

City Council Chamber, City Hall, Tuesday, September 21, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 21, 2010, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David M. Feldman, City Attorney; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; present. Council Member Jarvis Johnson absent on city business.

At 1:39 p.m. Mayor Parker stated that there were a number of presentations beginning with her; that this was Hispanic Heritage Month and there were a number of honorees; that she would be spacing them out and this week she had two; that honorees were selected by the Hispanic Advisory Committee Selection Team in different categories and today's were in public safety and community organizing; and invited Ms. Maria Jimenez to the podium; that she had been a strong activist in social justice issues for the past 39 years with enforcement of immigration laws, human rights monitoring, etc., her work was recognized on local and international levels and today they saluted and commended her for her outstanding support and today honored her with the Mayor's Hispanic Heritage Community Activist Award and presented a Proclamation to her proclaiming today as "Maria Jimenez Day" in the City of Houston, Texas. Mayor Pro Tem Clutterbuck, Council Members Adams, Sullivan, Pennington, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

Ms. Jimenez thanked the Mayor and the Committee for selecting her for the award and stated that the protection, defense and exercise of promotion rights was never an individual accomplishment but always a collective one, and in the name of every human being who dedicated efforts toward a better and just world she accepted the honor. Mayor Pro Tem Clutterbuck, Council Members Adams, Sullivan, Pennington, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

Members of Council thanked Ms. Jimenez for her service. Mayor Pro Tem Clutterbuck, Council Members Adams, Sullivan, Pennington, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that the next honoree was not as well known and invited Ms. Dolores Cisneros-Leal to the podium; that in the public safety category they honored a Houston Police Officer Ms. Cisneros-Leal who contributed to her community in many ways such as making sure many had Christmas gifts, spearheading a scholarship program, etc., and her work against crime in her neighborhood was why she was being honored today for the public safety award and today they saluted and honored her with the Mayor's Hispanic Heritage Community Activist Award and presented a Proclamation to her proclaiming today as "Dolores Cisneros-Leal Day" in the City of Houston, Texas. Mayor Pro Tem Clutterbuck, Council Members Adams, Sullivan, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

Ms. Cisneros-Leal stated that she wanted to thank the Mayor, Council Members and the Committee who selected her; and thanked all present who came to support her and her husband Officer Ernest Leal; and it was an honor to receive the award. Mayor Pro Tem Clutterbuck, Council Members Adams, Sullivan, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

Members of Council expressed appreciation for Ms. Leal's service. Mayor Pro Tem Clutterbuck, Council Members Adams, Sullivan, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that she would like the Hispanic Advisory Committee Members present to stand to be recognized. Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Stardig invited Pastor Arthur Craig to the podium and stated that she was pleased to present a Proclamation recognizing Deaf Awareness Week to Pastor Craig from the Woodhaven Deaf Baptist Church, the largest deaf church in Texas and in District A; that the week encouraged bringing education to the public on deafness and what the individuals faced; and presented a Proclamation to Pastor Craig proclaiming September 12 through 18, 2010, as "Deaf Awareness Week" in the City of Houston, Texas. Mayor Pro Tem Clutterbuck, Council Members Adams, Sullivan, Rodriguez, Noriega and Jones absent.

Pastor Craig stated that this was a huge honor to receive the award; that tremendous strides had been made in Houston in giving the deaf community access to services, etc., and he accepted it on behalf of the entire deaf community and thanked all. Mayor Pro Tem Clutterbuck, Council Members Adams, Rodriguez, Noriega and Jones absent.

Vice Mayor Pro Tem Gonzalez thanked Council Member Stardig for the special recognition and for being proactive in bringing someone to the chamber who did sign language; and thanked Pastor Craig for all they did for the community. Mayor Pro Tem Clutterbuck, Council Members Adams, Rodriguez, Noriega and Jones absent.

Council Member Hoang invited Council Member Bradford to help present a Proclamation to a great civic leader in the Alief Community and invited Ms. Marie Lee to the podium; and stated that Ms. Lee had been a great civic leader organizing numerous events and at this time was president of the Alief Community Association and member of the Alief Super Neighborhood and International Trade Center; and Council Member Bradford stated that Ms. Lee had a long history of public service and in recognition of her many years of service she was being recognized today; and a Proclamation was presented to her proclaiming today as "Marie Lee Day" in the City of Houston, Texas. Mayor Pro Tem Clutterbuck, Council Members Adams, Rodriguez, Noriega and Jones absent.

Ms. Lee thanked all for the recognition, the business partners in the community, the HCC and AISD and stated that without support of the community such service would not happen and that they would be holding an Alief Breakfast in November and a Toy Drive in December. Mayor Pro Tem Clutterbuck, Council Members Adams, Rodriguez, Noriega and Jones absent.

Council Member Lovell stated that Ms. Lee had an ability to pull people together; and congratulated her on her recognition. Mayor Pro Tem Clutterbuck Council Members Adams, Rodriguez and Jones absent.

At 2:08 p.m. Vice Mayor Pro Tem Gonzalez called on Council Member Hoang who invited three individuals of various religions to the podium and requested the Priest offer the prayer. Mayor Parker, Mayor Pro Tem Clutterbuck Council Members Adams, Rodriguez, Lovell and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

At 2:13 p.m. the City Secretary called the roll. Council Member Johnson absent on city business. Council Members Clutterbuck, Adams, Lovell and Jones absent.

Council Members Gonzalez and Hoang moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Johnson absent on city business. Council Members Clutterbuck, Adams, Lovell and Jones absent. MOTION ADOPTED.

At 2:14 p.m. the City Secretary began calling the public speakers. Council Members Clutterbuck, Adams, Lovell and Jones absent.

Mr. James Schriver, 1808 Lubbock, Houston, Texas 77009 (713-882-1831) appeared, presented information and stated that he wanted to read into the record a letter which he wrote to Mr. Delvin Dennis, the Houston engineer of TxDOT, which he did relating to the Kohler Street development at IH-10 Frontage Road. Council Members Clutterbuck, Adams, Lovell and Jones absent.

Council Member Costello stated that Mr. Schriver should continue; and Mr. Schriver stated that the exit ramp appeared to be fewer than 200 feet from Bass Street and one might predict vehicle crashes, etc., and he would like to know if TxDOT had granted permission for the developer to connect its site to the eastbound Frontage Road via Bass Street and whether traffic impact surveys had been done and whether environmental justice issues had been studied. Council Member Clutterbuck absent.

Mr. Jay Hamburger, 1817 State, Houston, Texas 77007 (713-302-0101) had reserved time to speak but was not present when his name was called. Council Member Clutterbuck absent.

Council Member Gonzalez moved the rules be suspended for the purpose of hearing from Mr. Tom Dornbusch, Mr. Howard Watson, Mr. Jonathan C. C. Day and Ms. Tomaro Bell after Ms. Jackie Mayhorn, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Clutterbuck absent. MOTION 2010-0683 ADOPTED.

Ms. Karen Derr, 448 Columbia, Houston, Texas 77007 (713-875-7050) appeared and stated that she was asking for a no vote on the 380 agreement for the Ainbinder development; that few residents were in favor of it and the "Stop Heights Walmart" site on Facebook had 6,000 members and elections had been decided by far less; that there would be no gain to the city's tax base and they were a neighborhood worth listening to. Council Member Clutterbuck absent.

Upon questions by Council Member Lovell, Mayor Parker stated that as stated on a number of occasions Ainbinder had not asked the city for anything and they had delayed their project a couple of months at the request of the city because the city was looking for an opportunity to make neighborhood improvements; and particularly on the I-10 exit, it would move forward no matter what the City of Houston did, but if there was a 380 agreement it would be with Ainbinder and not Walmart and they were in separate negotiations with Walmart because they were asking them to step up on what they were building in the City of Houston. Council Member Clutterbuck absent.

Mayor Parker stated to the Chamber that Council had a Rule of Order that clapping, shouting, etc., required the clearing of the Chamber and she would respectfully ask for silent attention. Council Member Clutterbuck absent.

Ms. Sandra Graves, 1228 A. Nickelson, Houston, Texas 77008 (832-715-2298) appeared and stated that the 380 agreement in its current form did not give the City of Houston as much involvement of the appearance of the structure; that the 380 was reserved for companies bringing in new economic development on products and services that would not be otherwise available and the Ainbinder/Walmart contract did not meet that criteria; that the contract also stated that the City of Houston must pay for legal fees, interest, etc., and did not seem as a favorable agreement. Council Members Clutterbuck and Lovell absent.

Mayor Parker stated that she would try and not enter into the debate, but there were several serious inaccuracies in what she stated and she would point out to Council Members that there was a letter from the City Attorney which was distributed earlier today and there was a cap on the amount the city would pay to Ainbinder, they had to spend the money in advance and there was a specific project plan they had to follow. Council Members Clutterbuck and Lovell absent.

Upon questions by Council Member Gonzalez, Ms. Graves stated that the developer was keeping records of what they were spending and she felt that should be overseen by the City of Houston; and Mayor Parker stated that the developer expends, makes expenditures and submitted invoices to Council and they were reviewed just as they did for the thousands of projects they did yearly in the City of Houston; and Council Member Gonzalez stated that there were also audit provisions if he was correct; and Mayor Parker stated that the Controller had independent auditing authority and there was no difference in the submission of these invoices to any other project. Council Members Clutterbuck, Adams and Lovell absent.

The City Secretary stated that Mr. Hamburger was now present and with no objections would be called as the next speaker. Council Members Clutterbuck, Adams and Lovell absent.

Mr. Jay Hamburger, 1817 State, Houston, Texas 77007 (713-302-0101) appeared and stated that he felt this was a unique opportunity where the city could benefit from a couple of major corporations with deep pockets and did not see why they should be given any financial advantage, it seemed they should partner and be good citizens, but he understood this was a "done deal" so if they could do a better job of shaping it for the city and the specific community. Council Members Clutterbuck, Adams and Lovell absent.

Council Member Jones stated that last week she tagged the item, it was a hard item for her; that the difference in this 380 was the City of Houston had gone to them; that she first tried to figure how to kill it, but not being able to tried to figure how to negotiate what was best for the people and she did like the amenities and felt it would go ahead anyway and if she voted no it was just a principle vote. Council Members Clutterbuck, Adams and Lovell absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Mr. Jay Hamburger, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Johnson absent on city business. Council Members Clutterbuck and Lovell absent. MOTION 2010-0684 ADOPTED.

Upon questions by Council Member Gonzalez, Mr. Hamburger stated that this was a city without zoning and it was going to happen, it was a great opportunity and here they would have guidance and shaping and he would like to see street improvements, historic lighting, parking in the rear or garage, etc.; that he felt they could really benefit. Council Members Clutterbuck and Lovell absent.

Mr. Henry Richardson, 1527 Cook, Houston, Texas 77006 (917-686-3558) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck and Lovell absent.

Mr. Paul Carr, 1045 Ashland, Houston, Texas 77008 (713-869-0505) appeared and stated that in 1996 they celebrated their centennial year in the Houston Heights and in their community improvements they restored the lighting on the Heights Boulevard Bridges which had not burned in 30 years, lamps were sponsored by residents and Fisk Electric provided much, the International Brotherhood of Electrical Workers provided labor and North Houston Pole Line provided power to the poles and lights were restored, but thieves stole the copper wiring a few

years ago and they had not been able to repair them; that with the approval of the 380 agreement their lights would once again burn; that many older folks in the Heights did a lot to contribute to the Heights when younger, but now had to penny pinch and they needed a store like Walmart and he hoped Council would consider them when voting. Council Members Stardig, Clutterback, Sullivan and Lovell absent.

Mr. Jeffrey Jackson, 1150 Bonner, Houston, Texas 77007 (832-661-1391) appeared and stated that he was an attorney and lived across the railroad from the proposed development; that he was present in opposition of the 380 agreement with Ainbinder; that neither this Council or citizens had time to scrutinize the proposed agreement; that he co wrote with another lawyer an RUDH position statement on the proposed agreement and it was sent to the Mayor last week and he understood each Council Member and their staff also received one and it was vitally important as it identified in un certain terms the hard deal guaranteed to Ainbinder in the agreement and he understood Andy Icken told the president of RUDH their concerns were valid and the Mayor's Office would address them, but as of today not one was addressed in public. Council Members Clutterback, Adams and Lovell absent.

Council Member Bradford stated Mr. Jackson should continue; and Mr. Jackson stated that TxDOT documents he obtained revealed that Mr. Icken knew of Ainbinder's intent to develop the land as far back as April 2007. Council Members Clutterback, Adams, Lovell and Noriega absent.

Mr. Ronnie Thomas, 3832 Center Plaza, Houston, Texas 77007 (713-471-8932) appeared and stated that he was present to discuss the opportunity Council Members had to make Houston a better city; that some improvements Ainbinder agreed to do was a jogging trail, but it would go no where and would not be used because the street would have so many additional cars daily; that they were to have a wider sidewalk, but when did anyone see many walking in front of a big box retail store; that he did not see why the taxpayers should foot \$6 million of the \$18 million for this development; that passing the 380 agreement in its current form was a joke on the taxpayers and they should vote no. Council Members Clutterback, Adams, Lovell, Noriega and Jones absent.

Mr. Austin Cooley, 1335 Ashland, Houston, Texas 77008 (713-097-4814) appeared and stated that he was a Heights resident and professional engineer and concerned about the 380 agreement in its present form and he saw critical drainage and flooding issues with the development; that White Oak Bayou by itself had significant flooding issues and the problem was compounded because the Walmart development would discharge storm water immediately up stream of the confluence of White Oak Bayou and Buffalo Bayou which already presented the city with challenges and flooded and caused billions in damages; that he understood Walmart and Ainbinder recently relented in the request of claiming the Kohler Street location was grandfathered regarding drainage and flood control requirements, but they wanted the right to skirt the no adverse impact policy and legally make drainage and flooding worse, but there was no revision to reflect this in the 380 agreement and if they chose to fight the city the city would be paying their legal expenses. Council Members Clutterback, Sullivan, Lovell and Noriega absent.

Mr. Javier Perez, 2723 Houston Avenue, Houston, Texas 77009 (713-628-2454) appeared and stated that he was just someone raising a family and he welcomed Walmart to the area; that it brought economic opportunity along with traffic, crime, etc., but in Houston you would always have hot weather, mosquitoes, traffic and crime, but economic development should be at the forefront and Walmart would serve the whole area and not just the Heights and was needed. Council Members Clutterback, Sullivan, Pennington, Lovell, Noriega and Jones absent.

Ms. Lindsey O'Neal, 1408 Thompson, Houston, Texas 77007 (281-770-9580) appeared and stated that she was a resident of the West End and lived two blocks away from the proposed site and was adamantly opposed to the 380 agreement with Ainbinder and Walmart as there was no fiscal responsibility in the agreement and the developer was the only one benefiting; that the entire argument for the 380 was invalid since the developer said it would be built even without it; that the city said they backed the agreement because it gave them more control to address citizens concerns, but so far none were addressed; and cautioned Council Members if they wanted to stand on a platform of fiscal responsibility to vote no on the agreement. Council Members Sullivan, Lovell and Jones absent.

Mr. Nicholas Urbano, 4221 Koehler, Houston, Texas 77007 (832-754-5648) appeared and stated that he was president of Responsible Development for Houston, a nonprofit community organization, and lived on Koehler Street; that he thanked Council Member Gonzalez for listening to those he represented and advising them; that last week they sent recommendations to amend the 380 to each Council Member and he thanked Council Members who responded; that at the Mayor's request their organization compiled and delivered community concerns and recommendations on how to better the development but as yet received no feedback from her office though they had from their Council Member who said he felt it was being worked on in good faith; that he had little faith left in the process and Council Members would show where their votes did lie. Council Members Sullivan and Jones absent.

Upon questions by Council Member Adams, Mr. Urbano stated that he first heard of the development and 380 agreement in July and their organization believed a 380 could be used well, but this one did not have meat in the agreement and they wondered if the city could establish perimeters with the retailer such as limiting the size of the store, operating hours, etc., they could tie the retailer into the 380. Council Members Sullivan and Jones absent.

Council Member Gonzalez stated that he would like Mr. Urbano to state his points; and Mr. Urbano stated that Responsible Living Development for Houston clearly believed a 380 could be used to promote economic development and stimulate activity but Ainbinder rejected the idea of a mixed use development. Council Members Sullivan and Jones absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Mr. Nicholas Urbano, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Johnson absent on city business. Council Members Sullivan and Jones absent. MOTION 2010-0685 ADOPTED.

Mr. Urbano stated that they were asking the vote be deferred so the community could continue to work toward development benefiting all parties; and Mayor Parker stated that they did have a productive meeting last week and attempted to reach a member of his delegation and left messages on Friday, but their mistake was they should have contacted him instead of the other member; that their difficulty was almost everything the group asked for had to do with Walmart and in Council Members inboxes and distributed at the table was a note from her indicating that they did agree with most issues raised and they did expect Walmart to put a signature Walmart on the site and they were building a number of Walmarts in the area and she did not want a first class one put here and a second class put in another neighborhood so they were trying to separate Walmart and the 380 agreement with Ainbinder, while there were changes to the development and some of which did impact Walmart she respectfully disagreed with his legal opinion as to them bringing them in, however, they were attempting to negotiate an operating agreement with Walmart which would cover a range of things the neighborhood asked for such as hours of delivery, the method by which trucks would enter, lighting, etc., and it would be an enforceable agreement assuming Walmart signed it with damage clauses if they failed to live up to it and she did hope Council Member Gonzalez would be a part of discussions

with Walmart as well as Council Members in areas with Walmarts being developed Council Members Sullivan and Jones absent.

Council Member Stardig stated that they were having discussions with Walmart in her district and working with the neighborhood and Public Works was doing a great job; that they were being proactive and Walmart was being open to limiting operating hours, etc. Council Members Sullivan and Jones absent.

Council Member Costello moved the rules be suspended for the purpose of extending the time for questions of Mr. Nicholas Urbano, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Johnson absent on city business. Council Members Sullivan and Jones absent. MOTION 2010-0686 ADOPTED.

Council Member Bradford stated that he thought valid positions were raised in the document his organization submitted and the 380 agreement should be tight; supposedly the document from the City Attorney's Office tightened up the 380 agreement and he wanted to see it; and upon questions, Mr. Urbano stated they submitted their recommendations Wednesday last week; that they did a list of community concerns as asked by Mayor Parker and changes to the 380 had now been presented to Council Members. Council Members Sullivan and Jones absent.

Upon further questions by Council Member Bradford, Mayor Parker stated that what was presented at the table was a rebuttal to some of the misinformation spread about the 380 agreement with a possible amendment, the underlined area, to require approval of Council; that they believed it was already capped in the agreement, but to make sure Council believed it as well a possible amendment to the agreement would require Council approval to exceed the indicated cap. Council Members Sullivan, Lovell and Jones absent.

Council Member Gonzalez stated that he wanted a follow-up as he understood there was an agreement on lighting, low impact development features, bayou swells, etc.; and Mayor Parker stated that was the operating agreement with Walmart and she would say that was probably 60 days away; and Council Member Gonzalez stated that he thought Mr. Icken would summarize points; and Mayor Parker stated that a different letter was sent electronically laying out areas they were negotiating with Walmart but it did not indicate where they were in negotiations and it would be sent to the table also. Council Members Sullivan and Jones absent.

Council Member Costello moved the rules be suspended for the purpose of extending the time for questions of Mr. Nicholas Urbano, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Johnson absent on city business. Council Members Sullivan and Jones absent. MOTION 2010-0687 ADOPTED.

Mayor Parker stated that in discussions with Walmart they considered the McKinney store state of the art at that time but the world had changed and the city wanted a significant upgrade from that store and they were not putting references in it such as a "McKinney" type store and they were looking at more suitable Houston enhancements in addition to operating issues, but that would be distributed at the table. Council Members Sullivan and Jones absent.

Upon questions by Council Member Noriega, Mr. Urbano stated that they were asking for more time; that if they could only vote yes or no they wanted them to vote no even if it meant they would receive less. Council Members Sullivan and Jones absent.

Ms. Elaine Gaskamp, P. O. Box 114, Stafford, Texas 77497 (713-621-8001) appeared and stated that she was present representing the Super Neighborhood Alliance and they acted as an advisory committee to both the Mayor and Council and they were asking for more time to ensure the City of Houston and neighborhood had input; that with budget constraints it was hard to think the city was allowing \$6 million to be given to a developer for input and it was hard to have retail which may impact existing businesses, often big box retail squashed the entrepreneur spirit; that they should think of all the people who could be impacted by the \$6 million on CIP projects instead. Council Members Sullivan and Jones absent.

Upon questions by Council Member Clutterbuck, Ms. Gaskamp stated that the position she brought today was the official position of the Super Neighborhood Council. Council Members Sullivan, Gonzalez and Jones absent.

Ms. Jackie Mayhorn, 5409 Van Zandt, Houston, Texas 77016 (832-441-1711) appeared, presented information and stated that she was present representing the Super Neighborhood Alliance as their acting president; that they were an advisory council to the Mayor focusing on issues of community impact and community outreach and read from the letter presented where they voted to ask Council delay the vote and refer back to the Administration the 380 agreement as more time was needed for community input and to insure the approval would be on objective standards and criteria which could be used to evaluate proposals for future 380 agreements; that neither the city nor the developer had presented evidence the economic impact of the proposed development would be positive and their questions deserved to be addressed. Council Members Sullivan and Noriega absent.

Council Member Jones stated that they just received information from City Attorney Feldman; and upon questions Mr. Heilman and Mayor Parker agreed that \$6,050,000 net of interest meant the city paid that and then whatever the interest was they also paid. Council Members Sullivan, Pennington, Costello and Noriega absent.

Upon questions by Council Member Adams, Mayor Parker stated that she was trying to separate negotiations from Walmart and the developer as the developer had to spend all their money up front and then submit invoices and get reimbursed and they had to do things the city asked to city specifications before they were reimbursed and then they had 15 months before they had to start the reimbursement and it had to be done within a ten year period; that it had no immediate budgetary impact but did not apply to Walmart at all. Council Members Sullivan, Pennington, Costello and Noriega absent.

Upon further questions by Council Member Adams, Ms. Mayhorn stated that their position was the city kept saying this was going to happen, but it had not, someone had to vote and there had not been enough time to go over the 380 agreement and they were asking her specifically to tag the item and if they did have to vote tomorrow they wanted a no vote and they wanted to know if the money could be spent in other districts; and Mayor Parker stated that a 380 agreement meant a developer spent their money in an area and it had to be spent first, before the city reimbursed and there was no economic incentive for them to spend money in other parts of town. Council Members Sullivan, Pennington, Costello and Noriega absent.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Ms. Jackie Mayhorn, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Johnson absent on city business. Council Members Sullivan, Pennington and Noriega absent. MOTION 2010-0688 ADOPTED.

Upon questions by Council Member Lovell, Mayor Parker stated that if Council voted no tomorrow essentially the development would still happen but conversations between them and

the city would be no longer and stated that she had indicated the city would continue to have conversations with one of the tenants, Walmart, simply because there were a number of them being built and agreed there would no longer be any need for the public to come speak to the city as their conversations would have to take place with Ainbinder; and upon questions, Ms. Mayhorn stated that they were still asking for a no vote and they would have \$6 million to spend elsewhere in Houston on other projects. Council Members Sullivan and Noriega absent.

Mayor Parker stated that the issue needed to be voted up or down tomorrow and as she indicated over and over this was not something Ainbinder asked for the City of Houston went to them; that they were going to proceed with their development in July and the City asked them to delay and they had for two months while they tried to work through issues and the issue became moot after tomorrow and it would be voted up or down tomorrow as they had a hard deadline from Ainbinder which was established months ago and it was the end of this week because of financing issues around Ainbinder's tenants. Council Members Sullivan and Noriega absent.

Council Member Stardig stated that it was just implied the city had \$6 million to spend anywhere in the city and she could not allow that to not be corrected; and asked Mayor Parker to address the issue; and Mayor Parker stated that there was no pot of \$6 million to be reprogrammed in some other part of the City of Houston; that the project worked with the developer spending their money off campus for a project designated by the city and they had to do the project and submit invoices to the city and then the city reimbursed from the increment that they generated, basically it went against the taxes they paid. Council Members Sullivan and Noriega absent.

Council Member Costello moved the rules be suspended for the purpose of extending the time for questions of Ms. Jackie Mayhorn, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Johnson absent on city business. Council Members Sullivan and Rodriguez absent. MOTION 2010-0689 ADOPTED.

Council Member Stardig stated that this was typical of other agreements and there was an opportunity here to spend the developer's money on infrastructure or whatever the 380 was at this point and she wanted the public to understand there was no \$6 million to spend elsewhere. Council Members Sullivan and Rodriguez absent.

Upon questions by Council Member Jones, Mayor Parker stated that Ainbinder had control on the site for a long time; that since early in the year they had been negotiating for a development on the site, the actual development agreement with Ainbinder had been going on for about six months; that on the widening of Bass Street that was a separate issue from the actual 380 agreement being negotiated and she would get an answer for her. Council Members Stardig, Adams, Sullivan and Rodriguez absent.

Council Member Noriega stated that if Council voted no tomorrow chances were the store would be less desirable, less attractive, have smaller streets, be less green, etc.; and upon questions, Ms. Mayhorn stated that if they had to vote tomorrow they wanted a no vote and would take the chance. Council Members Stardig, Adams, Sullivan and Rodriguez absent.

Council Member Lovell moved the rules be suspended for the purpose of extending the time for questions of Ms. Jackie Mayhorn, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Johnson absent on city business. Council Members Stardig, Adams, Sullivan and Rodriguez absent. MOTION 2010-0690 ADOPTED.

Council Member Bradford stated that this was the first he was hearing of a hard deadline and the item not being tagable; that he understood it to be moot because of financing with the

developer and tenants; and upon questions, Mayor Parker stated that the \$6 million was against the taxes generated by the project, they could spend \$6 million on infrastructure and if they did not build the project the city did not have to pay them because they were generating no new taxes off of it, it was their money at risk and it was generated over time and that was why they did not have it now; that the tag rule of Council said if any item brought to Council had at least two weeks in play so Council Members had opportunity to tag it for a week and if it could not be tagged it had to be announced in advance and Ainbinder had delayed their project and they had hard financing deadlines; that the item was tagged last week and to the best of her knowledge it was not asked and it did not seem germane at the time as the item was posted and had the one week tag deadline built in. Council Members Sullivan and Lovell absent.

Mr. Tom Dornbusch, 6110 Tyne, Houston, Texas 77007 (713-869-1185) appeared and stated that he was vice president of the Washington Avenue Memorial Park Super Neighborhood 22; that they did understand this was two separate things and the 380 agreement was with the developer, but the major portion of the development was for the anchor store and anchor stores always drove the remainder of the development and urged they keep that in mind. Council Member Sullivan absent.

Upon questions by Council Member Noriega, Mr. Dornbusch stated that if Council had to vote tomorrow he wanted a no vote and was willing to take the risk of no amenities and believed Mr. Ainbinder had a reputation to uphold and he was not likely to build a bad development out of spite. Council Member Sullivan absent.

Mayor Parker stated that if Council Members would indulge her for a moment Council Member Jones had asked a question and Mr. Icken reiterated that the first time he had direct conversations with Ainbinder about anything dealing with their developments on this particular site was in January 2010, but there was a developer participation project called the Sarah Hunt Project northern boundary extending Bass Street from June 2007 and it was unrelated to this project but that was when correspondence began with TxDOT on their proposed exit. Council Member Sullivan absent.

Mr. Howard Watson, 4602 Eigel, Houston, Texas 77007 (713-569-6117) appeared and stated that he was president of the West End Civic Club and their board members met with the developer and the City of Houston and retailer and appreciated their time; that they had received many suggestions from members of the community about how to make the development fit with the neighborhood. Council Members Sullivan and Jones absent.

Upon questions by Council Member Noriega, Mr. Watson stated that he was in support of the agreement. Council Members Sullivan and Jones absent.

Council Member Gonzalez stated that he would like Mr. Watson to state a few of their points; and Mr. Watson stated that lighting was addressed, Bass Street should be encouraged as the entrance and as the development proceeded they would like to continue contact with the developer as well. Council Members Adams, Sullivan and Jones absent.

Mr. Jonathan C. C. Day, 1100 Studewood, Houston, Texas 77008 (832-673-0220) appeared and stated that there were two elements which had to be considered in a 380 agreement, first did it accomplish a legitimate public purpose and the second element of making sure there were adequate safeguards in the contract which guarded the fact the city would not get half a million dollars a year in tax revenue which was his understanding, they would be giving up about 10 years tax revenue; that he read the contract and thought their middle ground was go give instruction to the City Attorney to toughen this up. Council Members Costello, Adams, Sullivan and Jones absent.

Council Member Noriega moved the rules be suspended for the purpose of extending the time for questions of Mr. Jonathan C. C. Day, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Johnson absent on city business. Council Members Clutterbuck, Adams, Sullivan and Jones absent. MOTION 2010-0691 ADOPTED.

Mr. Day stated that the Mayor said they had the power to have this built to their specifications, but the contract said improvements may be modified by the developer at any time to modify, add or remove improvements and actual costs may be higher; that they did have to respond to city permitting, but it was not like there was a master plan or provision for cost overruns and obligation to reimburse the developer was unconditional and absolute, the city would not terminate the agreement for any cause and that was things they could tell their lawyer; that he sent Council Offices an email Friday where it was suggested a recapture provision be included in the city remedies and this did not talk about taxes to be generated; and to Council Member Noriega's question he still thought Council should say no. Mayor Parker, Council Members Stardig Adams, Sullivan and Jones absent.

Council Member Costello stated on point of order he did not think five minutes was given to the speaker, but stated that he did appreciate him. Mayor Parker, Council Members Stardig Adams, Sullivan and Jones absent.

Council Member Gonzalez thanked Mr. Day for coming and stated that they were out of time and he hoped to speak with him. Mayor Parker, Council Members Stardig Adams, Sullivan and Jones absent.

Ms. Tomaro Bell, 3248 Charleston, Houston, Texas 77021 (713-825-8449) appeared and stated that right off she would tell Council she wanted them to vote no; that when you tell the people the item can not be tagged because the developer had issues how did that look; that Super Neighborhood did not get paid it was volunteer because of their compassion and concern as a whole; that all spoke of Walmart and the 380 because when it was first presented it was talked about like they were jointly connected; that she understood the 380 was a process and Walmart was a consumer of the process. Mayor Parker, Council Members Stardig Adams, Sullivan and Jones absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Noriega stated that she would give Ms. Bell one minute of her time; and Ms. Bell stated that she wanted a no vote; that a change was just made to an agreement needing to be voted tomorrow and many Council Members had not even known of this. Mayor Parker, Council Members Stardig Adams, Sullivan and Jones absent. Mayor Pro Tem Clutterbuck presiding.

Ms. Jackie Phillips, 414 Troy, Houston, Texas 77091 (713-753-0382) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Stardig Adams, Sullivan and Jones absent. Mayor Pro Tem Clutterbuck presiding.

Mr. Jim Vanderwater, 9011 Linkmeadow Lane, Houston, Texas 77025 (713-664-8340) appeared and stated that he was the Housing Program Manager with Link Houston, a home repair agency working directly with Neighborhood Centers, Inc., and they started repairing damaged homes after Hurricane Ike in July 2010 and he was honored by 73 Houstonians to help them fix their homes and they had completed repairs on 28 and partial repairs on 33 and 12 homes they could not start as they were complete rebuilds; that he was asking the City of Houston to direct future CDBG funds from round II of the Hurricane Ike Recovery to rehabilitation and rebuilds because his program was funded by SSBG funds and they were capped at 25% of the home value and it was not enough to complete repairs; that they also worked on homes in the floodplain and would ask Mayor Parker to talk to Dan Kruger about the

issue of using CDBG dollars for home repairs in the floodplain to bring them above flood elevation. Mayor Parker, Council Members Stardig Adams, Sullivan, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Clutterbuck stated that they appreciated all he had done to help rehabilitate homes after Hurricane Ike; that Mr. Adam Harris was present and was the Mayor's Deputy Chief of Staff and in charge of intergovernmental relations and working on distribution of CDBG dollars and would put him in touch with the people in Public Works about improving ordinances regarding building in the floodplain; that she served on the board of the HGAC which developed formulas for distribution and he could also put him in touch with those at HGAC who could help. Mayor Parker, Council Members Stardig Adams, Sullivan, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Fred Walters, P. O. Box 66667, Houston, Texas 77266 (832-524-5575) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Stardig Adams, Sullivan, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Michelle Harris, 12731 Braeswood Lane, Houston, Texas 77072 (832-876-0339) had reserved time to speak but was not present when her name was called.

Ms. Joy Leverett, 12925 NW Freeway, Houston, Texas 77040 (713-376-9860) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Stardig Adams, Sullivan, Rodriguez, Noriega and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Dennis Woodward, 943 Thornton, Houston, Texas 77018 (713-290-8961) appeared with bags of cigarette butts, etc., and stated that at some time you had to standup to the onslaught of bad behavior and do something to change it; that last year he was at a local park and it was a mess after a track meet and he cleaned it and went to HISD about it and his daughter appeared to speak about it since he was unable; that this year there was another track meet, same one, same host and similar mess; that he contacted Lamar High School regarding the litter at TC Jester Park and he was assured it was left cleaner than they found it, but this was not true; that Mr. Dan Pederson in Parks and Recreation had been extremely cooperative with him on the issue, but those littering should be held accountable and Mr. Pederson said permit fees, etc., were being reevaluated. Mayor Parker, Council Members Sullivan, Gonzalez, Rodriguez and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Stardig stated that she agreed with him people should be responsible; and upon questions, Mr. Woodward stated that the event was a cross country track meet always held around this time by Lamar High School; and Council Member Stardig stated that she was working with the Finance Department on reviewing fees and she would review this one; and upon further questions, Mr. Woodward stated that if they tripled the fee and made it refundable after Parks saw it was clean there would be more motivation to clean it. Mayor Parker, Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Lovell stated that Mr. Pederson did mean what he said; and upon questions, Mr. Woodward stated that it was at TC Jester Park hosted by Lamar High School; and Council Member Lovell stated that she would write a letter to the principal and coach at Lamar requesting they make sure the park was cleaned; that the city had no say so over HISD. Council Members Sullivan, Gonzalez, Rodriguez and Bradford absent.

Council Member Adams stated that she would like to know how many complaints were received from the community regarding parks events and cleanup and how much manpower the city was spending on this; and Mayor Parker stated that she did know the special events ordinance was complete and this was a valid issue; that she believed it was addressed by Ms. Christian and Mr. Turner was in the meetings and she would inquire. Council Members Sullivan, Gonzalez, Rodriguez, Costello, Lovell and Bradford absent.

Council Member Jones stated that it was a good idea to figure a way to recoup, but if deposits were exorbitant she felt they would end up discriminating against those with less means and she wanted all to be mindful so that would not occur. Council Members Sullivan, Gonzalez, Rodriguez, Costello, Lovell and Bradford absent.

Mr. Jerry Babbitt, 3307 Austin, Houston, Texas 77004 (713-523-5958) appeared, presented information and stated that they appeared in June regarding funding for lobbyist for legislature and they acquired that funding; that they were present with a new appeal; that they were having an open house at St. Joseph House on October 7th and they invited Mayor Parker to an open dinner in her honor, but all Council Members had an open invitation and it was 4:30 p.m. to 7:00 p.m. and it would show their support for those with mental illness. Council Members Sullivan, Gonzalez, Rodriguez, Costello, Lovell and Bradford absent.

Ms. Nicoline Sechelski, 1304 Elgin, Houston, Texas 77004 (832-205-7945) appeared and stated that she was a member of St. Joseph House and told her story where two of her friends were killed causing her life to spiral into destruction and despair and decided she did not want to live any longer and then went to a detox center and ended up at St. Joseph and having her life changed; that St. Joseph was filled with peace, etc., and she now had 100 days sober; and she would recommend it to anyone with a mental illness. Council Members Stardig, Sullivan, Gonzalez, Rodriguez, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mayor Parker congratulated Ms. Sechelski on 100 days sober and stated that she had a number of friends who worked the twelve steps. Council Members Stardig, Sullivan, Gonzalez, Rodriguez, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams thanked Ms. Sechelski for coming and showing her courage; that if she could get a message out to others thinking they could find hope in a bottle what would it be; and Ms. Sechelski stated that you had to turn your will and your life over to a higher power first and trust in others to have a support system and surround yourself with love and that was what the St. Joseph House had done for her. Council Members Stardig, Sullivan, Gonzalez, Rodriguez, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones stated that to the two previous speakers if she was available for the open house she would stop by and if not a staff member would do so; that she thanked Ms. Sechelski for her courage and people struggling with the same and going to St. Joseph House; that in criminal courts they saw all the time that addiction did not help mental illness and many facilities would not take a mental health person with an addiction because it through everything off and she was always happy to hear about people who cared about those society left behind and there did need to be a support system; and she was glad to hear her story. Council Members Stardig, Sullivan, Gonzalez, Rodriguez, Costello, Lovell and Noriega absent. (NO QUORUM PRESENT)

Ms. Sylvia Rodriguez, 7531 Jalna, Houston, Texas 77055 (832-488-9116) appeared and stated that she was a client of La Rosa Family Services which was in Council Member Gonzalez's district, she received services there being there three years and from being there now she and all her children had gone back to school and graduated from college; that they were informed La Rosa Family Services may close by the end of the month and next month was

National Domestic Violence Month and what was she and so many other families supposed to do. Council Members Sullivan, Rodriguez, Costello and Noriega absent.

Council Member Gonzalez thanked Ms. Rodriguez for coming and stated that he talked to the board of directors and board president about the situation at La Rosa and they agreed to meet; that family violence was very important to him, early in his police career he served in the Family Violence Unit and did presentations; that he had responded to many such situations and knew how far reaching it could be and was a priority; that the service was needed and to Mayor Parker stated that perhaps they could get someone from the Administration involved and see what funding might be available; and Mayor Parker stated that she was sorry she had not been made aware of the issue; that she did know La Rosa did good work, but was not sure she knew what could be done; and Council Member Gonzalez stated that he committed to meet with them and would speak with Ms. Rodriguez and try and find solutions. Council Members Sullivan, Rodriguez, Costello and Noriega absent.

Council Member Hoang stated that La Rosa service was citywide and they had gone to Sharpstown and donated time and money to a "Back to School" event and Thursday he presented a Certificate of Recognition to La Rosa and he would work with Council Member Gonzalez to try and find anything to help maintain their services and they could contact his office. Council Members Sullivan, Rodriguez, Costello and Noriega absent.

Council Member Jones stated that she would ditto what the previous Council Members just said; that she was in a six year relationship like that and she did not use La Rosa but did use the Houston Area Women's Center and Victims of Domestic Abuse; that children were killed and others grew up learning bad things; that to any woman in an abusive relationship they were teaching their children unhealthy things, boys that it was okay to abuse a woman and girls that it was okay to be abused; that they could look in Housing, but that money was spent for now; that she knew the Mayor and her colleagues would look into this and she would be happy to do whatever she could. Council Members Sullivan, Rodriguez, Costello, Lovell and Noriega absent.

Ms. Rosario Ramirez, 28 Brighton, Missouri City, Texas 77459 (281-261-6029) appeared and stated that she was present to support La Rosa; she was the main founder starting the center 15 years ago and now finding it impossible to continue; that she was asking the Council please help them to keep open the doors of their organization as families needed them; that they were complete families and they had counselors for all in the family. Council Members Sullivan, Rodriguez, Costello, Lovell and Noriega absent.

Council Member Stardig stated that she thanked them for coming today and she did get the word there were issues and challenges and was sorry to hear it; that there was a great need and she wanted to make note Mission Gallaway was another such organization which supported abused women and children; that when all were more challenged such as now was when needs were the greatest and she appreciated them coming and hoped anyone listening knew there was another opportunity. Council Members Sullivan, Rodriguez, Costello, Lovell and Noriega absent.

Council Member Jones stated that HUD required people compete for funding; that they did give it to social services organizations and she would encourage her to go to the City of Houston website to see the requirements; that she would be happy for her to come to her office and talk; and upon questions Ms. Ramirez stated that she just wanted to know what to do for help. Council Members Sullivan, Rodriguez, Costello, Lovell and Noriega absent.

Mr. Nelvin Adriatico, 3525 Sage #1502, Houston, Texas 77056 (713-894-9892) appeared and stated that he was current chair of La Rosa Family Services after joining a few months ago;

that one lady being counseled asked why they were quitting when they told people not to quit and they could not even respond; that they could not afford to close and must do all in their power to continue doing what they did; that if domestic violence was not tackled from the beginning with children suffering then it would only continue repeating itself; that for 15 years they asked for no help, they treated this as a business and they tried getting grants knowing there was a problem; that he was Asian and this was a Hispanic community which made no difference; that they were all pleading now for any assistance; that together with the city they could do much more; that Channel 13 came and they were getting support. Council Members Sullivan, Rodriguez, Costello and Noriega absent.

Upon questions by Mayor Parker, Mr. Adriatico stated that the problem had been there, most of the problem was lost grants; and Mayor Parker stated that Council Member Gonzalez was taking the lead and she would follow-up with him and see where they were. Council Members Sullivan, Gonzalez, Rodriguez, Costello and Noriega absent.

Council Member Hoang thanked Mr. Adriatico and the others for coming and informing them of the situation of La Rosa; that they heard the plea and definitely they needed to help them and they would see what could be done. Council Members Stardig, Sullivan, Gonzalez, Rodriguez, Costello and Noriega absent.

Council Member Jones stated that they had to have hearings on the consolidated and action plans and they could work with her office to try and figure how to put together the best proposal; that Housing had to explain why it picked or did not pick someone to give money to and she was told by the new director of Housing it would not be done like always, they would go out for rebid and not just keep giving money to someone because that was how they had done it and she was hopeful organizations would compete well and have opportunity to partner with the city; and Mr. Adriatico stated that was what he was trying to do partner with others and make this work; and Mayor Parker stated that she asked the Housing Department to proactively reach out to them and they should be receiving a call from Mr. Whiting. Council Members Stardig, Sullivan, Gonzalez, Rodriguez, Costello and Noriega absent.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Council Members Stardig, Sullivan, Gonzalez, Rodriguez, Costello and Noriega absent.

Ms. Bonnie Fields, 14302 Northhill Point, Houston, Texas 77044 (281-225-4760) appeared and stated that she was present on behalf of her 16 year old grandson who on June 15, 2010, was accosted and detained in his own front yard by an out of control police officer; that the officer thought he was accosting a suspect with a gun and immediately placed the gun to the child's head and ordered him to the ground and he complied immediately; that he asked for permission to put away his dog and the officer replied back and loudly "dog" and immediately shot and killed him; that he then panicked and called for backup and several patrol cars responded and after collaborating for over an hour decided to haul the child to jail with a charge of evading detention on foot; that the family attempted to make a complaint to IA and was told because of the criminal charge the arrest could not be addressed but the killing of the dog could and they requested a sworn statement by a deadline date and then said they did not receive it and the case would be closed, but the child had given a sworn statement and the family was not comfortable in doing so until the criminal case was decided, they did not want to compromise the integrity of the case; that last Wednesday, September 15th the case was dismissed due to insufficient evidence to substantiate the officer's claim and they would like the complaint against the officer revisited by IA; that evidence in the case revealed the officer had knowledge he was hauling the wrong child to jail before he did so; that a second 911 call came in while the child was in custody and dispatched that the same child the officer was supposed to be looking for was still in the same location as the first call, but he chose to ignore the call; that the officer's

action cost the family much including a family pet and stress to the child. Council Members Stardig, Sullivan, Gonzalez, Rodriguez and Costello absent.

Mayor Parker stated that it was not too late to file a complaint and Sergeant Sandoval was present and could assist her in what she needed to do to bring about a formal complaint; and Ms. Fields stated that her grandson was in his second year of law enforcement at Criminal Justice High School and never been a discipline problem and now the officer had stolen his life and his dream of becoming an officer and they would appreciate continued investigation; and Mayor Parker stated that she would be helped in filing. Council Members Stardig, Sullivan, Gonzalez, Rodriguez and Costello absent.

Council Member Jones stated that she believed Ms. Field's daughter had appeared at one of Council Member Noriega's Public Safety Meetings as she remembered the dog being shot; that from the legal perspective she believed the family had chose to do the right thing; that the Mayor properly instructed her and she should follow-up, but one thing she saw when cases were dismissed was rather than put on the dismissal "dismissed for innocence, etc.," but saying for insufficient evidence it would be on the person's record forever and they needed to be clear on the dismissal; and she was really sorry for the loss of their dog; and she would apologize to her for what happened. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez and Costello absent.

Council Member Noriega stated that she also remembered the conversation about the dog and also would apologize to her as she did to her daughter; that her staff person could help facilitate the next step for what they were going to do and on the record as chair of the Public Safety Committee she wanted to say targeting kids because of the color of the skin or because of a bad day, etc., was not acceptable and she was not assuming that was what happened, but she wanted it known that was not acceptable under any circumstances ever and she felt they had a Police Chief with a sensitivity to that and she was looking forward to improvement. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez and Costello absent.

Mr. Petrick McCarver, 6046 Glenhurst, Houston, Texas 77033 (713-927-2550) had reserved time to speak but was not present when his name was called. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez and Costello absent.

Ms. Pat Martin, 12043 Troulon Drive, Houston, Texas 77072 (281-879-0225) appeared, presented information and stated that they were having serious issues in their neighborhood, the Catalina Square Subdivision, she was extremely passionate about her home and family and their neighborhood changed over the years; that their homeowner association problems were becoming a problem to the City of Houston, problems such as potentially not paying city fees and taxes, the treasurer would not disclose any financial documentation, possible embezzlement, etc., that they were talking issues such as crime, graffiti, responses to homeowners, drugs, etc., that it was stated at a neighborhood meeting not to call 911; and continued reading from her letter until her time expired. Council Members Stardig, Sullivan, Gonzalez, Rodriguez and Costello absent.

Council Member Hoang stated that this was a homeowner issue; and Ms. Martin stated no, this was a her home, her environment, her neighbor issue, this was a discrimination and embezzlement issue, this was two men who were not even elected to office appropriately and changing their bylaws and deed restrictions and by tonight they would have been changed; that this was a City of Houston problem. Council Members Stardig, Sullivan, Gonzalez, Rodriguez and Costello absent.

Upon questions by Mayor Parker, Council Member Hoang stated that he knew where this was and the issues had been discussed and to his knowledge both were elected; and Mayor

Parker stated that she understood her rhetorical point this was her home, but legally it was a homeowner issue and would ask if someone from the Council Member's Office and someone from the Legal Department sit with her and determine what their rights and responsibilities were as a city and what her's were and point her in the right direction; and Mr. Heilman stated that they would do so. Council Members Stardig, Sullivan, Gonzalez, Rodriguez and Costello absent.

Council Member Jones stated that she would be interested to see what Legal said, but technically the city had no authority over a homeowner association; that she believed they were regulated by the state and if so she should contact her state representative or senator and they should be brought into the discussion. Council Members Stardig, Sullivan, Pennington, Gonzalez, Rodriguez and Costello absent.

Mayor Parker stated that Mr. Heilman would give Ms. Martin a contact card. Council Members Stardig, Sullivan, Pennington, Gonzalez, Rodriguez, Costello and Lovell absent.

Ms. Rozanne Kingston, 1201 W. 16th, Houston, Texas 77008 (281-236-8241) appeared and stated that she wanted to let Council know she was in a quandary; that she had a house in the Heights and could not just sit by and lose it, she had lived there 20 years and became disabled and was now approached by the City Building Standards and she could not afford the permits. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez, Costello and Lovell absent.

Mayor Parker stated that she had a house she owned which was in disrepair and she was being required to make repairs, she was cited by the city and the issue was whether there was a city program to allow a waiver of fees because she was disabled; and Ms. Kingston stated that she had a limited income because of her disability; and Mayor Parker stated that Mr. Roberto Medina with the Public Works Department was present and would be happy to sit with her and explain the program and see if she qualified; that the city goal through Building Standards was to keep properties up but they did understand sometimes circumstances made it difficult. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Ms. Maria Santos, 4155 S. Braeswood, Houston, Texas 77025 (713-560-7484) had reserved time to speak but was not present when his name was called. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Ms. Veronica Turner, 15922 Gatebriar, Missouri City, Texas 77489 (281-733-7588) appeared and stated that she was vice president of the Briargrove Community Improvement Association located in Ft. Bend County and T-Mobil Communications currently would like to place a tower in the center of their community; that they tried about 1-1/2 years ago and they defeated them, currently they were backdooring them by going to the city to place the tower at the library in the community which was behind an elementary school and the playground in which the children played; that she was asking the Council to not allow the permit to be granted to T-Mobil, they were showing they would not be good neighbors; that the tower would now be 100 feet; and she was present asking for denial on behalf of the residents and members of the association. Council Members Stardig, Sullivan, Hoang, Rodriguez, Costello and Lovell absent.

Council Member Adams stated that she thanked Ms. Turner for coming and for her continued service in the Ft. Bend Briargate Community; that her office had been dealing with T-Mobil for the last two years concerning the tower at the library; that they wanted to place it on City of Houston property and the first time the permit failed because being within 100 feet of the subdivision, but they relocated the tower placement and she tried to find a violation but

according to the commission they were in no violation in placing the tower on City of Houston property; and upon questions, Ms. Turner stated that she was asking the city to deny the permit; and Council Member Adams stated that the Commission stated they had complied with all rules and there was no basis for the city to deny the permit. Council Members Stardig, Sullivan, Hoang, Rodriguez, Costello and Lovell absent.

Mayor Parker stated that she had to defer to the District Council Members because she was not familiar with this issue; that if it was on city property, they had the ability to lease or not lease and she would need to find out why they were making the lease decision. Council Members Stardig, Sullivan, Hoang, Rodriguez, Costello and Lovell absent.

Council Member Jones stated that there was the exact same problem in Council Member Clutterbuck's district and people came to the Planning Commission, they had wanted to put a tower near Westbury and Council Member Clutterbuck and she presented it to the commission and if memory served her correctly they did not do it because the city had the option to do what they wanted on their own property and she would go back and research, if they could stop a tower in one district because residents did not want it then they could shut it down in District D. Council Members Stardig, Sullivan, Hoang, Rodriguez, Costello and Lovell absent.

Council Member Pennington stated that he would make the same point as the Mayor, if the city owned the property then they should have discretion and if the neighborhood did not want it they should be able to lease or not lease; and Mayor Parker stated that she needed to explore why they were going forward with it; that she would sit with the district Council Member and get educated on the issue. Council Members Stardig, Sullivan, Hoang, Rodriguez, Costello and Lovell absent.

Ms. Mary Ross, P. O. Box 92, Missouri City, Texas 77459-0092 (713-443-2453) had reserved time to speak but was not present when her name was called. Council Members Stardig, Sullivan, Hoang, Rodriguez, Costello and Lovell absent.

Ms. Blanca Gonzales, 7527 Jalna, Houston, Texas 77051 (701-652-2236) had reserved time to speak but was not present when her name was called. Council Members Stardig, Sullivan, Hoang, Rodriguez, Costello and Lovell absent.

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

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

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she thanked the Mayor for coming out and representing their heroes; that Reverend Curvey and Beulah Shepherd were heroes; that on the Willowrun Park on Veterans Memorial the Mayor had mailed her a letter and Council Member Johnson ran ahead and started cultivating their taxpayer land for the park where they wanted a building and she was asking the process be capped so they could get something that would benefit the children and the entire community. Council Members Stardig, Sullivan, Hoang, Rodriguez, Costello and Lovell absent.

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, Sullivan, Hoang, Rodriguez, Costello and Lovell absent.

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

At 5:18 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, September 22, 2010. Council Member Johnson absent on city business. Council Members Stardig, Sullivan, Hoang, Rodriguez, Costello and Lovell absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, September 22, 2010, with Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David M. Feldman, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director present.

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

At 9:08 Mayor Parker called the meeting to order.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 28**

#### **MISCELLANEOUS** - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appointment of **MS. CHRISTY B. SMIDT** to Position Four to the **AIRPORT BOARD OF ADJUSTMENT**, for a term to expire February 1, 2011 – was presented, moved by Council Member Costello, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2010-0692 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment of **DR. NORMA SANTOS-MENDOZA** to Position Eleven to the **MILLER THEATER ADVISORY BOARD**, for a term to expire April 24, 2014 – was presented, moved by Council Member Costello, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2010-0693 ADOPTED.
3. RECOMMENDATION from the Director of the Finance Department to place the proposed 2010 tax rate of \$.63875 on each \$100 of taxable value on the September 29, 2010 Council Agenda – was presented, moved by Council Member Costello, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2010-0694 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 4 and 5

4. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$354,853.00 and acceptance of work on contract with **MILLIS DEVELOPMENT & CONSTRUCTION, INC** for Wiley Park - 4.98% over the original contract amount - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Costello, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2010-0695 ADOPTED.

5. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$1,832,887.00 and acceptance of work on contract with **SPAWGLASS CIVIL CONSTRUCTION, INC** for Neighborhood Depositories at 10785 Southwest Freeway and 9003 N. Main - 4.97% over the original contract amount - **DISTRICTS C - CLUTTERBUCK and H - GONZALEZ** – was presented, moved by Council Member Costello, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2010-0696 ADOPTED.

**PROPERTY** - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering, on request from Katy Emde, reviewed and approved by the Joint Referral Committee, that the City decline the acceptance of, reject, and refuse the dedication of a ±15-foot-wide alley, from the south property line of Block 1 north to its terminus into White Oak Bayou, located adjacent to Lots 1 through 4, Brown Addition, North Side Buffalo Bayou, Parcel SY10-076 - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Costello, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2010-0697 ADOPTED.

**ORDINANCES** - NUMBERS 8 through 28

9. ORDINANCE amending the Rules of Practice and Procedure for the Municipal Courts of the City of Houston; providing an effective date; providing a severability clause making various findings and provisions relating to the subject – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0729 ADOPTED.
11. ORDINANCE approving and authorizing first amendment to contract between the City and **AVIA PARTNERS, INC** for Elderly services provided through the Harris County Area Agency on Aging to extend the term – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0730 ADOPTED.
13. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC**, providing up to \$406,485.00 in Housing Opportunities for Persons With AIDS Funds for the operation of community residences and the administration of a short-term rent, mortgage and utility assistance program, along with the provision of supportive services - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0731 ADOPTED.
15. ORDINANCE terminating contract authorized by Ordinance No. 2010-0005, by and between the City of Houston and West, A Thomson Reuters Business and approving and authorizing contract between the City of Houston and **WEST, A THOMSON REUTERS BUSINESS**, for On-Line Legal Research Services and Library Maintenance of Print Product Subscriptions for the Legal Department; providing a maximum contract amount - 3 Years - \$680,825.00 - General and Property and Casualty Funds – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0732 ADOPTED.
16. ORDINANCE authorizing the City Council of the City of Houston, Texas to terminate a Proclamation declaring a Local State of Disaster for the City of Houston as a result of Hurricane Ike – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0733 ADOPTED.

17. ORDINANCE approving and authorizing Lease Agreement between **LEVAN PROPERTIES, L.P., as landlord**, and the City of Houston, Texas, as tenant, for the property located at 2020 McKinney, Houston, Texas, for ten years, to be used by the Parking Management Division of the Administration and Regulatory Affairs Department - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0734 ADOPTED.
18. ORDINANCE appropriating \$15,150.12 out of Fleet/Equipment Special Revenue Fund for Purchase of a Utility Vehicle for the Houston Fire Department - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0735 ADOPTED.
21. ORDINANCE appropriating \$200,000.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** to implement provisions of the Municipal Separate Storm Sewer (MS4) Permit – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0736 ADOPTED.
22. ORDINANCE approving and authorizing Cooperative Development Agreement between the City of Houston and **WILDCAT INTERESTS, L.P.** for Buffalo Speedway Design Modification **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0737 ADOPTED.
23. ORDINANCE appropriating \$5,000.00 out of Drainage Improvement Commercial Paper Series F Fund, \$5,000.00 out of Street & Bridge Consolidated Construction Fund, and \$145,000.00 out of Water & Sewer System Consolidated Construction Fund for advertising costs for Various C.I.P. Projects relating to construction of facilities financed by the respective funds for the Department of Public Works & Engineering – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0738 ADOPTED.
24. ORDINANCE appropriating \$228,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **RESICOM, INC** for On-Call Clearing and Grubbing; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0739 ADOPTED.
25. ORDINANCE No. 2010-698, passed second reading on September 15, 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0698 ADOPTED THIRD AND FINAL READING IN FULL.
26. ORDINANCE No. 2010-699, passed second reading on September 15, 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 **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0699 ADOPTED THIRD AND FINAL READING IN FULL.

27. ORDINANCE No. 2010-700, passed second reading on September 15, 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0700 ADOPTED THIRD AND FINAL READING IN FULL.
28. ORDINANCE No. 2010-701, passed second reading on September 15, 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Johnson and Adams absent. ORDINANCE 2010-0701 ADOPTED THIRD AND FINAL READING IN FULL.

Mayor Parker stated that as part of the consent agenda they confirmed two new volunteer positions for the City of Houston and asked Ms. Christy B. Smidt of the Airport Board of Adjustment and Dr. Norma Santos-Mendoza from the Miller Theater Advisory Board to stand and be recognized and thanked them for their service to the City of Houston. Council Members Johnson and Adams absent.

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

**PURCHASING AND TABULATION OF BIDS**

7. **TOTER, INCORPORATED** for Automated Recycling Containers through the Interlocal Agreement for Cooperative Purchasing with the City of Tucson, Arizona for Solid Waste Management Department - \$119,097.25 - American Recovery & Reinvestment Act Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Adams absent. MOTION 2010-0698 ADOPTED.

**ORDINANCES**

8. ORDINANCE **AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Municipal Courts; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0740 ADOPTED.
10. ORDINANCE approving and authorizing contract between the City and the **HOUSTON ARTS ALLIANCE, THE HOUSTON MUSEUM DISTRICT ASSOCIATION, MILLER THEATRE ADVISORY BOARD, INC, and THEATER DISTRICT IMPROVEMENT, INC** for the support, advancement and promotion of the Arts; providing for contract payments from Hotel Occupancy Tax Revenue – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0741 ADOPTED.

12. ORDINANCE amending Ordinance No. 2008-0602 (Passed by City Council on June 25, 2008) to increase the maximum contract amounts and approving and authorizing first amendments to contracts between the City of Houston and **HARRIS COUNTY HOSPITAL DISTRICT, MEMORIAL HERMANN HOSPITAL SYSTEM** and **LEGACY COMMUNITY HEALTH SERVICES** for Implementing Routine HIV Services for the Houston Department of Health and Human Services - \$1,911,310.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0742 ADOPTED.
14. ORDINANCE appropriating \$1,600,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **CH2M HILL, INC** for Professional Environmental Consulting Services for the Houston Airport System (Project 625D) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0743 ADOPTED.
19. ORDINANCE awarding contract to **SNR TECHNOLOGIES, LLC** for Activated Carbon Replacement and Disposal Services; providing a maximum contract amount - 3 Years with two one-year options - \$830,822.84 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0744 ADOPTED.
20. ORDINANCE finding and determining that public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Chimney Rock at W. Airport Intersection Redesign Project; authorizing the acquisition by donation, purchase, or eminent domain proceedings of four parcels of land required for street purposes; said parcels to be acquired in fee simple or easement title and situated in the H.T. & B.R.R. Company Survey, A-418, in Harris County, Texas; such property being more specifically situated and located out of Unrestricted Reserves “V” and “X” of Westbury South and Unrestricted Reserves “U” and “W” of Westbury Section 4, Subdivisions in Houston, Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2010-0745 ADOPTED.

#### **NON CONSENT AGENDA** - NUMBER 29

#### **MISCELLANEOUS**

29. REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by Richard V. Rothfelder, Attorney at Law, on behalf of Trinity Lutheran Church regarding the interpretation of a Changeable Message Sign located at 800 Houston Avenue - **DISTRICT I – RODRIGUEZ** – was presented. Council Member Lovell absent.

Council Member Clutterbuck moved to uphold the decision of the General Appeals Board, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Lovell absent. MOTION 2010-0699 ADOPTED.

#### **MATTERS HELD** - NUMBERS 30 through 36

30. MOTION by Council Member Clutterbuck/Seconded by Council Member Lovell to adopt 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 (**This was Item 8 on Agenda of September 15, 2010, TAGGED BY COUNCIL MEMBER JONES**) - was presented. All voting aye. Nays none. Council Member Lovell absent. MOTION 2010-0700 ADOPTED.

31. ORDINANCE appropriating \$120,831.70 out of Fire Consolidated Construction Fund for Structural Remediation at Fire Station No. 29 for General Services Department – (**This was Item 14 on Agenda of September 15, 2010, TAGGED BY COUNCIL MEMBER JONES**) – was presented. All voting aye. Nays none. ORDINANCE 2010-0746 ADOPTED.
- 31a. MOTION by Council Member Clutterbuck/Seconded by Council Member Sullivan to adopt recommendation from Purchasing Agent to award to **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** - (**This was Item 14a on Agenda of September 15, 2010, TAGGED BY COUNCIL MEMBER JONES**) - was presented. All voting aye. Nays none. Council Member Lovell absent. MOTION 2010-0701 ADOPTED.
32. 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** - (**This was Item 25 on Agenda of September 15, 2010, TAGGED BY COUNCIL MEMBER JONES**) – was presented. Council Member Jones voting no, balance voting aye. ORDINANCE 2010-0747 ADOPTED.
33. 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** - (**This was Item 26 on Agenda of September 15, 2010, TAGGED BY COUNCIL MEMBERS GONZALES AND JONES**) – was presented.

Council Member Adams stated that she would like to ask for a roll call vote on Item No. 33.

Council Member Clutterbuck offered the following written motion to amend Item No. 33:

“I move to amend Item No. 33 on the September 22, 2010 City Council Agenda as follows:

1. Amend the Agreement attached to the Ordinance (“Agreement”) by deleting the second sentence in Article II, Section A and replacing it with the following sentence: “A preliminary list of the Improvements is set forth in Exhibit “C,” which may be modified by mutual agreement of the Mayor, or her designee, and the Developer at any time to modify, add, or remove Improvements if the Mayor determines that the modification addition, or removal is necessary to achieve the intent of this Agreement and does not exceed the total cost of \$6,050,000 as provided in Article III, Section A of the Agreement.”

2. Amend the Agreement attached to the Ordinance to revise the fourth sentence of the first paragraph in Article III, Section A to read: “The Total Payment Amount, net of Interest, shall not exceed \$6,050,000.”

Mayor Parker stated that the administration supported both of the amendments, that their feeling was that it clarified what was already in the document and as such was an improvement to the document and they appreciated her offering these amendments; that they would need to

vote on the amendments before they moved to the main item and believed that Council Member Gonzalez was also in support of these changes, and Council Member Gonzalez stated yes.

A vote was called on Council Member Clutterbuck's motion to amend Item No. 33. All voting aye. Nays none. MOTION 2010-0702 ADOPTED.

A roll call vote was called on Item No. 33 as amended:

Mayor Parker voting aye	Council Member Gonzalez voting no
Council Member Stardig voting aye	Council Member Rodriguez voting no
Council Member Johnson voting aye	Council Member Costello voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Adams voting aye	Council Member Noriega voting no
Council Member Sullivan voting aye	Council Member Bradford voting aye
Council Member Hoang voting aye	Council Member Jones voting no
Council Member Pennington voting aye	ORDINANCE 2010-0748 ADOPTED AS AMENDED.

34. 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 - **(This was Item 28 on Agenda of September 15, 2010, TAGGED BY COUNCIL MEMBER BRADFORD)** - was presented. All voting aye. Nays none. ORDINANCE 2010-0749 ADOPTED.
35. 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 38 on Agenda of September 15, 2010, TAGGED BY COUNCIL MEMBER JONES)** - was presented. All voting aye. Nays none. ORDINANCE 2010-0750 ADOPTED.
36. 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 39 on Agenda of September 15, 2010, TAGGED BY COUNCIL MEMBER JONES)** - was presented. All voting aye. Nays none. ORDINANCE 2010-0751 ADOPTED.

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

Mayor Parker stated that she had the honor and responsibility of speaking at a funeral service on Saturday for a dear friend of hers who passed away, Reverend Elbert Curvey, that she was honored that the family asked her to speak at his service, that she wanted to acknowledge the passing of someone who made a tremendous impact on their City, he was a teacher, coach, principle and the first African Administrator, Assistant Supervisor to Billy Reagan at HISD, he was a minister and pastored the Sunnyside Missionary Baptist Church, but he also was a very involved citizen, he served the City on the Police Advisory Committee, was one of Mayor Whitmire's first appointees to that, he was a staunch supporter of hers in all of her raises and in fact when she first began to run for Council he put her in his car and carried her all over Sunnyside, that he showed her where the problems where and every time he thought she needed to be reoriented to what was happening he would put her in his car and carry her back,

that he never asked for anything other than she do the right thing and he was actually a significant donor to her campaign, a man of modest means but he believed in contributing in as many ways as possible and he would certainly be missed.

Council Member Jones announced the following events; the funeral of Beulah Shephard, that Governor Mark White and Senator Whitmire and Mayor Parker were there; the reopening of 1414 Congress, a SRO, the Housing Department did a good job for people who were homeless or about to be homeless, that she wanted to thank Bob Eury whose brainchild it was; the Bicentennial for Mexico at the Mexican Consulate; a concert for A. R. Rahman, who did the score for "Slum Dog Millionaire", who won two academy awards, that she presented two proclamations on the Mayor's behalf; the Houston Shenzhen Sister City Association First Annual Luncheon at the House of Blues; that tomorrow she would have an International Business Initiatives Committee meeting at 2:00 p.m. in the Council Chamber which would go towards furthering the Mayor's vision to make sure that Houston becomes the international destination and business capital of the world. Council Members Adams, Hoang, Rodriguez and Lovell absent.

Council Member Costello stated that transportation was a very unique problem that they had in the Houston and Galveston area, that the Houston Galveston Area Council was announcing the opening of a 30 day public comment period to give the public an opportunity to review and provide comments on Amendment No. 2 to the 2011-2014 Transportation Improvement Program, that the amendments would include sponsors requested additions and modifications to the TIP approved by the Transportation Policy Council of which they were a member of, that these requests included the advancement of 16 locally funded projects to the TIP and the delay of two projects from the TIP to the short range components of the 2035 Regional Transportation Plan, that the public comment period began on September 14, 2010 and would conclude on October 13, 2010 at 5:00 p.m., that just a note that a formal public meeting would be held on Tuesday, September 28, 2010 at HGACs office on 3555 Timmons Lane, 2nd floor and would urge everybody who was interested in transportation to please attend; that on a personal note he wanted to congratulate his staff member, Chris Attar, who was marrying his future bride, Elaine Tylon, on Saturday, in Frederiksberg, Texas; that he wanted to do a shout out to his lovely wife because on Monday they would be married 35 years. Council Members Adams, Hoang, Rodriguez, Lovell and Jones absent.

Mayor Parker stated that she wanted to congratulate him on 35 years. Council Members Adams, Hoang, Rodriguez, Lovell and Jones absent.

Council Member Bradford stated that there would be a 5K walk-a-thon, that Singing from the Soul, that Mr. Peter Rene did a wonderful job helping children through the Houston Harris County area, that on Saturday, September 25, 2010, they would have their fourth annual 5K walk-a-thon at 16200 Memorial Drive at Beltway 8, that Singing from the Soul was a nonprofit organization providing classical voice training to economically disadvantaged youth throughout the Houston area; that yesterday Ms. Marie Lee received a proclamation for her work in the Alief Community, that he would be joining Ms. Lee and many other community representatives and citizens in the Alief area on Saturday, that a gathering would start at 8:00 a.m. and the parade at 9:00 a.m., they would start at the International Trade Center, 11110 Bellaire; that they passed Item No. 34 today and even though he voted for the item he did have concerns about the process and wanted to bring the process to light, that it seemed that there was a level of comfort amongst some departments at least that if they just get things on the agenda they were going to pass, and that was true in most instances, that this particular item had to do with a contract being let to the Houston Processing Center, the One Stop Center, that last week he tagged the item and requested additional information, particularly the rating sheets, and he received three rating sheets, that when he reviewed the rating sheets there were three raters and none of the three raters recommended the company that actually was awarded the contract

today, that he raised additional questions about the three rater sheets objectively and do not support or recommend the recommended vendor getting the contract and how was it that the department recommends a particular vendor to get the contract, that there were two department directors involved and he met with both of them, they said they had a discussion after the raters did their process and they made that decision, that he asked for the documentation or the ratings or the back up material to support such a decision and they said non was available, that he thought if they were going to be awarding contracts such as this there should be documentation to support decisions being made and if documentation that they were given did not support what was being recommended he thought it should not go forward, that he wanted to bring that to their attention because for future purposes he thought they needed the documentation to keep them in a position where they could defend their decisions. Council Members Adams, Hoang, Rodriguez, Lovell, Noriega and Jones absent.

Mayor Parker stated that the department directors actually did not make the decision, it was City Council that made these decisions and if they fail to provide him with the information that he needed to make an informed decision then that was their responsibility to try to make sure that they do provide him with that information and if they do not then she fully expects him to vote no. Council Members Hoang, Rodriguez, Lovell, Noriega and Jones absent.

Council Member Bradford stated that he had all of the documentation that was supplied and he heard and understood both department directors explanation, that he had no reason to question the explanation, his concern was that there should be documentation in the file supporting such decisions and the documentation in the file did not support that decision, and Mayor Parker stated that it was a point well taken. Council Members Hoang, Rodriguez, Lovell, Noriega and Jones absent.

Council Member Sullivan stated that he wanted to thank Mayor Parker for coming to the Lake Houston Area Chamber of Commerce yesterday and speaking to the membership and also in assisting in the presentation of a proclamation to retiring President Mike Myers who was retiring after almost 20 years of service as president; that they had a moving and somber ceremony on the steps of City Hall recognizing veterans and a POW MIA ceremony, that he wanted to thank Buddy Grantham for his assistance in setting up the event; that several employees from J.E. Dunn Construction Company volunteered their time this past weekend to perform some much needed service on two homes in his Council district; that yesterday he toured the Houston Fire Department arson lab and radio shop and he wanted to thank Chief DuPont for setting that up for him and guiding him on the tour; that he was having some trouble with a building owner in Kingwood complying with the new Attention Getting Device Ordinance, he had been in touch with them for the last several months, in particular Brad Frells with Midway Companies, that they had a beacon that they shine on the weekends, they do not turn it on during the week when the inspectors work, they turn it on on the weekends, so Friday, Saturday and Sunday nights when they do not have inspectors out the beacon is on, they brought it to their attention and he and Mr. Frells had a serious disagreement with respect to what the ordinance covers and does not cover, that he likens his beacon on top of his parking garage to the light on the Williams Tower in the Galleria, that he honestly thought there was a big difference between a 50 to 60 story building and a four story parking garage in a residential community, that he asked Mr. Icken and the Sign Administration to do everything that they could to encourage the building owner to comply and if he had a difference of opinion then that was what municipal courts were for, that they wanted to protect their community and enforce their ordinances and they wanted to do it across the board, that if he was wrong about any of that he stood to be corrected but it was just his observations first hand. Council Members Hoang, Rodriguez, Noriega and Jones absent.

Mayor Parker stated that she thought he should reference the graffiti incidence at the library this weekend. Council Members Hoang, Rodriguez, Noriega and Jones absent.

Council Member Sullivan stated that he appreciated Mayor Parker for reminding him of that, that they had a ribbon cutting and grand opening for a new library in Kingwood that they operate in partnership with Harris County and someone came along and tagged their new \$10 million facility, but the good was because of some good hard working beat cop work they found the two taggers, two 20 year old men who were now facing State jail felonies, that when it first happened they received phone calls and emails that they had a huge gang problem in Kingwood and he spent a lot of time explaining the difference between gang signs and tagging and this clearly was tagging, that HPD had served them well. Council Members Hoang, Rodriguez, Noriega and Jones absent.

Council Member Lovell stated that the Planning Commission would conduct a public hearing on the draft Historic Preservation Ordinance on September 23, 2010 at 6:30 p.m. at the George R. Brown Convention Center in the General Assembly Room on the third floor; that on Saturday she would be attending the grand opening celebration of the new Baker Ripley Neighborhood Center Community Facility in the Gulfton Sharpstown area, which was opened by Neighborhood Centers, Inc., that the Baker Ripley was a four acre 5 building village located at Rookin near High Star at Hillcroft, it would include a new charter school, credit union, tax center, gymnasium, reunion hall and a conference center, that it was open to the public; that yesterday the Department of Education announced that Neighborhood Centers Inc. was a recipient of a half million dollar Promise Neighborhood Grant of which only 21 of them were given across the United States and congratulations to them, that it was good for their City that they would have that money coming to help plan their neighborhoods; that she wanted to say congratulations to George Greanias, last week the Metro Board named him President and CEO of the agency; that on Saturday she would join Mayor Parker and Council Member Adams in participating at a gala celebrating the creation of the First Montrose Commons Historic District, that it was designated in June 2010 and was one of the newest historic districts in Houston and was bordered by Montrose Boulevard, Richmond Avenue, West Alabama and U. S. Highway 59 Spur 27. Council Members Hoang, Rodriguez and Jones absent.

Mayor Parker stated that yesterday at the Lake Houston Chamber of Commerce Mayor McManus of Humble complemented George Greanias, that as a Mayor in one of the smaller cities finally they had someone at METRO that actually comes and talk to them. Council Members Hoang, Rodriguez and Jones absent.

Council Member Johnson stated that yesterday he traveled to Austin, Texas to be a part of the TEA hearing that they had on Benjy's Academy, that while it was supposed to be a process of a hearing of a third party the person who was over the proceedings worked for TEA so he was not quite sure that Benjy's would get a fair hearing, but the fact was that while there was no information given certainly there was no evidence offered as to why Benjy's Academy, who had over 550 students in their school, would be told to close their doors and send the children to other schools across the City of Houston was beyond him, the fact was that many of the kids were in Benjy's Academy because the normal school setting did not work for them, that these were the most fragile students that they had in the City, that he was going to continue to give weekly updates on what happens with Benjy's Academy, that he would encourage any of them to call TEA and ask why was the school closed; that he wanted to talk about Career Mentoring Day and wanted to challenge all of the Council Members and Mayor Parker, on October 20, 2010 if they would join him and Council Member Adams they were going to have a career mentoring day where they would allow people with disabilities to shadow them or work in their office for four hours, that they would allow people with disabilities to be a part of their offices, that they would match their offices with qualified people, that it would be done through Collaboration for Action and would be hosted along with MHMRA, Dress for Success, Gulf Coast Careers and KOCH Radio; that on October 22, 2010 they would go out and enjoy a great day of golf, that Brock Park would have it's first Houston Hidden Treasures Golf Tournament.

Council Members Hoang, Rodriguez, Lovell and Jones absent.

Council Member Clutterbuck stated that yesterday she and Mayor Parker attended the Houston Galveston Area Council meeting, as was their habit every month, that just as Council Member Costello commended on the Transportation Policy Committee, which was another division of HGAC, the input for the 2014 Regional Mobility Plan, they received information that they were also working on the 2040 Regional Transportation Mobility Plan and they let a contract to try to evaluate public input over the next 18 months or so and they would be hearing about it, those in the community who were interested in issues of regional mobility, they were going to be looking at the 9 County area, but the great thing about this particular contract was that they wanted to know what they thought in their individual neighborhood, at their little bitty local level and the aspect of this contract that they passed yesterday included an online modeling system where they could add their comments, all the way to a tool to look at an entire area and give their idea about what the modeling should be, that the contract also involved additional meetings that they were going to be having at pretty much every level of community involvement, that she mentioned it because if their civic club wanted to have a particular meeting and input on mobility issues in their particular neighborhood, to help with the State air quality requirements, as well as other issues of livability they were the experts on it and they wanted to hear from them at HGAC; that she wanted to congratulate Chris Barbec and all of the good people at YES Prep Academy, they received a million dollar award from Oprah Winfrey's Angel Network Charity. Council Members Hoang, Rodriguez, Lovell and Jones absent.

Council Member Noriega stated that she wanted to do an update on the Public Safety Homeland Security Committee process, they had been doing a series of special meetings that were out in the community, to take public input about their interaction with the Houston Police Department, they had 5 meetings at different locations, Sunnyside, Kashmere Gardens, Westside, Sharpstown and the Cape Center, they were going to have a final meeting with her colleagues, that one of the things they did was ask all of the Council Members to be briefed and question the folks that came and spoke with them with the intent of having a final meeting to roll up any comments that they might have, that they were going to have another meeting in another week or so to solicit any final concerns or comments from the public or any thoughts or input from Council Members and then they were going to bring to Council what they had gathered up, they were going through the DVDs from the meetings and were preparing a list of suggestions and comments that had been made for everyone to look at, that if anyone would like to review the DVDs of the meetings around the table they had copies and were welcome to borrow from them if there was something they would like to see, that she would again like to mention to the public if they had a concern about any interaction with any folks in the Police Department they were welcome to call her office at 832-393-3005 or send an email to At Large 3 at cityofhouston.net and let them know they wanted to visit with them about it and they would make every effort to include their input; that she wanted to wish Happy Birthday to her mother-in-law, Tommie Noriega, and Tommie and Joe's wedding anniversary was tomorrow. Council Members Sullivan, Hoang, Rodriguez, Lovell and Jones absent.

Council Member Adams stated that a group of young leaders from Cullen Middle School who were in the audience and asked that they stand and be recognized, that STEP was a program focused on empowering middle school students to become leaders who shape the future, that STEP currently had 30 middle school students, members from Cullen Middle School; that she wanted to thank Rebuilding Houston and J. E. Dunn for what they did in the Sunnyside Community, Ms. Oprah Moody, who lived on Flamingo, received house painting, a wheel chair ramp and all of the necessities to weatherize her home; that on Saturday they had a wonderful forum on reentry and she wanted to thank Director Williams and his wonderful staff for what they did at the Hiram Clarke Community Center, that Dr. Walter Riddley, who had written several programs for Maryland, Baltimore and Richmond and their programs were so successful, that they had a full house and wonderful reentry forum, that the people wanted to

have roundtable so they were having their next meeting next month and Dr. Riddley would be flying back to Houston to conduct those forums; that on Saturday she would be hosting a health symposium at the Third Ward Multi Service Center along with Solutions for Better Living and Memorial Herman Hospital, that the focus would be on Diabetes and how they could improve their health; the Chasewood Community Family Day in the Park would be held at the Chasewood Park this Saturday beginning at 2:00 p.m.; that yesterday they had a resident come and talk about a cell tower in the Briargate Community and she wanted to thank Mayor Parker for her participation, that she had an opportunity talk to Mr. Bob Christy after she left the meeting and he was going to talk to Legal to see exactly how far they were with the lease, that there were some things that they could do but they had to follow protocol with the City of Houston and she wanted to make sure they followed all of the guidelines and if it was deemed that the community still did not want it and there was something that the City could do she would be hosting a community meeting; that she was on the committee for the 457 Deferred Comp Plan and they would be bringing reports quarterly to Council so they would know what they were doing, that approximately 76% of City employees actually participated in the 457 Deferred Comp Plan and about 5% of the participants tap into their accounts for loans, that there would be a two day financial summit on October 20 and 21, 2010 at 611 Walker and EB Cape Center, which was an education program designed to help employees plan for their retirement, that it was a free summit, that last week she traveled to Philadelphia to attend their annual conference about deferred compensation plans throughout the Nation. Council Members Sullivan, Hoang, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Gonzalez announced the following events; the 100th Anniversary of the Sunset Heights/East Sunset Heights on Saturday, September 25, 2010 from 10:00 a.m. to 3:00 p.m.; Saturday at 7:00 a.m. at Moody Park, 3725 Fulton a neighborhood cleanup and commemoration of the anniversary of the International Coastal Cleanup Organization; October 7, 2010 in the Denver Harbor area at Fire Station No. 27 the Houston Fire Department and the Blue Cross Blue Shield Van would be teaming up to provide free immunizations at 6515 Lyons; congratulations to the National Hispanic Firefighter Organization who were in the City this past week and he attended their opening reception, there were even people from other countries; congratulations to Council Member Sullivan, one of the items passed today was a utility vehicle that he had been advocating for the Houston Fire Department; that he wanted to congratulate the Houston Texans for a great victory this past weekend, that obviously they had a big game coming up this weekend. Council Members Sullivan, Hoang, Rodriguez, Lovell, Bradford and Jones absent.

Mayor Parker stated that she wore red for the Texans and a little bit later she and Mayor Leopard were going to do a little bit of smack down on each other verbally on ESPN. Council Members Sullivan, Hoang, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Hoang stated that on Saturday they would have the Alief International Parade beginning at 9:00 a.m. to celebrate the diversity in the community and unity in their City, that it would begin on Bellaire Boulevard to Hastings High School Ninth Grade Center; that October was the month for Chinese to celebrate their National Day on October 1 and an honored day on October 10, that he would be celebrating with the Chinese at all of the events for the National Day. Council Members Clutterbuck, Sullivan, Hoang, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Stardig stated that she wanted to thank everyone who attended the District A movie night last Friday at Candlelight Park, to thank Republic Waste for donating the waste receptacles and Coca Cola for donating the refreshments and everyone who made the event a success; that she wanted to give recognition to Chief McKinney, they had a huge tagging incident in West Spring Branch and they were on top of it and had identified some potential suspects, that she wanted to thank the community for their efforts in cleaning up,

following up and photographing and identify and reporting the graffiti, that they had done a great effort and deserved the kudos as well; that she attended a press conference this week with Crime Stoppers regarding organized retail crime, that it was not the petty theft they usually thought of with shop lifters, that it impacted their community so she was asking all of the community to report to Crime Stoppers any suspicious behavior at retailers; she attended the Mexican Consulate with Council Member Gonzalez and appreciated that opportunity; that she wanted to thank the Mayor for her support of the Deaf Awareness Week, that as many of them knew she had been involved with the Deaf Community for many years and knew sign language and understood the daily challenges that the community faces; she wanted to welcome two new members to the District A team, Lisa Hunter and Mayuri Bhakta, Lisa would be serving as Special Projects Director and Mayuri Communications Director, their student intern from the summer, Oprah Garrett, had stayed on with their office part time; that she wanted to do a shout out to the Mayor for her efforts and skills in managing a large piece of heavy equipment, that she drove a large backhoe that tore down the first part of Candle Light Condos, and Mayor Parker stated that Council Member Stardig took down a large section. Council Members Clutterbuck, Hoang, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Pennington stated that he had a previous scheduled meeting with George Greanias last Wednesday after he appeared at City Council and wanted to congratulate the Mayor on the appointment of Mr. Greanias, who he had known for a long time, that they talked about service to areas that were not now being served, they talked about service to areas with the larger and smaller buses, that he had so much community knowledge that he thought would reap rewards for all of them; that he attended a Rice Technology Conference last week regarding the future of energy, particularly renewable energy, and was overwhelmed, that there were billion dollar fund directors from the Silicon Valley and other places around the Country, that it was at the McNair School, that he thought working with them was a way to bring the Mayor's hopes and wishes true to make Houston the leader in renewable energy and looked forward to working with her staff on that; that they were all aware that flooding and drainage were major issues for the City and was happy to report that the study, which had been primarily sponsored by TIRZ 17 in the Gessner and I-10 area, was nearing an end, that it would establish the baseline information for floods that had occurred such as April 2008, and also proposed solutions to that, which would include detention, additional drainage ways and so forth, that Lockwood, Andrews and Newnam had been performing that study for TIRZ 17 and was also a cooperative effort not only for the City through the TIRZ but the Harris County Flood Control District and the cities of Hedwig Village and Bunker Hill and thought the Mayor had encouraged all of those people to cooperate so hopefully they could get some things done to prevent that from happening again; that he had meetings this week and last week with people who were more familiar with the Washington Avenue Corridor than he was, that part of that was in his district and thought it was at a critical situation now, that as he understood it the City may have applied for and received a Livable Centers Grant, or had they just applied and not been awarded, and Mayor Parker stated that she was not sure, and Council Member Pennington stated that he thought that area was in dire need of planning, somebody needed to spend time on that every day, he thought, to move that issue along; that last night he met with the Briarforest Super Neighborhood, the City's efforts through Don Perkins and others to encourage super neighborhoods, he thought, was reaping rewards, that there was some discussion about how HPD and the contract Constables were cooperating to kind of quell the crime wave that was out there, that obviously citizen involvement was wonderful for the City and magnified the ability of the City to get things done and he applauded the Mayor for supporting super neighborhoods. Council Members Stardig, Hoang, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Sullivan stated that he appreciated that Council Member Gonzalez recognizing the fact that they did get a mule today for Kingwood, a Houston Fire Department tool that had been requested by District 102 and were glad that it got on the agenda and was

passed and appreciated Mayor Parker for working with him on that, that this was an open invitation to their new Fire Chief to come out to Kingwood when they bring it and maybe he could drive it off of the trailer and would be a good way to introduce him to the community as well; that the Ethics and Council Governance Committee meeting that was scheduled for Friday this week had been cancelled because they did not have a quorum, that Friday's were difficult to begin with and wanted to let Mayor Parker know that they were already having trouble scheduling another day, Tuesday, Thursday, etc., and the business that needed to be conducted was the City Council floor remodeling renovation project, that it was expensive, necessary and had to be done, they needed to meet or else it would have to be done at the Council table, that he just wanted to let her and his colleagues know that there was no escaping this, that it had to be done. Council Members Stardig, Hoang, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent.

Mayor Parker stated that yes, they had to add two seats January a year from now and had to have the space for them which meant a major remodeling of the Council floor, that she did not want to make that decision for Council, if they leave it to her she would do it, but it was not her intention to do that, so she wanted Council Members to have the options laid out for them, and Council Member Sullivan stated that timing was important, as he understood, and Mayor Parker stated that it had to be ready January a year from now, they could not wait until then to do it. Council Members Stardig, Hoang, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Adams stated that in conclusion about the 457 Comp Plan, this particular 457 Plan was 100% contribution from their City of Houston employees, there was no contribution from the City of Houston, that it was a wonderful plan and would encourage all of the City of Houston employees to join, that a question came up during the conference from other cities, that in the City of Houston when members wanted to go out to speak to various departments about the 457 Deferred Compensation Plan the directors were asking them to take vacation time off, so if Mayor Parker could look into that and see if there was something they could waive, that if it was only about the 457 Plan that they be allowed to discuss their future because they were telling everyone to save, but some of the lower income employees who wanted to learn more about the plan so they could save the choice between their talking about the plan and taking time off of their vacation was just a choice. Council Members Stardig, Hoang, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent.

Mayor Parker stated that she would ask Mr. Reid, HR Director, to sit with her and figure it out, that it was a good suggestion. Council Members Stardig, Hoang, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Adams stated that she wanted to thank Mr. Greanias and Mr. Garcia, of Metro, for having a wonderful presentation; that she wanted to remind everyone that Museum Day was on Saturday, September 25, 2010; that she was honored on Saturday, with Mayor Parker, at the Laurel Baptist Church, that the members hosted a tea in their honor; that she wanted to thank the Holman Street Baptist Church Family for getting ready to honor her on this Saturday; that they had talked about Pastor Curvey and his passing, that he did not have race on his mind, he only dealt with one culture, one religion, that one of the last projects that they chaired was with the Mormon Church, that he did this project when he was ailing and he still worked until the day that the Lord called him home, that the final comments from Pastor Curvey were "you have to bend down before you can rise up", that Pastor Curvey would be missed. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 10:18 a.m. Council Members Stardig, Sullivan, Hoang, Gonzalez, Rodriguez, Lovell, Bradford and Jones

absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary