

City Council Chamber, City Hall, Tuesday, August 31, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 31, 2010, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, 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 Member Stephen C. Costello absent due to being ill.

At 1:43 p.m. Mayor Parker called the meeting to order and called on Council Member Jones for a presentation and Council Member Jones invited the staff of Neighborhood Centers, Inc., to the podium and stated that this was National Infant Immortality Awareness Month and very important to her as her niece had died of SIDS; that Neighborhood Centers did a lot of work preventing child mortality; that they were hosting a health fair community forum promoting efforts to reduce infant deaths; and presented a Proclamation proclaiming September as "National Infant Immortality Awareness Month" in the City of Houston, Texas. Council Members Stardig, Johnson, Sullivan, Hoang and Bradford absent.

Mayor Parker congratulated and thanked the group for what they did. Council Members Stardig, Johnson, Sullivan, Hoang and Bradford absent.

A Spokesperson for Neighborhood Centers, Inc., thanked all for the Proclamation, recognition and support and stated that they did strive to reduce infant mortality and low weight births; and were having a great event tomorrow. Council Members Stardig, Johnson, Sullivan, Hoang and Bradford absent.

Council Member Rodriguez stated it gave him great pride today to announce Celebrate Houston Day in the City of Houston and invited the Athletic Director Mr. Mack Rhoads, Assistant Director, Mr. Darren Dunn and Chief of Staff Ms. Barbara Stanley to the podium; that the Houston Cougars did a tremendous job last year on the football field under their leadership and were ranked 12th in the nation in 2009 and they excelled in the classroom just as well; that September 4, 2010, was designated as "Celebrate Houston Day" with the Cougs kicking off their 2010 Football Season; and presented a Proclamation proclaiming September 4, 2010, as "Celebrate Houston Day" in the City of Houston, Texas. Council Members Stardig, Johnson, Sullivan and Hoang absent.

Mr. Rhoads thanked all for the recognition and stated that it was an honor and they looked forward to a terrific season. Council Members Stardig, Johnson, Sullivan and Hoang absent.

Mayor Parker and Council Members Noriega, Adam, Jones, Pennington and Gonzalez congratulated the group and advised that they looked forward to the game. Council Members Johnson, Sullivan, Hoang and Lovell absent.

Council Member Clutterbuck invited those present for her presentation to the podium and stated that it was her pleasure to present a Proclamation on behalf of Council Member Costello; that it was her pleasure to present a Proclamation to Health & Fitness Sports Magazine and to assist the Mayor in proclaiming this Health & Fitness Sports Magazine Month; that it was launched in 1985 and they were celebrating their 25th Anniversary and all would receive a copy of the current magazine; that more than 50,000 issues were distributed free each month and it offered tips on health and wellness, etc.; that healthy bodies meant healthy minds and Mr. Rod Evans, Editor of Health & Fitness magazine and Ms. Lora Penino head of Press Relations, etc., were presented a Proclamation proclaiming September 2010 as "Health & Fitness Sports

Magazine Month" in the City of Houston, Texas. Council Members Johnson and Lovell absent.

Mr. Evans thanked all for the recognition and stated that it was an honor being the editor for the past 10 years and they looked for another 25 years of providing the same informative information. Council Members Johnson and Lovell absent.

Council Member Gonzalez thanked Mr. Evans for a wonderful publication and stated that they hoped he had another 25 years ahead. Council Members Johnson and Lovell absent.

At 2:01 p.m. Council Member Adams invited Pastor Juan Carlos Jimenez with the House of Celebration Church to the podium to lead all in the prayer and Council Member Adams led all in the pledge. Council Member Jones absent.

At 2:05 p.m. Mayor Parker requested the City Secretary call the roll. Council Member Costello absent due to being ill. Council Member Jones absent.

Council Members Clutterbuck and Bradford moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Costello absent due to being ill. Council Member Jones absent. MOTION ADOPTED.

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

Mr. George Sacaris, 5540 Petty, Houston, Texas 77007 (832-265-7733) appeared and stated that he was a 20 year resident of Cottage Grove and property owner and he was surprised the city was willing to develop a high density gated community two blocks from his home; that grants generally involved low income housing and created long-term jobs, generating revenue through sales and property tax and the proposal bothered him with no definite dollar amount to be reimbursed and it was stacked heavily in the favor of the developer; that he was not opposed to developing the site but would like it to not detract from the quality of life in his neighborhood, no developer should be given a blank check; that the spirit of a 380 grant was to stimulate the surrounding neighborhood and this one did not and he was asking for a no vote on the proposal. Council Members Lovell and Jones absent.

Council Member Gonzalez thanked Mr. Sacaris and his wife for coming and stated that he was working with the committee to get responses and understood additional questions were being answered and they were also working with the Administration on tweaking this and working through the process; and Mayor Parker stated that she wanted to correct an inaccuracy; that the agreement clearly spelled out all items to be reimbursed and the projected value of the items and if the tax increment was not there they did not get reimbursed and the check did have a cap. Council Members Lovell and Jones absent.

Mr. Fernando Herrera, 5901 Katy, Houston, Texas 77007 (832-388-1206) appeared and stated that he was vice president of the Cottage Grove Civic Association and they did have concerns on the 380 agreement with Cottage Grove, primarily the water runoff, the only thing new was construction and that may be causing the flooding; that mud accumulated in culverts and they did not do what they were designed to and before they built he would recommend city planners taking a closer look at Cottage Grove and see what the flooding was now so the problem would not be exacerbated by building another development which may falter; that like the 380 agreement with Ainbinder and Walmart, Ainbinder was doing quite a lot with their greenery, different look, etc., and it was a win/win and he wanted to know the win/win for Cottage Grove. Council Members Hoang, Lovell and Jones absent.

Council Member Adams stated that she had a question concerning Mr. Herrera's question; and upon questions, Mayor Parker stated that yes under certain circumstances a developer would do a traffic study; that the 380 agreement did not relate to the traffic study was her hesitation but a 380 agreement, however, could be used for upgrades in the public infrastructure such as street widening, traffic signalization and that sort of thing; and Council Member Gonzalez had been briefed fairly extensive on those impacts; and Mr. Herrera stated that their streets were some of the narrowest in the City of Houston and the city called them exceptional as they were only about 19 feet wide. Council Members Hoang and Jones absent.

Council Member Gonzalez thanked Mr. Herrera for coming and for his hard work in the community and stated that they were joined by Mr. Tim Douglas and he may be able to answer questions related to the 380 agreement as another point of reference. Council Members Hoang and Jones absent.

Mr. David Morgan, 5607 Kansas, Houston, Texas 77007 (832-388-1206) appeared and stated that he had lived one year in Cottage Grove and across from him were six newly built homes by Intown Homes and he felt they did benefit the community in a positive way; that he was first excited about the 380 agreement with Intown Homes, however, he lost his excitement and had questions, Chapter 380 required all expenditures of municipal fund to serve a public purpose and any transaction providing monies must contain sufficient controls and insure public purpose was carried out and he was trying to insure both were guaranteed; that he felt Council was part of the sufficient control and asked they vote down the agreement until all expenditures could be guaranteed; that problems with him were home values, parking, drainage, traffic and private parks and gated communities with public funds.

Mr. Tom Dornbusch, 6110 Tyne, Houston, Texas 77007 (713-869-1185) appeared and stated that he served as vice president of the Super Neighborhood 22 Council; that Mayor Parker campaigned with promises of transparency and fiscal responsibility and he supported her because of that and her long history of neighborhood advocacy; that they heard from constituents they felt a sense of bewilderment, details of the 380 agreement were neither made easily assessable for public review nor distributed in a timely manner to Council Members who must consider and comprehend before voting; that two weeks ago on the Agenda it was identified as being in only one of the two affected districts; that the 380 agreements were to be considered on a project by project basis, however, this agreement lumped together three different development projects in two different Council Districts in neighborhoods with different characters and one would benefit and one would have negative impacts; that they asked projects be separated and considered project by project; that developments receiving 380 incentives should offer significant, positive impact to the community and surrounding neighborhood.

Mayor Parker stated that it was not her practice to get involved in a tit for tat but when inaccuracies were presented in the Chamber; that this was not a substitute for any kind of TIRZ or TIRZ cap and the money advanced by the developer, all infrastructure improvements were paid by the developer, if there were no incremental increase the city did not have to reimburse so there was no claim on the city unless investments were made and the specified return on the investment through ad valorem or sales tax was created. Council Member Johnson absent.

Council Member Jones stated that she was struggling with this, she believed the 380 in District A was fine, but the residents of Cottage Grove...; that she wanted all city residents, regardless of where you lived, to get the same consideration and input and Council Member Gonzalez had not received that and they were receiving calls from people wanting to participate; that on the Walmart project they had town hall meetings and they made things so pretty and then looking at the Oak Farms project they were putting up a cyclone fence and they were not receiving pretty things so she wondered why, depending on where you lived, you received less

or more pretty things; and she was struggling with equity among citizens; and she would like moving forward all get the same considerations; and Mr. Dornbusch thanked Council Member Jones and stated that he would suggest the 380 incentives be implied to enhancements stepping above basics and being in the best interest of the public. Council Member Johnson absent.

Council Member Noriega allowed Mr. Dornbusch to continue; and Mr. Dornbusch stated that they would ask Council to carefully consider implications of entering the precedent setting 380 agreement and take informed action tomorrow. Council Member Johnson absent.

Mrs. Lisa Sacaris, 5540 Petty, Houston, Texas 77007 (832-265-7733) appeared and stated that she was a 10 year resident of Cottage Grove and lived approximately two blocks from where the development would occur; that she was asking a vote against the 380 agreement between the City of Houston and Intown Homes; that the neighborhood worked closely and had many meetings with Intown Homes about the Phase I part of the development already approved, she was in on the original plat meetings and Cottage Grove was not against development, but liked it with consideration to how the development gaining access to their property through their neighborhood, how it would impact them and be beneficial through the possibility of parks, thoroughfares possibly connecting to the MKT right-of-way, a proposed hike and bike trail, and other amenities in the 380 agreement such as libraries, fire stations, etc., they wanted opportunity to bring the issues to the forefront with Intown Homes and they were not asking for benefits without monetary gain for the City of Houston and asked for a no vote on the item until they could come to a mutual agreement. Council Member Noriega absent.

Council Member Pennington stated that in looking at the literature there was an allegation the access to the proposed new development was through Cottage Grove on a 19 feet wide street; and upon questions, Ms. Sacaris stated that was correct; that the proposed subdivision had two entrances and Phase One access was Arabelle and the second access in Phase Two was Cohn and both 19 feet streets through existing residential neighborhoods with mixed single and multifamily. Council Members Noriega and Jones absent.

Council Member Gonzalez stated that he agreed with her on public enhancements and had been advocating for that, he got into this late as he was not informed until weeks ago and he was trying to work quickly on getting and bringing the community up to speed and trying to identify more public enhancements in the 380 agreement; that the public benefit needed to be there and this project needed more public enhancements and hopefully they would have response and positive feedback. Council Members Noriega and Jones absent.

Upon questions by Council Member Johnson, Ms. Sacaris stated that with all the enhancements due to density increase, by increasing the population by one-third, it was close to apartment density and she felt their property value would go down as the infrastructure would not be able to sustain itself, their neighborhood would suffer; that the proposed homes ran between \$330,000 and \$550,000 and Intown Homes stood to make millions; that value of the homes currently were around the range of \$200,00 to \$300,000. Council Members Rodriguez, Lovell, Noriega and Jones absent.

Council Member Bradford stated that his concern was separate projects were consolidated and apparently in one affected area without substantive community input; that public projects seemed to work best when emanating from input of the community; and moved the rules be suspended for the purpose of extending the time for questions of Mrs. Lisa Sacaris, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Costello absent due to being ill. Council Members Rodriguez, Lovell, Noriega and Jones absent. MOTION 2010-0637 ADOPTED.

Council Member Bradford stated that she mentioned living there 10 years and having input in Phase One and upon questions, Ms. Sacaris stated that the first she heard of this project was 11:00 p.m. on Monday, August 23, 2010, and she looked up old plat proposals for the area with Intown Homes and this was the one she had discussed a number of times, both of these she had, but felt she had a week to try and get change and find a way to have consensus and if it had not been delayed it would have been done before she knew of it; that she had worked with the Planning Department and Intown Homes projects and tried to add their community projects for six years, ever since she saw a variance request at the end of their street she had been actively involved; and Council Member Bradford stated that he had a problem with the projects being consolidated without substantive input from the community; and upon questions, Ms. Sacaris stated that she would like a no vote or for separation of projects. Council Members Clutterbuck, Rodriguez, Lovell, Noriega and Jones absent.

Ms. Carmen Pearson, 2511 Radcliffe, Houston, Texas 77007 (713-205-3588) appeared and stated that she was a homeowner in Cottage Grove and had a different opinion; that she had the unique perspective of being the engineer who designed the civil portion of the project and others in the area; that they did have fully approved plans on the project and the development permit and the city had excellent design requirements which they followed and it was scrutinized by the Flood Plain Management Office; that she designed the storm sewer and detention ponds in the area and she too lived a block from the project; that it was important to recognize was the area was an old railroad project and contaminated when purchased by Intown Homes and they spent millions cleaning up the soil and ground water, it was overgrown and would be used wisely; that crime in the area had decreased with the ongoing development and it was true two public roads would be going into the development, however, the majority would be directed off the feeder road for TC Jester; that also they were platted and all single family lots and existing streets were narrow, but the plat was for 28 feet public access easements. Council Members Clutterbuck, Rodriguez, Lovell, Noriega and Jones absent.

Council Member Sullivan stated that Ms. Pearson should continue; and Ms. Pearson stated that she had an issue in front of her house with drainage and the inlet was filled with mud and she called 311 and the next day they were out re-grading the ditch. Council Members Hoang, Rodriguez, Lovell and Noriega absent.

Upon questions by Council Member Bradford, Ms. Pearson stated that when they first started the project they had several meetings with the former Council Member for the District and there were community involved members there; that she understood their concern with drainage and traffic, but this project was adequately addressed; that would have been about four years ago they had input, but whether there was recent input would be a question for the developer; that she was an engineer and the 19 feet wide streets was what did exist now, but the project was proposing 28 feet public access easements. Council Members Adams, Hoang, Rodriguez, Lovell and Noriega absent.

Upon questions by Council Member Jones, Ms. Pearson stated that she believed if developers had appropriate permits from Planning, etc., they could develop; that she understood the 380 agreement was different and she was not involved in any meetings on the 380 agreement, however, thought the project would benefit both the city and the community; that in this economy the project funding was not there and if the project went ahead it would be delayed without any assistance from the 380 agreement; and Council Member Jones stated that they wanted people to develop, but thought they should get more than what they would get if developers were just coming in and doing it with the 380 agreement. Council Members Adams, Lovell and Noriega absent.

Council Member Bradford moved the rules be suspended for the purpose of extending the time for questions of Ms. Carmen Pearson, seconded by Council Member Gonzalez. All voting

aye. Nays none. Council Member Costello absent due to being ill. Council Members Johnson, Adams, Lovell and Noriega absent. MOTION 2010-0638 ADOPTED.

Council Member Sullivan stated that it was always good to listen to both sides of an argument; and they wanted good development in Houston and the legislature gave tools to do so; and she did a good job representing her side of the story. Council Members Johnson, Adams and Noriega absent.

Council Member Gonzalez stated that he appreciated her input and as stated the previous Council Member may have been informed about this but he was not until recently and he wanted to advocate for his constituents and make sure all were informed with the 380 and impacts of any potential development related; that it was possible this was a good development, but the community who lived there deserved answers because there was a 380 link and he was trying to get all questions answered and they were working feverishly to get all answers, it was just a balance of working through the process and being in the loop. Council Members Johnson, Adams and Noriega absent.

Council Member Gonzalez moved the rules be suspended for the purpose of hearing Ms. Maryjane Buschlen and Ms. Kathryn Kearl after Ms. Carmen Pearson, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Costello absent due to being ill. Council Members Johnson, Adams and Noriega absent. MOTION 2010-0639 ADOPTED.

Mayor Parker stated that the neighborhood did ask a number of questions in writing and the Administration responded; that if Council Member Gonzalez was aware of any other outstanding questions she would like to know of them; and Council Member Gonzalez stated that he thought they had submitted responses to the city's response and if there was anyway to answer those it would be appreciated and secondly they were working with the Administration to see if they could enhance the 380 in anyway with some additional public amenities; and Mayor Parker stated the question came early on could they sever this piece of the deal; and Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for comments by Mayor Parker, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Costello absent due to being ill. Council Members Johnson, Adams and Noriega absent. MOTION 2010-0640 ADOPTED.

Mayor Parker further stated that the developer received financing on the basis of all three projects together, he did not finance them separately and that was the difficulty in peeling out one portion of the proposed development and why they were proceeding with all of them together. Council Members Johnson, Adams and Noriega absent.

Ms. Maryjane Buschlen, 5703 Cornish, Houston, Texas 77007 (832-661-3663) appeared and stated that she wanted to express her heartfelt gratitude to the Council on a couple of projects which directly impacted her; that she was a 15 year resident of Cottage Grove and within the last months train horns stopped blowing and she thanked them; that she was also grateful the CIP project was about to take place on storm water drainage, a low impact study, and she thought it had direct connection to issues being talked about today. Council Members Johnson, Adams and Noriega absent.

Council Member Jones stated that Ms. Buschlen should continue; and Ms. Buschlen stated that the financing for the developing, the developer was very smart and she would ask they consider breaking this into three agreements because they were pro development and wanted it to happen; and Council Member Jones stated that the Mayor stated the financing came as three and she understood that argument, but if they had to choose between the developer because he chose to do them as three she still did not understand why they were picking the developer over the people; and upon questions, Mayor Parker stated that they had

been in regular communication with the developer and asked if it was possible to set this aside and move forward with the other projects and he indicated it would not; that in her years at city hall she had seldom seen any major development project that did not bring a number opposed to it; and Council Member Jones stated that even if they were to go forward people were entitled to meaningful notice and hearing; that in moving forward she would like a fair way in development so all constituents received the same consideration. Council Members Johnson, Adams and Noriega absent.

Council Member Stardig stated that she wanted it clear that the process was ongoing through the Economic Development Office and she had conversations...; that they had not held meetings for this or given unfair advantage to District A, this was something being looked for across the entire city and they were benefiting from the opportunity where a developer had a long track record of success and it was unfortunate her colleagues did not have opportunity to seek out the information; that he did a great job for his constituents at this point, but she had the same concerns these citizens had. Council Members Johnson, Adams, Lovell and Noriega absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending the time for comments by Council Members, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Costello absent due to being ill. Council Members Johnson, Adams, Lovell and Noriega absent. MOTION 2010-0641 ADOPTED.

After a lengthily discussion Council Member Stardig stated that she put the developer through a great deal and was passionate about all residents and sensitive to issues; that this was an opportunity for all of Houston and bringing good development and allowing the city to pay the bills with a bigger tax base and rallying around the middle class income; and Council Member Gonzalez stated that he appreciated good economic development, but there should have been notice which he did not have, they were only asking for questions to be answered; that Cottage Grove was a cross of high new density development with 100 year old infrastructure; and he wanted his constituents questions addressed and possibly public enhancements. Council Members Johnson, Sullivan and Lovell absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for comments by Council Members, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Costello absent due to being ill. Council Members Johnson, Sullivan and Lovell absent. MOTION 2010-0642 ADOPTED.

After a lengthily discussion Council Member Gonzalez stated the bottom-line was they just found out about this and were trying to catch-up; that it was not made known to him it was in District H; and Mayor Parker stated that as stated several times this began under the previous Council Member and there was a period District H had no Council Member and then she came in and they did not realize it was in District H; that since they found out he had actively been involved and advocating for enhancements; that the Administration's intent was to move forward with the project but not without having all questions answered and she did believe additional benefits for Cottage Grove were worked out; and Council Member Jones stated that Council Members did not control the Agenda and sometimes did not know until Monday what was on; and she wanted all fair; and Council Member Bradford stated that this was not just a Council Member Gonzalez issue, he met with those in Cottage Grove and they were concerned; that this was an issue of notice and input from the community being impacted and they did not have time for adequate input was his concern; that increases in taxes, fees, etc., was driving the middle class out of Houston. Council Members Johnson and Lovell absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for comments by Council Members relative to Agenda Item 41A, seconded by Council

Member Bradford. All voting aye. Nays none. Council Member Costello absent due to being ill. Council Members Johnson and Lovell absent. MOTION 2010-0643 ADOPTED.

Council Member Pennington stated that he was interested in the assessment of the traffic impact on the 19 foot street; that the minimum size street was usually 28 feet and even that was low for major access and he was interested in the analysis; and a briefing would be fine. Council Members Johnson and Lovell absent.

Ms. Kathryn Kearl, 5606 Kiam, Houston, Texas 77007 (832-721-0238) appeared, displayed two drawings and stated that a picture was worth a thousand words and in comparing the two projects side by side Council could understand their concerns; and if Council Member Stardig's project was presented to those in Cottage Grove they would have been dancing in the streets; there was difference in density and the two main streets were 19 feet wide and trucks did fall into her drainage ditch. Council Members Johnson, Gonzales and Lovell absent.

Mr. Dennis Devlin, 539 Granberry, Houston, Texas 77007 (713-802-1913) appeared and stated that he lived in Council Member Gonzalez's District and he was present to encourage a favorable vote on the proposed changes to the historic district ordinance; and thanked Mayor Parker for her support of them. Council Members Johnson, Gonzales and Lovell absent.

Mr. Sixto Wagan, 112 Payne, Houston, Texas 77009 (713-320-5208) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Gonzales and Lovell absent.

Ms. Valorie Davenport, 1210 W. Clay #6, Houston, Texas 77019 (713-655-1500) appeared, presented information and stated that she was asked by the homeowners association and board of directors of Candlelight Trails to come before Council and talk about a win/win situation; that she knew Council was anxious to tear down Candlelight Trails and remove a crime ridden and serious issue of community safety as quickly as possible; that the trial of the case against the homeowners was now set for September 10<sup>th</sup> and she was asked to appear on behalf of one of the homeowners who was not properly served in that case and would have to file a Bill of Review in order to have her rights litigated because lawyers objected to her appearing and litigating her interest with others and that could prolong demolition for another two to three years and today she was proposing a different alternative and what she presented today was several documents including the condominium declaration which she discussed and that the board was willing to work with the city and come to an agreement to demolish the property immediately. Council Members Stardig, Adams, Sullivan, Gonzales and Lovell absent.

Upon questions by Mayor Parker, Ms. Davenport stated that she was not an attorney of record for one of the owners but would be this afternoon; and Mayor Parker stated that she had every right to come and speak, but they were in litigation on this and had a court date and respectfully would suggest it was past the time where she could actively negotiate at the Chamber and needed to speak to them through the City Attorney; that they did want to have a fresh scraped lot where Candlelight Trails was and was open to suggestions but could not deal with the issue in the Chamber. Council Members Stardig, Gonzales and Lovell absent.

Ms. Dalia M. Garcia, 2331 N. Spring, Spring, Texas 77373 (281-414-8627) appeared and stated that Ms. Davenport was her spokesperson and basically said everything; and would pass on her time. Council Members Stardig, Gonzales and Rodriguez absent.

Mr. Richard Grayshaw, 1403 Blalock, Houston, Texas 77055 (713-298-6283) appeared and stated that he was voted onto the Candlelight Trails Board and lived there 15-1/2 years and



one of the last owners to leave the property and did have a vested interest and owning two units he owned less than 1%. Council Members Stardig, Gonzales, Rodriguez and Noriega absent.

Ms. Shirley Gonzales, 1618 Longacre Drive, Houston, Texas 77055 (832-303-5831) appeared and stated that she was present on behalf of Candlelight Trails and there was something in the Declaration and Mr. Feldman could read the documents, it allowed them to deal with just one owner, where the board had the power to determine the property not be resurrected and the board was in the process and wanted to do it and there would be one to deal with instead of all, they could act on behalf of everyone. Council Members Stardig, Gonzales, Rodriguez and Noriega absent.

Mayor Parker stated that Mr. Feldman had their information. Council Members Stardig, Gonzales, Rodriguez and Noriega absent.

Council Member Jones stated that she spoke with Mr. Feldman about this and she met with them in July and they had a number of concerns; that she knew they were in the middle of litigation, but they did want the place torn down and they explained that they paid, but the people did not do the upkeep and all they could maintain was the inside of their units and they were afraid of trial, they were concerned the city was going after the people who had nothing to do with how it ended up where it did and they did not have the money; that they already lost their investments and where they lived and did not want the city to continue doing this to them, it was like adding insult to injury. Council Members Stardig, Gonzales, Rodriguez and Noriega absent.

Mr. Lance Hardy, 5206 West, Houston, Texas 77053 (832-352-2464) had reserved time to speak but was not present when his name was called. Council Members Stardig, Gonzales, Rodriguez and Noriega absent.

Mr. Charles Smith, 8020 Cora, Houston, Texas 77088 (281-610-3542) appeared and stated that he had a complaint on an RFP made at Houston Intercontinental Airport on June 3<sup>rd</sup>; that the shoeshine concession came up for bid and he was not invited to the table and the meeting was tomorrow around 2:00 p.m.; that he bid the RFP about 10 years ago and it just came up again; that a year ago he came before Council asking that they rebid and now they had and he was thankful for that, but he was hoping there was no hanky panky around the shoeshine contract; that about four years ago it came up at Hobby Airport and he bid that and never heard any report on that, but he bid \$119,000, he told the city he would give them \$119,000 if he got the contract and that was \$600.00 a day and he thought he had it; that his last bid was \$81,000 and he did not get it and he was asking Council look into this and see if it was being done fairly, it seemed people there had their favorites and he just wanted to know if the same party received it and he had bid about 20 years to get it. Council Members Stardig, Gonzales and Noriega absent.

Council Member Johnson stated that he said he was not invited to the table and he did remember him coming before Council a year or so ago and asking it be opened for RFP; and upon questions, Mr. Smith stated that he submitted a proposal for shoeshine and he was not invited back to the table, he wanted to find out what was wrong with his proposal, they were to meet Thursday and he was not invited to sit at the table; that the current contract was in existence since 1999, 11 years, this contract was for another 5 years but it could be extended and that was what he argued last time, he had wanted it opened up; that he met with Mr. Goodman and his staff but every time he called he could not get him, there were four proposals and three were invited back and he wanted to know why he was not invited back; and Council Member Johnson stated that he appreciated him bringing this last year to open the bid and he would ask the questions and get him some answers; and Mayor Parker thanked Council Member Johnson for clarifying Mr. Smith did actually submit a bid and so forth. Council Members Stardig, Gonzales and Noriega absent.

Council Member Jones stated that her two questions were if you did respond to an RFP and not make it was there a way to find out what you did well and what you did not so maybe next time you would be better at responding and then second, she was recently contacted about an RFP that people said was not fair so what was done to make sure the RFP process was as objective as possible; and Mayor Parker stated that each department had slightly different processes for how they would respond back, but this was an RFP where Mr. Smith did bid, he was notified in advance, he attended the prebid conference and put a bid in and everyday bids were not accepted and not allowed to come back for best and final. Council Members Stardig, Gonzales and Noriega absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Mr. Charles Smith, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Costello absent due to being ill. Council Members Stardig, Gonzalez and Noriega absent. MOTON 2010-0644 ADOPTED.

Mayor Parker stated that bidders were not invited back for the next round if there was a best and final, but most were revenue bids for the city and they were looking for who was offering the best revenue and she was not aware of any problem in the Airport having them follow-up and letting them know if it was strictly a financial issue or a document not submitted. Council Members Stardig and Noriega absent.

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

Mr. Augustine Castillo, 1103 Erin, Houston, Texas 77009 (832-656-7804) appeared and stated that his concern was cars parked on the sidewalks throughout the city, but today it was the Downtown area; that across from Minute Maid Park, the 300 block of Crawford, there was an old building where they transfer prisoners to the county courts and their vans were left out on a regular basis, 24 hours a day and seven days a week; that the 800 block of Capital was another, there were eight taxi spaces about three for pickups and now there were eleven cabs there and he called Parking and nothing was happening. Mayor Parker, Council Members Stardig and Noriega absent. Mayor Pro Tem Clutterback presiding.

Mayor Pro Tem Clutterback thanked Mr. Castillo for appearing and his concern of the two locations were noted to the Mayor and did have a written response and the Mayor requested that he speak with Mr. Chris Newport who was present at this time; that it was their understanding the Parking Department was in contact with Harris County regarding their vehicles. Mayor Parker, Council Members Stardig and Noriega absent. Mayor Pro Tem Clutterback presiding.

Mr. Dale York, 8855 Gulf Freeway, Houston, Texas 77017 (281-995-5995) appeared, presented information and stated that he had two issues; and information presented was an excerpt from BioCycle which he had encouraged Council to subscribe to; that the article said if they had compost it would help take care of the oil in the Gulf; that he did hope they would read his article; and secondly there was a good chance the city would be hit by a hurricane and he hoped they would allow the 50 acres next to the Almeda Sims Treatment Plant to have wood and woodchips put there and someday let him compost the biosolids and the wood would be right there; and he did hope they would check into the plant on how many days it was down, it was a mistake and should have never been built and he would save the city between \$2 million and \$3 million of what they were now spending. Mayor Parker, Council Members Stardig and Noriega absent. Mayor Pro Tem Clutterback presiding.

Mr. Howard Ware, 17514 Jackson Pine Drive, Houston, Texas 77090 (281-580-6523) appeared and stated that he was concerned about Kashmere Garden, Fifth Ward and Sunnyside; that there was a pipe known as the "love rose crack pipe" and his concern was you could go to jail for having or smoking crack, but not for selling the pipe and the convenience stores sold it, all they cared about was what was green and he would like the City of Houston to make a law that if they were to sell the pipes their license could be revoked and their store shut down and maybe they should go to jail also. Council Members Stardig, Clutterbuck and Noriega absent.

Council Member Johnson stated that this was not new and they tried several attempts to create an ordinance to prohibit this, but they got more slick on selling it; that a Chevron Downtown sold the whole device and they told him it was for tobacco so he refused to buy gas and went somewhere else; that people needed to put aside convenience and look at overall safety and he would ask the community to stop shopping at such places when they knew it was not good for the community; and asked him to find out which stores did such and let him know and it needed to be publicized, during public session he would name the store and say who owned it and tell people for them and their children to not shop there. Council Members Stardig, Clutterbuck and Noriega absent.

Upon questions by Council Member Adams, Mr. Ware stated that he would ask the owner what it was, why he sold it and did he know he was destroying a life and their response was some did not answer and some wanted him to leave; and Council Member Adams stated that she drove in District D and they asked porno movies be moved to the back of the store and many removed them, but if she purchased the pipe and put it in her seat and she was pulled over she would be arrested because it was considered illegal drug paraphernalia so she could go to jail and there was no repercussion for the store and she did not know what could be done as a city. Council Members Clutterbuck, Sullivan and Noriega absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Mr. Howard Ware, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Costello absent due to being ill. Council Members Clutterbuck, Sullivan and Noriega absent. MOTION 2010-0645 ADOPTED.

After further discussion, Council Member Adams stated that she did not know what could be done or the Mayor's vision, how they could make the rules stricter like they did on the pornographic movies, but knew it could happen; Mayor Parker stated that she would ask Legal to research it and send a memo; Council Member Jones stated if you were found with a crack pipe you would be charged with less than a gram of cocaine whether it tested positive or not, it was a state jail felony and punishment ranged from 180 days and 2 years in the state jail day for day up to a \$10,000 fine and HPD could actually arrest them for selling that just like they round up crack heads in convenience store parking lots, they could round up store owners; that she was thinking about what the city controlled, if they did arrest them it would send a message and she did believe criminal law already had things on the books for it, it just wasn't enforced, just as law enforcement went after prostitutes and not the guys who picked them up; Council Member Bradford stated that it was his view too many were already being locked up because of residue on a straight shooter and this was about education, possession of drug paraphernalia was already against the law and he would urge focus on a campaign to those using this instead of driving away business. Council Members Clutterbuck, Sullivan and Noriega absent.

Council Member Hoang moved the rules be suspended for the purpose of extending the time for questions of Mr. Howard Ware, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Costello absent due to being ill. Council Members Clutterbuck, Sullivan, Lovell and Noriega absent. MOTION 2010-0646 ADOPTED.

Upon further discussion Council Member Hoang stated that you had to have controlled substance, paraphernalia was only a device and not a crime; Council Member Adams stated that she would disagree; Council Member Hoang stated just don't buy from a store which did sell such; and Mr. Ware stated that the city should have an ordinance making them accountable for what they did; Mayor Parker stated that she did ask the City Attorney to put out a memo as to what they could and could not do, but if they wanted to keep going; and Council Member Jones stated that people were picked up all the time and they found no crack anywhere and most of the time they signed for time because you might beat the rap but you would not beat the ride and you had to try and bond out, hire a lawyer, wait , be bumped to state court and a trial in two to three months and if not bumped up you waited over a year; and her point was the inconvenience alone and it would be wonderful to pose the exact same thing on those who sold them; that the convenience stores also sold individual cigarettes and were not supposed to do that either. Council Members Stardig, Clutterbuck, Sullivan, Lovell and Noriega absent.

Ms. Exenia Woods, 2307 Tierwester, Houston, Texas 77004 (832-883-5802) had reserved time to speak but was not present when her name was called. Council Members Stardig, Clutterbuck, Sullivan, Lovell and Noriega absent.

Ms. Annie Lyles, 1001 Pinemont, Houston, Texas 77018 (713-263-7156) had reserved time to speak but was not present when her name was called. Council Members Stardig, Clutterbuck, Sullivan, Pennington, Lovell and Noriega absent.

Mr. Michael Thibodeaux, 14173 Northwest Freeway #120, Houston, Texas 77040 (832-472-4829) had reserved time to speak but was not present when his name was called. Council Members Stardig, Clutterbuck, Sullivan, Pennington and Lovell absent.

Ms. Quetriva Bergen, 5300 Coke, Houston, Texas 77020 (832-362-2362) had reserved time to speak but was not present when her name was called. Council Members Stardig, Clutterbuck, Sullivan, Pennington, Rodriguez and Lovell absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that her Council Member told her and a group of people they could have a building on their 26.82 acres of land on Veterans Memorial and Mt. Houston Road and at this point he was starting to cultivate for a park which they did not really want the \$1.6 million spent on just benches, etc., for a park; that they had a need for protection and the building was hopeful. Council Members Stardig, Clutterbuck, Sullivan, Pennington, Rodriguez and Lovell absent.

Council Member Johnson stated that he met with them and wanted to be clear when they spoke of a building it was at some point when the community showed a need and strong desire they would put it on the CIP, but simply a community building like at other parks and not a YMCA, Mr. Joe Turner was Director of Parks and everything did have to come before Council and they did vote for the \$1.6 million for improvements much of the community asked for, but the YMCA was a separate entity and this would not be a YMCA, but a community building; and Ms. Taylor stated that they wanted facilities equal to a YMCA, they did not say they wanted a community building that was not discussed; and Council Member Johnson stated that was what all parks had, a building for the community; and Ms. Taylor stated that Mr. Turner said it would have the same facilities as a YMCA. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez and Lovell absent.

Ms. Odette Cormier, 8502 Cowart, Houston, Texas 77029 (713-672-2252) appeared and stated that she was 78 years old and twice the City of Houston filed a charge against her and she was on trial for not paying taxes on two lots they owned, first she went and they changed

the date and then on the second date the judge dismissed the case because the other person on the same lot was charged and she did not show up; that in the process parking was \$25.00 and this was not just, after going to the tax office it was discovered her lot and the other lot had the same number, but the block number was different and it was dismissed, but then they gave her a number to Lonestar Legal Aid and they said they could not help, she was not quite poor enough. Council Members Stardig, Clutterbuck, Sullivan and Rodriguez absent.

Mayor Parker stated that Citizens Assistance would sit with her; that she raised about three issues and they would try and help. Council Members Stardig, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Johnson stated that he too was unclear; and upon questions, Ms. Cormier stated that charges were brought because she had not paid taxes but the city had it mixed up and that was not why she was present today; that she was trying to say the city charged her with something previously which they did not look into, it was their mistake; that the charges were dropped and she wanted to make sure it did not happen again; and Council Member Johnson stated that the Mayor was having her office check into this and he would follow up and get more clarity on the issue so it did not resurface again; and Ms. Cormier stated that now they had something against her for cutting grass and she could not tend to it because her husband was ill and she brought his death certificate to show; that they charged \$20.00 to cut such lots and the city sent her a bill for \$900.00 a lot and cut the tree, but the tree was the other man's tree; that now it had interest multiplying; and Council Member Johnson stated that citizens Assistance would look into this and he would follow-up. Council Members Stardig, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Jones stated that Ms. Cormier stated Legal Aid said she was not poor enough, but she knew lawyers who helped older people and if Council Member Johnson did not mind she would see if one of them would help her. Council Members Stardig, Clutterbuck, Sullivan and Rodriguez absent.

Ms. Eileen Crowley Reed, 1313 Cortlandt, Houston, Texas 77088 (713-861-1919) appeared and stated that she lived in the Heights and present speaking on behalf of Responsible Living Development for Houston, a nonprofit community grassroots organization of taxpayers and homeowners devoted to preserving the character, traditions and appearance of the Heights and West End Neighborhoods in Houston; that they were pro development and there was a development proposed for Yale, but they believed the project was inappropriate in an urban setting for box retail and not dense enough and potentially damaging to the character of their surrounding neighborhood; that they had many meetings but some were more of the appearance of communication than real communication; that tomorrow night they were having another meeting and they were hopeful some things would be covered and that was the traffic study done, specifically why the city believed it was necessary to do the 380 agreement and they wanted to know what was proposed and how the economic impact of it would be positive for the city; that they wanted to know if the city would grandfather the new development for drainage or whether they would use the newer impact standard as requested by some civic groups; the security plan and they were to be on the Agenda to present findings of an economic impact study. Council Members Stardig, Johnson, Clutterbuck and Sullivan absent.

Council Member Gonzalez thanked Mayor Parker for hosting the meeting last week and stated that one opportunity was to present some information and allow the community to view some of the most recent design plans and department representatives were in place along with the developer and retailer and in courtesy thanked the Mayor for hosting it and taking on another meeting tomorrow; and Mayor Parker stated that she appreciated it and for the public they had much better success this time getting it closer and the meeting would be at the High School for Criminal Justice tomorrow at 6:30 p.m. and the Walmart people would not be there, it

would be city representatives. Council Members Stardig, Johnson, Clutterbuck and Sullivan absent.

Council Member Jones stated that she remembered walking into the meeting and seeing the Walmart presentation and since it looked like the city would be using the 380 as a carrot she saw the design changed with wide jogging trails and was surprised not to see deer; that she was laughing and brought it up because if they could use 380s to encourage development and get businesses to improve their property and the property around it then it was great and she now intended to use that standard to judge all in the future and wanted to make sure when they did the 380s they made sure they used it as a carrot and got things out of it so all neighborhoods would get the same consideration and amenities; and Mayor Parker stated that they were in primary negotiations with the developer and a lot of what they asked for was from the developer and not from Walmart and she would suspect the developer had a lot to do with the fact Walmart modified their plan for the outside of the store and on a 380 agreement, it allowed the city to ask the developer to pay for things the city wanted with his money and then he may or may not be paid back and so in all cases the city could not say we want you to do streets and sidewalks and beautiful things because it may not benefit his or her project. Council Members Stardig, Johnson, Clutterbuck, Adams and Sullivan absent.

Mr. Colton Candler, 1158 Bonner, Houston, Texas 77007 (979-220-0934) appeared and stated that Council had heard of the traffic on Yale with the development and he lived approximately 100 feet from where the proposed Walmart would be developed and his main concern was the traffic, regardless of how wide Yale was made on the north and south of I-10 they still came back to only four lanes under the freeway and if two were made turn lanes it would be a big bottleneck; secondly, he would like the results from the traffic impact analysis the developer conducted to be presented at the meeting tomorrow. Council Members Stardig, Johnson, Clutterbuck, Adams and Sullivan absent.

Council Member Jones stated that she knew this was a development and other stores would be there, but every shopping center had an anchor tenant and they drove the development and that was why they got better deals, etc., and again she wanted to make sure the city negotiated from a position of strength and wanted wider sidewalks, etc. Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan and Noriega absent.

Council Member Gonzalez stated that Mr. Candler was asking specific questions; and Mayor Parker stated that they would be prepared to talk about traffic, drainage, security, etc., last Wednesday at the meeting she spent two hours going way down with maps of the site, etc., and if it was not as effective at other stations she would try and remedy that, but this was on the public space the city actually had control over. Council Members Johnson, Clutterbuck, Adams, Sullivan and Noriega absent.

Mr. Ray Moon, 4209 H Street, Houston, Texas 77072 (281-933-6603) appeared and stated that he was involved with the Super Neighborhood Council and they had a number of issues with parking in the neighborhood, two new Montessori schools were going up and no extra width in the road and now sidewalks created mud holes between the street and sidewalk and pictures being passed around would show this; that the school made no attempt to alleviate the issue and without additional parking space they lined up along the streets and at the smallest point they may be nine to twelve feet wide; that the city put up poles to restrict access in the width of the road and now an issue with traffic flow was created, the whole section was a cut through and traffic came to a complete stop three times a day five days a week for 10 minutes, 30 minutes, etc., that putting bars up so people can't drive over the grass did not seem like a community minded way of doing business. Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Mayor Parker stated that before he left Mr. Medina with Public Works was present and would visit with him; that they did not put up bollards to prevent people from driving on the grass, but to keep people from coming onto the sidewalks; that many neighborhoods would love to have sidewalks installed and she was sorry he was not happy with them; that if the issue was traffic congestion leading into the school she would be happy to have Public Works and the Police Department work with him and the school to figure out appropriate access and traffic flow; and Mr. Moon stated that the issue was backing out onto the road and his customers were going to hit the pole because the entire road was not enough to turn most large vehicles around and poles were below their line of site vision. Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Lovell stated that the KIPP Schools in Gulfton would trade for sidewalks, they had to walk into the street; that as the city grew and became more dense, charter and private schools were having different traffic patterns and use and children were needing to be safe and she would like a small committee or taskforce to look at this and figure ways to talk to communities and instead of doing this patchwork across the city drill down and figure how to handle it each time it popped up and it would save Mr. Moon and others from coming because they were frustrated; and Mr. Moon stated that his solution was just to put rock down and not have the mud, but the city's solution was more expensive and made all come to a stop. Council Members Johnson, Clutterbuck and Sullivan absent.

Mayor Parker stated that if someone on Council would like to champion this issue she would be glad to work with them; and Council Member Lovell stated that as chair of the Transportation Committee she would be happy to sit with Public Works. Council Members Johnson, Clutterbuck and Sullivan absent.

Council Member Noriega moved the rules be suspended for the purpose of extending the time for questions of Mr. Ray Moon, seconded by Council Member Jones. All voting aye. Nays none. Council Member Costello absent due to being ill. Council Members Johnson, Clutterbuck and Sullivan absent. MOTION 2010-0647 ADOPTED.

Council Member Hoang stated that he would join with Council Member Lovell on this and Mr. Robert Medina was present and would speak with him and he and his staff would work with Council Member Lovell. Mayor Parker thanked Council Members Lovell and Hoang and asked that Mr. Moon meet with Mr. Medina and then Mr. Medina follow-up with Council Members. Council Members Johnson, Clutterbuck and Sullivan absent.

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

Reverend Joe Angel Lopez, 13334 Wells River, Houston, Texas 77041 (832-891-2724) had reserved time to speak but was not present when his name was called. Council Members Johnson, Clutterbuck and Sullivan absent.

At 4:32 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, September 1, 2010. Council Member Costello absent due to being ill. Council Members Johnson, Clutterbuck and Sullivan absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, September 1, 2010, with Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega and C. O. "Brad" Bradford; Mr. David M. Feldman, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director present. Council Member Jolanda "Jo" Jones out of the city on city business.

At 8:27 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 recognized Council Member Clutterbuck.

Council Member Clutterbuck moved to suspend the rules to consider the Monthly Operations and Financial Report out of order, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Member Johnson absent. MOTION 2010-0648 ADOPTED.

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds – was presented.

Mayor Parker recognized the Mr. Ronald Green, City Controller, and Ms. Michele Mitchell, Director of Finance.

Mr. Green and Ms. Mitchell reviewed the Monthly Operations and Financial Report, a copy of which is in the City Secretary's office for review.

Upon questions by Council Members, Mayor Parker stated that she saw that Controller Green was following the same philosophy that Controller's had for a very long time which was to take the most conservative course, that they expected the tax rolls to come in at a certain level and he was doing what had actually been received, they expected sale of assets and he would not recognize them until the cash was in hand, that this was where they always started and was why a gap was there so they would know what the worst case scenario would be. Council Member Gonzalez absent.

Upon questions by Council Members, Mr. Green stated that Mayor Parker, from experience, had summed it up, that obviously they tell people that at the beginning of the fiscal year they were far apart and somehow towards the end of the year they get closer and closer as all of the savings were realized and as they make the adjustments in the budget, but as the Mayor stated they had to be the most conservative because they had to certify the availability of it, they did not want to make them think they had too much money in the bank to spend, that at the end of the day, obviously, they were all on the same page and the spending would be in line with the revenues. Council Member Gonzalez absent.

Council Member Clutterbuck moved to accept the Monthly Operations and Financial Report, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Member Gonzalez absent. MOTION 2010-0649 ADOPTED.



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

1. **PUBLIC HEARING** regarding project concerning 2.6 acres of designated park land near Allen Parkway and Gillette Street – was called. Council Member Gonzalez absent.

Mr. Robert Johnson, Senior Assistant City Attorney, stated that San Felipe Park was 2.6 acres of land, located adjacent to Gillette Street and Allen Parkway, and east of the Federal Reserve Bank building, that San Felipe Park was in City Council District I, James G. Rodriguez, Council Member; that the City proposed to remove the park designation from the land comprising San Felipe Park, and in connection therewith, acquire, improve and designate for park purposes other land of equivalent size in a more central location to the Fourth Ward neighborhood and communities; that San Felipe Park had been fenced and closed to the public since 2002 when glass and metal shards and other contaminants were found on the soil, that the City faces significant costs to remediate the soil to standards appropriate for recreational use by children; that San Felipe Park fronts on Allen Parkway, a multi-lane major thoroughfare with a high volume of traffic at high speeds, that Buffalo Bayou Park and Eleanor Tinsley Park are on the opposite side of Allen Parkway and comprise 124 acres with various park amenities, that because of the cost to remediate the soil to levels appropriate to recreational use, the site's location on a major thoroughfare, and other available nearby park land, the City proposed relocating the park to another site of equivalent size at a more central location to the Fourth Ward community; that this public hearing was pursuant to Chapter 26 of the Texas Parks & Wildlife Code, that Section 26.001 provided that a city may not approve any program for the use of land designated as park land unless, after a public hearing, its governing body determines that there were no feasible and prudent alternative to the alternative use of the land and the program included all reasonable planning to minimize harm to the land as a park, or after considering clearly enunciated local preferences, makes findings that justify the approval of a program; that at a future Council session, Council may be requested to make findings concerning this proposal and today's public hearing, that Mr. Bob Christy, Director Real Estate and Interim Director General Services Department; Mr. Andy Icken, Chief Development Officer and Mr. Joe Turner, Director, Parks and Recreation Department, would provide more information on the proposal for the land comprising San Felipe Park.

The City Secretary stated that no one had signed up to appear at the public hearing, and asked if there was anyone present in the audience who wished to be heard, and hearing none, Mayor Parker stated that they would move to Council Members comments.

After discussion and questions by Council Members, Mayor Parker stated that they were doing a one for one replacement of the ball fields because they absolutely believed that the Fourth Ward needed more greenspace and this was not an appropriate place, but she was not sure how they got the impression that they were going to turn it into a parking lot, that it was linked to a larger tract, it was right next door to the Federal Reserve, they were very aware what fronted onto Allen Parkway and the amount of money that was being spent over there, that they could actually, by linking this site to the larger piece, significantly enhance the revenue they receive from it, that it was all part of a redevelopment plan for a larger tract of land along that site, that this was a public hearing for the purpose of discussing the conveyance of this piece of parkland to relocate the park to the interior of the area, but Mr. Icken, once they get to a point of marketing the space, would be glad to come and speak to them, in fact, would be presenting to the appropriate Council committee the plan for the redevelopment of that site, that the City owned the adjacent property and were planning on selling that as well, that they owned, actually, Allen Parkway Village, which was to the east, and they owned the Gillette Street Facility, which was a big maintenance facility, behind that, which would have to be remediated before they could sell it as well. Council Members Johnson, Clutterbuck and Noriega absent.

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

Member Hoang. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Members Johnson, Clutterbuck and Noriega absent. MOTION 2010-0650 ADOPTED.

## MAYOR'S REPORT

### CONSENT AGENDA NUMBERS 2 through 38

#### MISCELLANEOUS - NUMBERS 2 and 3

2. REQUEST from Mayor for confirmation of the appointment of **MR. BRIAN K. CANNELL (Houston Independent School District Representative)** to Position Six of the **BOARD OF DIRECTORS OF THE CITY PARK REDEVELOPMENT AUTHORITY**, for a term to expire December 7, 2011 – was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Members Clutterbuck and Noriega absent. MOTION 2010-0651 ADOPTED.
3. REQUEST from Mayor for confirmation of the appointment of **MS. CHRISTINE DIAZ** (Harris County AFL-CIO Council nominee) to Position Two of the **ETHICS COMMITTEE** for a term to expire December 31, 2011 – was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Members Clutterbuck and Noriega absent. MOTION 2010-0652 ADOPTED.

#### ACCEPT WORK - NUMBERS 4 through 6

4. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$101,240.00 and acceptance of work on contract with **INLAND ENVIRONMENTS, LTD.**, for Asbestos/Lead Abatement, Demolition and Disposal at Six Department of Public Works & Engineering Water Plants - 4.99% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; E - SULLIVAN and G - PENNINGTON** – was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Members Clutterbuck and Noriega absent. MOTION 2010-0653 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,039,045.50 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (4257-56) - 3.43% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS and F - HOANG** – was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Members Clutterbuck and Noriega absent. MOTION 2010-0654 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,027,788.53 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (4257-59) - 1.58% over the original contract amount – was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Members Clutterbuck and Noriega absent. MOTION 2010-0655 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** – NUMBER 8

8. **INX, INC** for Citywide Cisco® SMARTnet™ Maintenance Agreement through the City's Master Agreement with Texas Department of Information Resources for Information Technology Department - 1 Year - \$1,412,840.13 - Central Service Revolving Fund – was presented, moved by Council Member Lovell, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Jones out of the city on city business. Council Member Noriega absent. MOTION 2010-0656 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 11 through 38

11. RESOLUTION designating certain property within the City of Houston as a historic landmark (Caravella-Bazile House, 2027 Sunset Boulevard) - **DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. RESOLUTION 2010-0055 ADOPTED.
13. ORDINANCE creating the **DEAN FOODS D/B/A SOUTHERN FOODS GROUP, LLC REINVESTMENT ZONE** for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0687 ADOPTED.
- 13a. ORDINANCE approving and authorizing Tax Abatement and Chapter 380 Economic Development Agreement between the City of Houston, Texas and **SOUTHERN FOODS GROUP, LLC** for certain property located within the Dean Foods d/b/a Southern Foods Group, LLC Reinvestment Zone - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0688 ADOPTED.
- 13b. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of: (1) Clay Avenue, from Velasco Street east to its terminus (SY10-001A), (2) Denver Street, from Velasco Street east to its terminus (SY10-001B), (3) Roberts Street, from Bell Avenue to Denver Street (SY10-011C), (4) Roberts Street, from Leeland Avenue to Bell Avenue (SY10-011D), (5) Bell Avenue, from Velasco Street east to its terminus (SY10-011E), (6) six sanitary sewer easements consisting of tracts of 0.0741 acres (SY10-011H), 0.0326 acres (SY10-011I), 0.0257 acres (SY10-011J), 0.0186 acres (SY10-011K), 0.0449 acres (SY10-011L), and 0.1084 acres (SY10-011M), (7) Roberts Street, from Clay Avenue north approximately 100 feet (SY10-011O), (8) a storm sewer easement commencing at the terminus of Bell Avenue (SY10-011P), and (9) a variable-width utility easement (SY10-011Q), all located in the Henry Thurwachter Survey, A-75, Harris County, Texas; vacating and abandoning the street rights-of-way and easements to Southern Foods Group, LLC, abutting owner, in consideration of (A) conveyance to the City of (I) a water line easement in Denver Street (KY10-053), (II) a storm sewer easement commencing at the east line of the former Roberts Street (LY10-033), (III) utility easements in Bell Avenue (VY10-040) and Roberts Street (VY10-041), and (IV) a sanitary sewer easement along the north line of the property (DY10-040), also located in the Henry Thurwachter Survey, and (B) owner's performing certain obligations in the Tax Abatement and Chapter 380 Economic Development Agreement and related agreements between owner and the City; authorizing City Officers to determine the performance of such obligations by owner and to execute and deliver conveyance instruments and such related agreements documents when appropriate - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0689 ADOPTED.

16. ORDINANCE approving and authorizing a second amendment to the contract between the City and **JPMORGAN CHASE BANK, N.A. (#C73154)** for Pay Connexion Service Terms Agreement to provide Point-of-Sale Payment Processing Services for all City Departments – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0690 ADOPTED.
17. ORDINANCE approving and authorizing Memorandum of Understanding between the City of Houston and **HARMONY HOUSE, INC** for the Reimbursement of Equipment purchased from Texas Department of Health Services Grant Funds for residential facilities that house tuberculosis patients for the Department of Health and Human Services - 5 Years - \$135,680.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0691 ADOPTED.
19. ORDINANCE de-appropriating \$292,319.95 out of Hurricane Ike Aid and Recovery Fund (Created by Ordinance No. 2008-823); appropriating \$292,319.95 to the Health Special Revenue Fund for specific public health purposes for the Houston Department of Health and Human Services – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0692 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City of Houston and **ALLIANCE FOR MULTICULTURAL COMMUNITY SERVICES**, providing up to \$290,150.00 in Housing Opportunities for Persons With AIDS Funds for the Operation and Administration of a Short-term Rent Mortgage and Utility Assistance Program - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0693 ADOPTED.
22. ORDINANCE appropriating \$6,551,411.00 out of Reimbursement of Equipment/Projects Fund as an additional appropriation to contract between the City of Houston and **SIEMENS INDUSTRY, INC** for Implementation of Energy Conservation Measures at Health Department Facilities for the General Services Department (Approved by Ordinance No. 2010-317) - **DISTRICTS B - JOHNSON; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0694 ADOPTED.
27. ORDINANCE appropriating \$300,000.00 out of Fire Consolidated Construction Fund and amending Ordinance No. 2007-1052 (Passed on September 12, 2007) to increase the maximum contract amount and approving first amendment to contract between the City of Houston and **SPRING EQUIPMENT COMPANY, INC** for Concrete Repair Services for Various Departments \$356,255.11 - Fire Consolidated Construction and In-House Renovation Revolving Funds – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0695 ADOPTED.
29. ORDINANCE appropriating \$40,147.00 out of Fire Consolidated Construction Fund; awarding construction contract to **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank Removal at Fire Station 30; 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 Fire Consolidated Construction Fund - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0696 ADOPTED.

30. ORDINANCE approving and authorizing Professional Educational Services Contract between the City of Houston and **ENVIRONMENTAL TRAINING CENTER** for Texas Commission on Environmental Quality License Training - \$75,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0697 ADOPTED.
34. ORDINANCE granting to **BCS RESOURCE, L.L.C., A Texas Limited Liability Company**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0698 PASSED FIRST READING IN FULL.
35. ORDINANCE granting to **J. A. GAMEZ TRUCKING SERVICES, A Texas Sole Proprietorship**, 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 Member Jones out of the city on city business. ORDINANCE 2010-0699 PASSED FIRST READING IN FULL.
36. ORDINANCE granting to **GALLEGOS & SONS TRUCKING, A Texas Sole Proprietorship**, 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 Member Jones out of the city on city business. ORDINANCE 2010-0700 PASSED FIRST READING IN FULL.
37. ORDINANCE granting to **IESI, 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 Member Jones out of the city on city business. ORDINANCE 2010-0701 PASSED FIRST READING IN FULL.
38. ORDINANCE No. 2010-682, passed first reading on August 25, 2010  
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 **SECOND READING** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0682 PASSED SECOND READING IN FULL.

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

**PURCHASING AND TABULATION OF BIDS**

7. **PREFERRED TECHNOLOGIES, INC** - \$1,317,657.31, **TROUBADOUR, LTD.** - \$1,072,582.17 and **NWN CORPORATION** - \$125,000.00 for the City of Houston's Public Safety Video Initiative Project through the City's Master Agreement with the Texas Department of Information Resources for the Mayor's Office of Public Safety and

Homeland Security; plus contingencies for a total project amount not to exceed \$2,766,763.43 - Grant Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2010-0657 ADOPTED.

9. ORDINANCE appropriating \$402,380.00 out of Fire Consolidated Construction Fund for Facility Improvements at Fire Station No. 20 (Phase II) for the General Services Department – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0702 ADOPTED.
- 9a. **MOMENTUM CONTRACTORS, INC** for Facility Improvements at First Station No. 20 (Phase II) for the General Services Department - \$365,800.00 and contingencies for a total amount not to exceed \$402,380.00 - **DISTRICT I – RODRIGUEZ** - was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2010-0658 ADOPTED
10. ORDINANCE appropriating \$418,181.00 out of Police Consolidated Construction Fund for Emergency Fire Alarm System Design, Build and Installation Services at the Houston Police Department Central Command Station Complex – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0703 ADOPTED.
- 10a. **KOETTER FIRE PROTECTION OF HOUSTON, L.L.C.** - \$311,350.00 and contingencies for a total amount not to exceed \$342,485.00 for Fire Alarm System Design, Build and Installation Services, **INLAND ENVIRONMENTAL SERVICES, LTD.** - \$58,880.00 for Asbestos Abatement at the Houston Police Department Central Command Station Complex for General Services Department - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2010-0659 ADOPTED

## **RESOLUTIONS AND ORDINANCES**

12. ORDINANCE releasing certain territory consisting of approximately 73 acres in Harris County in the vicinity of the City of Humble, Texas, from the extraterritorial jurisdiction of the City of Houston – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0704 ADOPTED.
14. ORDINANCE approving and authorizing Lease Agreement for ten years between Cullen Continental II Co., L.P., a Delaware Limited Partnership, Landlord, and the City of Houston, Texas, for a total of 63,850 square feet of space located at 600 Jefferson Street, Houston, Harris County, Texas, at a monthly rental of \$72,735.79 during the first eight (8) months and thereafter at market rate increases; landlord to pay construction and relocation costs, operating expenses and parking charges; for use by various divisions of the Houston Fire Department - **DISTRICT I – RODRIGUEZ** - was presented.

Council Member Sullivan stated that he wanted to make sure that the administration had looked at this, that he knew it was a good deal lease wise, they needed to get it underway but they did have a new Fire Chief on the horizon and wondered of logistics of departments and space and personnel allocation and things like that, if they had gone through that exercise before they just ratify this.

Mayor Parker stated that with due respect to whoever the Fire Chief was they were really

trying to work from a Real Estate General Services Departments on this, trying to figure out how best to consolidate their Fire Department into the appropriate facility, that many of their departments were scattered into different sites and because of the great rental environment right now they were looking for opportunities to bring them closer together and this was one such opportunity.

A vote was called on Item No. 14. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0705 ADOPTED.

15. ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **UNITED PARCEL SERVICE, INC** for certain premises at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0706 ADOPTED.
18. ORDINANCE approving and authorizing contract between the City of Houston, Texas and the **TEXAS DEPARTMENT OF STATE HEALTH SERVICES** to implement State Tuberculosis Prevention Program in the African American Community from Grant Funds for the Houston Department of Health and Human Services – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0707 ADOPTED.
21. ORDINANCE approving and authorizing City of Houston to enter into contracts with **ALIEF INDEPENDENT SCHOOL DISTRICT, SPRING BRANCH INDEPENDENT SCHOOL DISTRICT, and YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA**, to administer an After School Achievement Program - \$165,000.00 - General Fund - **DISTRICTS A - STARDIG; F - HOANG and G – PENNINGTON** – was presented.

Council Member Adams asked what was the process for other YMCAs having the same opportunity to be able to apply for such grant money throughout the other districts in the City of Houston, that if somebody could provide her with that information so that she could provide that to the YMCAs that were in District D.

Mayor Parker stated that she would be happy to supply that information, that it was an open RFP process and the amount of money they receive was based on their capacity to handle kids in their After School Program, that it was monitored by the Parks Department and she would have Mr. Turner come and visit with her.

A vote was called on Item No. 21. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0708 ADOPTED.

23. ORDINANCE appropriating \$914,260.00 out of Equipment Acquisition Consolidated Fund and awarding contract to **FUSION CONSULTING, INC** for SAP Business Objects Rapid Marts Implementation Services for the Information Technology Department; establishing a maximum contract amount of \$1,082,700.00 – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0709 ADOPTED.
24. ORDINANCE appropriating \$3,000,000.00 out of FY11 Equipment Acquisition Consolidated Fund as an additional appropriation for Houston Municipal Courts Case Management System; approving and authorizing a first amendment to the contract between the City of Houston and **SOGETI USA, LLC** for Software Design and Development Services (Approved by Ordinance No. 2009-863); providing for expenses

relating to the development and implementation of the system – was presented, and tagged by Council Member Bradford.

25. ORDINANCE awarding contract to **RBEX, INC dba APPLE TOWING CO.** for Towing and Storage Services for Seized Vehicles for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,375,000.00 - Asset Forfeiture Fund – was presented, and tagged by Council Member Bradford.
26. ORDINANCE approving and authorizing contract between City and **FREEMAN AUDIO VISUAL SOLUTIONS, INC** for Audio-Visual Services for the Convention and Entertainment Facilities Department - 2 Years with three one-year options - Revenue – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0710 ADOPTED.
28. ORDINANCE awarding Job Order Contracts to **TIMES CONSTRUCTION, INC** and **J. E. DUNN CONSTRUCTION COMPANY** for Minor Construction, Repairs, Rehabilitations and Alterations of Various City Facilities; providing a maximum contract amount of \$10,000,000 for each contract 5 Years – was presented, and tagged by Council Members Lovell and Adams.

Council Member Sullivan stated that he had concerns about giving an open JOC (Job Order Contract) for up to \$10 million per contract and would like to know the appropriate person to ask for more specific information, and Mayor Parker stated that would be the General Services Department and if he wished to hear from them she would make sure that would happen

Council Member Adams stated that she had some concerns about the process and how they scored minority firms, that in the past they had a diversity of people on the committee, and it puzzled her when she looked at this contract where they had all of the committee from one department scoring this, that they had a short list process where they had minority firms listed, but when it came to the final decision all of the minority firms were crossed out of the process, that she had questions about that because the answers came back that they just came up with a number to exclude the firms that did not qualify, that she was asking for Mr. Christy, or whoever, to bring the information to her office and they could compare.

Mayor Parker stated that she would be happy to provide Council Member Adams with all of the information that she requested, but would point out that of GSDs five Job Order Contracts, three were held by minority firms and she would like to know who Council Member Adams was quoting when she said they just picked a number so that the minority firms would be disqualified, there was a full professional evaluation matrix, all they had to do was ask and they would provide all of the backup documentation and the score sheets for each proposer and how they were evaluated on a range of issues, that the evaluation matrix was always available to any Council Member and they were happy to provide her with that and would have Mr. Christy visit with her in detail, but off line she could tell her who made that comment and it should not be a City of Houston employee, and Council Member Adams stated that they had that information and she would be happy to share that information with her, and Mayor Parker stated that was simply untrue.

Council Member Johnson stated that he had asked what was the job contracting experience for both of these companies, that it had been brought to his attention that J. E. Dunn did not have an extensive background in job order contracts, that he had been told over and over again out at the Houston Airport System was that many firms had been disqualified because they did not have airport experience, that they all knew that the Houston Airport Systems was a very rich construction department, they were always doing work, that many of



the firms that were here locally and a lot of the minority firms were always being told they could not get into the game because they did not have the experience, that he would add his tag to it and was wanting to find out what was the job order contracting experience for both of these companies, Times Construction and J. E. Dunn. Council Member Clutterbuck absent.

Mayor Parker stated that she believed that on the evaluation matrix 25% was given to previous job order contracting experience, but they would provide him with the evaluation matrix. Council Member Clutterbuck absent.

Council Member Bradford asked where were they on the major roll out of the revamping of the MBE process, because perhaps the roll out of that revised process for the transition team, or what Mayor Parker had worked on, could answer some of the concerns that Council Member Adams mentioned so were they near that point.

Mayor Parker stated that she received that report last week, her staff, she believed, had been discussing with Mr. Rodriguez when they could bring it to his Council Committee, that it would not deal with the goals or any of that aspect, it was simply how they run the inner workings of the MWBE office, that she committed during the budget process to bring it out in September and they were on track for that.

After further discussion by Council Members, Mayor Parker stated that for the benefit of first year Council Members, in case they did not know, if it was a low bid they absolutely had the right to ask for the details of the proposal, if it was a process where they were looking for professional services they could ask for the qualifications, and for something like this, where they did an evaluation matrix they always had the ability to ask for the scoring matrix, who was on the scoring panel and how they ranked the various bids, that she was proud of the process in this case and would go back and review it and make sure that the Council Members who tagged it had a full explanation.

31. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and the **AIRLINE IMPROVEMENT DISTRICT** to provide Water and Sanitary Sewer Service outside the City of Houston - Revenue – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0711 ADOPTED.
32. ORDINANCE appropriating \$1,937,200.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TIKON GROUP, INC** for Street and Traffic Enhancement for Near Northside Sidewalk Project; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0712 ADOPTED.
33. ORDINANCE appropriating and transferring \$2.6 Million out of Fleet/Equipment Special Revenue Fund into the General Fund Fund Balance – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0713 ADOPTED.

**MATTERS HELD** - NUMBERS 39 through 42

39. 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 – (This was Item 10 on Agenda of August 25, 2010, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0714 ADOPTED.

40. 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 – **(This was Item 11 on Agenda of August 25, 2010, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0715 ADOPTED.
41. WRITTEN Motion by Council Member Stardig to amend Item 41A below 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. – **(TAGGED BY COUNCIL MEMBER STARDIG)** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2010-0660 ADOPTED.
- 41a. 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 19 on Agenda of August 25, 2010, POSTPONED BY MOTION #2010-636)** – was presented.

After discussion Council Member Gonzalez moved to amend Item No. 41a as follows:

“Administration shall, within 90 days of passage of the ordinance, present a plan to connect the current terminus of the MKT hike & bike trail to the southern end of the West White Oak Bayou hike & bike trail to create a public access east/west into T.C. Jester”, seconded by

Council Member Bradford.

Mayor Parker stated that she appreciated Council Member Gonzalez hanging in the process and working so closely with the administration, that the issue of connecting the trails was very dear to her and she appreciated the fact that they were able to work with the developer to have him add that connection to his development, but she also wanted to compliment Council Member Gonzalez who raised the issue of a possibility of east/west access, that they in the administration had not even contemplated that and it was not completely worked out yet but knew that he had already had discussions with the developer on that and those would be ongoing outside of the Chamber and she appreciated the fact that he raised an issue that was an enhancement to the neighborhood that was not originally contemplated, that she thought it was a win for everyone and would urge Council's support.

After further discussion by Council Member Bradford a vote was called on Council Member Gonzalez motion to amend Item No. 41a. All voting aye. Nays none. Council Member Jones out of the city on city business. MOTION 2010-0661 ADOPTED.

A vote was called on Item No. 41a as amended. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0716 ADOPTED.

42. 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 20 on Agenda of August 25, 2010, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Jones out of the city on city business. ORDINANCE 2010-0717 ADOPTED.

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

Council Member Stardig stated that she wanted to thank her colleagues for support of the initiative on the 380 and what it would mean to the City of Houston and to the citizens, that they wished the developer great success in working with the community and the City of Houston and the administration, that she wanted to thank Andy Icken and Tim Douglass on this effort and Council Member Gonzalez for his support and making it right for everyone; that she wanted to highlight renovations to Jaycee Park, 1300 Sea Mist, in the Timbergrove area, that HEB had done a splash pad to the park, which was currently in the design phase and construction was set to begin this winter and the splash pad was scheduled to open in the Spring of 2011, that playground equipment would also be installed at the park in time for next Spring, that the improvements at Jaycee Park were due in large part to the relentless work of Friends of Jaycee Park, that they had taken wagons door to door and had gotten the children involved in the process, they had lemonade stands and collected from people, that it had been a great community effort. Council Members Johnson, Sullivan, Hoang, Gonzalez, Noriega and Bradford absent.

Council Member Pennington stated that they had met with the Police Chief and he was very amenable to cooperating with the contract security services to hopefully provide better coordination, that he thought that effort was going on, that they also had a discussion on the use of cameras, which he knew the Mayor was interested in, they met with Mr. Storemski, from the Mayor's office, and knew he was very knowledgeable about that, that they also had an arrest in the west side of town for some college kids who he believed were responsible for a number of burglaries so they had good progress on crime prevention and he was very encouraged; that a couple of weeks ago he gave a memo to everybody about additional information that he thought they needed on the Historical District Ordinance, that he had not

had any communication from the Director of Planning or anyone, information like inventory, what properties were going to be affected, whether it was good or bad for the City, issues that he thought ought to be examined, that he wondered if the administration thought that any of that information was useful to have a look at and was waiting for a reply on that. Council Members Johnson, Hoang, Gonzalez, Noriega and Bradford absent.

Mayor Parker stated that they were working on that, he may not be aware but Director Gafrick was presenting this week and last week to the Archeological and Historical Commission so she had been grinding through a lot of that, that some of the answers to his questions were not available until they got through a little bit further along in the process, but they were very aware of it and would attempt to answer his questions, that the current ordinance and the proposed ordinance did allow some of that proactive, however in terms of the Historic Preservation Ordinance that tended to scare people rather than reassure people, the idea that a committee, even one duly appointed by Council, such as the Archeological and Historical Commission, could begin to generate interest, that the ability was there but it would need to be used sparingly and he would be able to see that. Council Members Johnson, Hoang, Gonzalez, Noriega and Bradford absent.

Council Member Costello stated that he was interested to hear the discussion about their 380 Program and it being an alternative because of the TIRZ cap and he wanted to remind his colleagues that one of the problems that they were faced with at the City was the lack of funding that they had for infrastructure, which was common knowledge, and the fact that TIRZ were created to localized areas to do infrastructure improvements to foster economic development and that they were currently doing modified 380 programs to do the similar process, that the general complaint that they hear about these types of programs was that it was localized, that all the benefit was right there localized and that was because of the lack of general funding of infrastructure for the City and that what they were doing in the 380 Program was asking the developer to take on all the risk to build infrastructure improvements that they should be providing and that as that development increases in tax base revenue they get reimbursed for that, that he thought that was a good thing, but really it was shortsighted, that they needed to be focusing more on long term investment in infrastructure and wanted to remind everybody that was what Proposition 1 was all about and if they could have something like Proposition 1 passed they could probably get by without doing 380 Programs in the future and maybe get by with doing TIRZ in the future, provided they had a long term funding stream for infrastructure to be ahead of future developments. Council Members Johnson, Hoang, Gonzalez, Noriega and Bradford absent.

Mayor Parker stated that those were excellent points. Council Members Johnson, Hoang, Gonzalez, Noriega and Bradford absent.

Council Member Rodriguez stated that his good friend, Mr. Warren Lemon, a long time resident of Gulf Freeway Oaks, passed away this morning, that he was survived by his wife, Ms. Joann Lemon, who is President of Gulf Freeway Oaks Civic Club, that he would ask that they keep Ms. Joann and her family in their prayers, and requested a moment of silence for Mr. Warren Lemon. Council Members Johnson, Hoang, Gonzalez, Noriega and Bradford absent.

Council Member Sullivan stated that he wanted to recognize Metro's leadership, that their Interim President, Mr. George Greanias presented his vision for Metro's future and he appreciated his doing that, he supported it and thought he was right on target, that he thought the Metro Board, under Chairman Gilbert Garcia was doing an excellent job; that he wanted to wish a Happy Birthday to Corina Moreno in his office; that he wanted to welcome a new District E intern to their office, James Burnett; that this weekend, on Saturday, the Lake Houston Area Chamber of Commerce held it's first 5K/10K Run, that over 700 runners participated, with some of them coming from as far away as Maine, that the Mayor's Office of Special Events had a

prominent support role before and during the run, that he wanted to recognize Stephanie Kiouses, who made herself available and was of great assistance; that there was an upcoming commissary sale that was being sponsored by Brooks Army Medical Center, that it was from September 10 to 12, 2010, that he wanted to make sure that all of their military families knew about it. Council Members Stardig, Johnson, Hoang, Gonzalez, Noriega and Bradford absent.

Council Member Lovell stated that she wanted to say to the Fire Department, bravo, in the past two weeks, the big County warehouse fire on Canino Road and then downtown a couple of nights ago at the Chase Bank historic building, that seven or eight of the firefighters suffered some smoke inhalation at the downtown fire and she wanted to say thank you and a good job; that on historic preservation the Houston Archeological and Historical Commission met yesterday to consider the draft of the Historic Preservation Ordinance, that recommendations from HAHC Commissioners would be considered as part of the process of amending the ordinance that protects historic districts in their City, and to Council Member Pennington she wanted to assure him that everything he had sent to them had been taken into consideration as they move forward with a final draft document that would come out, a final ordinance, that the target date was September 15, 2010, that people had called and asked to meet with her and other Council Members, she would say if they could hold of and wait until they had a final document of which she had been around long enough to know that it would change some as they had more input and consideration from people, but right now they were going to let the legal people do their work and take in everything that they heard from everybody, including Council Member Pennington's comments, and when it comes out they would be having more conversations as they try to put together a document which everybody feels comfortable with, that she wanted to thank everybody, the Planning Department, that Marlene Gafrick had been extremely busy so if she does not return phone calls it was simply because she had meeting after meeting on this issue, they had done an excellent job and she wanted to commend them in their efforts to hear the voices of the citizens; that she wanted to say that along with Mayor Parker and the rest of her women colleagues on City Council, they were honored by the League of Women Voters on August 21, 2010 at the organizations 90th Anniversary and International Women's Equality Day, that it was held at Mayor Bob Lanier and Commissioner Elyse Lanier's home, that it was a wonderful event, that she wanted to thank the League of Women Voters and to the Lanier's for opening up their home once again for a wonderful event; that she wanted to congratulate the Pearland Little League, although they did not make it to the finals she would say what a joy it was to watch them and particularly to read and hear the comments, that people appreciated the way that they played baseball and more importantly the way that they conducted themselves, that she wanted to congratulate their coaches and particularly to the parents. Council Members Stardig, Johnson, Hoang, Gonzalez, Noriega and Bradford absent.

Mayor Parker stated that she wanted to remind folks that they were having a public meeting tonight on the Washington Heights development, also known as the Koehler Street development and the Walmart development, that it would be at the High School for Criminal Justice on Shepherd at 6:30 p.m., that there would be City staff there attempting to answer the same kind of questions that were discussed today in the 380 agreement; that she also wanted to take a moment to offer her prayers and condolences to the Medrano Family for the loss of Dr. Medrano and injuries to her husband in a tragic accident with a police officer this week, that all they could say was that they would keep them in their thoughts and prayers. Council Members Stardig, Johnson, Hoang, Gonzalez, Noriega and Bradford absent.

Council Member Clutterbuck stated that she wanted to express her condolences to the Medrano Family, that Dr. Medrano was a significant to research and health in their community and in the world, that she was returning from a trip to Switzerland to share some of her insights and expertise with people there, that she was a long time resident of District C and southwest Houston and would be greatly missed; that she wanted to thank Susan Christian and her team in the Mayor's Office of Special Events for the outstanding City of Houston birthday party, the

174th celebration that they had this past week, that the proceeds would benefit the Houston Tranquility Park, that she wanted to thank Landon Taylor in her office who did all of the lion's share of the work on her part, that he also provided a number of the hosts and hostesses from Texas Southern University and the event went off without a hitch; that this weekend she attended a terrific luncheon, that it was at the Crowne Plaza Reliant Stadium benefitting Westbury Christian High School, there were over 800 people there to hear Tony Dungy, that benefit honored Charlie Ward, one of the coaches at Westbury Christian, that he was a winner of the Heisman Trophy who went on to a pro basketball career, that there were a number of people there supporting sports in their community in a Christian environment at Westbury Christian High School as well as excellence in education; that she wanted to thank their new Director of Public Works, Colonel Kruger, who went on a tour with her of several of the areas in southwest Houston and immediately and promptly saw to it that the severe grade separation along Holcombe Boulevard, between Buffalo Speedway and Kirby Drive, which had separated by about a foot, was promptly repaired and overlaid, that she wanted to thank the people from Public Works who did a beautiful and professional job of it. Council Members Stardig, Johnson, Hoang, Gonzalez, Noriega and Bradford absent.

Mayor Parker stated that she wanted to thank Council Member Clutterbuck for chairing the City of Houston's Birthday, that next year would be Houston's 175th Birthday and they wanted to really blow the doors off on that one, that it would be late in August and they would give them the exact date as rapidly as they could so they could mark it on their calendar, that they absolutely wanted their ideas and input on how best to celebrate that event, that she had already talked to Council Member Clutterbuck about taking her expertise back to the table again but they wanted all Council Members engaged this next year and she thought it would be a great event. Council Members Stardig, Johnson, Gonzalez, Noriega and Bradford absent.

Council Member Adams stated that she wanted to thank Council Member Sullivan for doing such an outstanding job at the celebration last Thursday with Doctor Bernard Harris, that she considered him an unsung hero in her life, that she draws speeches from him, that she wanted to thank Dr. Bernard Harris for being one of the first African American astronauts to walk in space; that she wanted to thank the Woodrow Wilson Montessori School on Yupon, they would be maintaining their urban garden outside of the west wing of the building, that it would be a project for students, parents and the whole community; that tonight the Museum District Civic Association would be meeting at the Carriage House at the Clayton Library; that she wanted to thank the Miller Outdoor Theater, Magic 102 and the District D staff for coming up with the great idea of a moving night and she wanted to thank them for working very hard, that for those who had not viewed "Avatar" she would ask that they come out on Friday night at 7:30 p.m. on September 3, 2010; that for those who liked sports come out and root on the University of Houston Cougars as they take on Texas State, that on Sunday, Texas Southern University would take on the Prairie View A&M Panthers at Reliant Stadium; that tomorrow at 10:00 a.m. would be the Neighborhood Protection and Quality of Life Committee meeting; that on September 16, 2010 the Hiram Clarke Community would take place at the Fountain of Praise Church, 13535 South Post Oak, that Mayor Parker would be hosting that event; that this Saturday there would a big recycling rally and she wanted to thank her staff and the Mayfair Park Civic Association for putting on the recycling rally that would take place at 6006 Arthington Street, in the Fort Bend County area of the City of Houston of District D; that Martha McGriff passed away on Friday, that she was a long standing president of the Southern Village Civic Association. Council Members Stardig, Johnson, Gonzalez, Rodriguez, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Council Member Hoang stated that he would like to join with the Mayor and Council Member Clutterbuck in extending his condolences to the Medrano Family as they go through this difficult period, that Dr. Medrano and her husband had both done a lot of good work in the community and he would like to send his prayers and condolences to the family; that he wanted

to thank the Alief Park Advisory Committee for putting together a back to school fair in Alief, that it was the third back to school event in his district, that the bash provided backpacks and school supplies for students in their community. Council Members Stardig, Johnson, Gonzalez, Rodriguez, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mayor Parker stated that since Council Member Hoang mentioned the incident with the Medrano's she had two opportunities to visit their Houston Police officer, who was in the hospital, that he did have a neck fracture, but he would be fine and would be in a neck brace for a while, that she saw him when she was at the hospital for the second time and they really appreciated the fact that he was going to be, as far as they could tell, completely able to recover; that Council Member Adams mentioned the great football games, but Rice was playing Texas on Saturday. Council Members Stardig, Johnson, Gonzalez, Rodriguez, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he wanted to thank the Parks Department on an issue that they jumped on right away when he contacted them last week, that he had talked to Director Turner about it and he appreciated Abel Gonzalez and a tractor mower operator by the name of Gilbert who was taking care of something for them on an esplanade; that he wanted to talk about Prop 1 and TIRZ based on a comment by Council Member Costello, that he thought they ought to be careful on what Prop 1 would or would not do because to him TIRZ were a very special mechanism by which they accomplished a lot of things within an area like a local bases, like Council Member Costello stated, that probably would not happen if it had to go before a full City Council for each individual project and the TIRZ were different, that he had watched them and monitored them since he had been at City Council, that no two of them really seemed to be alike, some had money and some were sitting on cash others were broke, that some had projects, some were completed, some were not doing anything at all, some had great active boards that participated 100% and some had board members who could care less and did not show up, that he thought the administration was probably looking at some things with Mr. Icken with respect to the TIRZ and he just would like to make sure that they do not dismantle them, that he did not think there was an effort to but he just wanted to be an advocate for the TIRZ programs and what they had done for the City, not just in his Council District but all around, they do remarkable work, great work and frankly being as pragmatic as he was he thought that was going to be the only way to accomplish some projects, that he was looking forward to the future and wanted to be on record saying that. Council Members Stardig, Johnson, Hoang, Gonzalez, Rodriguez, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mayor Parker stated that she agreed with him, not all Tax Increment Reinvestment Zones were equivalent and they were looking at each one of them individually to make sure they were where they wanted them to be. Council Members Stardig, Johnson, Hoang, Gonzalez, Rodriguez, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 10:22 a.m. Council Member Jones out of the city on city business. Council Members Stardig, Johnson, Hoang, Gonzalez, Rodriguez, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary