

City Council Chamber, City Hall, Tuesday, September 28, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 28, 2010, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, 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. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Ms. Marta Crinejo, Assistant Agenda Director; present. Council Member Anne Clutterbuck absent on city business.

At 1:30 p.m. Mayor Parker stated that she was present to continue the presentation of honorees for Hispanic Heritage Month and invited Alma L. Lara to the podium; that Alma was an educator and principal; that she was a recent appointee to the Read Commission and volunteered time at other elementary schools and community centers; that she was the Education Nominee and she had given her life to the education of children; and because of this and other reasons presented her a Proclamation proclaiming today as "Alma L. Lara Day" in the City of Houston, Texas. Ms. Lara thanked all for the recognition and stated that she had humble beginnings and when very young was a member of the 4H Club and used their motto as her journey of servitude; that she loved education and she would not be present without the love and support of her family and friends and asked them to stand to be recognized. Council Members Johnson, Adams, Sullivan, Rodriguez, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Council Member Gonzalez wished Ms. Lara the best, thanked her for her work; and congratulated her on her recognition. Council Members Johnson, Adams, Sullivan, Rodriguez, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Council Member Jones invited Ms. Marmion Dambrino to the podium and stated that Ms. Dambrino was appointed Athletic Director of HISD and it was the first time a woman was appointed as Athletic Director in the history of the District; that she was really excited and because of this and other reasons presented a Proclamation to her proclaiming September 21, 2010 as "Marmion Dambrino Day" in the City of Houston, Texas. Ms. Dambrino thanked all and stated that this was huge and she was overwhelmed by the support and applauded HISD on their historic step; that the challenges were many and she was excited and looked forward to what lay ahead; that she loved the Houston Independent School District and this city; and asked all present supporting her today to stand to be recognized. Council Members Johnson, Sullivan, Rodriguez, Noriega and Bradford absent.

Council Members Adams, Pennington and Lovell congratulated Ms. Dambrino on her accomplishments. Council Members Johnson, Sullivan, Rodriguez and Noriega absent.

Mayor Parker stated that the next honoree for Hispanic Heritage Month was Miss Florencia Quesnel and invited her to the podium. Mayor Parker stated that Miss Quesnel was the youth nominee, a 19 year old sophomore at St. Thomas University; that she was stricken with a disease which destroyed her liver very young and now was diagnosed with kidney disease; that she was on a mission raising awareness of organ and tissue donation and willingly became the face of organ and tissue donation, particularly in the Hispanic Community, she was a living example for the need of organ donation and spoke as an advocate for such; that she carried a full case load and was determined to live her life to the fullest extent possible; and because of this she was saluted for her courageous efforts and for a critical problem and presented a Proclamation to her proclaiming September 28, 2010, as "Florencia Quesnel Day" in the City of Houston, Texas. Miss Quesnel stated that most about her was already said; that she was honored to help place organ donation on a national level and help to educate and benefit those from her own community, the Hispanic Community; and she thanked all for the recognition. Council Members Johnson, Sullivan, Rodriguez and Noriega absent.

Council Member Gonzalez thanked Miss Quesnel for her courage and service to the city. Council Members Johnson, Sullivan, Rodriguez and Noriega absent.

Council Member Gonzalez stated that the Art Colony Association had a presentation for the City of Houston and invited Mr. Nicola Parente, a board member, and others for the presentation to the podium; that they had been in existence 39 years and had given back over \$2.6 million to local groups and attracted world class artist to the City of Houston. Mr. Parente stated that he was a board members and three others were present with him; that the festival took place two times a year and they would be at the footsteps of City Hall, October 9 and 10, 2010 for the Fall Festival; that their mission was to support local nonprofit organizations which generated year-round revenues for local artists; that all information was presented to Council Members in their packets; and invited two supporters to the podium. A Spokesperson, market president for Capital One Bank, stated that they were proud to be a part of such a great organization; that this was their third year and now they were also a part of the presenting sponsor, not just supporting, that this was an investment back into the community and it continued to grow; and they looked forward to seeing all at the event. A Spokesperson representing Fingers Furniture stated that the Bayou Art Festival was the best and a part of the community many years; that on behalf of Mr. Rodney Finger and the entire Finger Furniture Team they were excited to be new partners in the festival and they were establishing two relaxation stations for all to stop by and get a massage from head to toe, be rejuvenated and continue with the festival; and they also looked forward to seeing all at the festival. Ms. Kim Solas, executive director with the Bayou City Art Festival greeted all and stated that she thanked Capital One as a continuing sponsor and the chairs at Finger Furniture would be amazing; that they had recycling bins and worked closely with the Office of Sustainability to monitor their carbon footprint and she appreciated all their help and assistance. Council Member Rodriguez absent.

At 1:58 p.m. Vice Mayor Pro Tem Gonzalez called on Council Member Stardig who invited Pastor Frank Coats with St. Mathews Methodist Church to lead in the prayer and Council Member Stardig led all in the pledge. Mayor Parker, Mayor Pro Tem Clutterbuck and Council Member Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

At 1:59 p.m. the City Secretary called the roll. Council Member Clutterbuck absent on city business.

Council Members Noriega and Hoang moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Clutterbuck absent on city business. MOTION ADOPTED.

Mayor Parker stood in a Dallas Cowboy Jersey and stated that was what she got for talking trash about the game; that she made a bet with the Mayor of Arlington and was now supporting the Cowboys for playing a great game; and clearly the Texans needed to pick up their defense.

Council Members Johnson, seconded by Council Member Jones moved that the Dallas Cowboy jersey be removed from the Council Chamber. All voting aye. Nays none. Council Member Clutterbuck absent on city business. MOTION ADOPTED.

At 2:14 p.m. the City Secretary began calling the public speakers.

Ms. Kim Kossie, 1722 Tribble, Houston, Texas 77338 (832-419-7457) appeared, presented goodie bags for Mayor and Council Members and stated that she brought greetings from KSBJ Radio, the largest contemporary radio station in America 89.3 FM, and was present to talk about the power available to all through the power of prayer; that they wanted the Mayor and Council to know they were a prayed for group of people believing for the best of this city; and they had joined across the

country over the past 40 days for a very intense time of prayer and went to pray for the Sunnyside Area.

Council Member Adams asked all those present with KSBJ to stand to be recognized; and upon questions, Ms. Kossie stated that Newark, New Jersey, was saturated in crime and for several days every street in New Jersey was adopted in prayer and during the past April for the first time in 44 years there was a report of absolutely no murders in the area and they knew it was a direct result of joining in prayer; and Council Member Adams stated that in her public and private life she worshiped God, she held many prayer walks and thanked all for coming and letting all know they were praying to reduce crime and improve life here in the City of Houston.

Mr. Terry Teykl, 25319 Metzlar Creek, Spring, Texas 77389 (281-352-1190) appeared and stated that he was also associated with KSBJ and they were having a "Pray Down at High Noon", thousands across the City of Houston said the Lords Prayer as they believed when they said the prayer and when God's presence and peace came down on Houston crime could be curtailed, divorce rates decreased and domestic crime be waned and the city could have enough resources to do what was needed; and asked all join in with their prayer and invite more of God's presence. Council Members Sullivan and Rodriguez absent.

Mr. Fred Barkley, 6423 W. Linpar Court, Houston, Texas 77040 (713-543-1498) appeared and stated that he represented Year Round Youth Movement as well as the prayer initiative; and all needed to get behind the prayer movement followed by application; that they would be standing behind the children and motivating, supporting and encouraging them and reducing crime rate in Houston. Council Members Sullivan, Rodriguez and Lovell absent.

Council Member Jones, Adams, Stardig and Bradford thanked all for coming and for praying for them and the City of Houston. Council Members Sullivan, Rodriguez and Lovell absent.

Mr. Ray Hill, P. O. Box 3624, Houston, Texas 77253 (713-523-6969) appeared and stated that Alvin Buchanan was the last person sentenced to a Texas Prison for being gay; that he and five others were released because the law under which they were arrested became Section 2106 a Class C misdemeanor by action of the Texas Legislature. Mr. Hill discussed other names of men released under Constitutional grounds and that he was the last to be arrested and jailed under several Houston ordinances declared unconstitutional and today he was asking what they would say to the last businessman or woman who was put out of business for an unconstitutional application of laws of censorship. Council Members Sullivan, Rodriguez and Lovell absent.

Upon questions by Council Member Jones, Mr. Hill stated that he was speaking of several ordinances under the SOB cover; that he was in a court where City Attorney's and a city hired gun stood up and said the ordinances were content neutral and they would prosecute the cases if the only thing they had in there for sale or view was Bambi, but there was not much police action in Bambi purveyors; that the argument it was content neutral was not true, but they had to say it because the evolution of First Amendment law said they must be content neutral, but because they said it did not mean it was true; and Council Member Jones stated that she would speak with him later. Council Members Sullivan, Rodriguez and Lovell absent.

Mayor Parker stated that he did deliver to her a letter and she discussed it and she would go in more depth with Mr. Feldman; that his point was well taken. Council Members Sullivan, Rodriguez and Lovell absent.

Ms. Connie Desmore, 22715 Imperial Valley, Houston, Texas 77073 (832-483-3592) had reserved time to speak but was not present when her name was called. Council Members Adams, Sullivan and Rodriguez absent.

Ms. Sheila Simeon, P. O. Box 8263, Houston, Texas 77288 (832-4101910) had reserved time to speak but was not present when her name was called. Council Members Adams, Sullivan and Rodriguez absent.

Ms. Marilyn Scott, 702 E. 32 1/2, Houston, Texas 77022 (832-208-2606) had reserved time to speak but was not present when her name was called. Council Members Adams, Sullivan and Rodriguez absent.

Ms. Kim Shaw, 6363 W. Airport, Houston, Texas 77035 (713-729-8269) had reserved time to speak but was not present when her name was called. Council Members Adams, Sullivan, Rodriguez and Noriega absent.

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

Mr. Claude Brown, 3018 Hohl, Houston, Texas 77093-6922 (832-885-9182) appeared and stated that he was present a few years ago about a company next door and Council Member Garcia had come out, but they were doing the same thing; that they picked up and dropped iron right near his home and his daughter worked nights and could not sleep; that he called on the dust also, but when they came out no one was working so there was no dust, but they paid taxes and it was not fair. Council Members Adams, Sullivan, Rodriguez and Noriega absent.

Mayor Parker stated that was a challenge without zoning; that she had a note the Differential Response Team had been out and asked the business owner to move the pipe rack to the other side of his property; and upon questions, Mr. Brown stated that the officer talked with him daily and was real nice; that they even sent out sound monitors, but they were not working at the time so it did no good; and Mayor Parker stated that she understood the problem and the difficulty and would ask Citizens Assistance to work with him; that the police could go out, but it would be better to work with the business owner and change the way he operated; that she was also happy to ask the Police Department to work with him on a quick response and when they were out and the noise was intrusive, but that was just a quick term; that noise levels were different for day and night, but the sounds of dropping pipe on racks could be in violation of the ordinance at either time; and asked he work with the Legal Department and Citizens Assistance and see if they could help negotiate relief for him. Council Members Adams and Noriega absent.

Upon questions by Council Member Jones, Mr. Heilman stated that if it was found there was violation of the sound ordinance policed would issue a citation, it was a Class C misdemeanor, they would pay up to \$200.00; and Mayor Parker stated that they were asking the business owner to move some of his operations further away, but it was an imperfect tool to use the noise ordinance; and upon further questions by Council Member Jones, Mr. Brown stated that he was there way before the company. Council Member Noriega absent.

Mr. James Garrett, 12114 Sandrock, Houston, Texas 77048 (713-991-5334) appeared and stated that he had been present a few times about his water problem; that the city had put in a new meter and he appreciated what they did, however, it was inaccurate and he was told he had to pay what he was charged; that no one could find any leaks and he wanted an Administrative hearing on this bill or an adjustment. Council Member Noriega absent.

Mayor Parker stated that they had a program to assist when there was a leak, there was a one time adjustment, but they needed to get the leak fixed; that the city technician continued to believe there was a leak on his property and it needed to be fixed; that the city had replaced the meter and he had four months in a row a high water usage; that they were not cutting off his water, they were working with him and a competent plumber should be able to tell him where his leak was; and

suggested he visit with Mr. Medina with the Public Works Department. Council Member Noriega absent.

Council Member Pennington stated that he had constituents with water bill problems all the time; and upon questions, Mr. Garrett stated that the city came after the plumber left; and Council Member Pennington stated that he was preparing a memo for consideration by the Director of Public Works in such situations where there was not a clear answer; that the city was aware of leak detection procedures and technologies maybe a plumber was not and logically it seemed a city representative could meet the plumber and exchange ideas and work out the problem; and Mayor Parker stated that his suggestion was a good one; and she did want his staff to sit with Mr. Medina and they would continue working on this. Council Member Noriega absent.

Upon questions by Council Member Johnson, Mr. Garrett stated that he was not protesting the new meter, but for the inaccurate meter. Council Member Noriega absent.

Council Member Johnson moved the rules be suspended for the purpose of extending the time for questions of Mr. James Garrett, seconded by Council Member Jones. All voting aye. Nays none. Council Member Clutterbuck absent on city business. Council Member Noriega absent. MOTION 2010-0703 ADOPTED.

Upon further questions by Council Member Johnson, Mr. Garrett stated that he wanted to recoup some money because the meter was inaccurate; and Council Member Johnson stated that the Mayor was all over this and he needed to speak with Mr. Medina. Council Member Noriega absent.

Mr. Isiaka Owolabi, 7447 Neal Ridge, Houston, Texas 77489 (832-468-1283) appeared and stated that he was present in January regarding police prosecution, complaining about an accident; that he was told to speak with police and it was investigated, but still no one had got with him; that a taxi had an accident in June and the officer was L. Thomas and he went to check on the accident report and it was not there; that he called day and night but never got in touch or a call back; that it had been three months and he needed the report to fix his car. Council Members Johnson and Noriega absent.

Mayor Parker stated that she apologized he had trouble getting his accident report from HPD and Lieutenant Gallier was present and could speak with him and try and track it down. Council Members Johnson and Noriega absent.

Mr. Jason Perry, 2310 Converse, Houston, Texas 77006 (713-822-7660) appeared and stated that he had his first restaurant when he was 22; that now he was in a tiny building and he was inspected and something was found and they said they were shutting him down; that someone from the Neartown Association said they were working to keep his restaurant, the Muffin Man, shut down; that he did not see why he was having to put in parking spaces not even needed except for the Neartown Association; that he turned in a bar selling to minors and it was still open, they were ticketed every week, but never shut down. Council Members Johnson, Sullivan and Noriega absent.

Mayor Parker stated that Mr. Perry needed to get his permits. Council Members Johnson, Sullivan and Noriega absent.

Council Member Lovell stated that he called her office asking for assistance and they did investigating and discovered he had no Certificate of Occupancy and said he was not aware he needed one and yet he paid for one previously; that he had no valid food permit and was not inspected by the Health Department; that he was also out of compliance on parking and TABC had no record he applied for a liquor license and his hours were to be until 5:00 a.m. in a residential neighborhood; that he had to comply with ordinances and rules and he had not complied with one and that was why he was shut down, but neighbors would fight him, they stated that they would; and

again suggested he get his permits and fix his parking; and Mr. Perry stated that he had a stamped received application to serve beer until midnight and he opened at 5:00 p.m.; that he was open until 5:00 a.m. and the city inspector said he only needed a temporary permit; that it was regrettable he did not have his health inspection, but they could only fine him and not shut him down for it; that he was completely surrounded by commercial property with only two neighbors who worked his same hours. Council Member Johnson absent.

Ms. Barbara Simper, 1811 Harvard, Houston, Texas 77008 (713-970-7108) appeared and stated that she and her husband lived in the Heights for 36 years as homeowners and was present in opposition of the newly proposed amendment to the historic ordinance; that the main flaw was the 90 day waiver was being taken out and that was destroying the only agreement they had signed on to in 2008; that no one signed the new 38 page document of fines, misdemeanor offenses, etc., under the Historic Commission and she and her husband never signed the first one because they smelled a rat, but here two years later here it came; and on the transition provision, or as she called it "Kangaroo Court" everything in it was set to make you fail, nothing was appropriate for allowing a response, 15 days to gather 25% of the signatures, when the Houston Heights Association had years to get signatures on the one they barely got their percentage on. Council Member Johnson absent.

Council Member Jones stated that a big concern to her and others was the 15 days, she thought it was crazy and she knew that issue was being worked on; that their being a homeowner was sufficient to get them designated and it should be sufficient to get them undesignated and she agreed keeping the 15 days was not a good balance of preserving history; that property rights were very important and if the 15 days stood when this came to Council she would be voting no for that reason, it was not sufficient to protect your property rights. Council Members Johnson and Bradford absent.

Council Member Lovell thanked Ms. Simper for being upfront on why she did not like the document; that she liked the 90 day waiver and she understood she did not sign for the historic district before and did not like it now; that she thought the 15 days may be changed, they were having conversations with Council Member Gonzalez about it and she felt he would offer up something else; that they also agreed she should be able to change a personal decision when signing the petition. Council Members Johnson, Bradford and Jones absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Ms. Barbara Simper, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Clutterbuck absent on city business. Council Members Johnson, Noriega, Bradford and Jones absent. MOTION 2010-0704 ADOPTED.

Mayor Parker stated that she wanted to take exception that this was sneaky, etc., there were seven townhall meetings, meetings for the Planning Commission and Archeological Historical Commission and much public discussion and there was opportunity for all to change their mind. Council Members Johnson, Noriega, Bradford and Jones absent.

Council Member Gonzalez thanked Ms. Simper for coming and attending meetings; that he had been listening to concerns about the amount of time and was trying to work through the issue; that the Planning Commission would be reviewing it Thursday and he was trying to get it extended and allow the community to have some self determination in it. Council Members Johnson, Noriega and Bradford absent.

Mayor Parker stated that both Council Members who said they supported property rights wanted to make sure all property owners had opportunity to weigh in and not just those who showed up at the meeting and those who supported preservation also believed those who lived in the district should be able to weigh in and not just those who showed up at a meeting and wanted everyone to have full access to information. Council Members Johnson, Adams, Noriega, Bradford and Jones absent.

Ms. Karen Ballinger, 6121 Winsome, Houston, Texas 77057 (832-358-4254) appeared, presented information and stated that she was vice chair for the Houston Historic District Coalition and what she presented was comments from their website to be considered before Council's vote; that she would also ask they reconsider the drafted transition provision which provided for referendum which could totally eliminate the historic districts in Houston and was not right or fair to have one standard for creating them and another to break it; that people met their deadlines and worked hard to get it done; that it was an insult to those who worked so hard to get districts going to say 25% of the cards could be returned. Council Members Johnson, Rodriguez and Noriega absent.

Council Member Lovell thanked Ms. Ballinger for her support of preservation; that what they heard the loudest and clearest was the agreement was changed and they acknowledged that and through the transition process they were offering people opportunity to change their own personal decision on their own property; that the 25% threshold stood at the table and it could go up or down, but that would be people who wanted to do a reconsideration, they must go with a form and have people sign it, 25% of the district and then delivered by a certain date and then a meeting would be held in the district explaining about their property rights and what they would decide on and then their decision would be made and the card would be returned and then Planning would take the cards and look to see where the support was and boundaries may change, but know where did it say districts would go away; that the building being historic was still part of the decision and they knew this was confusing and they were making the language clearer; and Mayor Parker stated that to be clear the 25% was to initiate the resurvey process, it was not the end of the process but the beginning and current ordinance said 60% of the people in the district would have to respond so it was not just who sent cards back, but 60%; and Council Member Lovell stated that if the 25% did stand there would be a form posted and people could download it; that 25% of the information had to be on one form and it had to be brought back in whole to the Planning Department by a deadline set by Council and that would trigger reconsideration of the entire district. Council Members Johnson and Adams absent.

Council Member Jones stated that she would like to know the legal significance of changing their personal decision. Council Members Johnson and Adams absent.

Council Member Noriega moved the rules be suspended for the purpose of extending the time for questions of Ms. Karen Ballinger, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Clutterbuck absent on city business. Council Members Johnson and Adams absent. MOTION 2010-0705 ADOPTED.

Council Member Jones stated that she supported historic preservation, but thought there needed to be a balance and she was struggling; and Mayor Parker stated that it was not the signature of the citizen which created a historic district it was the vote of Council; that the signature of the citizen was a mechanism for conveying to Council what their wishes were; and Council Member Jones stated that she understood that, but they did not want to say de-designation they wanted to say reconsideration and they were saying they would allow them to change their personal decision so people were thinking this was like a kangaroo thing, if it was already predetermined, but what was explained to her was you get the 25% and that initiated it and post cards came and if they were on the outskirts then there was opportunity to be called out and change the district, but if in the middle and you changed your decision it had no effect; and Mayor Parker stated that it was technically possible for them to have all vote for the district to go away and it would go away, she disagreed with Council Member Lovell, but it was not the vote of the citizens, but the vote of the Council; that what would happen if they got out and determined ...; that the transition ordinance said 25% of the people in the original district and that may change, but whatever the designated number said on them wanting a revote they would give them a revote and everyone in the district had a revote and they could create a district fitting their needs the entire district did not need to go away, technically everyone could say they wanted the district to go away and it would, but she did not think that would happen because the districts were created by people who cared about their history and the city; that once the post cards came back and they determined yes the percentage was back they had three

options, to affirm the boundaries, do away with the boundaries or create new boundaries. Council Members Johnson, Adams and Gonzalez absent.

Mr. Mark Williams, 1710 TC Jester, Houston, Texas 77008 (281-788-7628) appeared and stated that he wanted to thank Mayor Parker for taking time to respond to his questions; that he was present opposing the proposed changes; that first, people had signed up for something different and if it was the case for everyone to weigh in then every district should be re-petitioned; that the Mayor was correct Council would make the decision, but then they would have the information on who was interested; that the people came to the city and said they would like a 90 day wait period and the city said yes and now they were attempting to change that in the ordinance and it was with the best of intention sometimes that things were done the wrong way; and to have a protected district he thought you should have the ability to opt in and not to opt out and if there was an opt out clause there needed to be more than 15 days and urged that option to have a real protected district. Council Members Johnson, Adams 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 Johnson, Adams and Lovell absent.

Mr. Jonathan Cao, 7023 Woodridge, Houston, Texas 77087 (832-207-5343) appeared and stated that he was present to get an understanding; that they had a situation with their building after Hurricane Ike, it kind of destroyed it, and in the meantime his father had cancer and they were working with Neighborhood Protection to resolve the problem, but they had to file for bankruptcy and they received a hearing notice and he called and said he could not make it to the hearing but his note did not work and when he returned to town he had a week to respond to the Building and Standing Commission Order which gave him 30 days originally; that Ms. Mitchell said he had until Saturday to comply, but the city did not work on Saturday; that he went to permits with their circumstances and was told to speak with Ms. Mitchell about securing the building and it was much cheaper. Mayor Parker, Council Members Johnson, Adams, Lovell, Bradford and Jones absent. Vice Mayor Pro Tem Gonzales presiding.

Vice Mayor Pro Tem Gonzalez stated that they were aware of the situation and they had received his letter requesting the hearing be rescheduled, unfortunately it was received two days prior to the scheduled hearing so they proceeded and issued an order as he explained; that it had not yet expired and Mr. Norris Davis was present and would discuss the issue with him and Neighborhood Protection would continue to work with him and hopefully get it resolved. Mayor Parker, Council Members Johnson, Adams, Hoang, Lovell, Bradford and Jones absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Ms. Dori Wind, 1019 Congress, Houston, Texas 77002 (713-755-7342) appeared and stated that she was a member of the Fetal Alcohol Consortium in Houston and participated in the urgency of NOW, a five year strategic plan from the Houston Harris County Office of Drug Policy and was present regarding fetal alcohol spectrum disorders and what could be done to prevent this; that FASD was the name given to the continuum of physical and mental health conditions which affected a child exposed to alcohol before birth which later led to further issues of educational problems, homelessness and jail; that the Texas Office for Prevention of Developmental Delays estimated 3,700 FASD children were born annually in the state and it was estimated a child with severe problems could cost about \$5 million over a lifetime and FASD was totally preventable, the tragedy never had to happen and the issues were especially important in Texas and Houston as they were the national leader in underage drinking, binge drinking, teen pregnancies and very cheap alcohol; that Texas alcohol taxes had not been raised in 25 years; that they were asking the City of Houston to look into a possible ordinance and place signs at the point of purchase and make them user friendly and lead in educational efforts as they did in the debate on smoking and cancer; and invited the Mayor and Council Members to the FASD Consortium's Fourth Annual Seminar, October 6, 2010, at the Council

on Alcohol and Drugs Houston. Mayor Parker, Council Members Johnson, Adams, Hoang, Lovell, Bradford and Jones absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez thanked Ms. Wind for coming and educating him; that this was a very important issue and Ms. Kathy Barton with the Health Department was present and he would like them to speak and see if she could help with collaborative efforts. Mayor Parker, Council Members Johnson, Hoang, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzales presiding.

Mr. Dayton Zimmerman, 3443 Park Royal, Houston, Texas 77339 (281-358-6638) appeared and stated that he lived in Kingwood and he was present requesting Council consider amending Sections 47-15 and 47-65 of the Code of Ordinances which addressed under billing of water usage due to damaged water meters; that currently it made no provision to exempt property owners resulting from dereliction of the responsibilities of the Water Department; and gave a chronology of facts and figures going back to 2 years, 7 months and 13 days ago when a meter reader reported to the Water Department his meter was damaged and him receiving a letter from the Water Department in February 2010 advising him for the first time that he had a damaged meter and it had been replaced in January; and in August 2010 he received a letter he now owed the City of Houston \$1,065.53 and that was not right. Mayor Parker, Council Members Johnson, Hoang, Rodriguez, Lovell, Noriega and Jones absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Council Member Sullivan stated that he appreciated Mr. Zimmerman coming and he had asked that he come to explain as a last resort, he did not know what else to have him do; and Vice Mayor Pro Tem Gonzalez stated that his office had also experienced a high number of calls with billing issues and protest; that Mr. Medina was present and would visit with Mr. Zimmerman and try and help get it resolved; and Mr. Zimmerman stated that it seemed obvious the Water Department was not doing a job reasonable for constituents and suggested the meter reader have a preprinted card stating a meter was damaged and to call a particular phone number and hang it on the door handle before leaving; and Vice Mayor Pro Tem Gonzalez stated that may be a good suggestion and he should speak with Mr. Medina. Mayor Parker, Council Members Johnson, Hoang, Rodriguez, Lovell, Noriega and Jones absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Mr. Joseph Moore, 7126 Round Rock Park Lane, Houston, Texas 77407 (713-384-3853) appeared and stated that he was a wrecker driver and present asking Council consider looking at Section 8-118 which said drivers were allowed to an accident scene based on the number of vehicles; that the previous Administration set up this ordinance with good intentions, to cut down the number of trucks at an accident scene and the traffic tie up which came with it, but now they were saying the first wrecker was allowed to load the vehicle and if a person's well being was contingent on reckless, fast driving the problem was not solved and instead citizens were more at risk; that he was asking to revert back to the previous way of handling things, placing four wreckers on the scene until he could confer with Auto Dealers Detail and offer a rotation system which would alleviate any racing to the scene. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell, Noriega and Jones absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Upon questions by Vice Mayor Pro Tem Gonzalez, Mr. Moore stated that it was not the Safe Clear Ordinance, but an extension of it and it did not take safety into consideration; that they were not advised properly and he was offering a rotation system which allowed a time period for wreckers and take away the need to rush there; and Vice Mayor Pro Tem Gonzalez stated that in the near future there would be a presentation on the Safe Clear Ordinance and perhaps that would be a good time to come and be a part of it and if he could suggest in writing comments to the Mayor and Council it would be helpful. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell, Noriega and Jones absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Council Member Bradford stated that Mr. Moore had been in the business a while and his observations were on point in his view; that he thought they clearly needed to visit the first on the scene thing, it was an incentive for operators to do what they did not want them doing, jeopardizing their and others lives; that it made more sense to have four on the scene with city medallions and do a flip and upon questions, Mr. Moore stated that would still create an area for bad driving because of the first four to get there; that the county of Ft. Bend had initiated a rotation system allowing 20 minutes for wreckers to get there and it took away the need to rush, each driver would graduate to the top of the list. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez stated that they would forward his information to the Houston Police Department and ask them to contact him. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Ms. Sandra Massie-Hines, 4421 Alvin, Houston, Texas 77051 (832-374-5585) appeared and stated that she wanted to apologize to Council Members who received letters from her stating she was in Europe and begging for money to get back; that her email account was hacked and she was unable to email anyone; that she wanted to thank KSBJ for their 40 days of prayer and focusing on Sunnyside as they were experiencing problems with youth gangs and problems in parks and lack of food for the elderly; that she thanked all those businesses, churches and schools who were helping; and urged that the Mayor and Council, etc., join in the Sunnyside National Night Out, Tuesday, October 5th at 5:00 p.m. to 9:00 p.m. at the Fiesta Mart located at 9420 Cullen Blvd. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Adams, Ms. Massie-Hines stated that Pastor Lola Stevenson from the House of Prayer Outreach was partnered with her and Larry Jones from Feed the Children to try and feed the elderly and she was having a ribbon cutting ceremony October 3rd at 3:30 p.m. at 5101 Laura Koppe and she was asking the Mayor and Council participate. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Council Member Bradford thanked Ms. Massie-Hines for all she had done in the city; that he attended her events and planned on attending as many as he could this year and planned to see her some time that evening. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she would ditto what Council Member Bradford said and there would be much law enforcement there; that people should go and take their children as they had snow cones, pop corn, food, a D.J., etc., and local celebrities came. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez stated that it was always a good time, he had attended her event and patrolled out there and there would always be a fond place in his heart for the area. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Ms. Carol Simon, 2505 Fannin, Houston, Texas 77002 (713-987-4988) appeared and stated that she found it necessary to addressing pressing issues dealing with the Constitution and rights of all citizens; that they were all guaranteed rights and the First Amendment stated that she had the freedom of speech and needed to cover topics; that her life was biblically based whereas some

people just had morals; and discussed the way the Texas Judicial System conducted business and on the Fourth Amendment discussed the right to a speedy trial and her circumstances when arrested in Louisiana. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Council Member Jones stated that the city had no say over Louisiana and HCPC was county government and the number to the county general number was 713-755-5000; that she needed to get to what ever agency that was over the agency she was complaining about because the city could not make Louisiana or HCPC do anything, they were different governments. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez stated that Citizens Assistance was present and may follow-up with additional numbers which would be helpful to her. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Ms. Crystal Sonia, 7125 Reed Road, Houston, Texas 77087 (713-261-3558) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present opposing the park Council Member Johnson was cultivating, Willow Run, 22.86 acres, the need of a YMCA or building for a YMCA was what was needed to help everyone. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

Mr. Oliver Kinchen, 4516 Maxie, Houston, Texas 77007 (281-447-0049) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

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

Mr. D. J. Nolimits (Reverend Joe Angel Lopez), 13334 Wells River, Houston, Texas 77041 (832-465-2941) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

At 3:57 p.m. Vice Mayor Pro Tem Gonzalez stated that City Council was recessed until 9:00 a.m., Wednesday, September 29, 2010. Mayor Pro Tem Clutterbuck absent on city business. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzales presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m., Wednesday, September 29, 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. Marta Crinejo, Assistant Agenda Director present.

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

At 9:02 Mayor Parker called the meeting to order.

Council Member Stardig moved to suspend the rules to consider Item Numbers 2, 3 and 4 out of order at this time, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Clutterbuck, Sullivan and Noriega absent. MOTION 2010-0706 ADOPTED.

MISCELLANEOUS - NUMBERS 2 through 4

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION:**

Position 1 - **MS. PENNY BUTLER**, reappointment, for a term to expire 2/1/2011

Position 2 - **MR. J. HOWARD RAMBIN III**, reappointment, for a term to expire 2/1/2012

Position 3 - **MR. DONALD L. POARCH**, reappointment, for a term to expire 2/1/2011

Position 4 - **MS. RUTH R. HURST**, reappointment, for a term to expire 2/1/2012

Position 5 - **MR. T. RAY PURSER**, appointment, for a term to expire 2/1/2011

Position 6 - **MR. DANIEL SULLENBARGER**, reappointment, for a term to expire 2/1/2012

Position 7 - **MS. ADRIANA TAMEZ**, reappointment, for a term to expire 2/1/2011

Position 8 - **MR. MATT DELNICK**, appointment, for a term to expire 2/1/2012

Position 9 - **MS. MARIE D. ARCOS**, reappointment, for a term to expire 2/1/2011

Position 10 - **MR. ROBERT C. BOUCHER**, reappointment, for a term to expire 2/1/2012

Position 11 - **MR. ASHOK DHINGRA**, appointment, for a term to expire 2/1/2011

Position 12 - **MR. WALTER W. HAMBRICK, JR.**, appointment, for a term to expire 2/1/2012

Position 13 - **MS. CHARLOTTE ANN HAYNES**, reappointment, for a term to expire 2/1/2011

Position 14 - **MR. DONALD J. SMITH**, appointment, for a term to expire 2/1/2012

Position 15 - **MS. CHER MURPHY**, appointment, for a term to expire 2/1/2011

Position 16 - **MS. EMILY A. MESSA**, appointment, for a term to expire 2/1/2012

Position 17 - **MS. CARLA LENÁ WYATT**, reappointment, for a term to expire 2/1/2011

Position 18 - **MR. JOSÉ GRIÑAN**, reappointment, for a term to expire 2/1/2012

Position 19 - **MR. JOHN CANALES GORCZYNSKI**, appointment, for a term to expire 2/1/2011

Position 20 - **MR. ROBERT W. GIBBS JR.**, reappointment, for a term to expire 2/1/2012

Position 21 - **MS. HAI TRAN DUONG**, appointment, for a term to expire 2/1/2011

Position 22 - **MS. SALLÉ S. MORSE**, reappointment, for a term to expire 2/1/2012

Position 23 - **MS. SHONDRA E. WYGAL**, appointment, for a term to expire 2/1/2011

Position 24 - **MR. CHRIS K. WILMOT**, reappointment, for a term to expire 2/1/2012

Position 25 - **DR. WIL UECKER**, appointment, for a term to expire 2/1/2011

Position 26 - **MR. REY DE LA REZA**, reappointment, for a term to expire 2/1/2012

Position 27 - **MS. MIRANDA MALDONADO**, appointment, for a term to expire 2/1/2011

Position 28 - **MS. PATRICIA HERRERA**, appointment, for a term to expire 2/1/2011

Position 29 - **MR. DARRYL LAMBERT**, reappointment, for a term to expire 2/1/2011

Position 30 - **MR. CHRISTOPHER R. PASSMORE**, appointment, for a term to expire 2/1/2012

Position 31 - **MS. SUSAN J. CITA**, reappointment, for a term to expire 2/1/2011

- Position 32 - **MS. MARGARET ROBINSON**, reappointment, for a term to expire 2/1/2012
- Position 33 - **MR. HERBERT H. OCHIER**, appointment, for a term to expire 2/1/2011
- Position 34 - **MR. PATRICK CASTILLO**, appointment, for a term to expire 2/1/2012
- Position 35 - **MR. JAMES D. TATES**, appointment, for a term to expire 2/1/2011
- Position 36 - **MS. DIAMANTINA "TINA" ARAUJO**, reappointment, for a term to expire 2/1/2012
- Position 37 - **MR. KIRAN SHAH**, appointment, for a term to expire 2/1/2011

- was presented, moved by Council Member Lovell, seconded by Council Member Johnson. All voting aye. Nays none. Council Members Clutterbuck, Sullivan and Noriega absent. MOTION 2010-0707 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **SPRING BRANCH MANAGEMENT DISTRICT**, for terms to expire June 1, 2013:

- Position Eight - **MS. PATRICIA A. MADDOX**, reappointment
- Position Nine - **MR. DAVID GUTIERREZ**, reappointment
- Position Ten - **MR. HOWARD CHONG**, appointment
- Position Eleven - **MR. RINO CASSINELLI**, reappointment
- Position Twelve - **MS. MELANIE HOFF**, reappointment
- Position Thirteen - **MR. JOHN W. H. CHIANG**, reappointment

- was presented, moved by Council Member Lovell, seconded by Council Member Johnson. All voting aye. Nays none. Council Members Clutterbuck, Sullivan and Noriega absent. MOTION 2010-0708 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON COMMISSION ON DISABILITIES**:

- Position One - **MS. PEGGY R. (CHAVIS) GARRETT**, reappointment, for a term to expire 7/26/2011
- Position Two - **MR. ALAN RUSSELL**, appointment, for a term to expire 7/26/2012
- Position Four - **MR. JOSÉ RAMIREZ, JR.**, reappointment, for a term to expire 7/26/2012
- Position Five - **MS. KRUPA PARIKH**, appointment, for a term to expire 7/26/2011
- Position Six - **MS. KATHY LADELL WALTERS**, appointment, for a term to expire 7/26/2012
- Position Seven - **MS. SHITAL R. PATEL**, appointment, for a term to expire 7/26/2011
- Position Eight - **MS. KELLY CURTIS REAGAN**, reappointment, for a term to expire 7/26/2012
- Position Ten - **MS. JANE CUMMINS**, reappointment, for a term to expire 7/26/2012
- Position Eleven - **MS. ELLEN J. GOUDEAU**, reappointment, for a term to expire 7/26/2011
- Position Twelve - **MS. LEAH MASTAGLIO**, reappointment, for a term to expire 7/26/2012
- Alternate Position One - **MS. MARIA G. DELEON**, reappointment, for a term to expire 7/26/2011
- Alternate Position Two - **MS. TINA WILLIAMS**, appointment, for a term to expire 7/26/2012
- Alternate Position Three - **MR. KENNETH JAMES DEPEW**, appointment, for a term to

expire 7/26/2011
Alternate Position Four - **MS. DEBORAH E. NOWINSKI**, appointment, for a term to
expire 7/26/2012

- was presented, moved by Council Member Lovell, seconded by Council Member Johnson. All voting aye. Nays none. Council Members Clutterbuck, Sullivan and Noriega absent. MOTION 2010-0709 ADOPTED.

Mayor Parker and Members of Council congratulated the new appointees and asked that they stand and be recognized. Council Members Clutterbuck, Sullivan and Noriega absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** relating to the Retail Electric Rates of CenterPoint Energy Houston Electric, LLC to determine just and reasonable rates to be observed within the City of Houston, Texas - was called.

The Public Hearing was recorded in it's entirety by Team Legal Court Reporting and Production Manager, Ms. Keva Van Slyke, a copy of which will be available in the City Secretary's Office for review.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Rodriguez, Noriega and Jones absent. MOTION 2010-0710 ADOPTED.

MAYOR'S REPORT - Principles for potential implementation of Proposition No. 1

Mayor Parker reviewed a PowerPoint presentation titled "Proposed Principles that the Administration will use to Implement Proposition 1", a copy of which is on file in the City Secretary's office for review.

Mayor Parker stated that it was worth repeating that this new utility would be an Enterprise and by Charter it would be the most protected Enterprise Fund that they had in the City of Houston, because if it passes, was created by Charter, that once the drainage fee, the Developer Impact Fees, the Metro and TxDOT money and the 11.8 cents of ad valorem taxes went into that fund it could only be spent for the specified uses which were the capitol projects and some maintenance and repair projects for street and drainage.

Mayor Parker further stated that should Proposition 1 pass an implementation ordinance, based on the principles outlined in the document would need to be presented to City Council by March of 2011, they would need to have the database in place by April 2011 so that the property owners across the City could be able to test the data and make sure that any inaccuracies could be corrected before any billing began, an interactive website available they believed by May 2011, that would be part of that correction or verification process where they invite the citizens to submit their information to make sure that it was completely accurate before any billing begins.

After discussion and questions by Members of Council, Mayor Parker stated that she appreciated Council Members engagement and patience in this process, she did want to be clear that she believed they needed to invest in infrastructure in the City of Houston, that she would be supporting Proposition 1, that the principles outlined in the presentation would be those that she would start the conversation with Council for an implementation ordinance and she hoped that Council Members would continue to engage through the election process on issues of importance. Council Member Lovell absent.

At 11:32 Mayor Parker stated that they would move to the consent agenda. Council Member Lovell absent.

CONSENT AGENDA NUMBERS 2 through 26

ACCEPT WORK - NUMBERS 5 and 6

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,163,227.92 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Central Park Subdivision Storm Sewer Facilities (Phase II) - 2.45% over the original contract amount - **DISTRICT I – RODRIGUEZ** - was presented, moved by Council Member Costello, seconded by Council Member Lovell. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. MOTION 2010-0711 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,218,671.48 and acceptance of work on contract with **COLLINS CONSTRUCTION LLC** for Water Line Replacement in Colonial Gardens Area - 8.49% under the original contract amount - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Costello, seconded by Council Member Lovell. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. MOTION 2010-0712 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 10

7. **DELL MARKETING LP** for Microsoft Enterprise License Agreement through the City's Master Agreement with Texas Department of Information Resources for the Information Technology Department - \$1,604,979.08 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Costello, seconded by Council Member Lovell. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. MOTION 2010-0713 ADOPTED.
8. ORDINANCE appropriating \$86,780.78 out of Water & Sewer System Consolidated Construction Fund for Emergency Rectification of the Pavement on Fulton Street for the Public Works & Engineering Department – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0752 ADOPTED.
- 8a. **JIMERSON UNDERGROUND, INC** for Emergency Rectification of the Pavement on Fulton Street for Department of Public Works & Engineering - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Costello, seconded by Council Member Lovell. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. MOTION 2010-0714 ADOPTED.
9. ORDINANCE appropriating \$65,588.25 out of Water & Sewer System Consolidated Construction Fund for Emergency Repair of Potable Water Line for Public Works & Engineering Department – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0753 ADOPTED.
- 9a. **REYTEC CONSTRUCTION RESOURCES, INC** for Emergency Repair of Potable Water Line for Department of Public Works & Engineering - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Costello, seconded by Council Member Lovell. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. MOTION 2010-0715 ADOPTED.

10. **AZTECA SYSTEMS, INC** for Software Application and Maintenance Support Services for the Work-Order Management System (Cityworks) for the Department of Public Works & Engineering \$110,000.00 - Enterprise Fund - was presented, moved by Council Member Costello, seconded by Council Member Lovell. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. MOTION 2010-0716 ADOPTED.

ORDINANCES - NUMBERS 11 through 26

11. ORDINANCE **AMENDING CHAPTERS 5 and 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, regarding amusement redemption machines and game rooms; providing a penalty; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0754 ADOPTED.
14. ORDINANCE approving the Lease Agreement of the City Water Plant No. D-158 between the **NORTH FORT BEND WATER AUTHORITY** and the City of Houston - Revenue – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0755 ADOPTED.
15. ORDINANCE providing for the assessment, levying and collection of Ad Valorem Taxes for the City of Houston, Texas for the Year 2010 – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0756 ADOPTED.
18. ORDINANCE amending Ordinance No. 2007-0482 (Passed by City Council on April 18, 2007) to increase the maximum contract amount; approving and authorizing first amendment to an agreement between the City of Houston and **GARRISON ENTERPRISES, INC** for Software Product License and Software Product Support Service for the Houston Department of Health & Human Services - \$182,300.00 - Health Special Revenue Fund – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0757 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City and **BLUE CROSS AND BLUE SHIELD OF TEXAS** for Wellness and Weight Maintenance Program for City employees, retirees, and eligible dependents - \$150,000.00 - Health Benefits Fund – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0758 ADOPTED.
22. ORDINANCE awarding contract to **MCLEMORE BUILDING MAINTENANCE, INC** for Janitorial, Porter, Window-washing, Recycling and Associated Services; providing a maximum contract amount - 3 Years with two one-year options - \$21,192,625.54 - General, Enterprise, Park Special Revenue, Building Inspection and Houston Transtar Funds – was omitted from the Agenda by the Administration, and was not considered. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding.
23. ORDINANCE approving and authorizing Lease Purchase Agreement between the City of Houston and **IBM CREDIT, LLC** from the State of Texas Procurement and Support Services Contract for the Department of Public Works & Engineering; authorizing the Director of the Department of Public Works & Engineering to execute all documents pertaining to such agreement – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. ORDINANCE 2010-0759 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ORDINANCES

12. **ORDINANCE AMENDING SECTION 47-164 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Developer Participation Contracts; making findings and containing provisions related to the subject; providing for severability – was presented. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. **ORDINANCE 2010-0760 ADOPTED.**

13. **ORDINANCE** authorizing the sale of a 22,659-square-foot subsurface pipeline easement (Parcel SY10-050A) and a 80,790-square-foot temporary construction easement (Parcel SY10-050B), both located within the Southeast Water Purification Plant, out of the W.H. Anthony Survey, A-1460, the W. C. Railroad Company Survey, A-933, and the Day Land & Cattle Company Survey, A-1042, Houston, Harris County, Texas, to Monument Pipeline, LP, in consideration of its payment of \$49,079.00 and other consideration to the City - **DISTRICT E - SULLIVAN** – was presented. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Noriega stated that they were selling an easement, that this was a 16 inch natural gas pipeline operating in a Class 3 area at 800 pounds per square inch, a Class 3 location had 46 or more buildings intended for human occupancy or lies within a 100 yards of a building or a small defined area occupied by 20 or more persons, at least 5 days a week for 10 weeks in any 12 month period, that the City of Houston was crisscrossed with miles of petroleum pipelines and the pipeline industry had a good record of safety, however they had had several natural gas and liquid pipeline accidents that had occurred across the Country in the last few months, they needed to be completely aware of the possible consequences and the added safety concerns when they agree to place pipelines on City property, that it was their responsibility to make sure adequate precautions had been taken and moving this pipeline moved it approximately 50 feet closer to a City of Houston critical infrastructure setting, a water treatment plant, and she just wanted to mention this so that they were clear that they had a process within PWE to evaluate the potential impact of petroleum pipelines to their infrastructure, that she was not going to tag the item or vote against it, she just wanted to serve notice that she had concerns about this and they needed to pay attention to this.

A vote was called on Item No. 13. All voting aye. Nays none. Mayor Parker absent. Mayor Pro Tem Clutterbuck presiding. **ORDINANCE 2010-0761 ADOPTED.**

16. **ORDINANCE** calling public hearings at which interested persons will be given the opportunity to be heard on: proposed amendments to the Strategic Partnership Agreements between the City of Houston and **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 4, FAULKEY GULLY MUNICIPAL UTILITY DISTRICT, HARRIS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 109, MILLS ROAD MUNICIPAL UTILITY DISTRICT** and **MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 1** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris and Fort Bend Counties; proposed Strategic Partnership Agreements between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 142, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 44** and **HARRIS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 91** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris and Fort Bend Counties; proposed amendments to Strategic Partnership Agreements between the City of Houston and

BRIDGESTONE MUNICIPAL UTILITY DISTRICT, CHIMNEY HILL MUNICIPAL UTILITY DISTRICT, CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 2, CY-CHAMP PUBLIC UTILITY DISTRICT, HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285, NORTH BELT UTILITY DISTRICT and PONDEROSA FOREST UTILITY DISTRICT and on proposals for the City of Houston to annex for limited purpose certain territory located within and in the vicinity of such districts in Harris and Fort Bend Counties; proposed Strategic Partnership Agreements between the City of Houston and **EL DORADO UTILITY DISTRICT, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 64, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, HARRIS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 132, KLEINWOOD MUNICIPAL UTILITY DISTRICT, LOUETTA NORTH PUBLIC UTILITY DISTRICT, NORTH GREEN MUNICIPAL UTILITY DISTRICT, NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 1, WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9 and WOODCREEK MUNICIPAL UTILITY DISTRICT** and on proposals for the City of Houston to annex for limited purpose certain territory located within and in the vicinity of such districts in Harris County; proposals for the City of Houston to impose the City of Houston's sales and use tax in such territory; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability - **HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 27, 2010 and NOVEMBER 3, 2010** – was presented. All voting aye. Nays none. Council Member Costello absent. **ORDINANCE 2010-0762 ADOPTED.**

17. **ORDINANCE** approving and authorizing Amendment No. 2 to an Agreement for Professional Services between the City of Houston and the **GREATER HOUSTON PARTNERSHIP, INC** \$221,250.00 - Enterprise Funds – was presented. Council Member Noriega absent.

After discussion by Council Members a vote was called on Item No. 17. All voting aye. Nays none. **ORDINANCE 2010-0763 ADOPTED.**

19. **ORDINANCE** approving and authorizing Interlocal Agreement between the City of Houston and **GREATER EAST END MANAGEMENT DISTRICT** for Graffiti Abatement Services; providing a maximum contract amount - 2 Years with three one-year options - \$1,685,780.00 - General, Enterprise and Other Funds – was presented.

After discussion by Council Members a vote was called on Item No. 19. All voting aye. Nays none. Council Member Stardig absent. **ORDINANCE 2010-0764 ADOPTED.**

21. **ORDINANCE** awarding contract to **SELRICO COMMUNICATIONS, LLC** for Communication Technician Services for the Information Technology Department; providing a maximum contract amount - 3 Years with two one-year options - \$5,000,000.00 - Central Service Revolving Fund – was presented, and tagged by Council Members Johnson and Jones. Council Member Stardig absent.

24. **ORDINANCE** appropriating \$125,096.00 out of Drainage Improvement Commercial Paper Series F Fund to Interlocal Agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** (Approved by Ordinance No. 2007-0722) for Construction of the Whiteheather Storm Sewer Outfall Project - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Stardig absent. **ORDINANCE 2010-0765 ADOPTED.**

25. ORDINANCE appropriating \$1,000,000.00 out of Water & Sewer System Consolidated Construction Fund; amending Ordinance No. 98-575 (Passed July 15, 1998) to increase the maximum contract amount; approving and authorizing fifth amendment to contract between the City of Houston and **ITRON, INC**, approved by the same ordinance for a Radio Automated Water Meter Reading System - \$1,858,563.58 - Enterprise Fund – was presented, and tagged by Council Member Sullivan. Council Member Stardig absent.
26. ORDINANCE finding and determining 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 Cambridge Paving Project (from Holly Hall to IH-610); authorizing the acquisition by donation, purchase, or eminent proceedings of five parcels of land required for street purposes; said parcels to be acquired in Easement Title and situated in the P. W. Rose Survey, A-645, in Harris County, Texas; such property being more specifically situated and located out of Lot 2 Block 8; Lots 1 and 4, Block 16; Lots 1 and 4, Block 17, Knights Main Addition, a subdivision 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 D - ADAMS** – was presented, and tagged by Council Member Jones. Council Member Stardig absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Bradford stated that he wanted to extend his condolences to the family of retired Houston Police Officer Vonda Higgins and the entire Houston Police Department, that Officer Higgins passed away on September 26, 2010; that regarding Proposition 1, he understood and agreed that Houston had a problem with flooding and drainage and that they must develop a plan, however he had critical concerns which must be addressed in his view via an Implementation Ordinance prior to the November 2, 2010 election, that an Implementation Ordinance would provide the rules by which Proposition 1 would be governed, in other words the rules would spell out who gets what, when, where and how much tax payers had to pay, that early voting begins on October 18, 2010 and absentee ballots had already been mailed out, that as public officials they had a responsibility to let their constituents know what they were voting on, they must insure that the oldest and most in need neighborhood projects and drainage projects were completed first, and they must insure that all Houston businesses had an equal opportunity to participate in the contracting process and take advantage of these opportunities, they must insure also that Houstonians get hired first, additionally churches, colleges, schools and other organizations needed to know how much they would have to pay, if anything, that Proposition 1 clearly represented a need which must be addressed in their City, drainage and flooding issues, it would generate \$10 billion to \$12 billion in revenue over 20 years, that if taxpayers were obligated and they must commit themselves to a 20 year commitment they were absolutely entitled to know what they were buying, the rules by which it would be spent and how much they would have to pay. Council Members Stardig, Pennington, Rodriguez and Costello absent.

Council Member Sullivan stated that he would like to recognize that when Mayor Parker shows up to an event for them she stays and that was nice because to many times elected officials come in, present a proclamation and then rush out to go do something else, that this past week they had the Parents of Murdered Children event on the steps of City Hall and Mayor Parker came and spoke and stayed for a long time, that he wanted to publicly thank her for doing that because he thought it sent a good message for all of them that she was paying attention to what was going on and that everybody in the City was important, and Mayor Parker stated thank you. Council Members Stardig, Pennington, Rodriguez and Costello absent.

Council Member Sullivan further stated that he spoke to two civic clubs, Oak Meadows in the south part of his district, their concerns had to do mainly with conditions of roadways, not

the Renew Houston type roadways, but condition of roadways and how potholes were fixed, that they were also concerned about overgrown weeds and grass in the public right-of-ways and his office was doing some 3-1-1 data entry on that to try to get those fixed, that he spoke to Gulf Meadows Civic Club that there concerns were mainly broken curbs and broken sidewalks that the City would not fix and Flood Control District drainage ditches; that the air conditioning system at Fire Station No. 93 went out last week and he wanted to thank the GSD Department for their hands on approach in getting it fixed and resolved; that there was a Planning Commission reception Monday night which Mayor Parker attended, Council Members Stardig and Pennington were also there. Council Members Stardig, Pennington, Rodriguez and Costello absent.

Council Member Lovell stated that Gloria Thomas, the mother of her Chief of Staff, William Paul Thomas, died on Monday, she was 82 years, that she knew she could speak for everyone present that they send their sympathies and prayers; that the Development and Regulatory Affairs Committee would hold a special meeting on Thursday, September 30, 2010, at 10:00 a.m. in Council Chambers; that at the Thursday, September 30, 2010 meeting of the Planning Commission they would discuss and consider the draft of the Historic Preservation Ordinance, the meeting was at 2:30 p.m. in the City Hall Annex Council Chambers, that the Planning Commission held a public hearing on the draft ordinance last Thursday, September 23, 2010; that she wanted to send condolences to the parents of Asher Brown, the eighth grade student at Hamilton Middle School in Cypress Fairbanks who killed himself last week after a history of bullying at the school, that she wanted to say to everyone out there that if they knew that bullying was going on to any young people to please report it and to the schools to please listen to these students; that two Lanier Middle School students and their coach were hit by a car at Mandell and Alabama, that if they drive that street it goes directly west and the sun is brutal that time of day and the person stated that they did not see the light, the coach and students stepped off of the curb and they were all grateful that none of them were seriously or critically injured, that she would like to ask Public Works to see if they could do something about fixing the visibility of the lights along there, especially in the afternoon. Council Members Stardig, Sullivan, Pennington, Rodriguez, Costello and Jones absent.

Mayor Parker asked Council Member Lovell is she had made a request to Public Works to analyze that, and Council Member Lovell stated that she and the neighbors and civic associations had and would like to request again. Council Members Stardig, Sullivan, Pennington, Rodriguez, Costello and Jones absent.

Council Member Johnson stated that since Benjy's was closed on September 14, 2010 TEA still had not given any documents to demonstrate why they closed Benjy's down, they had not even paid the teachers for work already performed for the month of August 2010 and had not given any justification why they had not paid the teachers, they had not given one shred of evidence to demonstrate what was Benjy's debt and who actually was obligated to be paid at this particular time, that he would continue to report on Benjy's because he thought it was important, it was not about the school but it was about the 500 plus children that were at Benjy's; that the school filed on injunction in the Federal Court that he thought would be heard tomorrow; that they were going to have a proposed Council break from October 18 through 22, 2010 and he would suggest that they do not do that on that particular day because this was the day that would be Career Mentoring Day in which they were working in conjunction with MHMRA, on October 20, 2010 they would be working with Collaborations for Action, Mental Health Mental Retardation Authority of the City of Houston, Gulf Coast Careers, Dress for Success, KOCH's Radio and Career Gear, that it was an opportunity to them to mentor people with disabilities so they could come down and see the work that they were doing on Council and shadow them for that day; that he wanted to thank Mayor Parker for accepting to be the Honorary Chair Person for their Brock Park Charity Golf Tournament, which would take place on October 22, 2010. Council Members Stardig, Sullivan, Pennington, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that she wanted to note the passing of Mr. Johnny Raia, who worked in Planning for 54 years for the City of Houston, he passed away on Friday. Council Members Stardig, Sullivan, Pennington, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that next Tuesday was National Night Out and wanted to encourage all of the civic clubs and organizations to come together with HPD and HFD to celebrate National Night Out; that she wanted to applaud Woodby Elementary School, she attended their White Coat Ceremony, that this After School Program at Woodby focused on STEM and were focusing on math, science and technology, that she wanted to thank the Baylor College of Medicine for their partnership in this program; that she, Mayor Parker and Council Member Lovell attended the First Montrose Commons Historic District celebration at the Hofheinz House; that on Thursday morning at the Solid Waste Management Department they would be having a ribbon cutting ceremony at the Southwest Neighborhood Depository and Recycling Center; that on Saturday there would be a walk at Grimes Park at Reed Road, Bosses for the Cure, for those who lived in the Sunnyside area near Grimes Park to please come and join her as they walk for the cure. Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Gonzalez announced the following events: Saturday, October 2, 2010, from 9:00 a.m. to 12:00 the Independence Heights Community would be celebrating the unveiling of their Quality of Life Plan at Booker T Washington Senior High School at 119 E. 38th Street; that Representative Sylvester Turner hosted a townhall meeting in Independence Heights yesterday, the items that were discussed were primarily improvements to Booker T. Washington Senior High School and flooding and drainage issues in the community; that the Holy Name Church Annual Bazaar would be from October 1 through 3, 2010; that the Fall Festival at Emmanuel Lutheran Church on Saturday, October 2, 2010, from 11:00 a.m. to 4:00 p.m. at 306 E. 15th Street in the Houston Heights. Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that she enjoyed helping celebrate the Sunset Heights Centennial on Saturday, that it was a nice neighborhood parade and festival. Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Hoang stated that last week on Saturday they had the International Alief Parade and had many organizations and elected officials, that Council Members Bradford and Jones were there to support the community; that he attended the grand opening of the Ripley Baker Neighborhood Community Center, that former Secretary of State, James Baker III was present and also Council Member Lovell, that he thought that Council Members should organize a group and visit the place, it was a wonderful and beautiful place that had charter schools, credit unions and stuff like that, that it was in Gulfton; that as to the National Night Out he appreciated the Mayor's Assistance Office who helped his office organize a couple of events for National Night Out. Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:11 p.m. Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez, Costello, 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

Anna Russell, City Secretary