

City Council Chamber, City Hall, Tuesday, August 24, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 24, 2010, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Mike Sullivan, Al Hoang, Edward Gonzalez, James G. Rodriguez, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David M. Feldman, City Attorney; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; present. Council Members Wanda Adams, Oliver Pennington and Stephen C. Costello absent on personal business.

At 1:46 p.m. Mayor Parker called the meeting to order and called on Council Member Stardig for a presentation and Council Member Stardig stated that she wanted to recognize the Planning and Development Department for their great work on the projects; that they had established a Neighborhood Matching Grant Program in 1997 and it was designed to cultivate the spirit of volunteerism and help neighborhood based organizations with planning and community building through neighborhood projects; that this year 15 applications were approved and 14 completed their project; and invited all recipients to the podium and presented Certificates of Recognition to each group for successfully completing their beautification projects. Council Members Johnson, Sullivan, Rodriguez, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that the good news about the program was it was raised during the budget process, the program was ended because of financial reasons, but all were very fond of it and Council Member Stardig had made a strong plea and placed it back into the budget; that she (Mayor Parker) agreed to find \$25,000 and Ms. Gafrick in Planning rescrubbed her budget and found an additional \$75,000 for the program and even delayed hiring for a position she had, but this was important; and she thanked all for their hard work. Council Members Johnson, Sullivan, Rodriguez, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Members Gonzalez and Clutterbuck congratulated and thanked each group for what they did in their communities. Council Members Johnson, Rodriguez and Jones absent. (NO QUORUM PRESENT)

At 1:58 p.m. Council Member Noriega invited Dr. Jim Bankston with St. Paul's United Methodist Church to the podium to lead all in the prayer and Council Member Noriega led all in the pledge. Council Members Johnson, Rodriguez and Jones absent.

At 2:01 p.m. Mayor Parker requested the City Secretary call the roll. Council Members Adams, Pennington and Costello absent on personal business. Council Members Johnson, Rodriguez and Jones absent.

Council Members Lovell and Bradford moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Members Johnson, Rodriguez and Jones absent. MOTION ADOPTED.

Mayor Parker stated that notice was given to City Council there was a possibility a citizen initiated petition would come before them today; that there was a deadline for posting prior to the November election and the City Secretary Anna Russell informed her this morning she had completed her count and the petitions were sufficient and as an act of good faith to the 30,000 citizens of this area who signed petitions the item was posted in case the count was completed which was done and during the course of this meeting action would be taken; that she would

remind all it was not a for or against, but a ministerial duty to place it on the ballot once it was determined petitions were sufficient. Council Members Johnson, Rodriguez and Jones absent.

Council Member Clutterbuck stated that she just arrived and was not sure if Council Rules, Section 2-2(d) was complied with, but if not she would call a point of order; that all Council rules required the description caption or title of each item on the Agenda be read by the City Secretary in the Council Chamber beginning not earlier than 60 minutes before the scheduled commencement time of the City Council Meeting of which the Agenda would be considered; and upon questions, the City Secretary stated that she had not read it and planned to read it just prior to the item being presented; and Council Member Clutterbuck stated that she called a point of order as it did not comply with Council Rules of Procedure; and Mayor Parker stated that she was opening the meeting to allow Ms. Russell the opportunity to do so and it was her intention to hear from the many citizens present today who wished to speak on the issue and there was sufficient time considering the length of the speakers list to have the formal reading and take a timely vote.

Upon questions by Council Member Clutterbuck, Mayor Parker stated that she would ask the City Attorney review the Rules of Council and while she was sympathetic to where she thought she was going with this she would think it not wise to circumvent the will of a huge number of citizens interested in this issue; that three Council Members were out of the city at this time and Council Member Johnson was in route; and Mr. Feldman stated that as he read the rules it provided for the earliest time for the matter to be read, not the latest time, therefore it could be read during the course of the meeting; and Mayor Parker stated that City Secretary Russell who had more experience at this than anyone in the Chamber and probably anyone living informed her previously when she had done this she read it at the commencement of the Council Meeting and she would now overrule the Council Member's point of order; and Council Member Clutterbuck stated that she would like the record to reflect her objection. Council Member Johnson absent.

At 2:09 p.m. the City Secretary was asked to read the item and the City Secretary read Item No. 1 as follows:. Council Member Johnson absent.

MATTERS RELATING TO THE NOVEMBER 2, 2010 ELECTION

1. ORDINANCE ordering a Special Election to be held on November 2, 2010, for the purpose of submitting to the qualified voters of the City of Houston, Texas, a proposition to amend the City Charter to prohibit the use of Photographic Traffic Signal Enforcement Systems (Red Light Cameras)

After a lengthily discussion Mr. Feldman stated that Council was required to vote to pass the ordinance which was the election order, it required a vote of Council; that the Mayor's point was this was a ministerial duty and there was no legal alternative but to place the matter on the ballot as a Charter amendment duly filed and presented to the City Secretary and certified by the City Secretary in accordance with Chapter 9 of the Local Government Code; that a vote was technically necessary because it was in the form of an ordinance; and Mayor Parker stated that the city would actually determine the form of the language, the caption which would be on the ballot and when they did this they were stating how it would be captioned for the citizens; that it was as simple and as indirect as they could make it, yes if you want to keep cameras and no if you do not want to keep cameras, it was not the language on the ballot but how it was styled; and Mr. Feldman stated that first they recognized the Charter of the City of Houston contained a provision for referendum process by which citizens could seek to stay and repeal an ordinance passed by Council, it existed under local law, the City Charter, what was important for all to understand was the Charter amendment process was governed by state law and state law controlled over local law and there was nothing in state law of the local government code which

specifically dealt with Charter Amendments for home rule municipalities to prevent a citizen from filing a petition for a Charter Amendment which would have the affect of repealing an ordinance so state law controlled; and Mayor Parker stated that it was her understanding that those who were in opposition to this effort intended to file suit against the City of Houston, to go to a judge and establish that, it should not be up to Council to thwart the wishes of the citizen petition and she believed it would go before a judge to determine whether it was legal; and Mr. Feldman stated that Council had the right to vote as they wished and the duty however, under state law, to place this on the ballot and if they voted no and a no vote passed and there was no election order and the petitioners or anyone else challenged by filing a mandamus petition then the city was in the position of being ordered by a judge to conduct the election and they could also be liable for attorneys fees as well and that was the position Council would be placing the city in if it did not vote to place this on the ballot; that he agreed with the Mayor no matter what they did there was someone who was going to sue them and as legal representative of the city he was telling this Council it was in the best interest of the city to place this on the ballot; Mayor Parker stated that they could never compel a Council Member how to vote, but clearly the language of the law was when something was a ministerial duty they were supposed to exercise that duty; that she was in the Chamber when Council voted to put a referendum on Affirmative Action, that the vast majority of Council was opposed to; that she was in the Chamber when they were forced to put a ballot initiative to strip her ability to provide the health benefits to her life partner and she was required to vote for that and did; that it was up to Council Members to decide where their duty was in this instance; that they could vote no but there was a consequence to that order; and Mr. Feldman stated that there was any number of times in their role as a legislator they had to act in a manner consistent with a ministerial duty, they had the right to say no, but the law could compel them to do otherwise.

After further lengthy discussion Council Member Johnson stated while this was a healthy and sometimes repetitious discussion this was a public session and moved that Council move forward to hear from the list of speakers, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Stardig absent. MOTION 2010-0619 ADOPTED.

Council Member Noriega moved the rules be suspended for the purpose of hearing from Mr. Michael Kubosh after Mr. Albert Lemons, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Stardig absent. MOTION 2010-0620 ADOPTED.

At 2:54 p.m. the City Secretary began calling the public speakers. Council Members Stardig and Sullivan absent.

Ms. Cynthia Dunn, 8902 Theysen Drive #80, Houston, Texas 77080 (281-685-8836) appeared and stated that she was from the Binglewood Subdivision and present regarding the ordinance for infrastructure development between the city and Intown Homes pursuant to Chapter 380 of the Texas Local Government Code and Binglewood was in favor of approving the funds provided the development be for single family residential use as they had a problem being surrounded by multifamily and their school zone was the densest. Mayor Parker, Council Members Sullivan and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Stardig stated that the 380 development, especially 40 of the 100 acres, was critical to the new development in Spring Branch and District A community and she appreciated all their support and passion for this to go forward. Council Members Sullivan and Noriega absent.

Mayor Parker stated that one thing she heard was the concern that through the 380 agreement whether they would exempt anyone from full compliance with all codes and clearly

they did not; that all permits would have to be appropriately received from the City of Houston. Council Members Sullivan, Hoang and Noriega absent.

Ms. Jo Lightsey, 2203 Counter Point, Houston, Texas 77055 (713-851-6925) appeared and stated that she was present as she believed safety cameras were good, just as the easy tags were, if an officer was present you would probably receive two tickets for speeding and running the light; and she was a school bus driver. Council Member Sullivan absent.

Mayor Parker stated that most Council Members agreed with her and they would have to work through this process. Council Member Sullivan absent.

The City Secretary stated that Mr. Freddy Warner had been removed from the speakers list, was present, and would be called to speak after Mr. Jeffrey Boney. Council Member Sullivan absent.

Mr. Jeffrey Boney, P. O. Box 300512, Houston, Texas 77230 (832-214-1617) appeared and stated that he was founder and CEO of the Texas Business Alliance and they were in support of keeping the safety cameras; that he had negatively been impacted on several occasions and the cameras help strengthen the police force and free officers for other crimes. Council Members Sullivan, Hoang and Rodriguez absent.

Upon questions by Council Member Noriega, Mr. Boney stated that he was representing himself and the Texas Business Alliance. Council Members Sullivan, Hoang and Rodriguez absent.

Mr. Freddy Warner, 2803 Ferndale, Houston, Texas 77098 (713-522-4202) appeared and stated that he was with the Memorial Hermann Healthcare System and present regarding the red light cameras; that they operated 11 hospitals and emergency rooms throughout the area and trauma centers were under stress; that they operated at about a \$20.1 billion trauma shortfall and their component of the red light camera funds represented about \$2.8 million; and urged keeping the red light cameras. Council Members Sullivan, Hoang, Gonzalez and Rodriguez absent.

Mr. Garth Whittington, 2708 Sackett, Houston, Texas 77098 (713-703-5146) appeared and stated that he was a recreational cyclist and felt safer approaching intersections with red light cameras; that the \$75.00 fine was more of an act of persuasion to stop rather than the \$275. fine and criminal charges, etc., without the cameras. Council Members Sullivan, Hoang, Gonzalez, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Reverend L. David Punch, 3202 Trulley, Houston, Texas 77004 (713-659-7735) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Hoang, Gonzalez, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Ms. Judith Ellis, 9503 Winsome, Houston, Texas 77063 (713-781-4103) appeared and stated that one out of three Americans were known to have been impacted by red light runners and she was hit three times, once having to endure a wait to see if the baby her daughter-in-law carried was still alive; and 91% of Houstonians supported the cameras. Council Members Sullivan, Hoang, Rodriguez and Jones absent.

Mr. Howard Watson, 4602 Eigel, Houston, Texas 77007 (713-569-6177) appeared and stated that he was concerned about the wellbeing of Houston citizens and was in support of safety cameras; that red light runners were the leading cause of all urban collisions and cost the Houston region around \$225 million a year. Council Members Sullivan, Hoang and Rodriguez absent.

Mr. John Tillman, Jr., 4926 North Shepherd, Houston, Texas 77007 (713-569-6117) appeared and stated that among other things he was minister of the Garden Oaks Church of Christ and over the past week opened the Garden Oaks Christian Academy, now with the school he valued the fact cameras would help all crossing the street and was in support of red light cameras. Council Members Sullivan, Hoang and Rodriguez absent.

Mr. Alex Montgomery, 1503 Cheshire, Houston, Texas 77018 (713-906-1425) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Hoang and Rodriguez absent.

Mr. Roger Gordon, 901 S. Mopac Expressway, Bldg. One, Suite 300, Austin, Texas 78746 (512-636-2540) appeared and stated that he was a victim of a red light runner and an attorney and present on behalf of Keep Houston Safe; that as much as they would like to believe Council could not place any issue before the people because it was convenient and spoke on the red light referendum in College Station and three cities since which said they would only order an election when there was appropriate authority to do so and here there was not that authority; that rules of referendum being overlooked was approved by voters. Council Members Sullivan, Hoang and Rodriguez absent.

Council Member Clutterbuck stated that Mr. Gordon should continue; and Mr. Gordon stated that an act overlooked was passed nearly 100 years ago, citizens of Houston approved the Charter being discussed today and they were considering ignoring those citizens and procedures and processes; and advised those wanting to get rid of the cameras to change the Charter's rules of referendum.

After discussion and upon questions by Council Member Johnson, Mr. Gordon stated that an attempt to use the Charter amendment process as a vehicle to address an individual ordinance ignored or circumvented specific processes voters approved in the 1913 referendum.

Mr. Andy Taylor, 405 Main #200, Houston, Texas 77002 (713-722-1817) appeared and stated that he practiced election law 23 years and the City of Houston City Attorney stated that in his opinion state law would allow this, but federal law was the top of the list and Section 5 of the Voting Rights Act required administrative preclearance by the United States Department of Justice and his concern was they were trying to use state law to circumvent the Charter voters approved in 1913 and if they wanted to deviate from the Charter they had to get it pre-cleared by the Justice Department and if they did not then what they did do was void; that in his judgment if Council ordered the election it would violate Section 5 of the Voting Rights Act.

After discussion and upon questions by Council Member Hoang, Mr. Taylor stated that the ministerial duty was not correct when viewed in this context, there was no ministerial duty to violate the Voting Rights Act of 1965, but to comply with it; and if the petition was on the ballot it may cause a dilution in minority voting strength. Council Member Sullivan absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending the time for questions of Mr. Andy Taylor, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent. MOTION 2010-0621 ADOPTED.

After discussion and upon questions of Council Member Jones, Mr. Taylor stated that Renew Houston was not a situation where they were trying to invalidate an ordinance passed years ago by something other than the referendum process; that they could dilute potential voting strength of minorities in other races and that was why Section 5 was a prophylactic rule

and they had no choice and could not do this without permission. Council Member Sullivan absent.

Mayor Parker stated that she would remind everyone they had only one City Attorney; and Mr. Taylor was present to advocate his position.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending the time for questions of Mr. Andy Taylor, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. MOTION 2010-0622 ADOPTED.

After discussion and upon questions of Council Member Clutterbuck, Mr. Taylor stated that they were to uphold the integrity of the Charter and it was the Charter which governed whether in a subject matter they had the right to speak or not and suggested outside 30 days the only way to do this was to come to them and say change your mind or try to amend the Charter and eradicate the 30 day deadline.

After a lengthily discussion and upon questions of Mayor Parker, Mr. Feldman stated that he wanted to point out for the benefit of all Council Members that because this was a special election called for and because of Charter amendment and presumably red light camera they were required by law to seek preclearance and they would but after they entered the election order so he could assure everyone the Voting Rights Act of 1965 would be complied with in all respects and he was sure Mr. Taylor with his vast experience would know they would do that after adopting the election order.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending the time for questions by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. MOTION 2010-0623 ADOPTED.

After discussion and upon questions by Council Members, Mr. Taylor stated that if there was a writ of mandamus it had to be awarded before midnight tonight; that when you deviated from a voting procedure the deviation had to be pre-cleared and that had nothing to do with the preclearance this city would do if and when there was an election; that he was billing for this, his client was Keep Houston Safe; that he was not billing for his testimony or appearance, but wanted it understood he was the lawyer representing his client Keep Houston Safe.

Mr. Albert Lemons, 10530 rockaway Drive, Houston, Texas 77016 (713-631-7971) appeared and stated that he was present because of the children of Houston and all safety of children should be top priority; that he lost someone because of someone running a red light and was for safety cameras; that many young people were being lost by people running red lights; that he was an educator for 44 years and believed the City Attorney should be their listening ear that was why they hired him.

Council Member Jones stated that she wanted the record to reflect she was trying to receive information and commended Council Member Noriega for asking her question, it never occurred to her; that she would like people on someone's payroll at the podium to share that information so she wanted all cards on the table so she could make an informed decision with the best information available. Council Members Gonzalez, Rodriguez and Lovell absent.

Council Members commended Mr. Lemons for his work with children and being Principal of the Year. Council Members Gonzalez, Rodriguez and Lovell absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending the time for questions, seconded by Council Member Gonzalez. Council Members Adams, Pennington and Costello absent on personal business. Council Members Rodriguez, Lovell and Jones absent. A vote was not called as the required number of Council Members were not present.

Mr. Michael Kubosh, 1701 Lubbock, Houston, Texas 77007 (281-850-0172) appeared and stated that he thanked all for putting the item on today's Agenda and thanked Ms. Russell and her staff and the Mayor for giving the overtime to get this done; that he was impressed by Mr. Feldman and Council Members Bradford and Jones as they wanted the people to be heard; that this was just red light cameras, revenue gathering, not the minority vote being diluted. Council Members Lovell and Jones absent.

Council Member Stardig expressed her concern that Mr. Kubosh did not take this seriously and she would honor the 20,000 signatures, but if this was illegal she hoped the lawsuit did proceed, cameras were for safety; Council Member Bradford stated that 20,000 voters represented what more than most of them were sent to Council by and they needed to be listened to; and commended Mr. Feldman and concurred with him; Council Member Clutterbuck stated that in 2007 his brother filed a lawsuit on his behalf; and Mr. Kubosh stated that he won the case on Constitutional; that she felt he lost because the camera stayed, but he won; and Council Member Clutterbuck stated that she understood the city prevailed.

Council Member Noriega moved the rules be suspended for the purpose of extending the time for questions of Mr. Michael Kubosh, seconded by Council Member Clutterbuck. Council Members Adams, Pennington and Costello absent on personal business. Council Member Stardig absent. MOTION 2010-0624 ADOPTED.

Mayor Parker stated that the item was called about two hours ago and this was the last speaker for the issue and it was her intention at the close of this list to have the item recalled for a vote. Council Member Stardig absent.

Council Member Johnson stated that he received much conflicting information with HPD and what the red light cameras were doing and asked why and where they were putting cameras in certain areas because if they were serious about public safety there should be a camera at the corner of Walker and Bagby, there was an accident there weekly, upon questions, Mr. Kubosh stated that he mailed out about 80,000 petitions, but there were multiple names on a petition, probably about 40,000 sent out; that a previous speaker said 91% of the people were for cameras; and Council Member Johnson stated that he would like to know where that percentage came from and there were consequences with the cameras such as the spike in rear-end accidents; and this body should not stay in the way of the people. Council Member Stardig absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending the time for questions of Mr. Michael Kubosh, seconded by Council Member Bradford. Council Members Adams, Pennington and Costello absent on personal business. MOTION 2010-0625 ADOPTED.

Council Member Jones stated that she would like consistency in the process and not have different rules; Council Member Noriega stated that she voted on this in the state legislature and was against it as she felt it intrusive, but after coming to the city and seeing statistics she was shocked, but there were 20,000 signatures.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending the time for questions of Mr. Michael Kubosh, seconded by Council Member Noriega. Council

Members Adams, Pennington and Costello absent on personal business. MOTION 2010-0626 ADOPTED.

Council Member Lovell stated that 20,000 signing a petition was not a joke, but neither was it a joke Mr. Kubosh found a loophole in the law to come in with; and asked Mr. Feldman and Mayor Parker to fix that when the legislature was in session so they would not sit here by state law overturning city ordinances which had a process in place; that she would go with the petitioners, but hoped the attorneys who were present were good in court; and Council Member Clutterbuck stated she would like the Mayor to clarify restrictions on the dollars; and Mayor Parker stated that previously Mr. Kubosh quoted someone else when stating camera money was a tax, but last she looked some \$45 million was received in fines from the time the cameras were placed and they deducted expenses and 50% of revenue went to the State of Texas and the state did mandate it go to trauma facilities in the area and the part the city kept went back into traffic enforcement.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending the time for questions of Mr. Michael Kubosh, seconded by Council Member Noriega. Council Members Adams, Pennington and Costello absent on personal business. MOTION 2010-0627 ADOPTED.

Mayor Parker stated that she would be clear she and Mr. Kubosh visited before the Council Meeting started and she expressed she would be as fair as she possibly could but she was going to beat him fair and square at the ballot box on this one; that she did support red light cameras and questioned the wisdom of placing this kind of thing in the Charter, but thought it their responsibility to give a level playing field to the citizens whenever they came into the Chamber and she endeavored to do that; and asked Council Members respectfully to vote to place this on the ballot as she believed it was their responsibility to do so, but in no way was she attempting to compel or coerce them to do that; and with all likelihood however they voted there would be some litigation involved.

Council Member Stardig stated that she would like to make a motion to move Item 1 to a vote, seconded by Council Member Jones. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. MOTION 2010-0628 ADOPTED.

1. ORDINANCE ordering a Special Election to be held on November 2, 2010, for the purpose of submitting to the qualified voters of the City of Houston, Texas, a proposition to amend the City Charter to prohibit the use of Photographic Traffic Signal Enforcement Systems (Red Light Cameras) – was presented.

A roll call vote was called on Item No. 1.

ROLL CALL VOTE:

Mayor Parker voting aye
Council Member Stardig voting aye
Council Member Johnson voting aye
Council Member Clutterbuck voting no
Council Member Adams absent on
personal business
Council Member Sullivan voting aye
Council Member Hoang voting aye
Council Member Pennington absent on
personal business

Council Member Gonzalez voting aye
Council Member Rodriguez voting aye
Council Member Costello absent on
personal business
Council Member Lovell voting aye
Council Member Noriega voting aye
Council Member Bradford voting aye
Council Member Jones voting aye

ORDINANCE 2010-678 ADOPTED.

Mayor Parker stated that to all the public still present to speak on other items she did apologize for taking up so much of their time and they would now continue with the speakers list.

Mr. Chris Hajovsky, 8910 Railton, Houston, Texas 77080 (832-357-9908) appeared and stated that he was present expressing support for Agenda Item 19; that in the 4.5 square miles surrounding the Spring Branch portion of the item the density of households living in apartments was 60% and that was compared to the 38% of the Houston Area; that was one of the greatest tragedies was separate hands of state, local and federal government not paying attention to what each was doing and as a result the harm was in their region now 30 years; that a full 51% of those apartments in their area was subsidized, low income, and helping people was important but with balance, when you stacked poverty onto poverty all people grew up with was poverty and this was the first time to create and revitalize the region; and encouraged all to pass Agenda Item 19. Council Members Sullivan, Hoang, Lovell and Noriega absent.

Council Member Stardig yielded time to Mr. Hajovsky; and Mr. Hajovsky stated that they had worked closely with the developer and he had a reputation for doing good work; that families deserved to see a balance and urged this be limited to single family homes and not town homes; and Council Member Stardig stated that she appreciated his support and they were the driving force behind her work on this issue; that the 40 of the 100 acres was very important to predictability for the entire area. Council Members Sullivan, Hoang, Lovell and Noriega absent.

Mayor Parker stated that for the public they were talking about market rate, nonsubsidized housing; and Council Member Stardig stated single family, market rate and no multifamily projects. Council Members Sullivan, Hoang, Lovell and Noriega absent.

Council Member Jones stated that he elaborated beautifully on the problem of concentrated poverty and this Council understood that and hopefully they would get to where they needed to be in mixed income. Council Members Stardig, Clutterbuck, Sullivan, Hoang, Lovell and Noriega absent. (NO QUORUM PRESENT)

Ms. Maryjane Buschlen, 5703 Cornish, Houston, Texas 77007 (832-661-3663) appeared and stated that she sat on the Super Neighborhood 22 Council representing the Cottage Grove Civic Association and they were on the opposite site of Binglewood; the opposite side of the development being discussed; that she was speaking today on the 380 agreement for the residential development on the north end of their neighborhood and they were requesting postponement on voting until all stakeholders had a chance to participate as tying the ordinance to one developer and not being project based raised questions of undue influence and connections and would like discussion of funds for public/private and how it was envisioned, etc., since their neighborhood was at least 100 years old with very narrow streets; and they had been trying to preserve and develop the MKT tract for 10 years and here was opportunity. Council Members Clutterbuck, Sullivan, Hoang and Lovell absent.

Council Member Gonzalez stated that Ms. Buschlen could continue; and Ms. Buschlen stated that in the ordinance it said the Intown Project consisted of design and construction of public streets and alleys, permanent access easements and public or private parks, etc., and she was requesting all stake holders look at this and have a community vision of what it meant; and Council Member Gonzalez stated that the 380 could benefit the Spring Branch Binglewood Area, but a portion was also in District H, particularly in Cottage Grove, and they only learned of this last week and he apologized, they should have had more information, the 380 could be a good tool, but one size did not fit all. Council Members Clutterbuck, Hoang and Lovell absent.

Mayor Parker stated that to be clear and for the record any potential expense reimbursement under the 380 agreement would be for publically accessible areas and not for private areas of the development. Council Members Clutterbuck, Hoang and Lovell absent.

Ms. Kathryn Kearl, 5606 Kiam, Houston, Texas 77007 (832-721-0238) appeared and stated that she too was a resident of Cottage Grove and this was a very old neighborhood with very small houses and intense new development; that there had already been serious declines in safety, quality of life and infrastructure problems and she would like citizens to have input and be reassured streets would be safer if the project went forward. Council Members Clutterbuck, Hoang and Lovell absent.

Council Member Johnson stated that he applauded Council Member Stardig for her efforts on the 380 and he and Mayor Parker talked about opportunity to build the tax base back up; that in Houston they built a lot of scatter site housing which did not help the tax base and they were losing more residents to the suburbs; that many of HPD and HFD, etc., did not live in Houston because they could not afford a house with a yard here and he was excited in talking to developers as they needed a tool and businesses followed houses and jobs came and crime went down and it was time to rebuild the middle class. Council Members Sullivan, Hoang and Rodriguez absent.

Mayor Parker stated that this was something Council Member Stardig mentioned at the first meeting in transition and she would apologize to Council Member Gonzalez; that they worked on this at the staff level a longtime and it came to the Agenda and she did not realize he needed to be included in the discussions. Council Member Sullivan absent.

Council Member Lovell moved the rules be suspended for the purpose of extending the time for questions of Ms. Kathryn Kearl, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent. MOTION 2010-0629 ADOPTED.

Council Member Gonzalez stated that Council Member Johnson did have good points and he thought this was potentially a good tool and fitting in Spring Branch and potentially in Cottage Grove, the concern there was the high density and existing infrastructure already taxed to the limit and he wanted to see the impact the development would have in their community; that he would like the 380 in parts of his district, but they needed to be strategic and more educated and have a community component. Council Member Sullivan absent.

Mayor Parker stated that if he had outstanding questions she would appreciate him sharing them with her today; and Council Member Gonzalez stated that he and Mr. Lathan were supposed to be meeting. Council Member Sullivan absent.

Council Member Jones stated that she contacted Council Member Gonzalez to find his opinion because she had been contacted by people in that area and she would like to see people who actually lived there give input and have this as transparent as possible; that she agreed with Council Member Stardig about District A, but they were clumped together and she needed the people to say this was okay, the people of Cottage Grove needed as much input as the people in Council Member Stardig's district. Council Member Sullivan absent.

Ms. Ann Givens, 1813 Wycliffe, Houston, Texas 77043 (713-465-1744) appeared and stated that she was present regarding Intown Homes also referencing the Chapter 380 of the Texas Local Government Code; that she was president of the Wrenwood Civic Association and served on the TIRZ 17 Board and since joining the TIRZ Board she had opened a new eye on things and when this project, the Upland Section which was in her backyard, came she was very opposed for various reasons such as flooding, traffic, etc., but after speaking with Council

Member Stardig she realized once a variance was granted for development people in the area needed to begin to work with those receiving the variances because it would happen and now felt it time to join hands with the developer and hopefully through Chapter 380 his incentives would give him opportunity to move forward and develop homes and not apartments as their area was blighted with many obstacles. Council Member Sullivan absent.

Council Member Stardig thanked Ms. Givens for her service on TIRZ 17 and stated that as a past member she understood the challenges and she was appreciated; that regarding the 380 development and Intown Homes she thought it would contribute to the area and she would not forget they were also a part of her district. Council Member Sullivan absent.

Council Member Jones stated that she too thanked Ms. Givens with her service on TIRZ 17 and the first time she had a chance to vote she voted against something on Kimberly Lane where there was much flooding; that the vote passed, but she was paying attention, she was listening to the people and trying to do right by them and strongly encourage developers to consider them and she hoped eventually she would have others like her on the board; and Ms. Givens stated that she was passionate as the area was her home and she was also speaking for her and her family. Council Members Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Gonzalez stated that he did have a question for the Administration on how they could reconcile how some communities had input from the community stakeholders and Cottage Grove had not; and Mayor Parker stated that they did depend on him to do that and the issue came up to his attention within the last three weeks and if there were still questions they would go to the citizens, but asked him to provide them with his input; and Council Member Gonzalez stated that during the Agenda briefing last week he heard it was being proposed to Cottage Grove as well and had reached out to the Deputy Director for information and this was a work in progress, but the effort underway was since January and he was trying to squeeze in within the last weeks; and Mayor Parker stated that she understood he was aware of the project and did not realize he needed to be brought into the meetings and if she was wrong she apologized; and Council Member Gonzalez stated that he learned of this last week and was apologized to by employees that it was not brought to his attention sooner and regardless it was limited time; and Mayor Parker asked if they could separate and move forward on one section and was told it was not possible, it was a package together because the 380 agreement covered all sections in the project and information needed to be put together for him as rapidly as possible. Council Members Johnson, Sullivan, Rodriguez, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mr. Wilburn Clay (Dub) Wright, 10962 Shadow Wood Drive, Houston, Texas 77043 (713-725-9345) appeared and stated that Ms. Ann Givens was wonderful, she was their Pit Bull, and they very much needed this project to go on; that they had much density on Upland and they needed more single family dwellings; that during Katrina their elementary school went to unacceptable and as of now it was built to exemplarily and it was extremely important to have good housing, single family dwellings and on the Houston Police Advisory Committee they talked a lot about the problem of density and crime in those areas. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Stardig thanked Mr. Wright for all he did as a past school board member, etc., and stated that she did not have time for town hall meetings, but negotiations were done with staff and input she had was based on experience she had within her own community and knowing what their needs were and her vision for the district and for anyone to feel slighted because of no input she did not think it was the case; that they had many false starts in the area and now they had opportunity to move forward and she did not want anyone to feel slighted on input for their community, this did make sense and it was the right thing to do. Council

Members Sullivan, Gonzalez, Rodriguez, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that pursuant to the rules of the City Charter she would move to extend time of the meeting past 5:00 p.m.; and Mayor Parker stated that there was not enough of a quorum, but she was here to listen to citizens and would appreciate Council Members staying with her. Council Members Sullivan, Gonzalez, Rodriguez, Noriega and Jones absent. (NO QUORUM PRESENT)

Mr. Charles Wahl, 5615 Bissonnet, Houston, Texas 77081 (713-664-2491) appeared and stated that he was a homeowner in southwest Houston and he came to represent 24 hardworking, low to middle class constituents, but they were being pressured by a home owner association which said to them Council would condemn their property and he was not aware of it; that was how they were justifying a 400% increase in their fee. Council Members Stardig, Sullivan, Gonzalez and Rodriguez absent.

Mayor Parker stated that she was somewhat familiar with the issue and she believed the issue was there were code violations in their condominium project as in many condominium projects and if he would allow Citizens Assistance to visit with him to the particulars of the case, she did not know if the city had taken any action against the condominium project or not, but they would sit with him and see what could be sorted out. Council Members Stardig, Sullivan, Gonzalez and Rodriguez absent.

Council Member Noriega stated that her staff had talked with him and she would ask her staff member to sit with them during the discussion. Council Members Stardig, Sullivan, Gonzalez and Rodriguez absent.

Council Member Hoang stated the condominiums were in his district and the Mayor asked he visit with Citizens Assistance and his office would contact him. Council Members Stardig, Sullivan, Gonzalez and Rodriguez absent.

Council Member Jones stated that she also visited with Mr. Wahl; and upon questions, Mr. Wahl stated that their condominiums were called the Mediterranean Villa Condominium Association which Ms Parker's partner was the original vice president back in 1984; and Council Member Jones stated she would also have a staffer sit in on the conversation. Council Members Stardig, Sullivan, Gonzalez, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Mayor Parker stated that they would try and help him sort out what the options were and whether the city was trying to take action. Council Members Stardig, Sullivan, Rodriguez and Noriega absent.

Ms. Barbara Skerrett, 247 W. 16th, Houston, Texas 77008 (713-861-4333) appeared and stated that she lived in the historic Heights West District and was in favor of changes being considered in the historic preservation ordinance, she wanted her rights and her neighborhood protected, and did not believe a resurvey of homeowners may be appropriate in the area, neither did she believe Walmart being built in the area was appropriate due to increased traffic, lack of infrastructure, etc., and thanked all for meetings held for input in the area. Council Members Stardig, Sullivan and Rodriguez absent.

Council Member Lovell stated that the meetings were fun and educational and they came out of them with great ideas on how to change the draft ordinance and they put in place a mechanism allowing homeowners a way to trigger a reconsideration of their status to be driven by those living there and felt it fair and she looked forward to the ordinance coming out around

the first of September and then more hearings. Council Members Stardig, Sullivan and Rodriguez absent.

Ms. Rebecca Udden, 2540 Times Boulevard, Houston, Texas 77005 (713-524-3622) had reserved time to speak but was not present when her name was called. Council Members Stardig, Sullivan and Rodriguez absent.

Mr. Michael Remson, 3311 Richmond #350, Houston, Texas 77098 (713-522-9699) had reserved time to speak but was not present when his name was called. Council Members Stardig, Sullivan and Rodriguez absent.

Ms. Sandra Organ, 309 Drew, Houston, Texas 77006 (713-5209876) had reserved time to speak but was not present when his name was called. Council Members Stardig, Sullivan and Rodriguez absent.

Ms. Kim Lykins, P. O. Box 667183, Houston, Texas 77266-7183 (713-529-0787) appeared and stated that she was executive director of Texas Foundation for the Arts an organization of which she was one of the cofounders in 2001 and their mission was to capture the uniqueness of Texas arts and culture; that their programs were partially funded by the city's initiative grants and they were thrilled to hear the Houston Arts Alliance Pier Review Panel recommended they receive the fiscal year 2011 Arts Project Grant; and thanked all for making sure the arts continued to thrive through HOT taxes through the Houston Arts Alliance. Council Members Stardig, Sullivan, Hoang and Rodriguez absent.

Mayor Parker stated that many on the speakers list had chosen not to stay, the renewal of the HOT contract was coming to Council soon, to committee next Thursday and probably Council the following week. Council Members Hoang and Rodriguez absent.

Council Member Noriega thanked Ms. Lykins for coming and stated that she voted against a few art projects recently and part of her concern was they were in a time of great shortage, but she did like they used their funds for supporting smaller organizations and for bringing Houstonians to the table and she felt that was what the funds were for. Council Members Sullivan, Hoang and Rodriguez absent.

Council Member Jones stated that she was in the same boat as Council Member Noriega, she loved art and her dad had been an artist; that when there was not enough money she had to figure out needs, but for the most part did vote for art projects; that it seemed she was promoting the city outside their area and bringing people here; and she did feel people needed to see beauty and that was the arts. Council Members Sullivan, Hoang and Rodriguez absent.

Mayor Parker stated that there were two pots of money and this was HOT tax money and they did not fund the city with HOT tax, it was only to be used for convention entertainment related activities and another pot of money, the Civic Art Program, was the one Council Member Noriega and she had raised issues with; and Council Member Jones thanked the Mayor for that clarification. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Ms. Bevin Dubrowski, 1441 W. Alabama, Houston, Texas 77006 (713-529-4755 X3) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Mr. Raul Edwards, 1302 Waugh Drive #553, Houston, Texas 77019 (713-524-3936) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Mr. Raj Mankad, 1743 Kiplings, Houston, Texas 77098 (832-641-0703) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Ms. Michelle Barnes, P. O. Box 88308, Houston, Texas 77288 (713-523-1616) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Mr. Effren Williams, 1212 Cleveland, Houston, Texas 77019 (832-458-6225) appeared, presented information to Council Members and stated that he was executive director of DIP Fitness; that their mission was to bring awareness to the importance of fitness as a result of exercise and proper nutrition; and the campaign would encourage building mental and physical strength rather than solely focusing on sculpturing your body; that Houston came too far to be the fattest city in America. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Mr. Ralph Lowe, 2100 Memorial Drive #606, Houston, Texas 77007 (281-904-2930) appeared, using magnets to demonstrate his technology and stated that in 1996 a scientist who studied anti friction found boric acid as a metal treatment was extraordinary and he presented information for Council to boot up and read; that when traveling with the oil it cleaned out carbons, etc., and left a thick film and became resilient; that it was a one time engine treatment and three vehicles in Europe were treated and each had now gone past one million miles. Council Members Sullivan, Rodriguez and Bradford absent.

Council Member Stardig stated that she wanted to thank the officer for stepping up and taking action, she appreciated his service and he had taken the proper action even though the Mayor made the decision to allow what he had at the podium. Council Members Sullivan, Rodriguez and Bradford absent.

Mayor Parker stated that he left information she would make sure it got to the proper people and for future reference he was not allowed to bring anything to the podium he may throw in their direction. Council Members Sullivan, Rodriguez and Bradford absent.

Mr. Jorge Quinones, 12401 S. Post Oak Road, Houston, Texas 77045 (713-252-1736) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Rodriguez and Bradford absent.

Mr. Ronald Schindler, 7200 Shadyvilla Lane, Houston, Texas 77055 (832-373-3880) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Rodriguez and Bradford absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Rodriguez and Bradford absent.

Mr. Barry Rosette, 5015 Fannin, Houston, Texas 77004 (832-483-3231) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Rodriguez and Bradford absent.

Ms. Deborah Wilkerson, 1723 DeSoto, Houston, Texas 77091 (713-972-4026) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Rodriguez and Bradford absent.

Mr. Lee Perry, 3940 Main, Houston, Texas 77002 (713-876-4571) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Rodriguez and Bradford absent.

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

Mr. Dale York, 8855 Gulf Freeway, Houston, Texas 77017 (281-995-5995) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Rodriguez and Bradford absent.

Ms. Jeanette Rash, 2104 Lyons Avenue, Houston, Texas 77020 (713-228-8872) appeared, presented information and stated that SafeClear had a new responsibility, she was chosen to be on the Lead States Team and she was privileged SafeClear was one of their projects; that SafeClear kept secondary accidents from happening; that the federal government was now requiring that more be done with what they had and that was why SafeClear was so important, contractors who had a contract had more responsibility to be the best they could be and in a few weeks Council would be choosing new contractors and she hoped they would keep that in mind because they needed to zero in on quicker clearance, better response time and keeping the program as they were looked at nationally something they could move forward to on the next level; that the program was through AASHTO (American Association of State and Highway Transportation Officials, and they fully understood there had to be funding and were asking Congress to give them \$375 billion for incident type programs and that was not her expertise and she wanted to make sure Houston was included, that all dots connected and they tapped into federal funds. Council Members Johnson, Sullivan, Rodriguez and Bradford absent.

Mayor Parker stated that she wanted Ms. Rash to know they would be bringing to Council committee in the near future an update on SafeClear; that they did need to figure out how to fund the program and what the issues were. Council Members Sullivan, Johnson, Rodriguez and Bradford absent.

Council Member Lovell stated that there was no one better deserving or to serve than Ms. Rash and she congratulated her; that some SafeClear operators were circumventing their responsibilities of providing insurance to their subcontractors; and upon questions, Ms. Rash stated that some companies chose to have their tow operators as subcontractors and that was not a good thing; that tow drivers were employees and needed to be covered by insurance, it was the riskiest towing any tow company did; that they did not know several companies had not handled their operators as employees, but to do what they needed they needed the ability to tell the tow operator to go and do the job at a particular time and that was an employee; and Mayor Parker stated that since they would be reviewing the whole program that would be an appropriate time to do so. Council Members Sullivan, Johnson, Rodriguez and Bradford absent.

Council Member Jones congratulated Ms. Rash on her new responsibilities and she would like to meet with her; that she broke down on a feeder and needed to speak with her; and Ms. Rash stated that was good, but SafeClear did not take service roads only the freeway. Council Members Johnson, Sullivan, Rodriguez and Bradford absent.

Mr. Ken Ulmer, 1700 Brittmoore, Houston, Texas 77043 (832-250-7628) appeared and stated that he was one of the SafeClear providers and chairman of the education committee for the Texas Towing and Storage Association and through the committee trained several thousand tow truck operators all over Texas; that in the last couple of weeks there had been two tragic accidents involving tow trucks; that many times the news industry created a situation where things were overlooked which should come to light and he wanted to bring them to Council's

attention, one being the fact there was a national statistic, a documented number showing tow truck operators were killed in the line of duty at a rate which exceeded police, fire and EMS combined, most had no idea and that was consecutive over the last five years; secondly, a business tactic was taking place here where business operators treated their drivers as contract labor and did it as it was about 20% cheaper, it caused them to pay their taxes and took the protection the employee would have if he lost his job under the unemployment clause, he had no unemployment and the company felt their liability was reduced, if he was killed it would negate some of their liability; that he hoped something could be done about this, it was longtime in the waiting. Council Members Johnson, Sullivan, Rodriguez and Bradford absent.

Council Member Jones stated that since he brought up the tow truck driver who died, she saw all the time drivers speeding; and upon questions, Mr. Ulmer stated that neither of the drivers were SafeClear, they were both off freeway incidents, but SafeClear had many things in place to fix that, they only had a certain number on the scene and that helped in reducing presence on the freeway; that he was a believer in the first four being a better scenario off freeway and it was also a training issue; that there were already consequences in place, their license could be pulled and quite a few had been; and in many cases some things which took place with SafeClear operators should be across the board with all; and Council Member Jones stated that she would like to know how many had been pulled.. Council Members Johnson, Sullivan, Rodriguez and Bradford absent.

Mr. Frank Elsik, 3319 Industrial Drive, Pearland, Texas 77581 ((713-253-0684) appeared, presented information and stated that he was present as they made a product which would save the city a lot of money, it was a fuel additive, a fuel fix, it really worked; that the letter presented was from FedEx, senior manager in San Antonio, and it went on stating test were run on many vehicles and it indicated a 23% minimum improvement in fuel economy or better; that if the city had 20% improvement that would be millions of dollars and if they were interested he would like someone to contact him; that one gallon of their product treated 1,500 gallons. Council Members Johnson, Sullivan, Rodriguez and Bradford absent.

Council Member Clutterbuck thanked Mr. Elsik for appearing and stated that while the Mayor was Controller they had received a number of these ...; that she thought Mr. Dadoush had looked into this, someone had, and it was an exciting prospect and it would be informative to find the results at that time. Council Members Johnson, Sullivan, Rodriguez and Bradford absent.

Ms. Mary Gianukos, 1514 Columbia, Houston, Texas 77008 (713-516-2282) appeared and stated that she was a lawyer and homeowner in the Heights and ran a small business; that she owned a bungalow and they wanted to build a new structure or add on; that her goal was to stay where she was and believed city policies should promote families to stay inside the loop and continue positive growth; that her plans as drafted would not be approved by the Houston Archeological and Historical Commission because it would be widening the structure. Council Members Sullivan, Rodriguez and Bradford absent.

Council Member Lovell stated that she would love to see her bungalow, there were few left; that she did want to help her meet her goal and felt the new amendments to the preservation would help her and the first week of September the ordinance should be ready to view and she would love to hear her comments. Council Members Sullivan, Rodriguez and Bradford absent.

Mayor Parker stated that they would redo the ordinance and then transfer the historic districts one by one, no one would be grandfathered, they would have opportunity to make their wishes known after they passed what they considered to be the best ordinance they could; and if they could not persuade the majority of residents in her historic district to come in then they

would not have to worry about the historic preservation ordinance, if however, they could persuade the majority of residents they would be brought under the district by majority vote of City Council. Council Members Sullivan, Rodriguez and Bradford absent.

Council Member Noriega stated that she had been very pleased at Planning and Council Member Lovell's office talking with them over what they heard and how to address things; and they were trying to respond to specific concerns. Council Members Sullivan, Rodriguez and Bradford absent.

Council Member Jones stated that she was glad Ms. Gianukos came, there were two sides to all discussions and she had a compelling story, she bought a bungalow and now had a family and wanted to stay where she was and to require something to stay one story did eat up the backyard and yard was important and she looked forward to seeing the ordinance. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Rodriguez and Bradford absent.

Mr. Ahmad Solomon, 14855 Memorial Drive, Houston, Texas 77079 (281-827-8337) appeared and stated that the Islamic community of Houston was going through difficult times and the community itself was being completely shutout by activities of the board of the Islamic Society of Greater Houston; that when a member of the community ask a question they refused to answer and called HPD to intimidate them so they did not have to answer. Council Members Sullivan, Rodriguez and Bradford absent.

Upon questions by Council Member Johnson, Mr. Solomon stated that his complaint was against the Islamic Board, HPD was doing their job, but the board was calling the police department when they were questioned about their illegal activities. Council Members Sullivan, Rodriguez and Bradford absent.

Mayor Parker stated that this was a dispute where an entity was using trespass laws and having police enforce them, but they were aware of the issue and it was a private dispute. Council Members Sullivan, Rodriguez and Bradford absent.

Reverend Joe Angel Lopez, 13334 Wells River, Houston, Texas 77041 (832-891-2724) appeared and stated that he went to the citizens Assistance Office to complain about the Houston Area Urban League and was told to go to news reporters and he did and nothing was done; and prayed until his time expired. Council Members Sullivan, Rodriguez and Bradford absent.

Ms. Claudine Woods, 480 West Parker Road, Houston, Texas 77091 (713-742-0932) appeared and stated that she had a problem with the United States country, the appraiser office, etc., and continued expressing her personal opinions until her time expired. Council Members Sullivan, Rodriguez and Bradford absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was a national crime victim and the Mayor's attitude was somewhat vicious and racists; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Rodriguez and Bradford absent.

Bishop Frank Rush, 10311 Sand Dollar, Houston, Texas 77065 (832-275-3999) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Rodriguez and Bradford absent.

Mr. Fred Barkley, 6423 West Linpar Cout, Houston, Texas 77040 (713-543-1498) appeared and stated that he was founder and CEO of the Year Round Youth Movement and he wanted to issue a statement of gratitude and thanks to Mayor Parker and Mr. Espitia for efforts in helping with his youth movement; that they were very instrumental in bringing the youth rally together; thanked others for their assistance and for appearing and it was a historic thing they did in reaching the youth. Council Members Sullivan, Rodriguez and Bradford absent.

Mayor Parker thanked Mr. Barkley for coming and for staying so long to deliver a very positive statement, it was appreciated. Council Members Sullivan, Rodriguez and Bradford absent.

At 6:02 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, August 25, 2010. Council Members Adams, Pennington and Costello absent on personal business. Council Members Sullivan, Rodriguez and Bradford absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, August 25, 2010, with Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Al Hoang, Edward Gonzalez, James G. Rodriguez, 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. Council Members Wanda Adams, Oliver Pennington and Stephen C. Costello absent on personal business. Council Member Mike Sullivan absent on city business.

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

At 9:07 Mayor Parker called the meeting to order and stated that the Council Members should have a letter notifying them that she had made a selection for Fire Chief for the City and he would be available to meet them in her office immediately after the Council meeting today, with a press conference to follow to announce him to the rest of the City, that she would encourage them to come upstairs and get to know him before the press conference as they generally try to do, that the press conference was scheduled for 11:00 a.m. but it was at the end of the Council meeting if it went longer than that. Council Members Stardig, Johnson and Jones absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 17

MISCELLANEOUS – NUMBER 3

3. RECOMMENDATION from Director of Human Resources Department for approval of the Holiday Schedule for Calendar Year 2011 - was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. MOTION 2010-0630 ADOPTED.

ACCEPT WORK - NUMBERS 4 and 5

4. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$32,137.00 and acceptance of work on contract with **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition at Kingwood Library **DISTRICT E - SULLIVAN** - was presented, moved by Council Member Lovell, seconded

by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. MOTION 2010-0631 ADOPTED.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,803,242.26 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Grid Extensions along North Park, N. Wayside, Mt. Houston, Homestead and Winfield - 1.64% under the original contract amount - **DISTRICTS B - JOHNSON and E - SULLIVAN** - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. MOTION 2010-0632 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 6

6. **ORACLE USA, INC** for Oracle Technical Support Services through the City's Master Agreement with the Texas Department of Information Resources for the Information Technology Department \$309,820.50 - Central Services Revolving Fund - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. MOTION 2010-0633 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 8 through 17

8. RESOLUTION approving and authorizing nomination of **JPMORGAN CHASE BANK, NATIONAL ASSOCIATION** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project - was presented. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. RESOLUTION 2010-0053 ADOPTED.
12. ORDINANCE approving and authorizing Master Services Agreement between the City of Houston and **ADP, INC** for Payroll Services - 1 Year with two one-year options - \$97,500.00 - Central Services Revolving Fund - was presented. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. ORDINANCE 2010-679 ADOPTED.
14. ORDINANCE approving and authorizing Maintenance Agreement between the City and the **GREATER SHARPSTOWN MANAGEMENT DISTRICT** for Right of Way Improvements **DISTRICTS C - CLUTTERBUCK; F - HOANG and G - PENNINGTON** - was presented. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. ORDINANCE 2010-680 ADOPTED.
16. ORDINANCE appropriating \$41,280.00 out of General Improvement Consolidated Construction Fund; awarding construction contract to **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank Removal at Bureau of Animal Regulation and Care (B.A.R.C.); 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 and construction oversight, and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Members Adams, Pennington and

Costello absent on personal business. Council Member Sullivan absent on city business. ORDINANCE 2010-681 ADOPTED.

17. ORDINANCE granting to **GI ENVIRONMENTAL VACUUM SERVICE, 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. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. ORDINANCE 2010-682 PASSED FIRST READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. REQUEST from Mayor for confirmation of the appointment of **MR. JOSEPH G. SOLIZ**, to Position One on the **CIVIL SERVICE COMMISSION** for a term to expire June 14, 2013 - - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. MOTION 2010-0634 ADOPTED.

Mayor Parker congratulated Mr. Soliz on his appointment to the Civil Service Commission and stated that he was an experienced attorney, his family was very engaged in the community and in fact his daughter Lauren was helping to organize the Hispanic Heritage Awards for her this year, that they would thank him for agreeing to serve this year and hoped that he would not have a whole lot to do.

Mr. Soliz stated that he appreciated that and thanked Mayor Parker for the confidence that she had placed in him and would certainly give it his best and make it a priority.

RESOLUTIONS AND ORDINANCES - NUMBERS 7 through 17

7. RESOLUTION approving and authorizing nomination of **CAMERON INTERNATIONAL CORPORATION** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project - was presented. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. RESOLUTION 2010-0054 ADOPTED.
9. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Public Parking Commission; dissolving the Commission and **AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES** to transfer certain of the Commission's responsibilities to the Planning Commission; containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability - was presented. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. ORDINANCE 2010-683 ADOPTED.
10. ORDINANCE approving Oil and Gas Lease with **SOUTHERN STAR EXPLORATION, LLC**, as Lessee, for prospecting for and producing oil and gas from the City's Herman Brown Park, Brock Park, parts of Maxey Park, and Public Works McCarty Road Service

Center - **DISTRICTS B - JOHNSON and I – RODRIGUEZ** – was presented, and tagged by Council Member Jones.

After discussion by Council Members, Mayor Parker stated that any revenue from the minerals under Hermann Brown Park was restricted by deed to use in Hermann Brown Park, but that portion of the unit that would be under the other parks was not so restricted and a good source of revenue to improve Brock Park. Council Member Clutterbuck absent.

11. ORDINANCE appropriating \$2,204,176.69 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone), Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone), and Reinvestment Zone Number Twenty-Two, City of Houston, Texas (Leland Woods Zone) for administrative expenses, payments to Houston Independent School District, and payment to certain redevelopment authorities as provided herein – was presented, and tagged by Council Member Jones. Council Member Clutterbuck absent.
13. ORDINANCE awarding contract to **RUSH TRUCK CENTERS OF TEXAS, L.P. dba RUSH TRUCK CENTER, HOUSTON** for Peterbilt Truck Repair Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$624,975.00 - Fleet Management Fund - was presented. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. ORDINANCE 2010-684 ADOPTED.
15. ORDINANCE de-appropriating \$104,767.00 of Street & Bridge Consolidated Construction Funds from a Construction Management At Risk Contract with **JE DUNN SOUTH CENTRAL, INC** for Right-of-Way and Fleet Maintenance Facilities Expansion (Approved by Ordinance No. 2009-746), appropriating \$104,767.00 out of Street & Bridge Consolidated Construction Funds to the CIP Salary Recovery Fund for Project Management Costs associated with Right-of-way and Fleet Maintenance Facilities Expansion Project for FY 2010 and FY 2011 - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. ORDINANCE 2010-685 ADOPTED.

MATTERS HELD - NUMBERS 18 through 20

18. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **NORTH FOREST INDEPENDENT SCHOOL DISTRICT** under the American Recovery and Reinvestment Act for Installation of New Energy Efficient Roof - \$1,500,000.00 - American Recovery and Reinvestment Act Fund - **DISTRICT B - JOHNSON** – **(This was Item 21 on Agenda of August 18, 2010, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented, and tagged by Council Member Jones.

Council Member Clutterbuck stated that this was an item when they were joining in an interlocal agreement with the North Forest Independent School District to help them build a roof, which they desperately needed on one of their schools, that they would be using some of the City's grant funds to do this, that she was opposed to this item and would urge her colleagues to seriously consider this item as well, that she thought that it started a really bad precedent when other entities were able to be applicants of these same grant funds and either decline the application or apply and were denied, then it was a very difficult thing for them to then also allow their grant dollars to go to other entities that were also authorized, under State Law, to both tax as well as to apply for these funds, that there was some comment last week that they do this all the time, her office checked and this would be the first time, according to the Department of ARA, as well as GSD, and she urged that they not go down this path, that perhaps the State, which had taken control of this school district, that they should perhaps use their grant funds to fund the new roof, which no doubt was needed.

Council Member Johnson stated that North Forest Independent School District was a public service district that provided services to many students in the City of Houston, that they as a City had a responsibility to all of their school districts, that North Forest applied and was able to receive grant dollars for the improvement of one of their schools, and he found it very disingenuous for a Council Member from another district, that had no jurisdiction, no voting rights, no authority and no communication with District B residents, and this was not the first time that the Council Member from District C had meddled in matters of District B, that he speaks with District B residents daily and he advocates on behalf of the residents of District B, that they were all here and could all meddle in and mess around in everybody else's district but it was a common courtesy that they do not because they listen to those who they represent and the people that he represented absolutely say that this was desperately needed for them to get their school district back in order so that they could get residents to move back in, so he would ask his colleagues to respect the fact that he had worked diligently on this particular matter, yes with the previous administration, so that they could do great works in District B and if any of his colleagues had any issues with anything that was in his district he would be more than happy to answer any of those questions, that Brock Park, North Forest Independent School District and matters in Pleasantville had all been meddled with by Council Members, who did not represent District B, that if this was going to be their new procedure then so be it, they would all start to meddle in each other's business, he would start to move into their districts and start looking at items that were in their districts where he would have had no communication with their constituents, that they would all serve themselves better if they would pay attention to their own districts and not the others.

Mayor Parker stated that this item came up last week and she wanted to remind Council Members that this was not something that she initiated but was something that she supported, that it was an agreement that former Mayor White worked out with the North Forest Independent School District and it was an appropriate use of grant funds, they would have procedures in place to monitor all the invoices, it was not just money going to North Forest District, they had to do the work and there were protections in place to make sure that in this troubled period for the North Forest School District that all the funds were appropriately accounted for and she wanted to give that assurance to Council.

Council Member Noriega stated that as an At Large Council Member it was very difficult to know sometimes how to deal with situations with District Council Members because everything was in somebody's district, but sometimes they agreed and sometimes they did not and in this case she could see it becoming a problem if they had school district after school district coming in and applying for one kind of thing or another, she was not sure that was always appropriate, that she was going to vote for this because it was so far down the line, but she would like to have some kind of sense of this earlier in the process if they did it again.

Mayor Parker stated that it was not her intention to allow any other ones like this to go forward and to be frank when the staff presented it to her she said no and they showed her a series of correspondence from the previous administration committing to this and again she did not think it was inappropriate but for the issue she raised that it opened the door to the other districts, she had concerns about it but was trying to respect something that had been committed previously.

Council Member Jones stated that she tagged the item and was trying to figure out whether to release her tag, that her issue was not whether she thought it was appropriate or not, that she did not see anything about MWBE to make sure they involved small and minority businesses, so could anybody answer her questions about MWBE so that she could release her tag, and Mayor Parker stated that these were Federal Stimulus dollars and did not fall under their MWBE Ordinance requirements so they were not presented that way in the RCA, and Council Member Jones stated that she would release her tag.

Mayor Parker recognized Mr. David Feldman, City Attorney, and Mr. Feldman stated that under the terms of the Inter Local the City had a great deal of control over the project, and yes, the Mayor was correct, this was a matter of federal funding and meeting federal regulations, the City could exert it's influence over the use of the funds in terms of utilization of minority contractors and small businesses, that under the Inter Local with thirty days notice they could terminate, they did have absolute control, and Mayor Parker stated that there were Federal MWBE Requirements, they just did not have the City's imposed on top of them.

Council Member Gonzalez asked if the Department of Energy aware of this agreement, and Mayor Parker stated that they approved it, it was a section of grant funds specifically for energy projects, this was a Green Roof Program and had to receive approval from the Department of Energy, it was a competitive process, and Council Member Gonzalez asked if they were aware of the Inter Local and Mayor Parker stated yes.

Council Member Bradford stated that he wanted to weigh in about Council protocol because he saw again the same Council Member subject to scrutiny and in protocol was questioned as it related to District B and thought that whether it was Federal Stimulus dollars or grant funds these were public dollars and were being offered to help the children of North Forest School District and would support the District B Council Member and the people of District B and the North Forest school children.

Council Member Rodriguez asked if Council Member Jones would release her tag on Item No. 10 so they could go ahead and move forward and get the project going, and Council Member Jones stated that she had some questions that were a bit more complicated on that one.

Council Member Johnson moved to call the question on Item No. 18, seconded by Council Member Stardig. Council Member Clutterbuck voting no, balance voting aye. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. MOTION 2010-0635 ADOPTED.

A vote was called on Item No. 18. Council Member Clutterbuck voting no, balance voting aye. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. ORDINANCE 2010-686 ADOPTED.

19. ORDINANCE approving agreement between the City of Houston, Texas and **INTOWN HOMES, LTD.** pursuant to Chapter 380 of the Texas Local Government Code for Economic Development Assistance for development of three residential subdivisions in the City - **DISTRICTS A - STARDIG and H - GONZALEZ – (This was Item 23 on Agenda of August 18, 2010, TAGGED BY COUNCIL MEMBER GONZALEZ)** – was presented.

Council Member Stardig moved to amend Item No. 19 as follows, and stated that her intention was to tag the item and delay the vote one week after any discussion:

I move to amend Item 19 of the August 25, 2010 Agenda by amending section 1.04 of the Development Agreement attached thereto to read as follows:

“Section 1.04. Government Requirements and Approvals. DEVELOPER will apply for and use its best efforts to obtain, at its own expense, any and all necessary subdivision plats, permits, licenses, variances, and approvals that are necessary to construct the Project, including any environmental controls. DEVELOPER shall satisfy all permitting requirements, including but not limited to detention and building permitting requirements.”

After further discussion by Council Member Stardig, Mayor Parker stated that the Council Member had offered a written amendment, that it codified what was already in the agreement but the administration supported the amendment, that she thought it made it much clearer to the citizens and Council Member Stardig tagged her own motion.

After further discussion by Council Members, Council Member Gonzalez stated that Mayor Parker and the administration had reached out and offered to try to answer any questions, it had just been a matter of trying to gather some of those questions from the community and try to play catch up with them so that was the process they were in, that hopefully the additional week would give them some time to be able to get some of the issues resolved going forward.

Council Member Stardig moved to postpone Item No. 19 for one week, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. MOTION 2010-0636 ADOPTED.

20. ORDINANCE approving and authorizing contract between the City of Houston and **GT DISTRIBUTORS, INC** for Conducted Energy Devices (Tasers), Accessories, Supplies and Repair Services for the Houston Police Department; providing a maximum contract amount 5 Years - \$4,452,310.25 - General Fund – **(This was Item 27 on Agenda of August 18, 2010, TAGGED BY COUNCIL MEMBERS BRADFORD and ADAMS)** – was presented.

After discussion by Council Members, Council Member Jones tagged Item No. 20, and Mayor Parker stated that she was just informed that it was coming to the September Public Safety Committee, that whatever forum she thought the Public Safety Committee was appropriate but if anything happened to that she was happy to bring it to the full Council for discussion.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Hoang stated that there was a big fire at Harwin and Fondren, that the firefighters responded for nearly three hours and thankfully the fire only damaged the property but there was no one injured, that a firefighter received minor cuts to his hand while he was battling the blaze so she wished for him to have a full and speedy recovery; that he wanted to wish all of the teachers and students at Alief ISD and HISD a great school year, that he wanted to remind drivers that summer was over and kids were back in school so slow down in all school zones, that officers would be out enforcing all traffic laws, especially around the school zones; that he wanted to thank the Mayor's Assistance Office for putting together a back to school fair in his Council District, that the fair provided low income students medical, dental and vision services, backpacks, school supplies and school uniforms for free; that last week he attended the grand opening of the Asian American Family Services Counseling Center, that the center would be dedicated to serving the needs of the Asian American Community, that the organization consisted of more than 20 staff members who speak Burmese, Vietnamese, Mandarin, Cantonese, Korean and Indian dialects in order to better serve their diverse community; that he wanted to congratulate newsman Alex, from KHOU, that he and his wife were expecting twins next Friday; that he and Officer Sidiqi had the same birth date, that for the last weeks he took his vacation and went to Pakistan to help the flood victims, that approximately 3,000 people died in Pakistan, that he wanted to thank Officer Sidiqi for doing a great job. Council Members Rodriguez, Noriega and Bradford absent.

Council Member Stardig stated that she wanted to highlight the great economic development opportunity on the table and wanted to give recognition to Director Noteware and the City Attorney for their hard work on the issues in District A and across the City with regard to bad multi-family, that a lot of times she does not do a great job in expressing what happens and the good work that was going on in their area and the things they were working diligently on because she felt like they did the work and they should not have to always go to the media to highlight those things, that she thought that the public deserved to know that they had the best working on these issues and her colleague, Jarvis Johnson knew they had been working together on bad multi-family issues and they continued to do so with the support of the great talent at the City and without talent like Nancy Brewer Flores and others in these departments they could not be as effective as they had been, so there would be many more things coming to Council and she wanted to take the opportunity to recognize them and continue to do the work and hopefully they would not have to highlight all of the negative things that were in their communities but highlight the positives that were coming as a result of the hard work. Council Members Hoang, Rodriguez, Noriega and Bradford absent.

Mayor Parker stated that she wanted to thank Council Member Stardig for pointing out the work that the Housing and Legal Department were doing in really going after some of the worst and most dangerous apartment complexes in the City, they had a little hint of what some of the problems were yesterday at the public session with Mr. Wall who came down, but often the ownership issues were murky and she knew that some of their partners in the region, in the State and House, sometimes got frustrated to and knew they were being as aggressive as they could and knew that she actually spoke up for the City in a recent meeting and they appreciated that as well. Council Members Hoang, Rodriguez, Noriega and Bradford absent.

Council Member Jones stated that last week she took her son to college and she hoped he was doing well, and Mayor Parker stated that here were a lot of tears shed, and Council Member Jones stated that she could not believe it but yes there were; that there was a public meeting last evening at the City Hall Annex on the CenterPoint proposed rate increase and she did not hear one person who was for it and hear a million reasons why the City should not support it, that she was supporting Legal going down there and she would be going there to try to have the PUC act like they really cared about regular people; that there would be an IBI International Business Initiative Committee meeting tomorrow, Thursday, August 26, 2010 at

2:00 p.m. in Council Chambers, 901 Bagby; that there would be a reception tomorrow honoring Anthony Hall, who used to be City Attorney, that he won a Purple Heart and three Bronze Stars for service with the Army, that it would be at MASSAS Restaurant; that one of the people that would be at the big shindig the Mayor would be having tomorrow was Administrator Charlie Bolden, that was also a military hero in addition to being at NASA; that she wanted to wish her friend a Happy Birthday, Atim Tolbert, that she was a small business owner in the City. Council Members Hoang, Rodriguez, Noriega and Bradford absent.

Council Member Lovell stated that the Houston Archeological and Historical Commission held a public hearing on proposed amendments to the Historic Preservation Ordinance last Thursday, that they had a good turnout and once again as the other five public meetings there were good questions and conversations from both sides, that today the Archeological and Historical Commission would consider the draft Historic Preservation Ordinance at its regular meeting today at 3:00 p.m. in the City Hall Annex Council Chamber; that she wanted to say thank you to everyone who had worked on this, but in particular to Marlene Gafrick and her people in her department who had been working day and night on this and had been doing a great job of keeping it organized and making sure that they hear all of the comments from the public; that she wanted to say Happy Birthday Houston, tomorrow they would celebrate the 174th birthday of their wonderful City at the George R. Brown Convention Center; that she wanted to say go Pearland Little League, congratulations to the players and coaches of the Pearland Little League who were competing in the Little League World Series, that not only were they doing them proud on the field but evidently the way they had been conducting themselves the coach said they had gotten many compliments as to their manners and the way they treat their fellow teammates. Council Members Stardig, Hoang, Rodriguez, Noriega and Bradford absent.

Mayor Parker stated that the Archeological and Historical Commission, to clarify, she understood they put a draft ordinance out there for people to go after, so what they would be considering were actually changes from that draft ordinance, they would be able to weigh in and then a new draft would be prepared, and Council Member Lovell stated that a new draft would be out probably the first week in September. Council Members Stardig, Hoang, Rodriguez, Noriega and Bradford absent.

Council Member Johnson stated that he wanted to recognize the Superintendent of North Forest Independent School District who was in the audience and who had done such a wonderful job in helping turn around that district, that he certainly applauded the work of Doctor Johnson; that he wanted to thank his staff for a job well done, they had their annual Back to School Drive at Hobart Taylor Park, they were able to give away backpacks, they had performances and he wanted to thank McDonalds for donating the backpacks and Walgreens for the school supplies; that he wanted to congratulate Saint Monica's for their 50th Church Celebration on Sunday, August 29, 2010 at 8421 West Montgomery; that on August 29, 2010 the Acres Homes Council Centennial Celebration, which would be a series of different events as the Acres Homes Community celebrates 100 years of existence, that the church program would be from 11:00 a.m. to 11:30 a.m. at the Antioch Church at 5902 Mansfield; that Ammad from his office, was a very good Agenda Director and quite the Muslim, that he continued to keep him informed and had given him something, that Mayor Parker and former Council Member M. J. Khan would be having the Ramadan Iftar and Dinner on Sunday, August 29, 2010 at the George R. Brown Convention Center; that he would be working in collaboration with Kelly Roland who would be kicking off a fund raising event at Saint Johns Church downtown called "I Heart My Girlfriend Foundation", that it would be a Fall 2010 Fashion and Step Show and would be held at the University of Houston, The Student Center Houston Room. Council Members Stardig, Hoang, Rodriguez, Noriega and Bradford absent.

Mayor Parker stated that she wanted to thank Council Member Johnson for mentioning the

Iftar Dinner, that this was something that the City had done for a number of years during Ramadan and she was happy to participate and Council Members should all have received an invitation but it was open to the public to come and pray and break the Ramadan Fast with them. Council Members Stardig, Hoang, Rodriguez, Noriega and Bradford absent.

Council Member Clutterbuck stated that she had not been very persuasive lately but that was okay and that was what they were elected to do, to get here and express their opinions, that she had been thinking a lot about their discussion yesterday and thought that sometimes people who might have been watching yesterday's discussion thinks that it was about Red Light Cameras but she would like for them to think more in terms of what exactly is representative democracy, what exactly were they doing at the Council table and why had their founders chosen a representative democracy rather than a pure democracy, for example why did they not all have boxes in their individual homes where they could vote simultaneously and express their opinion as a pure democracy; why did they not get computers for everybody and the internet and allow everybody to be able to just vote on their ordinances on what the Mayor decides to bring forward and let them just have a referendum on every single item, that they did not have a pure democracy, they had a representative democracy where people elected the fifteen of them to do the will of the people and yet how do people challenge what they do at Council, that if the public, if the people, decide that they disagree with what they had done they had several options, they could vote them all out, thank GOD, every two years, just vote the bums out, or they could follow the City Charter which had a procedure for repealing ordinances, if the public disagrees with the ordinances they pass at Council they could follow the City Charter and repeal the ordinance or they could do an initiative and referendum or they could amend the City Charter to change the timeframe by which ordinances were repealed, that not to beat a dead horse and to have a good collegial lawyerly debate with her dear friend, David Feldman, City Attorney, she would like to envision this as more like a dialog and coffee or time to just sit back after they had this discussion in Law School, what exactly was their ministerial duty, must they put anything on the ballot if 20,000 people tell them to, for example if 20,000 people told them they wanted to legalize marijuana, if 20,000 people said to them that they wanted to revise the City Charter and legalize marijuana, must they put it on the ballot; if 20,000 people, as they did in San Francisco, put on the ballot to legalize Gay Marriage, must they do it, if 20,000 people tell them or instruct them that they must reduce their tax rate, a rate that was adopted by City ordinance, if they tell them that they must reduce the tax rate, as part of the City Charter, must they in their ministerial duty put that on the ballot, that she honestly thought not, that she thought if people wanted to appeal or repeal their ordinances there was a procedure by which that was accomplished and she did not think it was their duty to put that on the ballot, that she brought this up was because one of the things that Mayor Parker was elected on was historic preservation and she would dare to say that when that passes, and they would have a Historic Preservation Ordinance of sorts, if 20,000 people, and that was so small a number of people, and was to be respected, absolutely, the will of the public had to be respected, but if 20,000 put that on the ballot she was going to vote no again because she did not think that putting something on the ballot to amend their City Charter was what their founders envisioned, that she did not think that was what the State Law envisioned, and it was not the procedure by which the public, by which the people were heard on this, that their representative democracy, to her, meant that they were elected to pass ordinances and then the public expresses their opinion on their views of that, on their ordinances, by any number of legal methods, but it was not by amending their Charter, that she throws that out there because she thinks that it was an interesting discussion that they would continue to go over and to debate and she looked forward to hear what the blogs had to say about this. Council Members Stardig, Hoang, Rodriguez, Noriega and Bradford absent.

Mayor Parker stated that she agreed completely with Council Member Clutterbuck as to the problem, the solution, however, they had not quite worked out. Council Members Stardig, Hoang, Rodriguez, Noriega and Bradford absent.

Council Member Gonzalez stated that there was a public meeting this evening regarding the Koehler Street development, the possible Walmart Project, today at 6:30 p.m. at the George R. Brown Convention Center in Room 307. Council Member Gonzalez announced the following: the Northside Community Celebration, August 28, 2010 at Moody Park from 10:00 a.m. to 1:00 p.m. to unveil the Quality of Life Agreement Plan for the Northside Community; the official ribbon cutting ceremony, September 8, 2010, 6:00 p.m., for the new roof and future restoration at Emmanuel Lutheran Church at 306 E. 15th Street; that he wanted to thank all of the community partners who helped get the children ready for the school year; that his heartfelt wishes go to the Rangel Family and their loss with the passing of Anna Rangel, a member of the North Central Civic Association for more than 17 years and a lifelong resident of the Near Northside. Council Members Stardig, Hoang, Rodriguez, Noriega and Bradford absent.

Mayor Parker stated that she wanted to thank Council Member Gonzalez for mentioning the meeting tonight, that they were meeting at the George R. Brown Convention Center, they could not find a sufficient facility closer to the event but wanted to make sure that if they parked in the Hilton America's Garage they would cover parking. Council Members Stardig, Hoang, Rodriguez, Noriega and Bradford absent.

Council Member Jones stated that she wanted to invite people to prepare for the Houston Reality Challenge, the annual charitable event that she hosts, that they squeeze the game of Survivor into 2 days, so they may apply to compete at www.HoustonRealityChallenge.com, that it was all to raise money for two local nonprofits, Buffalo Bayou Partnership and the U'Jana Conely Foundation for Sudden Infant Death Syndrome; that she wanted to thank Council Member Johnson for reminding her of the Iftar Dinner that she had gone to for the last three years, that she would be going and for people to come in their best ethnic garb because people would be dressed to the t's; that Council Member Johnson talked about "I Heart My Girlfriend's Foundation" that she wanted to know what did they have to do to be in the "step show"; that Council Member Clutterbuck brought up something about what their government meant, that she had not intended on speaking about this but since she brought it up, that last night she was watching the History Channel and they were talking about Thomas Jefferson and they talked about how he actually wrote the beginning part of the Declaration of Independence and she brings up City Attorney Feldman because he knew that she loved the U.S. Constitution with amendments and she brings it up to say that when the Constitution was first written "Black" folks were three fifths and someone called her yesterday after the discussion on the Red Light Cameras and said that in 1913 certain folks were not here and certain folks were not allowed to vote so things changed, the City was much bigger than it used to be and some of the things that worked in 1913 did not work in 2010, that was almost 100 years and she happened to think that they, the elected officials, could come here and try to get a gauge on what the "will of the people", to use Council Member Clutterbuck's words, but the truth was that sometimes they could get it wrong and if the people come back in 2011 and say "hey you are wrong", then they could use every legal option available and reasonable minds could disagree, that lawyers disagreed all the time in court and a court would figure it out, that Texas was wrong on the "Sodomy Law" and then the Court of Appeals was wrong on it and then it went to the United States Supreme Court had to tell them that they got it wrong, that Texas was wrong when they said that sleeping lawyers were okay, that the defendant had to prove that he missed out on something important and it went to the Supreme Court and they remanded it back down and the court still got it wrong and then it gets back to the Supreme Court and the Supreme Court had to tell the State that if a lawyer was sleeping during trial that was really bad and it was unconstitutional and they could not get it so the proper to argue these things was in court and she would respectfully submit to them that women did not have rights to vote and they were chattered and Black folks were not people, so all of that stuff that happened in 1776 and 1913 was not appropriate right now, that they had a whole bunch of things that had changed since those things were done and if they make a mistake here in Council then she thought that the

people should tell them that they made a mistake and she respectfully thought that they were not here to decide for people, they were here to try to interpret what their will was and if they got it wrong then they needed to admit that they got it wrong and fix it and they should to be chastising people because they told them that they disagreed with them. Council Members Stardig, Rodriguez, Noriega and Bradford absent.

Council Member Lovell stated that she was reminded that a lot of those cases were actually settled in court because a lot of times even the people that voted got those issues wrong, that she truthfully hoped that they could fix the State Law to make it much clearer about what they do here locally, the people would respect the process that they put in place to go ahead and repeal ordinances that they do not like, they did have that process, that she thought the City Charter should not be used in a frivolous manner so she hoped they go to court and truthfully she hoped they would rule that they were using the Charter as a referendum and that was not what it was meant to do, if not then they would have a battle at the ballot box and would see how people felt; that school was back in session, that she wanted to say to her son Robbie as he moved forward in his sophomore year at Reagan High School, that it was a wonderful school, good teachers and a great principle, Connie Burger, that what good work they had done to turn that school around, that she wanted to tell Robbie to work hard and try his best to be a junior, but she also wanted to remind people that now that school was in to slow down through the school zones, that even they do not have a law about talking and texting on cell phones to use their common sense, put the phone away while they were around the school because gets start out from behind cars, they were not paying attention and they as adults and people driving cars must be more vigilant than ever and to the students work hard and have fun. Council Members Stardig, Johnson, Rodriguez, Noriega, Bradford and Johnson absent.

There being no further business before Council, the City Council adjourned at 10:16 a.m. Council Members Adams, Pennington and Costello absent on personal business. Council Member Sullivan absent on city business. Council Members Stardig, Johnson, Rodriguez, Noriega, Bradford and Johnson 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