

City Council Chamber, City Hall, Tuesday, September 14, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 14, 2010, Mayor Pro Tem Anne Clutterbuck presiding and with Council Members Brenda Stardig, Jarvis Johnson, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David M. Feldman, City Attorney; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Xavier Herrera, Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present. Mayor Annise D. Parker and Council Member Wanda Adams absent on city business. Council Member Melissa Noriega absent on personal business.

At 1:49 p.m. Mayor Pro Tem Clutterbuck called on Council Member Pennington for a presentation and Council Member Pennington stated that today District G was honoring a foundation, Tony's Prostate Cancer Research Foundation, a 501c3, Tony Masraff was founder of the foundation and invited his family who was present and Dr. Timothy Thompson to the podium; that this was someone who took adversity and did great things, he was diagnosed with prostate cancer and created the foundation to raise awareness and funds for a noninvasive cure for prostate cancer; that he raised \$120,000 running a marathon and the foundation donated \$370,000.00 for noninvasive prostate cancer research to the Scott Department of Urology at Baylor College of Medicine and used by Dr. Timothy Thompson who had moved to M. D. Anderson; that to date the foundation had raised \$2.7 million for that research which was the leading cause of death in men, in 2010 there had been an estimated 217,000 diagnosed and an estimated 32,050 men had lost their lives; and because of his hard work and continued dedication to finding a cure for prostate cancer presented Mr. Masraff a Proclamation proclaiming today as "Tony's Prostate Cancer Research Day" in the City of Houston, Texas. Dr. Thompson stated that it was an honor to honor Mr. Masraff, he was dedicated to helping others, and their study was an injectible protein which could potentially have a huge impact for men with prostate cancer; and Mr. Masraff stated that he appreciated Council recognizing the foundation and dedicating a day to prostate cancer; that he was looking for someone looking for a cure being worried about his sons and found Dr. Thompson and started the foundation; that he was now at M. D. Anderson working with other doctors on the cure and it gave hope to all; and recognized his family and foundation volunteers. Council Members Sullivan, Rodriguez, Costello, Lovell and Jones absent.

Mayor Pro Tem Clutterbuck thanked Council Member Pennington for bringing Mr. Masraff and Dr. Thompson to Council's attention. Council Members Sullivan, Rodriguez, Costello, Lovell and Jones absent.

Mayor Pro Tem Clutterbuck invited all present with the Leukemia and Lymphoma Society to the podium, and no one being present Mayor Pro Tem Clutterbuck stated that Leukemia and Lymphoma were cancers of the blood and thousands were affected; that the society gave hope and support with contributions; 140,000 new cases were diagnosed yearly; that this was Cancer Awareness Month and read their Proclamation and proclaimed today as "Leukemia & Lymphoma Society Day" in the City of Houston, Texas. Council Members Sullivan, Rodriguez, Costello and Lovell absent.

At 2:00 p.m. Mayor Pro Tem Clutterbuck called the meeting to order and called on Council Member Gonzalez who invited Pastor Alfaro with the Tabernacle Assembly of God Church to the podium to lead all in the prayer and Council Member Gonzales led all in the pledge. Council Members Sullivan and Rodriguez absent.

At 2:03 p.m. Mayor Pro Tem Clutterbuck requested the City Secretary call the roll. Mayor Parker and Council Member Adams absent on city business. Council Member Noriega absent on personal business.

Council Members Lovell and Bradford moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor Parker and Council Member Adams absent on city business. Council Member Noriega absent on personal business. MOTION ADOPTED.

At 2:04 p.m. the City Secretary began calling the public speakers.

Mr. Jonathan C. C. Day, 1100 Studewood, Houston, Texas 77008 (832-673-0220) had reserved time to speak but was not present when his name was called.

Ms. Tomaro Bell, 3248 Charleston, Houston, Texas 77021 (713-825-8449) appeared and stated that she was chairman of the Neighborhood Protection Subcommittee under Super Neighborhood Alliance and present regarding the 380 plan the city had with Walmart; that she looked at it and having three Walmarts within seven miles would cause demise of small businesses and Council would be the nail in the coffin for small business growth in Houston; and urged Council review their consideration of the 380 plan and this project.

Mr. Chong-Hao Fu, 8440 Westpark, Houston, Texas 77063 (281-879-3005) appeared, presented information and stated that he was founder of KIPP Sharpstown, they were a knowledge and power program which helped lower income students succeed in college and the competitive world beyond; that they served over 1,000 students and today he and five students came with a plea for help; that they were located at Westpark and Dunvale and it was very high in traffic and they were dismissed at 5:00 p.m., the height of rush hour; that they applied and were approved for the Safe Sidewalk Program, but currently there were no funds and parents had to walk along a very busy street with very young students; and they were asking for a sidewalk and possibly a safe zone on Westpark and maybe even a one way street on Westholme. Council Member Gonzalez absent.

Council Member Pennington stated that they had a wonderful grand opening and discussions began with his administration right after he became Council Member looking for funds; that the sidewalks were approved and his staffed checked weekly to see where they were; that they were trying to locate funds and anything they could do to help them they would be glad to do. Council Member Gonzalez absent.

Council Member Hoang thanked Mr. Fu for coming and letting Council know what was needed for the school; and he would work with Council Member Pennington to make sure they had what they needed within the budget. Council Member Gonzalez absent.

Miss Celest Diaz, 8440 Westpark, Houston, Texas 77063 (281-879-3005) appeared and stated that she was an eighth grader at KIPP Sharpstown College Prep and today present regarding their safety; that with children walking from the lower school to the middle school buildings passing cars could injure them; that they had to walk in the street because of no sidewalks and they thought a solution of a sidewalk would eliminate risk of accidents and help traffic; that the other concern they had was being located near the highway and a lit school zone sign would help traffic slow down; that a sixth grade teacher had a son who had to walk to the lower school alone and it was very dangerous.

Council Member Jones stated that her son was a Kippster; that she knew Westpark was a major street and cars went down it fast; that many places had kids walking in the street with cars, but if they qualified for the Safe Sidewalk Program she hoped they could find the funds and was sure Council Members Pennington and Hoang would be watching for them, but she would like to know the parameters for safe school zones.

Mayor Pro Tem Clutterbuck stated there were several issues, first, they were present for the safe sidewalk program and they would do what they could to get them, but Mr. Medina with Public Works was present and could speak with them and explain the issues on establishing a school zone.

Miss Leslee Ivy, 8440 Westpark, Houston, Texas 77063 (281-879-3005) appeared and stated that she was an eighth grade student and as a bus and car rider she experienced both issues they were talking of; that parents cut in the car rider line because of the traffic jam; and many kids have things after school activities to get to and she believed a school zone sign would help slow traffic down. Council Member Jones absent.

Council Member Pennington stated to clarify the record in response to Council Member Jones the sidewalk was not on Westpark but on Westglen and ran into Westpark. Council Member Jones absent.

Mr. Anthony Martinez, 8440 West Park, Houston, Texas 77063 (281-879-3005) appeared and stated that he was an eighth grade student and once he saw buses unloading and a car speeding right past them almost hitting a parent and student crossing and that was why he thought there should be school speed limits to keep them all safe. Council Member Jones absent.

Mr. Jose Cano, 8440 Westpark, Houston, Texas 77063 (281-879-3005) appeared and stated that he saw a parent walking to KIPP SHARP and get three small children and walk all the way back holding their hands in the street to meet her son's Middle School teacher and it was not safe for them or for the community. Council Member Jones absent.

Ms. Melissa Ayala, 8440 Westpark, Houston, Texas 77063 (281-879-3005) appeared and stated that she was an eighth grader and also walked to the lower school to check on a student that walking back some had to walk in the street and that worried her, but she was thankful none of them were hit and that was why she came today regarding the sidewalk. Council Member Jones absent.

Council Member Lovell stated that all the students did a good job today; that her office was familiar and working on the issue, but the problem was the Safe Sidewalk Program was in backlog and they were in the middle of the list; that they reached out to contractors, etc., but they decided it was beyond their budget of giving; that she had asked them previously if they had solutions and today they presented one and they might can do it; that they spoke of speed limits and she would ask the Mayor Pro Tem what the procedure was on getting signs; that it was a reasonable request and she was convinced someone in Public Works Traffic Department was smart enough to go out and figure a way to allow students to walk and be safe instead of having one injured on something the city said they could do nothing about; that she would like the city to get with the school and put in place either a speed limit or school crossing signs, etc., the students asked for it and they should be able to figure a solution; and Mayor Pro Tem Clutterbuck stated that it was an excellent suggestion and Mr. Medina could explain the procedure; and Council Member Lovell stated that when the city went out and started the process the students should be allowed to follow the process and standing there getting their pictures made and doing reports, because it was coming because of them. Council Members Johnson, Bradford and Jones absent.

Council Member Hoang thanked all students for coming and doing a good job; and to the Mayor Pro Tem stated he would like to know if they could turn Westholme into a one way street as the traffic was very heavy; and Mayor Pro Tem Clutterbuck stated that if it was a proposal he would like to make the Public Works Department would be happy to evaluate it; and Council

Member Hoang stated that he did propose it and would put it in writing later. Council Members Johnson, Bradford and Jones absent.

The City Secretary stated that Mr. Jonathan Day was now present and would be the next speaker. Council Members Johnson, Bradford and Jones absent.

Mr. Jonathan C. C. Day, 1100 Studewood, Houston, Texas 77008 (832-673-0220) appeared, presented information and stated that he apologized for being late, but he and another Heights business owner were putting together the information presented; that he tried to be objective in his presentation and quoted several authorities in it and reviewed his presentation with Section One having to do with the Constitution of the State of Texas §52-a; the 380 agreement Attorney General opinions; §380.001's Attorney General opinions; and Greg Abbott's opinions of controls the city should place, etc. Council Members Johnson, Hoang, Lovell and Bradford absent.

Upon questions by Council Member Jones Mr. Day stated that his goal in coming to Council was to defer to Council's authority and sound discretion and provide some of his time analyzing the statutes and he added editorial opinion which was that Walmart did not encourage independent business; that he was a lawyer and small business owner and he knew the city could not stop Walmart from coming but they could control the \$6 million incentive; and felt the city's safest position was to be neutral. Council Members Johnson, Lovell and Bradford absent.

Council Member Gonzalez thanked Mr. Day for coming and stated that he would follow-up with him and get his thoughts, but wanted to thank him for his hard work and diligence in preparing this; and Mr. Day stated that he tried to be even handed though he did come from an independent business perspective and was concerned; and in his presentation under tab seven a local professor at Baylor did community studies on the economic impact of independent businesses. Council Members Johnson, Rodriguez, Lovell and Bradford absent.

Mayor Pro Tem Clutterbuck stated that other Council Members would like to address him, but time had expired and the rules required ten votes to suspend them and unfortunately there were not enough Council Members present; and urged the Council Member to speak with him off line; and upon questions by Mr. Day, Mayor Pro Tem Clutterbuck stated that the item most likely would be tagged and there would be opportunities next week. Council Members Johnson, Rodriguez, Lovell and Bradford absent.

Ms. Karen Kristopher, 1415 S. Voss road #110, Houston, Texas 77057 (713-266-2715) appeared, presented information and stated that her subject was sex trafficking; that she was with the Houston Area Association for Decency and they promoted morality and decency and stronger family values; that there was a channel being dredged out five feet down to allow for larger ships, like the Asian ships, the Panama Canal was doing the same and the sex trafficking would increase; that Asians brought in prostitution when they came; and Mr. Masraff was to debate her on prostate cancer but withdrew as she said the fact was prostate cancer was usually related to promiscuity when the male was a young male and there were eight research projects on this and young men did need to know this. Council Members Johnson, Rodriguez, Lovell and Bradford absent.

Council Member Jones stated that she believed people had a First Amendment right to believe what they believed, but she wanted to respond to her saying Asians brought in prostitution when they came, she was respectfully offended and felt compelled to say something, she did not feel Asians brought any more prostitution than anyone else; and Ms. Kristopher stated those were facts and figures; and Council Member Jones stated that she apologized to all Asians. Council Members Stardig, Johnson, Rodriguez and Lovell absent.

Council Member Hoang stated that all were concerned, but many Asian communities worked hard to contribute to the growth of the city and crimes were not in one community; that deepening the Panama Canal was not to bring in Asians illegally it was for commerce; and respectfully asked she do her study further; and Ms. Kristopher stated that she was not trying to go after one community, but had read numerous articles; and Council Member Costello brought up a point of order this was time for Council Members and not the speaker; and Mayor Pro Tem Clutterbuck stated that the Chair would uphold the point of order. Council Members Stardig, Johnson, Rodriguez and Lovell absent.

Mr. Donald Burns, 13021 Donegal, Houston, Texas 77047 (713-882-0307) appeared and stated that he was before the commissioners court and only had a minute on constitutional and civil rights and Precinct Seven Constables coming into his house; that he was present regarding 2016 Main, he was a homeowner there and they entered into a contract with the county for law enforcement services and they had to amend the association guide lines, they put down there were 343 resident owners on a contract to show 99% homeowners going along with the contract and he was a victim of an assault and sent to jail and had to make bond; and continued discussing the case and that this was six years of litigation. Council Members Stardig, Johnson, Rodriguez and Lovell absent.

Mayor Pro Tem Clutterbuck stated that she knew representatives from the Legal Department would like to address him off mike about his alternatives. Council Members Stardig, Johnson and Rodriguez absent.

Ms. Kathy Lurersen, 910-1/2 W. Drew, Houston, Texas 77006 (713-521-2872) appeared and stated that she was concerned about drilling for oil in city parks; that it was way across town, but was concerned they would start drilling in Eleanor Tinsley Park and Memorial Park and was not sure if it would effect the environment and animals; and she would like the city to show a virtual computer diagram on how this would be done, etc.; and urged it not be allowed Council Members Stardig, Johnson and Rodriguez absent.

Mayor Pro Tem Clutterbuck stated that there were no plans to drill in any other parks and the drilling was slant well drilling and actually off site and not in the park. Council Members Stardig, Johnson and Rodriguez absent.

Council Member Jones stated that she agreed with Ms. Lurersen, but unfortunately it passed, but she was disturbed it was in the parks it was in though she did not think she would have to worry about it ever being considered in either of the parks or many others. Council Members Stardig, Johnson and Rodriguez absent.

Mayor Pro Tem Clutterbuck stated that there were diagrams and she was happy that Council Member Adams staff would be happy to share them with her. Council Members Sullivan and Rodriguez absent.

Mr. Anthony Collins, 6202 Star Lake, Humble, Texas 77396 (713-294-0965) appeared and stated that he was with the Scenic Woods Chamber of Commerce and Technology Center located in northeast Houston and was present regarding a rumor heard in the community regarding NCI attempting to put a proposal together at some point to start managing the multi service centers, it was critical as currently NCI managed the administrative portion of the HGAC and they saw a systematic denial of benefits in the training aspect to individuals in the urban area, NCI failed to investigate, regulate and maintain issues being addressed currently which was a systematic denial of benefits in training dollars in the inner city and that created untrained individuals which caused high crime rates which brought high incarceration; that Scenic Woods had five zip codes and within that the majority of individuals were incarcerated within the City of Houston. Council Members Sullivan and Rodriguez absent.

Mayor Pro Tem Clutterbuck stated that after the Council Member addressed him Mr. Rodney Bradshaw with the Houston Galveston Area Council and Houston Works was present and waiting to speak with him. Council Members Sullivan, Gonzalez, Rodriguez, Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he appreciated the work he was doing in Scenic Woods and he as well heard the rumor, but it had been quailed with a letter to him that there was no formal proposal on the table for NCI to have any part of the multi purpose centers. Council Members Sullivan, Gonzalez, Rodriguez, Lovell and Jones absent. (NO QUORUM PRESENT)

Mr. Neil Hanson, 4500 Bissonnet, Bellaiare, Texas 77401 (713-667-9400) appeared, presented information and stated that he was a senior director of Public Sector Solutions which was a division of Neighborhood Centers, Inc., and wanted to provide information to Council on a statement made by Mr. Collins; that Neighborhood Centers, Inc., served as the financial aid payment contractor for Workforce Solutions who worked to bridge the gap between employer hiring needs by connecting education and training services to unemployed residents and per their contract with the Houston Galveston Council Neighborhood Centers managed the approval process for the training vendors such as Mr. Collins organization, approving vendors based on the HGAC and state guidelines for their approval and the complaint made today by Mr. Collins was regarding their execution of this process and it was important to say no decision was made regarding Mr. Collins application for renewal per HGAC guidelines they found inconsistencies in his application including financial documentation and they sent a letter of correspondence requesting additional information and they extended his deadline with the hope he could submit the information requested so they may insure he was in compliance with HGAC and state guidelines and approve his application. Council Members Johnson, Lovell and Jones absent.

Mr. Oliver Kinchen, 6023 Tincay Oaks, Houston, Texas 77088 (281-447-0049) appeared, presented pictures for viewing and stated that he was present regarding property in the West End; that builders in the community overstepped boundaries as far as he was concerned because they were building townhouses, in his whole block there were only three families left; that the builders bought up the block because of delinquent taxes, three story buildings right on the fence line; that West End was one of the first Black owned communities in the city; that they were present four years ago about the builders, but no consideration was given to anyone. Council Members Johnson, Lovell and Jones absent.

Mayor Pro Tem Clutterbuck stated that they appreciated him coming and was sorry he had to return three years later; that Council Member Johnson had a staff member who wanted to meet with him and Mr. Medina in Public Works was present to speak with him at this time. Council Members Johnson, Lovell and Jones absent.

Council Member Gonzalez stated that his office would continue looking into this from their end and see what could be done and what options were available, but he should visit with Mr. Medina and perhaps they could gain a better sense of the issues and visit and see what could be done. Council Members Johnson and Jones absent.

Council Member Stardig stated that this was one reason she was passionate about the fact they needed to look at the City Attorney's Office for guidelines for guiding older neighborhoods into reestablishing deed restrictions to protect citizens who had been there many years; that without deed restrictions not much could be done; and she would like to follow-up with him. Council Members Johnson, Pennington and Jones absent.

Ms. Kim Shaw, 6363 W. Airport #225, Houston, Texas 77035 (713-729-8269) had reserved time to speak but was not present when her name was called. Council Members Johnson, Pennington and Jones absent.

Ms. Dezera Hill, P. O. Box 993, Houston, Texas 77455 (281-438-6360) was called and Ms. Teresa Hill appeared and stated that she was the daughter of Ms. Dezera Hill and she was present as in April a payment was submitted to the City of Houston for an abatement lien payoff in the amount of \$3,645.42 and six years later in June of 2010 she received as a new property owner a lien assessment statement for \$132.80 which included interest and fees totaling \$445.39 and it was of her concern as it should have been made known when the check presented was cashed by the city that \$132.80 was still remaining and not six years later; that she thought it was unfair notification practices which needed to change and she should be able to pay the \$132.80 as she had made the attempt to pay the lien off. Council Members Johnson, Pennington and Jones absent.

Mayor Pro Tem Clutterbuck stated that individuals were present to speak with her at this time. Council Members Johnson, Pennington and Jones absent.

Ms. Brij Kapur, 9850 S. Kirkwood Drive, Houston, Texas 77099 (281-455-7998) appeared with Mr. Kapur, her son, who stated that he was present to assist his mother; that their matter required the attention of the Council Member and HPD as she was a terminal cancer patient and on August 25th was knocked down in their parking lot hit by a car from a lady backing up and she received a broken wrist, but she did not even render assistance and called her husband down who picked her up like an animal and threw her in the back of the car and dropped her at the curbside in front of her condo unit; that his mother was confused and an ambulance was called and she was in the hospital three days; that he tried to lodge a complaint with HPD at the hospital and they said they needed information, but she was not able; that no one at HPD cared, but the Council staff was kind and that was why they were present to ask Council for assistance. Council Members Johnson, Rodriguez and Jones absent.

Mayor Pro Tem Clutterbuck stated that she was sorry this happened and they did care; that Lieutenant Gallier was present to speak with them after Council Members. Council Members Johnson, Sullivan, Rodriguez and Jones absent.

Council Member Gonzalez stated that he was sorry for their hardships and one there was a possible police investigation which was needed and encouraged him to follow-up with Lieutenant Gallier who was present, there was a potential criminal factor and secondly there was a potential personal injury case and need an attorney in those matters; and Mr. Kapur stated that he appreciated that they heard them and was concerned with her welfare. Council Members Sullivan, Rodriguez and Jones absent.

Council Member Hoang stated that his staff member were present and they tried to contact him and wanted to know more and would appreciate him speaking with them also; and Mr. Kapur stated that Ms. Julie, his staff member called and was concerned and he appreciated it. Council Members Sullivan and Rodriguez absent.

Mr. Mitch Hoverdick, 1314 N. Boulevard, Houston, Texas 77006 (281-380-9622) appeared, presented information and stated that he lived in a historic district north of Montrose across 59 and he was present supporting changes in the historic preservation ordinance; that their house was built in 1939 and the city had plans for the whole neighborhood and he was able to find out who the original owner was and it was George Dentler who made Dentler Potato Chips and the architect was Harvin Moore and the city was trying to preserve documents related to many historic buildings and many materials were gathered on Harvin Moore of which he ran

some pages off and discussed; and thanked the Mayor and Council Member Lovell for what they were doing. Council Members Sullivan, Gonzalez and Rodriguez absent.

Mayor Pro Tem Clutterbuck stated that Mr. Hoverdick did live in a beautiful house and they were grateful he was working hard to preserve it. Council Members Sullivan, Gonzalez and Rodriguez absent.

Council Member Lovell thanked Mr. Hoverdick for the compliment and stated that it had been her pleasure to work on the ordinance, it was a wonderful educational experience and even better a great opportunity to listen to those in the city who passionately cared about their neighborhood for whichever side they were on; that he lived on a beautiful street in a wonderful neighborhood; that tomorrow the last draft of the ordinance would be available and she thought all would be pleased by what they saw; that it was a balance and it preserved the history and a mechanism was in place for those who wanted to reconsider their status. Council Members Sullivan, Gonzalez and Rodriguez absent.

Mr. Robert Taylor III, 3702 Alice, Houston, Texas 77021 (713-748-0395) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Gonzalez and Rodriguez absent.

Mr. Riyad Abu-Taha, 2001 Potomac Drive, Houston, Texas 77057 (713-977-4923) appeared and stated that he was a proud American of Arabic and Muslim descent who had lived in the U. S. the past 43 years and served to defend his country with vigor, honor, pride and dedication; that he did not believe in violence by any group in the world and he stood here four days after September 11th raising his views and today again nine years later reaffirming them; that he was saddened to see people condemn 1.5 billion people as a result of violent actions of a few, it was ignorance and fear, that it seemed no one was standing up for him and the sentiment seemed to be growing at an alarming rate and due to ignorance and silence of many, in particular our leaders and opportunist, there should be a reverse to their and any group through communication, knowledge, education and understanding on a grassroots basis and proposed establishing an entity or movement called tolerance, Judaism, Christianity and Islam and bring together political, religious, civic leaders from all religions to start an aggressive campaign targeting all segments of the community by speaking in churches, schools, etc., and use media to help spread the message stating all were equal under God and learn the true teachings under Christianity, Islam, Judaism and bring about harmony, understanding, peace, etc., and it would bring prosperity and stop hatred. Council Members Stardig, Sullivan and Rodriguez absent.

Council Member Hoang thanked Mr. Abu-Taha for coming and trying to promote the understanding of Muslim, especially peaceful Muslim, he had been to the Mosque and attended many Islamic events and he and Council Member Bradford had attended together once and witnessed 20,000 to 30,000 people praying and demonstrating their love and peace and it was time to understand Muslim better; that here they supported the movement of understanding and if he needed anything should contact his office. Council Members Stardig, Sullivan and Rodriguez absent.

Council Member Gonzalez thanked Mr. Abu-Taha for all he did in the community and he too participated in the City's Fourth Annual Ramadan Celebration; and they understood one strength of the city was the diversity and it crossed ethnic and religious groups and all should be tolerant and understanding of each and peacefully coexist; and anything he could do he should count on him. Council Members Stardig, Sullivan and Rodriguez absent.

Council Member Jones stated that there were many other religions and this was America and all should be supported, but the reason of the Holocaust was because people stood silent

and slavery was the same and that was why she was compelled to speak up earlier when someone said Asians promoted prostitution, they could not sit silent or they were complicit in it and anything she could do to help she would be happy to. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Mayor Pro Tem Clutterbuck welcomed Ms. Reis and stated that she was a Consul General for Guiana. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Ms. Terry Reis, 1810 Woodland Park Drive, Houston, Texas 77007 (281-497-4466) appeared, presented information to Council Members and stated that she was present today as a citizen of Houston and she wanted to thank Mark in Council Member Pennington's office who had expressed concern and passion and helped her to be present today; that she bought her home fifteen years ago at the corner of Briarforest and Woodland Park and she had a sewer gas leak in her home ever since but had been getting progressively worse; that during the past years she called the City of Houston out and they put chemicals, etc., and it helped for awhile and she was told it was normal and why and she trusted them, but now she knew difference; that the corner was recently rebuilt and she started smelling sewer gas frequently especially the restroom in her master bedroom and it caused her and family members to be sick and she had to block off the area by stuffing towels under the door. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Council Member Jones stated that she was wondering if the city did work and caused sewage to back up could someone be sent out to do something; and upon questions, Ms. Reis stated that it got worse and really hit home about a month ago and the city sent someone out Friday to do a smoke test and blew smoke over an hour and finally she saw a teeny bit of smoke coming in from under the shingles so he said she had a leak in the house and his job was over and he left, but the horrible smell was still there and she needed help. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Upon questions by Council Member Pennington, Ms. Reis stated that the first man who came out told her the manhole was improperly built and there was no area for the gas to come out and all sewer going into the subdivision connected with her pipe and then two other supervisors came out and it was right after she notified his office and she was so grateful; that the other two supervisors confirmed this was an error and needed to be corrected; and Council Member Pennington stated that he would like her to speak with someone in Public Works; and Mayor Pro Tem Clutterbuck stated that Mr. Medina who was with Public Works was present and willing to speak with her today and see what else could be done; and Council Member Pennington she was sure would continue to monitor this. Council Members Stardig, Johnson, Sullivan, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

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

Ms. Amal Kugnar, 118 N. Woodstock Circle, the Woodlands, Texas 77381 (281-731-0697) appeared and stated that she was present regarding traffic in Houston; that she did not know why police gave tickets for someone speeding when they would not give tickets for people going too slow; that she traveled from the Woodlands to Houston and when someone was going too slow everyone on the freeway had to go slow; that also a gentleman spoke earlier and if they wanted to speak about Muslim in the U. S. and have permission to do what they wanted then people here should be able to speak about their religion in his country; that they always said people here were against them, but they were against us, they did not let anyone build churches there or take their bible and here they were given freedom, etc., and they just wanted more and more. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Mayor Pro Tem Clutterbuck stated that as to the issue of here appearance it was her understanding tickets were supposed to be issued for people driving much less than the speed limit whether it was posted that they did or not. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mr. Antonio Loyu, 4621 Stillbrook, Houston, Texas 77035 (713-775-8158) appeared and stated that he was present on a safety issue in a City of Houston park; that in Memorial Park he was walking and was struck by a golf ball on his face; that he got to the golf house and it took about 10 minutes for the ambulance and finally he was rushed to the emergency room and now he did not want to go to the park anymore, but he was present to see if something could be done to make the park safer as that could have happened to anyone, a baby, etc., and now he was overwhelmed with hospital bills he could not afford. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mayor Pro Tem Clutterbuck stated that she was sorry it had happened to him and she could not imagine how painful it must have been; that they were concerned medical attention had not been called in a timely fashion and Ms. Sanchez was present with Parks and Recreation to meet with him and see what could be done, but the netting there had been patched. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mr. Norman E. Adams, 918 Drane Court, Houston, Texas 77008 (713-869-8346) appeared, displayed a paper and stated that he was present asking Council to look at what was going on and to ask them to remember the fact that in 2003 44,000 Houstonians signed a petition called the "No Rain Tax Petition" and Ms. Russell certified them; that evidently those who just spent half a million dollars getting 22,000 signatures forgot the lesson; that at that time Mayor Brown wanted \$84 million and the new program wanted to raise \$125 million minimum with no sky limit and estimations from Council Members would be \$8 billion over 20 years or \$400 million a year and in case they forgot Houston was in the worse recession now since WWII; that he knew they needed designated funds for sewer and drainage, but they did not need them this way; that Mayor Parker was soliciting his office to be a sponsor of a fund raiser and get Houstonians to tax churches, schools and YMCA's, this plan would be funded on the backs of their own churches, schools, etc., if they needed a designated fund then sell it to the voters as a tax or bonds they needed to fund with taxes, but they should not go in the back door and hit the voters with a drainage fee assessing churches and schools; that Lee Brown tried to do this in 2003 and they brought the 44,000 signatures in here and it was pulled off the table; that he was urging everyone to vote against Proposition I and they would do their best to defeat this and any Council Member promoting it would be embarrassed. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Council Member Jones stated that she would like to see his flyer or receive a copy of it. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mr. Sammie Jones, no address (no phone) appeared and stated that he thanked the Council for any and all assistance they had provided with a relative he had in Harris County Jail; that he also became a guest at Harris County Jail and thanked all for any assistance if given to him; that an attorney appeared and court date established and he was thankful; and he had a letter he would like copied and handed to the Mayor and Council Members. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mr. Benny Sanchez, 7422 Yellowpine, Houston, Texas 77040 (832-576-3355) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Ms. Barbara Wilkins, 7303 Touchstone, Houston, Texas 77028 (713-635-2162) appeared and stated that she was present because of a monopoly where the City of Houston had hogtied her and had her go to Ardmore Street where there was to be a hearing of 7301 and 7303 Touchstone, but she found her fate was already determined by a Kangaroo Court; that there was no judge but someone there to speak on the city's behalf and it was one sided and she thought all of this was because one of the houses was historical and the bottom line was the City of Houston was trying to pull something over her head. Council Members Stardig, Johnson, Sullivan, Hoang and Rodriguez absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Wilkins stated that she was hogtied figuratively and there was a public hearing to have her repair or demolish the structure within 90 days knowing she was on a once a month salary; that they wanted her to sign a legal paper and she had it at home; and Council Member Jones stated that she would like to know what was going on and still did not understand and would appreciate a copy of what she had. Council Members Stardig, Johnson, Sullivan, Hoang and Rodriguez absent. (NO QUORUM PRESENT)

Mr. John Shike, 10110 Finchwood, Houston, Texas 77036 (281-394-4337) appeared and stated that he came to talk as a parent to a parent; that it was dangerous to tell a father you were going to have him killed and go to his daughter's wedding and have her kidnapped, gang rapped, etc., because you were being charged with sexual assault and thought that person went on the air and mentioned it; explained the entire situation and finished by saying HPD needed to handle the situation; and urged Council to see the case was investigated. Council Members Stardig, Johnson, Sullivan, Hoang and Rodriguez absent. (NO QUORUM PRESENT)

Mr. Skip Beedle, 2525 Old Farm Road #2317, Houston, Texas 77063 (713-785-0220) appeared and stated that last time he was present Mayor Pro Tem Clutterbuck stated that she did not think he was taking his phone calls, he brought a notarized statement of himself and Kelsey Seybold stating he was at a meeting at the west clinic when the City Attorney had called him; that he was told he was not cooperating, he had two emails to Mayor Parker informing her the City Attorney was supposed to contact her office and provide findings but he was not providing; that he wanted to address the issue of cooperation, he showed Lieutenant Gallier telephone records from his phone for certain days, but he had been calling the city and received no response for days. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Mayor Pro Tem Clutterbuck stated that there was a bit of a misunderstanding, she believed the last time he was present she complained about the comment written in the document that a constituent, who was him, had not been cooperative and it was not an appropriate thing to write in a document; and he had always been cooperative with a valid concern and claim; and Mr. Beedle stated that he understood the captain had been replaced, but they were six months into the process and no progress made; that they asked Lieutenant Gallier pull the case and review it and get it to the District Attorney who had jurisdiction on the case; that they wanted to say Webster was not in Harris County; and Mayor Pro Tem Clutterbuck stated that Mr. Heilman would like to give the Legal Department's view of this; and Mr. Heilman stated that the Chief Prosecutor in Legal had an extended discussion with Mr. Beedle in July and walked him through legal ramifications and he had talked to a sergeant in HPD and obtained facts relating to this gentleman's case and visited with the Prosecutors Office and it was determined by the Prosecutors Office a crime had not been committed and they communicated to the gentleman their efforts had been exhausted Legal and HPD had done all they could to assist him and if he wanted to press the issue further he could visit with the DA's

Office to determine if they would follow up on it; and Mr. Beedle stated that the statement was true, but what he was told and that what the Mayor Pro Tem had was in fact a voice message left by the City Attorney involved and he made none of those statements at all; that he understood they had reopened the investigation, but it was obviously not the case. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Council Member Jones stated that Council had no authority to force the Harris County District Attorney's Office to do anything; that Harris County dealt with a variety of municipalities and the District Attorney's Office decided to accept or not accept charges and he could come back all he wanted but it would not make the District Attorney's Office change their decision. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Council Member Bradford stated that he would appreciate Mr. Beedle giving his Chief of Staff his information so they could work with him. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

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 Stardig, Johnson, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Mr. Felix Fraga, 5501 Brady, Houston, Texas 77011 (713-923-5594) appeared, presented information and stated that he was present to let Council know how important it was for the City of Houston and Neighborhood Centers to work together as partners; that they had done it through their history and information on it was presented in the book he presented; that he wanted to invite the Mayor and Council Members to their number six community center September 25th in the Gulfton Area across from the newest multi purpose center of the City of Houston; that he knew how important Council Members were as when he was a social worker and called the city for assistance they would get to it in a month or so, but when he was Council Member and asked for assistance they got to it the next day so they wanted the social workers and the city to work together. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Clutterbuck, Mr. Fraga stated that the celebration was Saturday starting at 11:00 a.m. and noon cutting the ribbon. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that he wanted to remind all Mr. Fraga had served as Council Member in District H previously and he never stopped working, he was familiar with the work he and his wife did in the community and they were recognized often; that he also wanted to thank their friends at the Neighborhood Centers as they were also present and he worked closely with them and he thanked all for what they did. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Mr. Bennie Freeman, 4530 Firnat, Houston, Texas 77016 (713-254-1984) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

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 Stardig, Johnson, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Mr. Augustine Castillo, 1103 Erin, Houston, Texas 77009 (832-656-7804) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

At 4:11 p.m. Mayor Pro Tem Clutterbuck stated that City Council was recessed until 9:00 a.m., Wednesday, September 15, 2010. Mayor Parker and Council Member Adams absent on city business. Council Member Noriega absent on personal business. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m., Wednesday, September 15, 2010, with Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David M. Feldman, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director present. Council Member Wanda Adams absent on city business.

At 8:30 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:02 Mayor Parker called the meeting to order and recognized Council Member Noriega.

Council Member Noriega moved to suspend the rules to on consider Item Numbers 2, 3, 4, 41 and the Mayors Report out of order, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Johnson, Sullivan, Hoang and Jones absent. MOTION 2010-0662 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of **MR. TERRY ALMON GARRISON** as Fire Chief – was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Johnson, Sullivan, Hoang and Jones absent. MOTION 2010-0663 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment of the following individuals as Associate Municipal Court Judges, for two year terms:

Position 37 - **MR. LAWRENCE A. ROUSSEAU**

Position 46 - **MS. MEGAN A. MCLELLAN**

– was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Johnson, Sullivan, Hoang and Jones absent. MOTION 2010-0664 ADOPTED.

4. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS, (SOUTHWEST HOUSTON ZONE)**:

Position Two - **MR. WELCOME W. WILSON, JR.**, for a term to expire December 20, 2012 and as Chair, for a term to expire December 31, 2010

Position Seven - **MR. MICHAEL LASTER**, for a term to expire December 20, 2011

– was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Johnson, Sullivan, Hoang and Jones absent. MOTION 2010-0665 ADOPTED.

41. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals as Full-Time Municipal Court Judges, for two year terms:

Position 7 - **MR. DAVID O. FRAGA**, reappointment

Position 11 - **MS. KIM R. TRUJILLO**, appointment

– was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Johnson, Sullivan, Hoang and Jones absent. MOTION 2010-0666 ADOPTED.

Mayor Parker stated that they had a new Fire Chief for the City of Houston and a number of new Municipal Court Judges, and invited Chief Terry Almon Garrison to the podium, that they would have to have the formal swearing in but she wanted to welcome him on board. Council Members Johnson, Sullivan, Hoang and Jones absent.

Chief Garrison stated that he was extremely honored and looked forward to working with Mayor Parker and all of them over the next several years and with Chief of Staff Chen and the current administrative team, that he wanted to thank them for the positive endorsement and the voting, that he wanted to let them know that over the past few weeks he had met with members of the Fire Department and the Command Staff and looked forward to working with them, and President Caynon of Local 341 and all of the members of the Fire Department and members through the community, that finally he would like to introduce his wife Annette and say that they were both really excited about working and living in the City of Houston and they were going to be active participants in every aspect of the City and thanked them very much as they had all been very kind to them. Council Members Johnson and Sullivan absent.

Mayor Parker stated that she knew the Chief was an avid mountain biker and thought that he was looking forward to living close to some of the jogging trails here, along Allen Parkway particularly, and Chief Garrison stated that the bayou was a wonderful area and spent several hours the other day walking on it and he could not wait to get his bike and travel up and down that. Council Members Johnson and Sullivan absent.

Members of the City Council congratulated Chief Garrison on his new appointment and wished him well. Council Members Johnson and Sullivan absent.

Mayor Parker invited Judge Hartle to the podium to introduce the newly appointed judges. Council Members Johnson, Sullivan and Rodriguez absent.

Judge Hartle stated that she wanted to introduce them to her Associate Presiding Judge Herbert Gee, who was very much involved with her in the committee in the selection process, that he was the man behind the scenes in a lot of ways but she wanted him to get recognition for all the work that he does. Judge Hartle introduced the newly appointed judges and their family and friends in the audience and invited them to the podium. Council Members Johnson and Sullivan absent.

MAYOR'S REPORT - Status Updates on Metro

Mayor Parker stated that the next item on the agenda was the Mayor's Report and asked

that the representatives of Metro to come to the Council table, that they knew that a lot of things had happened at Metro over the last week, that it was actually one week ago, about now, that the FTA called a meeting in Houston with Mr. Greanias, Mr. Garcia, herself and Members of their Congressional delegation, that it was principals only, no aids or staff, for a closed door meeting to discuss an investigation that the FTA had done of Metro's purchasing practices, they left the meeting at 10 till noon, they called a press conference that afternoon because they knew that the media was aware of it, some Council Members were able to come by and get a heads up on the issue, but this was the first real opportunity that they had for Mr. Greanias and Mr. Garcia to come in and answer their questions to speak about what had happened, that first press conference was the initial response to the FTA's recommendations, that Mr. Greanias particularly needed to get with his board, he had not had an opportunity to brief them when he walked into that press conference, that in the interim he had also presented the new budget for Metro, she believed he did that on Monday so this was a really opportune time for them to get briefed on what was going on, that she knew that many of their constituents were concerned and clearly the work that Metro did in the City of Houston would have a big impact on the future of their City, that she appreciated Mr. Greanias for the presentation, that they should have in front of them a PowerPoint presentation that she believed he would go through, but would turn the Chair over to Chairman Garcia of the Metro Board to kick it off.

Mr. Gilbert Garcia, Chairman of the METRO Board, Mr. George Greanias, METRO Interim President, and Mr. Dave Couch, Managing Director METRO Solutions, reviewed a PowerPoint presentation titled "New METRO Going Places", a copy of which is on file in the City Secretary Office for review.

Mr. Greanias, Mr. Garcia and Mr. Couch were questioned at length by the Mayor and Members of the City Council, and Council Member Jones stated that she would like a meeting with whom ever was responsible for whatever was going to happen at 5400 Griggs, the Palm Center for the Southeast Line, that she would like to facilitate a meeting so that METRO could come and explain to the people what it was that they were seeking to do.

Mayor Parker thanked them for making the presentations and answering the questions, that she knew they had a lot of work to do.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** regarding a second amendment to the **PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN** for Tax Increment Reinvestment Zone Number Thirteen (Old Sixth Ward Zone) - **DISTRICT H – GONZALEZ** – was called. Mayor Parker and Council Members Noriega and Jones absent. Mayor Pro Tem Clutterbuck presiding.

The City Secretary stated that no one had reserved time to speak at the hearing and Mr. Tim Douglass would make remarks concerning the hearing. Mayor Parker and Council Members Noriega and Jones absent. Mayor Pro Tem Clutterbuck presiding.

Mr. Douglas stated that he was present with Legal Counsel, Debra McAbee and Ralph De Leon, Manager of the TIRZ Program; that on August 11, 2010 the Board of Directors of the Old Sixth Ward TIRZ approved amendments to the TIRZ Project and Financing Plan and forwarded them to the City for consideration, that this public hearing was a statutorily required part of the City's review process, that each Council office had been given a copy of the proposed second amended plan and an official City statement had been distributed to each of them today, that in brief the administration requests the City Council approve a plan amendment for the zone which would increase the project expenditures by \$38 million over the life of the TIRZ, that as explained in the body of the proposed amendment and shown as Exhibit 1 the proposed

amendment included revisions for public infrastructure, improvements in roadways and sidewalks, upgrades and replacement of sanitary sewer systems, parks, historic preservation, affordable housing and establishment of an economic development program, that in closing the City staff had worked with the Old Sixth Ward Redevelopment Authority on a proposed second amended plan and at a future Council meeting would bring forth a recommendation for City Council to approve the proposed plan amendment. Council Member Noriega absent.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Adams absent on city business. Council Member Noriega absent. MOTION 2010-0667 ADOPTED.

Council Member Jones moved to suspend the rules to consider Item No. 40 out of order at this time, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Adams absent on city business. Council Member Noriega absent. MOTION 2010-0668 ADOPTED.

40. 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 – **(This was Item 28 on Agenda of September 1, 2010, TAGGED BY COUNCIL MEMBERS LOVELL, ADAMS and JOHNSON)** – was presented. Council Member Noriega absent.

Council Member Jones moved to refer Item No. 40 back to the administration, seconded by Council Member Johnson. Mayor Parker stated that the administration concurred and urged Council's support.

After discussion by Council Members, Mayor Parker stated that there were no allegations of improprieties on behalf of the City, they were called on in essence on a point of order, they did not publish the selection criteria and the weight they would use in the selection process and that was going to be rectified, that in addition they had created a larger selection committee drawn from a larger pool of departments across the City of Houston, that before this comes back to City Council again she would make sure that Council Members see the actual posting for the new bid process showing that all of the criteria was listed and also the departments from which they would draw the selection team; that there was a new selection committee, they were trying to create a blank slate, that she did not know what the outcome would be, it did not mean that it would be changed or not but there would be a new selection committee with new representatives, that some of the same departments would be represented, obviously they were the user departments, but it would be a new team; that as to the dollar value of the contracts going up to \$10 million it would be addressed, it was an estimate of what they needed but it was drawn against what was needed, so they did not know what the actual amount would be, that they could direct their comments to Mr. Christy.

A vote was called on the motion to refer Item No. 40 back to the administration. All voting aye. Nays none. Council Member Adams absent on city business. MOTION 2010-0669 ADOPTED.

Council Member Lovell stated that she knew everyone would like to join her in wishing Marty Stein a happy birthday today.

CONSENT AGENDA NUMBERS 2 through 36

MISCELLANEOUS - NUMBERS 5 and 6

5. RECOMMENDATION from the Director of the Finance Department that the City Council receive the 2010 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw and Jennifer Chen to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent on city business. MOTION 2010-0670 ADOPTED.
6. RECOMMENDATION from Acting Fire Chief to approve the sale of Decommissioned Firefighting Bunker Gear to the “Sister City” of Karachi, Pakistan – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent on city business. MOTION 2010-0671 ADOPTED.

