it was for someone to create, and when they had their staff members working very diligently on trying to focus on programs that could help

them to save money he thought it was something that they ought to make note of, that he recalled during the budget process he brought up an issue relative to the Medicare Advantage Program and in visiting with HR he wanted to say thank you to Gerri Walker for all of the work that they had one in HR relative to their goals, they anticipated having 2,968 members in this program and they had well over 3,000, almost 3,100 right now and they just started the FY, which he thought was a great achievement, that it was saving the City about \$10.6 million; that on the Solid Waste side he knew that there had been a number of discussions about the compostable bags and he used them for the first time last week and it was a challenge but he was able to do it, that he thought what was unique about that was that Gary Readore had worked very diligently in Solid Waste, he had also indicated that the amount of trash that they picked up now was significantly less in terms of yard waste, saved \$1.5 million; that he wanted to thank Frank Carmody for the issue they passed on the agenda, the printing services with HISD, which was saving the City \$300,000, that these were people who worked very hard in trying to achieve some of the things that they had asked them to do at the start of the budget process and he wanted to thank everybody for that. Council Members Johnson, Gonzalez, Lovell, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he wanted to wish a 138th Birthday to Emancipation Park in the Historic Third Ward, that he attended a birthday party put on by the Friends of Emancipation Park over the weekend, that they asked if he would share with his colleagues some of the birthday cards that were made by the children that were in the summer program and read from his favorite one, "Happy 138th Birthday Emancipation Park, I liked Emancipation Park because I have fun" and it was signed by "Pewee". Council Members Stardig, Gonzalez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that there was a little confusion that happened in his Special Ethics and Governance and Redistricting and Term Limits Committee that he wanted to clarify and he sent his colleagues an email this morning, that at the committee meeting there was discussion about term limits and consensus among the committee members that they would have a follow up meeting specifically to talk about term limits and as committee chair he agreed to that meeting, that the administration had decided to simply bring that term limit item to Council next week, that he thought it was an misunderstanding of who was supposed to initiate a memo, that it was certainly not intentional, that he wanted to say that publicly and also to his colleagues that it was an oversight, he thought, on the administration's part, he was not speaking for them but could tell them that he did not intend at all to circumvent the committee process and they would move forward, that the Houston Fire Department lost a brother this week, Firefighter Johnny Williams, died as a result of injuries sustained in a motorcycle accident in the San Leon area, that he was assigned to Fire Station No. 71 and their condolences go out to his family and his Houston Fire Department family; that the MLS Soccer League had their All Star Game last week at Reliant, it was a sell out crowd of over 70,000 people showed up, that it was a great soccer game and proved that they were once again a Soccer City and wanted to recognize the Dynamo's Chief Operating Officer, Kris Kanadi, for all that he had done to bring that game to Houston and showcase what they could do; that a Water Resource Management Committee meeting scheduled for tomorrow at 2:00 p.m. and would invite his colleagues; that he had mentioned a couple of weeks ago that the daughter of a Houston Police Officer, Rachel Zientek, who had been in the news quite a bit because she had come back to Houston from Anchorage, Alaska, where she had been in the hospital for a few weeks due to injuries sustained in an airplane crash, that there would be a fund raiser for her on Saturday at Town Center Park in Kingwood from 10:00 a.m. to 2:00 p.m. and would encourage the public to come out. Council Members Stardig, Hoang, Gonzalez, Noriega, Costello, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to thank Christopher Newport and Tina Paez with ARA for all of the hard work on the Jitney Ordinance; that at 2:00 p.m. the

Development and Regulatory Affairs Committee would meet; that next Tuesday, August 10, 2010 at 10:00 a.m. in the Council Chamber the Transportation, Infrastructure and Aviation Committee would meet; that she wanted to congratulate the Metro Police Department who had been selected as a Flag Ship Agency by the Commission on Accreditation for Law Enforcement Agencies; that she wanted to congratulate Metro, who recently received the Federal Decision on the University Line signifying final approval of the Environmental Review Process; that as to Historic Preservation, they had a great meeting last night in Norhill and she wanted to commend the citizens for a good dialog and suggestions to the ordinance, that they would be meeting tomorrow, Thursday, in Glenbrook Valley at the Glenbrook United Methodist Church at 8635 Glen Valley, and next week they would meet on Tuesday, August 10, 2010 at the United Way of Greater Houston at 50 Waugh Drive; that she wished Council Member Costello and City Secretary Anna Russell a Happy Birthday, that she wanted to say thanks to Roy Oswalt and Lance Berkman for the privilege of watching them play baseball. Council Members Stardig, Sullivan, Gonzalez, Noriega, Costello, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he to wanted to say Happy Birthday to Anna Russell; that this weekend would be the 20th Annual International Jazz Festival where he would be the honorary chair, that it would kickoff on Friday, August 6, 2010 at the Red Cat Jazz Café at 924 Congress, it would then continue at Discovery Green on Saturday, August 7, 2010 and on Sunday they would have the Kroger Mayor's Scholarship Jazz Brunch at the Wortham Theater, that the finality of the International Jazz Festival would be at Discovery Green with the Summer Jazz Workshop All Stars; that God's Grace Community Church would be having, and he would be hosting, the Back to School Rally on Saturday, August 7, 2010, from 10:00 a.m. to 4:00 p.m. at 9922 West Montgomery, that they would be giving away backpacks and giving lots of their children to get a great start on their new school year; that he wanted to invite everyone to the free Baseball Clinic at Sylvester Turner Park on Saturday, August 14, 2010 hosted by the MLB Astro Youth Academy, that he wanted to congratulate his son and his team for a wonderful season all out of the Acres Homes Community in which they qualified for the State tournament and did quite well, that the clinic would be from 9:00 a.m. to 12:00 p.m., for information they could call 713-393-8765 for contact information. Council Members Stardig, Sullivan, Gonzalez, Rodriguez, Noriega, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Pro Tem Clutterbuck stated that yesterday they had a number of students at Council who were winners of the NAACP ACT-SO Award, that it was brought to her attention that they had quite of number of their staff who had also participated in that, but one in particular, Landon Taylor of her staff, who was the NAACP ACT-SO winner from Jackson, Mississippi. Council Members Stardig, Johnson, Sullivan, Gonzalez, Rodriguez, Noriega, Costello, Bradford and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:30 a.m. Mayor Parker out of the city on city business. Council Members Adams and Pennington absent on personal business. Council Members Stardig, Johnson, Sullivan, Gonzalez, Rodriguez, Noriega, Costello, Bradford and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

---

Anna Russell, City Secretary