ACCEPT WORK - NUMBERS 7 and 9

7. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$11,634,374.92 and acceptance of work on contract with **SPAWGLASS CIVIL CONSTRUCTION, INC** for Taxiway “H” Pavement Rehabilitation at Ellington Airport, Project No. 614 - 3.83% over the original contract amount - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Lovell, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent on city business. MOTION 2010-0672 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,262,785.64 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.**, for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods - 7.16% under the original contract amount - **DISTRICTS C - CLUTTERBUCK; F - HOANG; G - PENNINGTON and H - GONZALEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent on city business. MOTION 2010-0673 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 16

13. **STATE OF TEXAS COMMISSION ON FIRE PROTECTION** for payment of Annual Certification and Re-certification fees for Firefighters for Fire Department - \$190,000.00 - General Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Costello. All voting aye. Nays none. Council Member Adams absent on city business. MOTION 2010-0674 ADOPTED.
15. **DIAGNOSTIC HYBRIDS, INC** for Monoclonal Antibody Reagents and Control Kits for Houston Department of Health & Human Services - \$465,395.65 - General Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Costello. All voting aye. Nays none. Council Member Adams absent on city business. MOTION 2010-0675 ADOPTED.
16. **S.P. LUFTBILD GmbH** for Sale of Helicopter Parts and Accessories for Houston Police Department - \$73,000.00 - Revenue – was presented, moved by Council Member Clutterbuck, seconded by Council Member Costello. All voting aye. Nays none. Council Member Adams absent on city business. MOTION 2010-0676 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 18 through 36

18. **ORDINANCE AMENDING SECTION 15-23 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Contract Compliance Commission Hearing procedure – was presented. All voting aye. Nays none. Council Member Adams absent on city business. **ORDINANCE 2010-718 ADOPTED.**
21. **ORDINANCE** amending Ordinance Numbers 2009-288 and 2009-689 to increase the maximum contract amount for **THE SHELTERING ARMS, HOUSTON, TEXAS** and **DINSMORE MEDICAL SYSTEMS, LLC**, respectively; approving and authorizing first amendment to contract for elderly services provided through the Harris County Area Agency on Aging between the City and **THE SHELTERING ARMS, HOUSTON, TEXAS** - \$1,146,420.47 - Grant Fund – was presented. All voting aye. Nays none. Council Member Adams absent on city business. **ORDINANCE 2010-719 ADOPTED.**
31. **ORDINANCE** appropriating \$68,505.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to an Interlocal Agreement (Approved by Ordinance No. 2008-1202) between the City of Houston and **UPPER KIRBY REDEVELOPMENT AUTHORITY** for the Design and Construction of Kirby Drive from Richmond to Westheimer - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Adams absent on city business. **ORDINANCE 2010-720 ADOPTED.**
32. **ORDINANCE** No. 2010-698, passed first reading on September 1, 2010
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 - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Adams absent on city business. **ORDINANCE 2010-698 PASSED SECOND READING IN FULL.**
33. **ORDINANCE** No. 2010-699, passed first reading on September 1, 2010
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 - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Adams absent on city business. **ORDINANCE 2010-699 PASSED SECOND READING IN FULL.**
34. **ORDINANCE** No. 2010-700, passed first reading on September 1, 2010
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 - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Adams absent on city business. **ORDINANCE 2010-700 PASSED SECOND READING IN FULL.**
35. **ORDINANCE** No. 2010-701, passed first reading on September 1, 2010
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 - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Adams absent on city business.

ORDINANCE 2010-701 PASSED SECOND READING IN FULL.

36. ORDINANCE No. 2010-682, passed second reading on September 1, 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 **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Adams absent on city business. ORDINANCE 2010-682 ADOPTED THIRD AND FINAL READING IN FULL.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

ACCEPT WORK

8. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$2,150,653.26 and acceptance of work on contract with **TJ&T ENTERPRISES, INC** for Wetlands Creation at Westside Mitigation Area, Project No. 586A - 4.81% over the original contract amount – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell, and tagged by Council Member Jones.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,037,458.53 and acceptance of work on contract with **REPIPE CONSTRUCTION, LTD.**, for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method 1.81% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent on city business. MOTION 2010-0677 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,807,023.00 and acceptance of work on contract with **UTILITY SERVICE CO., INC** for Rehabilitation of Four Elevated Storage Tanks at Four Plant Sites, Kingwood-3, Kingwood-4, District 41-2 and Forest Cove-2 - 4.06% under the original contract amount - **DISTRICTS D - ADAMS and E - SULLIVAN** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent on city business. MOTION 2010-0678 ADOPTED.

PURCHASING AND TABULATION OF BIDS

12. **FERRARA FIRE APPARATUS, INC** for Ferrara Truck Replacement Parts and Repair Services for Fire Department - \$755,915.42 - General Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell.

Council Member Bradford stated that when they purchase equipment that ultimately becomes a sole source product do they consider, during the purchasing phase, that they were strapped to that company as an exclusive provider of the repair parts and things of that nature when they make a large purchase like this, they should, in his view if possible, consider alternatives or contractual obligations to supply parts in the future if they knew they were buying an apparatus that would take them five years down the road sole source parts, only one company could supply the parts, that it seemed that they had little option as to what they pay for parts when they do that so his issue was that they should consider what is sole source parts procurement related to these fire trucks apparatus during the time of purchase if they could.

Mayor Parker stated that she agreed completely, that this was actually for replacement parts for already purchased vehicles, but that always should be part of their analysis when they enter into a contract.

A vote was called on Item No. 12. All voting aye. Nays none. Council Member Adams absent on city business. MOTION 2010-0679 ADOPTED.

14. ORDINANCE appropriating \$120,831.70 out of Fire Consolidated Construction Fund for Structural Remediation at Fire Station No. 29 for General Services Department – was presented, and tagged by Council Member Jones.
- 14a. **BASELINE PAVING AND CONSTRUCTION, INC** for Structural Remediation at Fire Station No. 29 for General Services Department - \$109,847.00 and contingencies for a total not to exceed \$120,831.70 - **DISTRICT I – RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Sullivan, and tagged by Council Member Jones.

RESOLUTIONS AND ORDINANCES

17. RESOLUTION designating properties located at 1511 Everett Street, 3601 South Sandman Street, 1110 Victor Street, 1113 Cleveland Street, and 1505-1507 Cushing Street within the City of Houston as landmarks and protected landmarks - **DISTRICTS C - CLUTTERBUCK; H - GONZALEZ and I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent on city business. RESOLUTION 2010-0056 ADOPTED.
19. ORDINANCE **AMENDING ARTICLES II, III, AND VIII OF CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, transferring all permitting functions contained therein from the Houston Police Department to the Administration and Regulatory Affairs Department; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented. All voting aye. Nays none. Council Member Adams absent on city business. ORDINANCE 2010-0721 ADOPTED.
20. ORDINANCE making findings concerning the use of 2.6 acres of land near Gillette Street and Allen Parkway previously designated as San Felipe Park – was presented.

After discussion and questions by Council Members, Mayor Parker stated that they had up to six sites identified in the immediate area that would serve the needs, the funding for the purchase of those sites would come after the sale of the existing site; that the Gillette Street Maintenance facility they wanted to combine it with this land which was next to it and was contaminated land and sell the whole parcel for development; that they absolutely wanted to see it developed to it's highest and best use and was why they had asked for the ability to relocate the not utilized at all park into the interior of the neighborhood so that they could maximize street frontage on Allen Parkway to make it much more attractive development particularly for residential, that she would be happy to have Mr. Icken visit with Council Member Pennington about potential options for the site; that most cities had executive sessions when they dealt with real estate transactions, they do not in the City of Houston, that she did not intend to sit here and say which sites they had their eye on to replace because that just drives the price up.

After further discussion by Council Members, Council Member Jones stated that she would tag Item No. 20. (Note: Council Member Jones released her tag later in the meeting.)

22. ORDINANCE relating to the Retail Electric Rates of CenterPoint Energy Houston Electric, LLC within the City of Houston, Texas; setting a hearing to determine just and reasonable rates to be observed within the City of Houston - **HEARING DATE - 9:00 A.M. - WEDNESDAY - SEPTEMBER 29, 2010** – was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Member Noriega absent. ORDINANCE 2010-0722 ADOPTED.
23. ORDINANCE authorizing the Mayor to accept funding in the amount of \$4,035,076.00 by executing an Other Transaction Agreement by and between the Department of Homeland Security Transportation Security Administration for Surveillance Program Enhancements at William P. Hobby Airport - Grant Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Member Noriega absent. ORDINANCE 2010-0723 ADOPTED.
24. ORDINANCE authorizing the Mayor to accept funding in the amount of \$13,033,734.00 by executing an Other Transaction Agreement by and between the Department of Homeland Security Transportation Security Administration for Surveillance Program Enhancements at George Bush Intercontinental Airport/Houston - Grant Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Member Noriega absent. ORDINANCE 2010-0724 ADOPTED.
25. ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to contract between the City of Houston and **CONCEPT ENGINEERS, INC** for Professional Engineering Services for the Houston Airport System (Project 615J) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ** – was presented, and tagged by Council Member Jones. Council Member Noriega absent.
26. ORDINANCE approving an Agreement between the City of Houston, Texas and **AINBINDER HEIGHTS, LLC** pursuant to Chapter 380, Texas Local Government Code for Economic Development Assistance for Development of a Multi-Tenant Commercial Retail Project in the City **DISTRICT H – GONZALEZ** – was presented, and tagged by Council Members Gonzalez and Jones. Council Member Noriega absent.

Mayor Parker stated that she wanted to thank Council Member Gonzalez for going block walking with her on a very hot Saturday afternoon in the area, that she thought it was very productive, and Council Member Costello as well. Council Member Noriega absent.

Council Member Gonzalez stated that he wanted to thank her as well, that he knew she had been very involved and hosted two townhall meetings and stayed very late answering every last question and also walked in the hot sun, that he wanted to thank her for her leadership. Council Member Noriega absent.
27. ORDINANCE appropriating \$35,000.00 out of Reimbursement of Equipment/Projects Fund to be reimbursed by a subsequent payment from the Hardy/Near Northside Redevelopment Authority (Authority); authorizing and approving an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** and a Sponsorship Agreement between the City and Authority for the North San Jacinto Street Expansion Project - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Adams absent on city business. ORDINANCE 2010-072 ADOPTED.
28. ORDINANCE appropriating \$550,000.00 out of Reimbursement of Equipment/Projects Fund; approving and authorizing contract between the City of Houston and **SOGETI USA,**

LLC for analysis and design of a Queuing and Payment System for the Houston Permitting Center; providing a maximum contract amount; providing funding for contingencies relating to design and construction of facilities financed by the Reimbursement of Equipment/Projects Fund – was presented, and tagged by Council Member Bradford.

Council Member Bradford stated that he had a question for Mr. Feldman, City Attorney, on this issue, that as Council Members when they ask for the backup material, the scoring sheet as to how the selection committee scored a particular RFP, were they entitled to the actual scoring sheets or just a compilation or summary of what had been scored.

Mr. Feldman stated that they would technically be allowed to see the scoring sheets, and Council Member Bradford stated that he just wanted to get that on record because it seemed that when they asked for scoring sheets they do not actually get the scoring sheets, that they actually get summaries of the scoring sheet and this particular the department director sent over a correspondence indicating that representatives from four City departments had participated in the selection process and when they go to the summary of the scoring sheet, how the project was evaluated, they only had three evaluators listed, that it seemed to him that they would have at least four if they had four departments that participated in the selection process, so he would re urge his request to the department to let him have the backup material, including the actual scoring sheets, not a summary of the scoring.

Council Member Pennington stated that he would like to see some information about the parking at these facility, he knew it was not related to this particular issue, that he wondered how they could run a facility like this if they did not have adequate parking, that he could be completely wrong about that and hopefully he was.

Mayor Parker stated that fortunately or unfortunately they were not near the hot night spots on Washington Avenue, that it was right by the Police Station, but again Mr. Icken would be happy to update him when he comes and talks to him about the San Felipe Park.

Mayor Parker stated that the item had been tagged.

29. **ORDINANCE** awarding contract to **RUSH TRUCK CENTERS OF TEXAS, LP dba RUSH TRUCK CENTER; HOUSTON** for Automotive, Heavy-Duty Front End Repair Services for Various Departments; providing a maximum contract amount - 3 years with two one-year options \$869,902.98 - General and Fleet Maintenance Funds – was presented.

Council Member Jones stated that she was considering tagging both Item Numbers 29 and 30 for the express purpose that when she asked certain questions sort of along the line as Council Member Bradford said that when they ask a question some conclusion statement is given to them as opposed to the underlying data so that they could reach their own conclusions, that she would not tag the items but would ask that Affirmative Action or the department director, whoever was responsible for the MWBE goals come and speak with her about the quality of information that she would like when she asks these questions as opposed to be given an conclusion statement.

Mayor Parker stated that to reiterate what Mr. Feldman stated, they had the right to ask to see the detail when there was a evaluation matrix provided by a selection team, that they just had to make it clear that was what they wanted to see, that they would make sure that was available to them.

A vote was called on Item No. 29. All voting aye. Nays none. Council Member Adams absent on city business. **ORDINANCE 2010-0726 ADOPTED.**

30. ORDINANCE awarding contract to **WELLS FARGO MERCHANT SERVICES, LLC** for Credit Card Processing Services for Various City Departments - 5 Years with three one-year options Revenue - was presented.

After discussion by Council Members, a vote was called on Item No. 30. All voting aye. Nays none. Council Member Adams absent on city business. ORDINANCE 2010-0727 ADOPTED.

NON CONSENT AGENDA - NUMBER 37

PURCHASING AND TABULATION OF BIDS

37. **AMEND MOTION #2010-579, 8/4/10, TO REDUCE** spending authority to **FISCHER SCIENTIFIC** by \$17,179.01 and approving corresponding increase of \$17,179.01 to **RAE SYSTEMS** for purchase of equipment for the Houston Fire Department Hazardous Materials Team due to an error in the request for council action - **REQUIRES THREE MOTIONS** – was presented.

Council Member Johnson moved to suspend the rules for the purpose of reconsidering Motion 2010-0579, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2010-0680 ADOPTED.

Council Member Johnson moved Motion 2010-579, be brought back to Council for reconsideration, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2010-0681 ADOPTED.

Council Member Johnson moved to amend Motion 2010-579, passed and adopted, August 4, 2010, **TO REDUCE** spending authority to **FISCHER SCIENTIFIC** by \$17,179.01 and approving corresponding increase of \$17,179.01 to **RAE SYSTEMS**, for purchase of equipment for the Houston Fire Department Hazardous Materials Team due to an error in the request for council action, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2010-0681 ADOPTED.

MATTERS HELD - NUMBERS 38 through 40

38. 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 – **(This was Item 24 on Agenda of September 1, 2010, TAGGED BY COUNCIL MEMBER BRADFORD)** – was presented, and tagged by Council Member Jones.
39. 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 – **(This was Item 25 on Agenda of September 1, 2010, TAGGED BY COUNCIL MEMBER BRADFORD)** – was presented, and tagged by Council Member Jones.

Council Member Jones stated that she would release her tag on Item No. 20.

20. ORDINANCE making findings concerning the use of 2.6 acres of land near Gillette Street and Allen Parkway previously designated as San Felipe Park – was again before City Council. All voting aye. Nays none. Council Member Adams absent on city business. ORDINANCE 2010-0728 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Pennington stated that to the 380 agreement on the agenda for the Walmart Development, he appreciated Ron Acosta, Regional General Manager, Jason Stewart, Regional Asset Protection Manager and Kelly Dew, Public Affairs and Governmental Relations, coming to his office, that they talked about the project and he was impressed that they had made changes in their designs to make it more accommodating, that they also discussed continuing issues and he applauded the City for attempting to negotiate a contract for continuing operations matters, that he mentioned to them matters that would make it more of a community player, the HEB Central Market at Westheimer and Wesleyan had a pavilion where bands come in and the possibility of having a farmers market in and perhaps also having a meeting place, that they seemed to be on the learning curve for this sort of thing and realized that they had some adverse publicity in the area and he hoped they would take those suggestions seriously, get their own consultants who could probably advise them better than he did on neighborhood issues, that he hoped they would work to do that. Council Members Hoang and Noriega absent.

Mayor Parker stated for the Council Members who could hear the festivities outside, at 11:00 a.m. the Hispanic Heritage Month celebration kicked off, that she knew that several of them would be going down in about 20 minutes to join in that, that all Council Members were welcome. Council Members Hoang and Noriega absent.

Council Member Jones stated that she was at Rice University this weekend, that Greenpeace had a forum there about chemical security, homeland security, it really made her think and at some point she was going to try and meet with Mayor Parker and Council Member Noriega about what she learned; that she participated in the 40th Annual Fiestas Patrias Parade, that she learned what the significance of Fiesta Patrias meant, that it was the rally cry to be free; that she went to Saint Thomas University this past Saturday where the Sister Cities of Houston had a September concert, that it was the fifth year that they had it; that she wanted to offer her condolences to the family of Beulah Shephard, that anybody who was familiar with the City knew that Beulah Shephard was a force to be reckoned with, that in 2003 she ran for City Council, that one of the things she shared was that from the time she was able to vote she voted, even when she first started voting she had to pay a poll tax and even though she was not rich she came up with the money to pay the poll tax because she knew how important voting was, that she just wished more people who could vote for free now would vote; that she had a non profit event that she would be talking about every week, that she wanted for people to apply, that it was a game of Survivor against people from Reality TV, that people from Houston could apply to compete, that it was free to watch and was at Sesquicentennial Park, that they would also get to see the new James Baker statue that was being put there, that they would have some VIP events, that it was not political it was charitable and raises money the U'Jana Conely Foundation for Sudden Infant Death Syndrome and for Buffalo Bayou Partnership, that they would have a "So You Think You Can Sing" Karaoke Party at the House of Blues, an All White VIP Party, a challenge on Saturday and Sunday and a costume party, that it was from October 21 through 24, 2010. Council Members Hoang, Rodriguez and Noriega absent.

Council Member Costello stated that on Saturday 50 of their firefighters participated in a charity stair climbing event, they were wearing full gear, which weighed over 50 pounds and then climbed 40 stories up the Marathon Office Building to honor those who risked and lost their lives during 911, that in addition to the climbing they raised over \$4,000 for the Cystic Fibrosis Foundation, that the interesting thing was that Sally Alcorn, of his staff, came in second place,

however she was beaten by a firefighter in full gear; that he had a very interesting time with Mayor Parker and Council Member Gonzalez walking the neighborhood, that no matter what time of day and no matter what day if she wanted to do that again he looked forward to helping her with that because it was rather interesting knocking on someone's door for the very first time and having them answer and see their Mayor, two Council Members, security staff, twelve staff support people and then wanted to know what was going on and then realizing it was the Mayor that was knocking on their door, that it was a rather interesting day. Council Members Hoang, Rodriguez and Noriega absent.

Council Member Bradford stated that he wanted to give condolences to the family of Ms. Beulah Shephard and the entire Acres Homes Community and the City of Houston and Harris County in general, that Ms. Shephard made many meaningful contributions, that it was a great loss for the community. Council Members Hoang, Rodriguez and Noriega absent.

Council Member Sullivan stated that the District E office continued to receive exceptional service from the Sign Administration Department and he wanted to thank Ms. Paula Porter, who reports to Katie Tipton, for her dedicated service and what she does; that he wanted to announce the passing of a District E constituent, Ms. Georgia Otter, mother of Texas General Land Office Commissioner, Jerry Patterson, that she was an active resident in the Sky Scraper Shadows area, that she was a very outspoken lady, that she would tell them what was on her mind and what needed to be done and then always thank them for listening to her and giving her and her community attention; that J. E. Dunn Construction Company was going to do a community service project in District E this weekend and he wanted to thank them for stepping up and volunteering to do this, there were two homes in District E on Westover Street that they were going to do some work; that he wanted to compliment Mayor Parker on the METRO progress, that he thought it was going to benefit not just the customers but the entire region. Council Members Hoang, Rodriguez, Noriega and Jones absent.

Council Member Lovell announced the following events; the Development and Regulatory Affairs Committee would meet tomorrow, September 16, 2010 at 10:00 a.m. in the Council Chamber, a hearing regarding the City of Houston's Non Housing Community Development Block Grant Disaster Recovery Application for Round Two Funds and a hearing to consider Municipal Setting Designation Ordinance for the Board of Regents of the University of Texas System for the site located at 7405 Almeda Road, and another hearing to consider Municipal Setting Designation Ordinance for the deferential development at 12534 Memorial Drive; on Monday, September 20, 2010 at 10:00 a.m. in Council Chamber for a public hearing on the final draft of the Historic Designation Ordinance; the Planning Commission would conduct a public hearing on the draft Historic Designation Ordinance on Thursday, September 23, 2010 at 6:30 p.m. at the George R. Brown Convention Center, attendees can park at the Hilton George R. Brown parking garage located on Polk Street, they could submit their parking stub for validation from that garage only; that they had an intern in their office, Molly Rhinehart, who was from the University of Houston Hobby Center for Public Policy, majoring in Political Science and would graduate in December; that she joined Council Member Gonzalez last Thursday to cut the ribbon at Emmanuel Lutheran Church as they proceeded in saving that wonderful church that was built in the 30's, that she wanted to say thank you to the congregation for partnering with them and trusting them to come up with a solution to preserve the wonderful church; that Beulah Shephard was a force of nature and she would be missed, that she was not someone who just talked about things, she rolled up her sleeves and got things done in the City and Houston was a better City because Beulah Shephard lived here, that she wanted to give her condolences and prayers to her family and friends. Council Members Sullivan, Hoang, Rodriguez, Noriega and Jones absent.

Council Member Johnson stated that Beulah Shephard was certainly a giant amongst them all, she was certainly an individual who spoke her mind and did a lot of work in the

community and was a great advocate for the Acres Homes Community, that over the last few years she was stricken by illness and was not her old self, that they would miss her and all of the work that she had done in the community, that his prayers would certainly be with her family; that on Monday he got a call from the Benjy's Academy in his district, that it was a charter school in District B on Jensen Drive, that Benjy's had been closed down by TEA, that he got involved because he went to TEA to find out some of the findings that led to their decision to close down Benjy's, that TEA could not give him one finding, that why he brought it to the Mayor and Council, he thought, was very important, that TEA acknowledged in a meeting with him yesterday that they knew that of the 512 students that were enrolled in Benjy's Academy a good percentage of those students would not find their way into another school, that they had admitted that they would increase the dropout rate in the City, in particular District B, which already had a very high dropout rate, that to simply say to him that they were not financially viable was certainly not the answer that he would like to hear, that to tell him that Benjy's only had \$500 in the bank, but yet had \$400,000 in their account receivables tells him that Benjy's was viable, that he thought it was important that they as a City get involved with this simply because they could not at this time allow TEA or any school to acknowledge that there would be additional dropouts that they were contributing to, that yes they did say that students could join or enroll in other schools, but to try to close down a school with only four weeks into the school year was irresponsible on TEAs part in the first place, had they known they were going to close the school they should have closed it six weeks ago prior to school being started and letting parents know to put their children in other schools, that the parents got a letter yesterday and told them not to come back to school today, that none of them would have been able to put their children in school, that they had many parents who were on jobs, were hourly wage workers who could not take the time off to go and find another school for their children to go to, that many parents simply said that if their child was not at Benjy's their child would not go to school, that was unacceptable to him, that he constantly puts the request to TEA that while there was a Board of Managers in place the Board of Managers were not in Houston and it was very cumbersome and hard and difficult to meet with the community and even the administration so they could find out what was going on with Benjy's Academy to keep the doors open, that he would ask that Mayor Parker take a look at it as well because they would potentially increase their dropout rate and contribute to the crime rate in the City and certainly they do not need that, that he would give the Mayor any information that she would need and if she would ask TEA to give her documentation because they had not been able to give it. Council Members Sullivan, Hoang, Pennington, Rodriguez, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that she was not aware of the issue with Benjy's Academy and would certainly do her research and follow up with him and see what they could find out, that apologies to Council Members, she was going to have to go downstairs and would be back, that she would leave the Chair to Mayor Pro Tem Clutterbuck. Council Members Sullivan, Hoang, Pennington, Rodriguez, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that he would also thank Emmanuel Lutheran Church, as Council Member Lovell pointed out they were there for the ribbon cutting and they were very excited about all of the work that was being done; that yesterday September 14, 2010 the Fourth Annual Human Trafficking Awareness Week Press Conference was held, that it was observed September 18 through 26, 2010 to help raise awareness of the growing crises of human trafficking in the greater Houston area, that according to the U.S. Department of Justice, Houston has been one of the most intense jurisdictions for human trafficking in the United States so hopefully they could initiate some efforts to stop that; that today was the grand reopening of the New Hope Housing at 1414 Congress at 5:00 p.m., that after being closed for intense renovations the historic brick building located in the heart of downtown near the Municipal Court House was one of New Hope's permanent and affordable supportive housing communities, that they would offer crucial supportive services needed to help house the chronically homeless and those in respite care; that Mr. John Daniel of their office presented

constituent Jesse Campos a Certificate of Appreciation for is distinguished service to their County, that Mr. Campos was awarded one Purple Heart and three Bronze Stars, that he had distinguished himself as a leader in the community after receiving the Disabled American Veteran Eagles Award in 2004 and continued to serve fellow Houstonians and the City of Houston salutes Mr. Jesse Campos. Mayor Parker and Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Stardig stated that last Saturday she attended the Fiestas Patrias Parade downtown and enjoyed riding with HPD Mounted Patrol alongside Council Member Rodriguez; that last Saturday she attended the Fire Fighters Foundation of Houston Gala at the Hilton Americas and would like to congratulate Gene and Astrid Van Dyke and Haynes and Boone, LLP for receiving the Everyday Hero Award, that she appreciated all of the sponsors and supporters of this wonderful event; that she wanted to remind everyone about District A movie night on Friday, September 17, 2010 at Candlelight Park, they would be showing the Disney film, Madagascar at 8:00 p.m. Mayor Parker and Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she would like to add her sympathies and condolences to the family of Beulah Shephard, that she was an amazing and inspirational woman to so many people, that she wanted her family to know that she inspired so many people who did not have the opportunity to actually meet her, that the story of her having to pay a poll tax was staggering and so insulting but in the face of that she still fought forward; that she wanted to express condolences to the family of David Thompson, that David and his wife McKenna owned Murder by The Book, that David passed away on Monday, that David spread his love for the written word, his love for authors, his support for authors and his enthusiasm for his customers to everybody he met; that she would like to wish a Happy Wedding Anniversary to her parents; that she wanted to thank Chief McClelland and Captain Bruce Williams and all of the people who showed up on Monday for the Police Station No. 17 groundbreaking in southwest Houston, that she wanted to add special thanks to the people who departed who get the credit for the station, Jim Myers and Captain Bullock, who was the leader of the idea from the very beginning; that she wanted to wish a Happy New Year to their Jewish friends who celebrated Rosh Hashanah last week, that they were going to be honoring Yom Kippur, which begins on Friday at sun down. Mayor Parker and Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez, Noriega and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Hoang stated that last week he went on a second ride with officers from HPD Midwest Command on patrol of several areas of District F, that the ride helped him better understand the challenges and significant contributions of the officers in the community; that he did not attend the groundbreaking for the new Fondren Police Division, but sent his staff; that this past weekend HISD conducted a Reach Out to Drop Outs Community Block Walk, that HISD officials, teachers, alumni and community members canvassed the community to encourage the kids to get back to school by knocking on doors to encourage students to go back to school this year. Mayor Parker and Council Members Stardig, Johnson, Sullivan, Pennington, Gonzalez, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:36 a.m. Council Member Adams absent on city business. Mayor Parker and Council Members Stardig, Johnson, Sullivan, Pennington, Gonzalez, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary