

City Council Chamber, City Hall, Tuesday, October 5, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 5, 2010, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, 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. Omar Izfar, Assistant City Attorney, Legal Department; Mr. Xavier Herrera Citizens Assistance Office; Ms. Marty Stein, Agenda Director; Ms. Marta Crinejo, Assistant Agenda Director; present.

At 1:49 p.m. Mayor Parker stated that this was the third week for honorees for Hispanic Heritage Month and invited Mr. John Castillo to the podium for the Lifetime Achievement Award; that he was an activist and political strategist and helped play a role in shaping Houston's history and future by helping others win elections and by winning elections himself and serving as a Council Member; and because of this and other reasons presented him a Proclamation proclaiming today as "John Castillo Day" in the City of Houston, Texas. Mr. Castillo stated that it was a privilege and honor to thank Council Members and citizens of Houston who gave so much of their talent and time and the children who would continue to see Houston grow and make it one of the best cities of all; and invited family members to the podium. Council Members Sullivan, Rodriguez, Costello, Noriega, Bradford and Jones absent.

Mayor Pro Tem Clutterbuck and Council Members Gonzalez and Pennington thanked Mr. Castillo for his service and dedication; and congratulated him on his recognition. Council Members Sullivan, Rodriguez, Costello, Noriega, Bradford and Jones absent.

Council Member Lovell invited those present with the Hellenic Cultural Center to the podium and stated that she was pleased to honor the Hellenic Cultural Center of the Southwest for Hellenic Cultural Month, the entire month of October, that the Greek Festival would be held on the grounds of Enunciation Greek Orthodox Cathedral on October 7 through 10, 2010, in Montrose; that this was the first event to honor the heritage of Greece in Houston; that the many contributions of our Greek American neighbors and friends had help build Houston into the international city that it was today and because of this and other reasons presented a Proclamation to Ms. Alexandra Theodoropoulou proclaiming the month of October as "Hellenic Cultural Month" in the City of Houston, Texas. Ms. Theodoropoulou, the Consul General of Greece thanked all for recognizing Hellenic Cultural Month; welcomed the Hellenic Cultural Center of the Southwest, an emerging young and ambitious institution responsible for embracing Greek culture, etc., invited all to the Greek Festival and spoke on the Greek resistance to the German occupation in the 1940s. Ms. Pappas thanked the City of Houston for supporting the church for 44 years; that she was third generation chairman of the festival; and invited all to attend. Mr. Nick Checkles, chair of the Hellenic Cultural Center, thanked all for the recognition of Hellenic Cultural Month and invited all to an evening with Olivia Dukakis. Council Members Sullivan, Rodriguez and Bradford absent.

Council Members Pennington and Jones welcomed all and thanked them for their contributions. Council Members Rodriguez and Bradford absent.

Council Member Stardig stated that she was happy to recognize Mr. Jerry Stoller and the Stoller Group for their contributions to Houston's economic infrastructure and invited Mr. Stoller to the podium. Council Member Stardig stated that Mr. Stoller came to Houston in 1970 establishing products to help the natural growth of agriculture with research products leading to a better and safer environment; and presented a Proclamation to Mr. Jerry Stoller honoring the Stoller Group for their 40th anniversary and dedication to horticulture and proclaimed today as "Stoller Group Day" in the City of Houston, Texas. Mr. Stoller stated that it was humbling, but

he appreciated the recognition and on behalf of the company and their employees he hoped they could bring good employment to the City of Houston and better lives and dedicate some of their wealth to charitable work for the community. Council Members Rodriguez and Bradford absent.

Council Members Jones and Pennington thanked Mr. Stoller for his work and congratulated him on their recognition. Council Members Rodriguez, Lovell and Bradford absent.

At 2:14 p.m. Mayor Parker called the meeting to order and called on Council Member Pennington who invited Reverend Larry Hall with St. John Devine Church to lead in the prayer and Council Member Pennington led all in the pledge. Council Members Rodriguez, Lovell, Bradford and Jones absent.

At 2:17 p.m. the City Secretary called the roll. Council Members Hoang and Lovell absent.

Council Members Bradford and Noriega moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. MOTION ADOPTED.

Council Member Hoang moved that the rules be suspended for the purpose of moving all the speakers listed under Non-Agenda to the top of the speakers list, seconded by Council Member Adams and Council Member Clutterbuck stated that she understood why Council Member Hoang wanted to do this, but she would be voting against it as she believed in the processes and those who signed up for one and two minutes did so in relation to their own schedules. Council Member Noriega absent.

A vote was called on Council Member Hoang's motion. Council Members Stardig, Clutterbuck, Pennington and Gonzales voting no. Balance voting aye. Council Member Noriega absent. MOTION 2010-0717 ADOPTED.

Council Member Gonzalez moved that the rules be suspended for the purpose of hearing Ms. Barbara Simper and Mr. Mark Williams after Mr. Dennis Keim, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent. MOTION 2010-0718 ADOPTED.

Upon questions by Mayor Parker, the City Secretary stated that today there were a total of 163 minutes reserved and under the rules of Council if the time requested was greater than 150 minutes the Mayor would announce and each speaker's time would be one minute; furthermore when the provisions of the subsection were invoked the question time for City Council Members shall be limited to a cumulative total of one minute for each speaker, notwithstanding the provisions of this rule and it was contained in the Rules of Council, Code of Ordinances, Section 2-2; and Mayor Parker stated to those in the audience all speakers would be limited to one minute and a general reminder to Council Members they could not actually loan their time to a speaker, it was a violation of Council Rules, they tried not to call them on it, but it was one minute for all Council Members and not their time to loan; and asked the City Secretary to begin calling public speakers. Council Members Adams and Pennington absent.

At 2:22 p.m. the City Secretary began calling the public speakers. Council Members Adams and Pennington absent.

Ms. Evelyn Jackson, 2802 Vega, Houston, Texas 77091 (281-591-6630) had reserved time to speak but was not present when her name was called. Council Members Adams and Pennington absent.

Mr. Alfred Williams, 7606 Ashmole Lane, Houston, Texas 77088 (281-448-9599) had reserved time to speak but was not present when his name was called. Council Members Adams and Pennington absent.

Mr. Patrick McIlvain, 1618 Weber #A, Houston, Texas 77007 (832-894-9584) appeared and stated that he would be in the walk in Washington for depression awareness and he asked Mayor Parker to place a banner in back to be signed by Council Members and he would present it with petitions asking Congress for more funding for depression research, education and intervention and public awareness; that he was challenged with depression and such people looked like everyone else, they were the doctors, chefs, elected officials, etc. Council Members Adams and Pennington absent.

Mayor Parker stated that she had placed his banner in the back and encouraged Council Members to sign it. Council Members Adams, Hoang and Pennington absent.

Council Member Gonzalez thanked Mr. McIlvain for representing Houston in the walk on Washington and for all that he did in bringing awareness to depression and he had signed the petition. Council Members Adams, Hoang and Pennington absent.

Council Member Jones stated that she too signed the petition; that you also see many depressed people in the Criminal Justice System; that interestingly depression could be controlled with medication, but it was not as simple as people thought. Council Members Adams, Hoang and Pennington absent.

Ms. Khaliah Hunter, 17210 Imperial Valley, Houston, Texas 77073 (832-276-1218) had reserved time to speak but was not present when her name was called. Council Members Adams and Pennington absent.

Ms. Pam Curvey, 7607 Moline, Houston, Texas 77087 (832-242-8691) appeared and stated that she was present regarding a police report she made in defense of her 90 year old father who was at an assisted living center; that they reported to his guardian he had alcohol after returning from Louisiana with her and neither of them drank or smoked so she called police to report the assisted living center giving him alcohol. Council Members Adams and Pennington absent.

Mayor Parker stated that she was not sure whether that would fall under something HPD would investigate and since Lieutenant Gallier was not present asked that someone from Neighborhood Assistance speak with Ms. Curvey and get more information. Council Members Adams and Pennington absent.

Ms. Lydia Alexander, no address (832-576-3659) had reserved time to speak but was not present when her name was called. Council Members Adams and Pennington absent.

Mr. John Cieslewicz, 1250 Dubarry Lane, Houston, Texas 77018 (713-683-0703) appeared, presented information and stated that he presented a map and the back easement ran from Ella to Oak Forest and most lots were deep; that the developer ran a shallow ditch in the rear and it emptied on DuBarry at Woodcrest; that a new home was being built on Woodcrest and they were now filling in the 65 year old drainage ditch and added five to six inches on top; that a City Code Inspector said as long as a builder put up a fence and drained rainwater to the street it was up to code. Mayor Parker, Council Members Adams, Pennington and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Mayor Pro Tem Clutterbuck stated that his time had expired and she knew he had contacted the city and 311 and Public Works was working with him. Mayor Parker, Council Members Adams, Pennington and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Stardig stated that she would be happy to follow-up and do a site visit and work with him on this. Council Members Adams, Pennington and Noriega absent.

Mayor Parker stated that Mr. Roberto Medina with Public Works was present and would speak with him at this time. Council Members Adams, Pennington and Noriega absent.

Ms. Linda Murray, 6207 Bending Oak, Houston, Texas 77050 (281-449-5232) appeared and stated that she wanted to give "ups" to the multiservice center on Gray Street, but she was present regarding recycling; that it went to Bellaire and then not into the community; that she had recycling on her street but her girlfriend was told she had to get a petition and needed it also. Council Members Adams, Pennington and Noriega absent.

Mayor Parker stated that she was not responsible for the city of Bellaire and their recycling program, but they were trying to roll out single street recycling across the City of Houston as fast as they could and someone with Solid Waste was present and she could speak with them at this time. Council Members Adams and Noriega absent.

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

Mr. Rene Solis, 4500 Bissonnet, Houston, Texas 77041 (713-667-9400) had reserved time to speak but was not present when his name was called. Council Members Adams and Noriega absent.

Mr. Davis Chaumett, 4500 Bissonnet, Bellaire, Texas 77041 (713-667-9400) appeared and stated that he was the first vice chair of Neighborhood Centers, Inc., an organization bringing good news; that recently the U. S. Department of Education presented them one of their 21 neighborhood grants and it would go to developing more products and services for the underserved in the communities; that one thing being worked on was "Cradle to Career" services in the Gulfton Area at the Baker Ripley Center near Hillcroft and Bellaire and they were excited about their opportunities. Council Member Noriega absent.

Council Member Clutterbuck welcomed Mr. Chaumett and stated that she thanked him for his work on behalf of Neighborhood Centers and so many underserved areas. Council Member Noriega absent.

Council Member Jones congratulated Mr. Chaumett on the new grant, and stated they were only picking a small number and she was thankful it was for the Gulfton Area. Council Member Noriega absent.

Mr. Don Hooper, 3547 Wood Valley, Houston, Texas 77025 (713-553-8935) appeared and stated that he was present regarding Proposition I, the Police Union had come in support of it and Mr. Blankenship was concerned about flooding, but the policy was to put water in the streets for detention; that he would encourage collecting money from METRO for this. Council Member Noriega absent.

Mayor Parker stated that the city was doing its best to collect that money, she first had to put in a new board and they had to put in a new chairman and now they were sorting through the issues; that Proposition I required the City of Houston to take all METRO money and place it in a locked box with money that would be generated under Proposition I and spend it on streets and drainage in the City of Houston. Council Member Noriega absent.

Mr. Alex Farinas, 405 Welch, Houston, Texas 77006 (832-259-4470) appeared and stated that he was present regarding the increased crime in East Montrose; that recently Welch Street had every block but one broken into and police response was unimpressive. Council Members Hoang and Noriega absent.

Mayor Parker stated that the Central Division was made aware of his concerns and the Neartown Storefront was going to do a neighborhood door knocking effort and she knew tonight at National Night Out police would be there to speak with them. Council Members Johnson, Hoang and Noriega absent.

Council Member Adams stated that they had communication the last several months and she understood about National Night Out and did applaud the Central Division; and upon questions, Mr. Farinas stated that they did not gather evidence at any crime scenes and many did not report crimes because they were frustrated; and Mayor Parker stated that they would continue working with him. Council Members Johnson, Hoang and Noriega absent.

Mr. Joseph Omo Omuari, 6363 Cattail, Houston, Texas 77045 (318-402-5640) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

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

Ms. Pen Morrison, 1535 Ashland, Houston, Texas 77008 (713-869-9424) appeared and stated that she was a taxpayer and committed voter and they lived in Heights West and asked historical supporters present to stand to be recognized, then asked the Mayor and Council Members to stand with them and protect their neighborhood. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Ms. Amy Lawson, 618 Harvard, Houston, Texas 77007 (713-863-8381) appeared and stated that she lived in the proposed Heights Historic District South and supported all efforts to strengthen historic preservation and was in favor of eliminating the 90 day waiver, but opposed to anything which would make it easier to repeal the districts. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Ms. Sally Gordon, 19 Courtlandt, Houston, Texas 77006 (713-528-2242) appeared and stated that she was a resident of Courtlandt Place with its original 18 homes still intact and an example of preservation to be envied; and urged protection offered in the proposed amendment and support the current historic designation. Council Members Stardig, Sullivan, Hoang, Rodriguez and Noriega absent.

Mr. Calvin Simper, 1811 Harvard, Houston, Texas 77008 (713-868-5192) appeared and stated that he lived in the historic East Houston District and against changes on the historic proposals, he did not want more restrictions, however, if it came to fruition he would propose all property owners in the districts pay for it and not let non-historic people pay for extra inspections, etc. Council Members Stardig, Sullivan, Rodriguez and Noriega absent.

Mr. Jonathan Smulian, 1231 Arlington, Houston, Texas 77008 (713-863-9047) appeared and stated that he lived in Heights East and he and the 40 he represented today strongly supported the proposed historic preservation ordinance and urged Council to vote for it, to preserve you had to protect. Council Members Stardig, Adams, Sullivan, Rodriguez and Noriega absent.

Ms. Betty Chapman, 6166 Olympia Drive, Houston, Texas 77057 (713-974-4970) appeared and stated that she chaired the Houston Archeological and Historical Commission and much history was lost when they weakened historical areas; and encouraged passage of the proposed amendments for their protection. Council Members Stardig, Adams, Sullivan, Rodriguez and Noriega absent.

Mayor Parker thanked Ms. Chapman for her hundreds of volunteer hours. Council Members Stardig, Adams, Sullivan, Rodriguez and Noriega absent.

Ms. Nancy Otto, 706 E. 18th, Houston, Texas 77008 (713-906-1979) appeared and stated that she was a resident of the Heights and a realtor and present to thank all Council Member who worked toward the preservation of historic homes and buildings there; that she supported eliminating the 90 day waivers and opposed a 25% vote to de-designate districts. Council Members Stardig, Adams, Sullivan, Rodriguez and Noriega absent.

Mr. Robert Searcy, 8206 Glencrest, Houston, Texas 77061 (832-279-5332) had reserved time to speak but was not present when his name was called. Council Members Stardig, Adams, Sullivan, Rodriguez and Noriega absent.

Ms. Paula Swain, 1432 Ashland, Houston, Texas 77008 (713-409-9793) appeared and stated that she lived in Heights West and strongly supported the historic preservation amendment, though unhappy with the transition procedures and encouraged Council to not further amend the ordinance and urged a yes vote. Council Members Stardig, Adams, Sullivan, Rodriguez and Noriega absent.

Ms. Elaine Ellender, 703 Omar, Houston, Texas 77009 appeared and stated that she lived in Woodland Heights and strongly supported the ordinance, was against the transitional ordinance and hoped Council would not allow districts to be de-designated with a 25% vote. Council Members Stardig, Adams, Sullivan and Rodriguez absent.

Ms. Carol Sofianopolos, 1519 Allston, Houston, Texas 77008 (713-868-9844) appeared and stated that she lived in the historic Heights District West and she and her husband supported the stronger protections, did not support any amendments making it easier to repeal or shrink historic designations. Council Members Stardig, Adams, Sullivan and Rodriguez absent.

Ms. Susan Prospere, 521 East 8th, Houston, Texas 77007 (713-860-6422) appeared and stated that the proposed ordinance required 60% majority for historic designation which was still not enough, however, it allowed only 15 days for people caught in the 51% majority web under the existing ordinance to fight back and if necessary she would demolish her house and wait two years to get a building permit. Council Members Stardig, Adams, Sullivan and Rodriguez absent.

Mr. Bart Truxillo, 1802 Harvard, Houston, Texas 77008 (713-861-6236) appeared and stated that he was present imploring Council to support the ordinance, all wanted preservation and it was now time to do it. Council Members Stardig, Adams, Sullivan and Rodriguez absent.

Mr. Douglass Elliott, 219 Hawthorne, Houston, Texas 77006 (713-253-2311) had reserved time to speak but was not present when his name was called. Council Members Stardig, Adams, Sullivan and Rodriguez absent.

Ms. Tammy Thigpen, 931 Arlington, Houston, Texas 77008 (713-705-2543) appeared and stated that she resided in the historic South District and for the proposed preservation ordinance

but against the proposed transition plan because it could potentially eliminate their all too important historic district. Council Members Stardig, Adams, Sullivan and Rodriguez absent.

Mr. Lee Mullenex, 1117 Harvard, Houston, Texas 77008 (713-202-9641) appeared and stated that the language in the proposed historic district ordinance changes were not what the majorities of property owners wanted when they signed petitions; that many did not want the proposed changes so why did Council insist on them; that they insisted on a resurvey and expected Council to respect their wishes. Council Members Stardig, Adams, Sullivan and Rodriguez absent.

Ms. Jaime Fruge, 1440 Columbia, Houston, Texas 77008 (713-868-7969) appeared and stated that she resided in the historic East District and she was offended the proposed changes to the HPO represented a "bait and switch" from what was originally agreed upon and they needed to have a clear 67% approval of property owners in each historic district before they should be able to vote on the changes. Council Members Stardig, Adams, Sullivan and Rodriguez absent.

Ms. Mary Wassef, 1127 Winston, Houston, Texas 77009 (713-398-8719) appeared and stated that she lived in Historic Norhill and the revised historic ordinance needed some clarifications, but it lacked the revote for the Heights they were promised; that she was asking they say no to the ordinance as it lacked several things which she read a list of including the lack of a process to withdraw after the first year, etc. Council Members Adams and Sullivan absent.

Mr. Michael Jungnickel, 535 Frasier, Houston, Texas 77007 (713-868-3810) appeared and stated that he lived in the Freeland Historic District and supported the strengthened preservation ordinance without re-petitioning or the 90 day waiver; that there was no preservation without protection and urged Council to protect and pass the ordinance. Council Members Adams, Sullivan and Jones absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) appeared, presented information and stated that he was president of the Houston Property Rights Association and his group spent many hours trying to preserve property rights in the inner city and hoped Council would take steps to protect them now by preserving the 90 day waiver and making other changes as presented in the petition template for historical districts he presented. Council Members Sullivan and Jones absent.

Mr. David Turner, 610 W. Main, Houston, Texas 77006 (713-523-3990) appeared and stated that he lived in First Montrose Commons Historic District and wanted control over his house and urged a no vote on the ordinance as it placed too much power in the hands of a single individual; that they voted for the original ordinance and that was what they should get. Council Members Johnson, Sullivan and Jones absent.

Ms. Jane West, 2114 Lubbock, Houston, Texas 77007 (832-721-9080) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan and Jones absent.

Mr. Mike Mendez, 1425 Heights Blvd., Houston, Texas 77008 (832-723-0781) appeared and stated that he lived in the Heights and did not support changes to the ordinance; that Council was being persuaded by a small minority; that food and shelter was a need, but having power over someone else's property was not a need and many would be hurt financially with the changes and urged a no vote. Council Members Johnson, Sullivan and Jones absent.

Mr. Mark Williamson, 1433 Columbia, Houston, Texas 77008 (713-864-4230) appeared and stated that he was a resident of Heights East and for amendments to strengthen preservation and against removing the protection from any district; and alleys were to be treated as public streets and in removing those they removed too many faces of a building as in many buildings the face was visible in the alley. Council Members Johnson, Sullivan and Jones absent.

Ms. Donna White, 1541 Allston, Houston, Texas 77008 (713-206-0121) appeared and stated that she lived in the historic Houston Heights West and present asking Council to support the preservation ordinance and vote against the re-petitioning or resurveying of their properties. Council Members Johnson, Sullivan and Jones absent.

Ms. Angela Deweree, 505 Arlington, Houston, Texas 77007 (713-880-3613) appeared and stated that she was a homeowner in Heights South and supported the updated preservation ordinance; that her neighborhood met six of eight requirements; that she applauded the allowance of new materials for restoration and new construction of compatible single family homes; and urged a yes vote. Council Members Sullivan and Jones absent.

Ms. Cecelia Ottenweller, 531 Frasier, Houston, Texas 77007 (713-302-2793) appeared and stated that she lived in the Freeland District in the Houston Heights and bought their home because it was protected and they were appalled their district could lose its historic designation; that she was an author and just as her book would be diluted if you deleted every fourth word so did their districts if you diluted every fourth house, the entire community needed protection; and urged the ordinance be strengthened and not ask for re-petitioning. Council Members Sullivan and Jones absent.

Mr. Tim Womble, 515 Harvard, Houston, Texas 77007 (713-819-8500) appeared and stated that since 1981 he lived in the Heights or Montrose areas and strongly supported the new ordinance with its new protections and opposed to any process to re-designate their historic district or reduce boundaries and urged a vote for additional protections. Council Members Sullivan and Jones absent.

Ms. Brigitte Lawson, did not wish to give address (713-829-1539) appeared, presented information and stated that she was a resident of Woodland Heights; that the HAHC had not yet validated Woodland Heights as historic, but was being treated as such in the transition document and she would like the designation request be on hold until the new ordinance was passed and the neighborhood could be resurveyed with new rules. Council Members Sullivan, Hoang and Jones absent.

Ms. Barbara Skerrett, 247 West 16th, Houston, Texas 77008 (713-861-4333) appeared and stated that she was present regarding the transition plan; that she felt those who wanted to reduce or eliminate protected historic districts should be required to obtain signatures of the 25%, possibly 35% of those living in the district and to complete the process within the 15 days; that she was asked if the historic preservation ordinance could be modified in the future and what would be the mechanism for change. Council Members Sullivan, Hoang and Jones absent.

Mayor Parker stated that City Council had the ability to modify any ordinance at any time with appropriate public posting, other than the posting 72 hours in advance they did not have to give any other notice. Council Members Sullivan, Hoang and Jones absent.

Mr. Mark Standridge, 1509 Oxford, Houston, Texas 77008 (713-864-8663) appeared and stated that he was a resident of Houston Heights East and present in opposition to the historic preservation ordinance, specifically for the strengthening of provisions currently before Council

as buyers were not inclined to buy because of the uncertainty of the historic ordinance. Council Members Sullivan, Hoang and Jones absent.

Ms. Becky Standridge, 1509 Oxford, Houston, Texas 77008 (832-628-8221) appeared and stated that she was speaking in opposition to the historic preservation ordinance; that they believed they could sell their property and help support themselves after financial difficulties, however, it proved not to be the case as buyers appeared to be unwilling to pay what was common a year ago because of restrictions as a result of the ordinance; that their side of the street was protected and across from them was not; and urged a mandate of the resurvey of their historic district and it should be automatic. Council Members Sullivan, Hoang, Noriega and Jones absent.

Mr. Driscoll Bowman, 1130 Prince, Houston, Texas 77008 (713-553-4771) appeared and stated that he was a realtor and resident of Timbergrove Manor adjacent to the Heights; that the ordinance said any neighborhood 50 years or more could be included or could ask for a historic preservation district and he found this strange, eventually more and more property could be included; that procedures for certification and reconsideration in all current protected areas should be the same. Council Members Johnson, Sullivan, Hoang, Lovell, Noriega and Jones absent.

Ms. Tessa Wilkins, 1120 Columbia, Houston, Texas 77008 (281-615-6632) appeared and stated that she lived in the Heights East District and opposed to changes in the ordinance and appalled and offended by what she believed to be procedures and practices used up to date by preservationists to get the designation; and urged a resurvey as promised, she wanted a repetition and a vote and the same process preservationists had when they got the designation. Council Members Johnson, Sullivan, Hoang, Lovell, Noriega and Jones absent.

Mayor Parker stated that she was incorrect, it was the vote of Council which determined the historic districts, the petition process was merely a mechanism to convey to Council the level of community support which was the same process whether it be a petition or survey. Council Members Johnson, Sullivan, Hoang, Lovell and Noriega absent.

Council Member Adams stated that on a point of personal privilege, she just received news that Ms. Darlene Williams in Solid Waste passed away last night and asked for a moment of silence for the Solid Waste family and for Darlene's family. Council Members Johnson, Sullivan, Hoang, Rodriguez, Costello, Lovell and Noriega absent.

Mr. Steve Longmire, 603 W. Main, Houston, Texas 77006 (832-655-5657) appeared and stated that he lived in the First Montrose Commons Historic District where he became responsible for collecting and verifying each and every petition used to demonstrate their community's strong support for preservation of its unique 30 blocks of Houston's history and they retained that support today; that the new ordinance had many provisions they supported, however, it had a sharp side which divided the neighborhood, it contained no provisions for an appeal which the property owners trusted because it eliminated the 90 day waiver and equally important was the ability to appeal to someone accountable to the property owners rather than a board and time was needed to make the ordinance right. Council Members Johnson, Sullivan, Hoang, Rodriguez, Costello and Noriega absent.

Upon questions by Council Member Adams, Mr. Longmire stated that what many of his neighbors would support was along the lines of a citizen review board or mediation; and Mayor Parker stated that a body accountable to the taxpayers..., the Council was the only body accountable to the taxpayers. Council Members Johnson, Sullivan, Hoang, Rodriguez, Costello and Noriega absent.

Mr. Bill Gottfried, 7447 Tulane, Houston, Texas 77008 (713-299-0653) appeared and stated that he and his wife lived in Heights West and were strong on preservation, however, opposed to the current ordinance being proposed; that this was a property rights issue and the current draft of the document placed property rights into unelected commissions, the Planning Commission and Houston Architectural Historic Commission and they believed it to be a dangerous path and they would like a re-petition. Council Members Johnson, Sullivan, Hoang, Rodriguez, Costello and Noriega absent.

Ms. Danielle Gottfried, 7447 Tulane, Houston, Texas 77008 (713-299-0653) appeared and stated that she thanked Council Members who went out to their August meeting, there was a great sampling of how historic districts felt and Council Member Lovell promised a reconsideration before the Council vote; that it was a property rights issue as there was no mechanism for a property owner to protest anything given out. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Lovell stated that she had fulfilled her promise as demonstrated today, half the room did not want the reconsideration process and half did; that she promised a chance to reconsider being a historic district and that promise would be fulfilled; and though they disagreed she thanked her for them being able to have civil conversations. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Mr. Jeff Dunham, 1247 W. 34th, Houston, Texas 77018 (713-923-9100) appeared, presented information and stated that he was representing a company, JACO Environmental, what he presented was an insert in the water bills and gave Houstonians a \$25.00 incentive to turn in their old refrigerator or air conditioner and would appreciate Council helping to get the word out. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Mr. David Beale, 316 W. 15th, Houston, Texas 77008 (713-863-0404) appeared and stated that he was co-chair of a coalition of Houston's Historic Districts and lived in Houston Heights Historic District West and the coalition commended Mayor Parker for her initiative in strengthening historic preservation and their position was favoring the deletion of the 90 day waiver, but opposed to the transition provisions, they did not work and should be discarded, a postcard process did not work. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Gonzalez, Rodriguez and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Mr. Larry Whaley, 89 Hibur Drive, Houston, Texas 77024 (713-868-1591) appeared and stated that he was present on behalf of historic preservation, he was president and CEO of a firm in Houston and their work included structural design of new buildings and was involved in preserving old buildings; that he was also on the board and president of the Greater Houston Preservation Alliance and was present on behalf of the Alliance to encourage Council Members to vote for the proposition; that they worked with the U of H and their report showed houses held their value longer and rose if in a historic district. Council Members Johnson, Adams, Sullivan, Hoang, Gonzalez and Rodriguez absent.

Mayor Parker stated that she believed Council Members had received a copy of the report and thanked the GHPA for putting it out. Council Members Johnson, Adams, Sullivan, Hoang, Gonzalez and Rodriguez absent.

Ms. Jerrie McGahan, 1643 Arlington, Houston, Texas 77008 (713-864-1429) appeared and stated that her family was against the proposed amendment; that they owned a home in Heights East which had been on the market five months and they could not sell it and it was

causing an extreme hardship for her family; that no one was interested because of fear of more restrictions, it was surrounded by six two story buildings and the city was saying their little bungalow had to be historic; and they nor the original owners ever voted to give their rights to the City of Houston. Council Members Johnson, Adams, Sullivan, Hoang, Gonzalez, Rodriguez and Bradford absent.

Ms. Maria Isabel, 1816 Lubbock, Houston, Texas 77007 (713-542-0721) appeared and stated that she lived on Washington Avenue and owned property in the Old Six Ward which was the pilot program for historic protection; that half of the property owners did not want a large new construction next to them and others did not want to live next to a boarded house or empty lot; that she thought it was a mistake, she had concerns of the process. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez and Bradford absent.

Upon questions by Council Member Jones, Ms. Isabel stated that she was for historic preservation, but was against the item on the Agenda. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez and Bradford absent.

Ms. Sharie Beale, 316 West 15th, Houston, Texas 77008 (713-594-2199) appeared, presented information and stated that she was a member of the Historic Commission and according to the U. S. Department of Commerce visiting historic sites was second only to shopping for tourist activities; and read over various cities statistics on protected sites until her time expired. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez and Bradford absent.

Upon questions by Council Member Jones, Ms. Beale stated that her presentation had protected structures and districts listed. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez and Bradford absent.

Mr. Brian Thigpen, 931 Arlington, Houston, Texas 77008 (713-705-2543) appeared and stated that he and his wife lived in Heights South and owned two properties from his great grandparents and they did support the proposed strengthening of the 90 day waiver and rejected the proposed transition period as it provided the ability to circumvent the historic districts; that they would support the 51% resurvey as stated in the current ordinance. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez and Bradford absent.

Mr. John Stofer, 836 W. Temple, Houston, Texas 77009 (713-682-1780) appeared, presented information and stated that he owned a home in East Norhill Heights and was opposed to the proposed historic preservation ordinance and the historic district transition ordinance; that the process was flawed and the city needed to start over and listen to the people affected, this was "spot zoning" and there was already a mechanism to protect his neighborhood, his deed restrictions. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez, Bradford and Jones absent.

Ms. Phoebe Tudor, 1405 South Boulevard, Houston, Texas 77006 (713-522-9256) appeared and stated that she was president of the Broad Acres Neighborhood Homeowners Association and vice chairman of the Archeological and Historical Commission and 25 out of the 26 homeowners in her neighborhood supported strengthening the historic preservation ordinance; that those who chose to live in historic districts deserved protection for their quality of life. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez, Bradford and Jones absent.

Ms. Vicky Bettis, 504 Woodland, Houston, Texas 77009 (713-397-9336) appeared and stated that she lived in the proposed Woodland Heights Historic District, it remained more than 95% intact and showcased its historic homes during its annual home tour and Lights in the

Heights event; that without protected status Woodland Heights would lose its originality and architectural integrity and history and she did support stronger protections in the ordinance but did not support amendments making it easier for opponents to repeal or shrink the district. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez, Bradford and Jones absent.

Mr. Thomas Wells, 1428 Tulane, Houston, Texas 77008 (713-869-1289) appeared and stated that he lived in Heights West and may disagree on some things with people present such as consequences of amendments, but they should not disagree on the process; that the State of Texas long protected property rights of individuals through the State Constitution and Property Code and it required 75% of property owners to change restrictive deed restrictions and this was not a deed restriction, but had the same affect, but worse as here they had an appointed city bureaucracy making the decisions and the only proper course of action would be to submit this to the property owners for them to require the same 75% as outlined in the Texas Property Code. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez, Bradford and Jones absent.

Ms. Delores Robinson, 739 Morley, Houston, Texas 77061 (713-641-3426) appeared and stated that she lived in the Glenbrook Valley District and was against the proposal of Glenbrook Valley becoming historic; that she felt they were losing control, there were already too many guidelines and restrictions homeowners had to follow; that being governed by the city they lost their freedom and she would ask they be allowed to enjoy their homestead and let them leave their inheritance for investment to their children. Council Members Johnson, Sullivan, Hoang, Rodriguez, Bradford and Jones absent.

Ms. Kathleen Powell, 1224 Columbia, Houston, Texas 77008 (713-862-5355) appeared, presented information and stated that she wanted all to understand the Heights was different than Courtlandt Place, Broad Acres, etc., they never saw the urban decline her neighborhood did; that currently there was a home on every block which would be in violation of the proposed ordinance and if there was not one on a block there were two or three on the next block; that neighbors would be concerned with Section 33-236 which referred to violations and fines; that in her presentation were pictures of many homes in serious disrepair. Council Members Johnson, Sullivan, Hoang, Rodriguez, Bradford and Jones absent.

Mr. Ed Wolf, 9707 Running Mead, Houston, Texas 77096 (713-446-9205) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Rodriguez, Bradford and Jones absent.

Mr. Elbert Johnson, 1639 Arlington, Houston, Texas 77008 (832-722-5246) appeared and stated that he was a Heights resident and present to encourage Council to not amend the historic preservation ordinance in a way overly restricting the size of additions and new construction. Council Members Johnson, Adams, Sullivan, Hoang, Rodriguez, Bradford and Jones absent.

Ms. Mari Gianukos, 1414 Columbia, Houston, Texas 77008 (713-512-2282) appeared and stated that she wanted to speak to Mayor Parker as she was concerned, she had been in front of the board before and she had put trust in and voted for the Mayor; that she had been behind the development of the Walmart in her backyard, but she did not want homeowners to be able to develop their homes and create a thriving neighborhood; that Texas Property Code 208 was created for Harris County and it clearly stated that they needed to resurvey when making major changes. Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Rodriguez, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Dennis Keim, 8207 Braes Meadow, Houston, Texas 77071 (713-202-9428) appeared and stated that he was not in an affected neighborhood but was present in opposition to the

proposed change in the preservation ordinance as he was concerned with property rights; that he looked at the petition and found it flawed in that it was distributed by those in favor of the product and did not speak to negative aspects; that he drafted a recall petition and would watch the meeting tomorrow to see whose names needed to go on it. Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Rodriguez, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Barbara Simper, 1811 Harvard, Houston, Texas 77008 (713-970-7108) appeared and stated that she lived in the Heights East District and she and her husband were against new changes to the ordinance and felt it especially unfair to senior citizens; that they did not live in the un-restored bungalows because they had so much money, they lived on certain means; that she did not believe Council should harm any citizens for some future good, they were to protect and serve. Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Rodriguez, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Mark Williams, 1710 W. T. C. Jester, Houston, Texas 77008 (281-788-7628) appeared and stated that Council should not be deceived; that people were saying they worked hard to get this passed and they did not work hard to get it passed, they worked hard to get the current ordinance passed; that people knew the rules when they moved in and now they wanted to change rules for everyone else, government should not work that way and there should be a revote. Council Members Johnson, Adams, Sullivan, Pennington, Rodriguez, Bradford and Jones absent.

Mr. Anthony Collins, 6202 Star Lake, Humble, Texas 77396 (713-344-5732) had reserved time to speak but was not present when his name was called. Council Members Johnson, Adams, Sullivan, Pennington, Rodriguez, Bradford and Jones absent.

Ms. Carol Simon, 2505 Fannin, Houston, Texas 77002 (713-987-4988) had reserved time to speak but was not present when her name was called. Council Members Johnson, Adams, Sullivan, Pennington, Rodriguez, Bradford and Jones absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was present addressing his national crime victim case which Council had knowledge of; and continued expressing his personal opinions until his time expired Council Members Johnson, Adams, Sullivan, Rodriguez and Bradford absent.

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

Mr. 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. Council Members Johnson, Adams, Sullivan, Rodriguez and Bradford absent.

Upon questions by Council Member Pennington, Mayor Parker stated that the proposed ordinance on historic districts was posted two weeks ago and distributed to Council and at the Agenda briefing yesterday was a package of amendments which was included in it and it was handed out yesterday the second time with technical amendments; and Council Member Pennington stated that he had amendments to hand out and wanted to be sure he was amending the right section or that there was need for the amendment; and Mayor Parker stated that she would make sure Legal got it to him. Council Members Johnson, Adams, Sullivan, Rodriguez and Bradford absent.

Council Member Clutterbuck stated that they were told to submit amendments to Ms. Debra McAbee and they would be plugged in because there was no final ordinance as yet and numbers may be changing; that they only received a copy of the matrix which was a sense of what the Planning Commission wanted and the Administration agreed to and other items the Planning Commission suggested and were up for discussion and debate; and upon questions, Mayor Parker stated that they should be submitted pursuant to the September 15th draft; that the Planning Commission weighed in on it and she had the option of incorporating agreed technical changes but did not want to have multiple drafts out there and if they were amending a particular section they could do it against the September 15th draft, however, she would suggest that most changes she heard from Council Members would be sufficient to address the main theme as she thought everyone understood the parts still in play. Council Members Johnson, Sullivan, Rodriguez and Bradford absent.

Council Member Noriega stated that her understanding was they would not have the final language until tomorrow and it was difficult to figure out how to present amendments; and Mayor Parker stated that the substance could be presented, the only changes made since the draft of the 15th and if they wanted to make an amendment it was appropriate to do it against the numbering of the 15th; that there were technical changes they tried to accommodate which made up the matrix. Council Members Johnson, Sullivan, Rodriguez and Bradford absent.

At 3:47 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, October 6, 2010. Council Members Johnson, Adams, Sullivan, Rodriguez and Bradford absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, October 6, 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 9:00 Mayor Parker called the meeting to order and stated that the first order of business was the Monthly Operations and Financial Report; that she wanted to note with sadness the passing of Charles Leal, Charlie Leal, last night, a long time colleague and staffer in the Finance Department, that their sympathies to his family, he fought Cancer for a very long time. Council Members Johnson, Hoang, Noriega, Bradford and Jones absent.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds – was presented. Council Members Johnson, Hoang, Noriega, Bradford and Jones absent.

Mayor Parker called on Mr. Ronald Green, City Controller and Ms. Michele Mitchell, Director of Finance. Council Members Johnson, Hoang, Noriega, Bradford and Jones absent.

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

Council Member Gonzalez stated that they had a discussion yesterday about the federal funding for the COPS Program and how it would impact their budget and if it would provide any relief and they gave an explanation on that and asked if they could summarize that once again.

Ms. Mitchell stated that the COPS Program was a three year program which would be funded by the federal government for three years, that at the end of that time the City would be responsible to fund the Police Budget for those 50 police officers, approximately 50 police officers, that it did cover it fully, including benefits, except for about \$300,000 in other expenses, like clothing and other costs such as that, and Mayor Parker stated that it was additive, it did not relieve their budget, and Ms. Mitchell stated that in 2014, probably at the end of the half year they would have to begin funding and then it would be annualized into 2015 for those officers. Council Member Noriega absent.

Upon questions by Council Member Hoang, Ms. Mitchell stated that at this point they did not have a budget for 2014 and 2015, but at next month's Fiscal Affairs Committee meeting she would be presenting a five year plan in which it would be included in that.

Council Member Clutterbuck moved to accept the Monthly Operations and Financial Report, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega absent. MOTION 2010-0719 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 37

ACCEPT WORK - NUMBERS 3 through 6

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,554,312.66 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, (4257-90) - 2.42% over the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; G - PENNINGTON; H - GONZALEZ and I – RODRIGUEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega absent. MOTION 2010-0720 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,378,867.04 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, (4257-91) - 4.61% under the original contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; F - HOANG and G - PENNINGTON** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega absent. MOTION 2010-0721 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,069,635.25 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Sewer Line Replacement - Sims Bayou Utility Conflict Relocation between Almeece/White Heather, Hiram Clark/White Heather and Fuqua/Tiffany 11.32% under the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega absent. MOTION 2010-0722 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,878,660.00 and acceptance of work on contract with **BLASTCO TEXAS, INC** for Rehabilitation of Ground Storage Tank at Acres Homes

and Replacement of Bolted Tank with Concrete Tank at Willowchase Pump Stations - 1.30% under the original contract amount - **DISTRICTS A - STARDIG and B - JOHNSON** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega absent. MOTION 2010-0723 ADOPTED.

PROPERTY - NUMBERS 7

7. RECOMMENDATION from Director Department of Public Works & Engineering, on request from Jeffrey and Angelica Ramirez, reviewed and approved by the Joint Referral Committee, that the City decline the acceptance of, reject, and refuse the dedication of Princeton Street, from 23rd Street south to its terminus, located in the Sunset Heights Addition, out of the John Austin Two League Grant, Parcel SY10-085 - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega absent. MOTION 2010-0724 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 and 9

8. **PITNEY BOWES, INC** for Lease of One Digital Mailing System and Postage Meter from the State of Texas Procurement and Support Services Contract for the Administration and Regulatory Affairs Department - \$61,680.00 - General Fund – was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent. MOTION 2010-0725 ADOPTED.
9. **BECTON DICKINSON AND COMPANY** for Clinical Laboratory Reagents and Test Kits for Houston Department of Health and Human Services - 5 Years - \$526,179.34 - General Fund – was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent. MOTION 2010-0726 ADOPTED.

ORDINANCES - NUMBERS 14 through 37

14. ORDINANCE amending City of Houston Ordinance No. 2009-1250 relating to the rescheduling or postponement of certain City Council meetings – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0766 ADOPTED.
15. ORDINANCE amending Ordinance No. 2010-721 relating to permitting of Sexually Oriented Businesses and Adult Arcades to correct a scrivener's error – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0767 ADOPTED.
17. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to the Joint Election to be held on November 2, 2010; providing a maximum contract amount - \$950,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0768 ADOPTED.
20. ORDINANCE amending Ordinance No. 2010-0239 (Passed on March 29, 2010) approving and authorizing submission of an application to the Office of the Governor, Criminal Justice Division, for assistance under the Juvenile Accountability Grant Program – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0769 ADOPTED.

21. ORDINANCE approving and authorizing contract between the City of Houston and the **TEXAS DEPARTMENT OF STATE HEALTH SERVICES** for the administration of the WIC Program for the Houston Department of Health & Human Services - 1 Year - \$12,383,188.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0770 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City of Houston and **HILL’S PET NUTRITION, INC** for accepting pet food donations for the City’s Animal Shelter by the Bureau of Animal Regulation and Care; providing a maximum contract amount - 3 Years - \$231,000.00 General Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0771 ADOPTED.
25. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **OAK FOREST SUBDIVISION, SECTION 15** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0772 ADOPTED.
26. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **GREEN RIDGE NORTH SUBDIVISION, SECTIONS 1 - 8 AND GREEN RIDGE NORTH SUBDIVISION REPLAT OF SECTIONS 4 AND 9** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0773 ADOPTED.
27. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **HEATHER RIDGE VILLAGE SUBDIVISION, SECTION 1** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0774 ADOPTED.
28. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **HIDDEN VALLEY SUBDIVISION, SECTIONS 1 - 5 AND 7, HIDDEN VALLEY SUBDIVISION, REPLAT OF SECTIONS 2, 6, AND 8, AND HIDDEN VALLEY WEST SUBDIVISION, SECTIONS 1 - 4** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0775 ADOPTED.
29. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **WESTBROOK ADDITION SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0776 ADOPTED.
30. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **BRAYS FOREST SUBDIVISION, SECTION 1** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0777 ADOPTED.

31. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **BRAYS FOREST SUBDIVISION, SECTION 3 AND REPLAT OF SECTION 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0778 ADOPTED.

33. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing 6.7498 acres commonly known as 12534 Memorial Drive, Houston, Texas, and portions of Tallowood and Memorial Drive rights of way, Houston, Harris County, Texas; supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT G - PENNINGTON** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0779 ADOPTED.

36. ORDINANCE appropriating \$3,525,972.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0780 ADOPTED.

37. ORDINANCE appropriating \$1,769,000.00 out of Contribution for Capital Projects Fund, awarding contract to **ROZCO CONTRACTING, INC** for North Park Drive Paving from West Lake Houston Parkway to Mills Branch Drive; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by Contribution for Capital Projects Fund - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2010-0781 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2009 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2010 MTFP in map form – was presented, and tagged by Council Members Jones and Rodriguez. Council Member Noriega absent.

ACCEPT WORK

2. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$315,932.00 and acceptance of work on contract with **GULF COAST LANDSCAPE SERVICES, INC** for Robert C. Stuart Park - 3.67% over the original contract amount - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega absent. MOTION 2010-0727 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. ORDINANCE appropriating \$109,288.28 out of Police Consolidated Construction Fund for purchase of Gymnasium Flooring, Maintenance Support Equipment and Construction Services at the Police Central Complex Facility for the Houston Police Department – was presented. Council Member Noriega absent.

After discussion by Council Members a vote was called on Item No. 10. All voting aye. Nays none. ORDINANCE 2010-0782 ADOPTED.

- 10a. **CUSTOM SPORTS SURFACING, INC** for Gymnasium Flooring, Maintenance Support Equipment and Construction Services for Improvements at the Police Central Complex through the Interlocal Agreement for Cooperative Purchasing with BuyBoard for Houston Police Department \$99,352.98 and contingencies for a total amount not to exceed \$109,288.28 - **DISTRICT H – GONZALEZ** – was presented, moved by Council Member Costello, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2010-0728 ADOPTED.
11. **ADA RESOURCES, INC** - \$1,895,231.15 and **HOUSTON-PASADENA APACHE OIL COMPANY** \$731,656.30 for Automotive Lubricants for Various Departments - General and Enterprise Funds - was presented, and tagged by Council Member Jones.
12. **WEBSTER VETERINARY SUPPLY, INC** - \$2,000,000.00 and **MACI FEED & SUPPLY** - \$180,847.89 for Veterinary Supplies for Various Departments - General Fund – was presented, and tagged by Council Member Jones.

ORDINANCES

Mayor Parker stated that the suggestion was that they do motions for 13 and 13a together so they could get everything out on the table, that her intention was not to stop Council Members from making motions and thought that since some apply to one and to the other they would just go through the list.

13. ORDINANCE **AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES** relating to Historic Preservation; making findings and containing other provisions relating to the foregoing subject; containing a repealer; providing for severability – was presented.
- 13a. ORDINANCE establishing a process for the reconsideration of the designation of historic districts within the City of Houston designated or pending designation by the City Council in connection with the amendment of certain provisions of Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, relating to Historic Preservation – was presented.

Council Member Gonzalez presented the following written motion to amend Item No. 13a as follows:

“I move to amend Item 13a on the October 6, 2010, City Council agenda by amending Sections 2 and 3 of the Ordinance to change the number “15” to the number “30” where it appears in the first paragraph of each Section”.

Council Member Adams presented the following written motion to amend Item No. 13 as follows:

“I move to amend Item 13 on the October 6, 2010, City Council Agenda by adding a new Section 27.5 to follow Section 27 of the Ordinance as follows:

“**Section 27.5.** That Section 33-253 of the Code of Ordinances, Houston, Texas, is

hereby amended to read as follows:

'Sec. 33-253. Appeal.

(a) An applicant aggrieved by a decision of the HAHC with respect to any certificate of appropriateness may appeal to the planning commission by filing a written notice of appeal, stating the grounds for the appeal, with the director within ten days following the date the HAHC renders its decision.

(b) The planning commission shall consider the appeal at its first regularly scheduled meeting for which required notice can be given. The planning commission shall consider the application, the findings of the HAHC and any evidence presented at the meeting at which the appeal is considered. The planning commission shall reverse or affirm the decision of the HAHC based upon the criteria applicable to the certificate of appropriateness. If the planning commission does not make a decision on the appeal within 30 days following the planning commission's hearing on the appeal, the decision of the HAHC with respect to the application for the certificate of appropriateness shall be deemed affirmed.

(c) An applicant aggrieved by the decision of the planning commission on an appeal from a decision of the HAHC may appeal to the city council. The city council shall consider the appeal at its first regularly scheduled meeting for which the required notice can be given. The city council shall consider the appeal under the provisions of Rule 12 of Section 2-2 of this code. At the conclusion of the city council's review of the matter, the city council shall reverse or affirm the decision of the planning commission. The decision of the city council shall be final and exhaust the applicant's administrative remedies.

(d) The director shall provide the applicant with notice of the time and place of the meeting at which each appeal will be considered by mail no less than ten days before the date of the meeting".

Council Member Lovell presented the following written motion to amend Item No. 13 as follows:

"I move to amend Item 13 on the October 6, 2010, City Council Agenda by amending Section 25 to replace the words "total added heights" with the words "plate height" in the one instance it occurs."

Council Member Pennington presented the following written motion to amend Item No. 13 as follows:

"I move to amend Item number 13 on the October 6, 2010, City Council Agenda by amending Section 13 of the Ordinance to amend Subsection (f) of Section 33-222.1 of the Code of Ordinances, Houston, Texas, as added by Section 13 of the Ordinance, to change the number "60" to the number "67" in every place it appears."

Council Member Pennington presented the following written motion to amend Item No. 13a as follows:

"I move to amend Item number 13a on the October 6, 2010, City Council Agenda by amending Section of the Ordinance to read in its entirety as follows:

“Section 2. That the following provisions shall apply to all historic districts previously designated by the City Council other than the Old Sixth Ward Protected Historic District (a “Designated Historic District”). Each Designated Historic District shall be resurveyed within a period of 90 days upon passage of Ordinance No. 2010-_____ ¹(the “Ordinance”). One public meeting shall be held for each Designated Historic District in a suitable location in or near such Designated Historic District within a period of 60 days following the effective date of the Ordinance, to explain the provisions of the Ordinance and the impact of any such amendments including, without limitation, the elimination of the 90-day waiver provision. The Director of the Department of Planning and Development (the “Director”) shall give notice of the meeting by mailing a letter, sent by first class United States postage prepaid, to the owners of all tracts of land located within the Designated Historic District as shown on the most current Harris County Appraisal District records. The notice shall include the time, date, location and purpose of the public meeting. Following the public meeting, the Director shall mail a ballot to each owner of property within a Designated Historic District which will direct the property owner to return it to the Director indicating whether the property owner does or does not support the continued designation of the Designated Historic District. Each tract shall receive one ballot regardless of the number of owners of that tract. The ballots shall be returned to the Director by the later of (i) 90 days following the effective date of the Ordinance, or (ii) 30 days after the above-referenced public meeting has been conducted. Tracts of publicly owned land, utility easements, and public rights-of-way shall not be counted towards determining support for or against remaining in a Designated Historic District.

The Director shall report to City Council the result of the resurvey and other information relevant to the designation of the Designated Historic District. If the number of properties supporting the continued designation of the Designated Historic District equals 67% or more of the total number of properties located in the Designated Historic District, the Director shall recommend to City Council that it take no action with respect to the designation of the historic district. If the number of properties supporting the continued designation of the Designated Historic District equals less than 67% of the total number of properties in the Designated Historic District, the Director shall recommend to City Council that it repeal the resolution creating the Designated Historic District or amend the boundaries of the Designated Historic District to reduce its size, and the City Council may vote to repeal the resolution or take other action it deems appropriate. The vote of the City Council shall be final.”

¹ City Secretary to insert the number of the Ordinance that appears as Item 13 on the October 6, 2010 City Council agenda.

Council Member Hoang presented the following written motion to amend Item No. 13 as follows:

“Amendment #1 – Application for Historic District

Sec 33-222.1 Application for designation of an historic district

Shall read as follows:

Sec 33-222.1 (f) After the deadline for returning cards mailed in accordance with the subsection (e) has passed, the director will determine if owners of ~~60 percent~~ **67 percent** of

all the tracts in the proposed district support the designation of the district. If so, the application will be considered final. If the director determines that the owners of less than ~~60 percent~~ **67 percent** of tracts in the proposed historic district support the designation of the historic, then the director shall either:

- (1) Modify the boundaries of the proposed historic district if the modification will result in boundaries where the owners of ~~60 percent~~ **67 percent** of the tracts support designation of the proposed historic district. If the director modifies the boundaries, the application shall be considered final; or

Council Member Hoang presented the following written motion to amend Item No. 13a as follows:

“Amendment #2 - Transition Provisions

Provisions for Reconsideration of Certain Historic Districts

Shall read as follows:

Section____. The request must be submitted in writing in the form prescribed by the Director of the Planning and Development Department (the "Director") not later than ~~45 day~~ **60 days** following the date of passage and approval of this Ordinance.”

Council Member Clutterbuck presented the following written motion to amend Item No. 13a as follows:;

“I move to amend the pending Historic District Transition Provisions as follows:

Amend Subsection (c) of Section 33-227

That the following provisions shall apply to all historic districts previously designated by the city council other than the Old Sixth Ward Protected Historic District. The owner of property in an historic district previously designated by the city council who desire the city council to repeal the designation may submit a request of reconsideration of the designation of the district. The request must be submitted in writing in the form prescribed by the Director of the Planning and Development Department (the “Director”) not later than **30 days** following the date of passage and approval of this Ordinance. The request must be signed by the owners of at least **10 percent** of the tracts within the historic district or proposed historic district. ~~The request shall identify the basis for the request, including any changed circumstance that render one or more of the criteria on with the designation or proposed designation was based no longer applicable.”~~

Council Member Clutterbuck presented the following written motion to amend Item No. 13 as follows:

“I move to amend the pending Historic Preservation Ordinance as follows:

Amend Sec 33-201:

Contributing Structure means a building , structure, object, or site that reinforces or that has conditions which if reversed would reinforce the cultural architectural or historical significance of the historic district in which it is located and that is identified as contributing upon the designation of the historic district which it is located. ~~The term also includes any structure that was identified as partially contributing in any historic district designated prior to the effective date of this ordinance.~~

Amend Sec 33-221.1

(e) After the final public meeting, the director shall mail notice to the owners of all property within the proposed historic district. The notice shall include a card to be returned by the property owner which shall indicate whether the property owner does or does not support designation of the historic district. The card must be placed in the U.S. mail with proper postage affixed and postmarked or delivered to the director not later than the thirtieth day after the date on the notice

(f) After the deadline for returning cards mailed in accordance with subsection (e) has passed, the director will determine if owners of 67 percent of all the tracts in the proposed district support the designation of the district. If so, the application will be considered final. If the director determines that the owners of less than 67 percent of tracts in the proposed historic district support the designation of the district then the director shall either:

- (1) Modify the boundaries of the proposed historic district if the modification will result in boundaries where the owners of 67 percent of the tracts support designation of the proposed historic district. If the director modifies the boundaries, the application will be considered final; or
- (2) Determined that the application fails and that no further action will be taken by the HAHC. The director shall mail notice to the owners of all property within the proposed historic district that the public hearing before the HAHC has been cancelled.

Amend Sec 33-223:

(b) The protected status provided in subsection (a) above ends on the earliest of the following dates, but not later than 90 days after the application has been deemed complete pursuant to section 33-221 (d) (1) of this chapter.

Delete Section (5) ~~In the case of the denial of a certificate of non designation by the HAHC the 181st day after the decision of the HAHC~~

Amend Sec 33-228

e. If the HAHC finds that the subject of an application does not qualify for a certificate of non designation, the HAHC shall deny the application and shall notify in writing of the denial, ~~if the HAHC denies the certificate of non designation the property shall be subject to the provisions of section 33-223 of this code for the time specified therein,~~ and of their right to appeal the decision on the record to the city council pursuant to section (f) of this chapter

f. Appeals to City Council.

Appeals of the rulings of the HAHC may be made to Houston City Council pursuant to Section 2-2, rule 12 of the Code of Ordinances.

Every appeal that is authorized by federal law, state law, the City Charter, or city ordinance to be made to the city council from a decision by an officer, agency, board or commission shall be reviewed by the city council, without the taking of further evidence by city council, on the basis of the record of the decision from which the appeal is taken. Consideration of appeals may be scheduled at any specific time on the agenda, irrespective of the order of business established by these rules.

The director of each department (or a designee), or the presiding officer of a board, commission or agency, or a hearing examiner (the "hearing officer"), as appropriate, shall conduct an evidentiary hearing, the record of which shall be made by a certified court reporter of any matter that may be appealed to the city council. The term "record"

shall include, but is not limited to, a transcript of oral testimony, exhibits offered and considered, written or oral responses, answers or questions, and all documents reviewed or considered by a hearing examiner or officer, commission or agency, board, or department director or his designee at an evidentiary hearing.

Each presiding officer or hearing officer shall give written notice to any party appearing in an evidentiary hearing that:

(1) A court reporter is required to prepare a record in order for there to be an appeal to the city council;

(2) The party must request, in writing, the presence of a court reporter at the hearing before the hearing officer not less than 24 hours prior to such evidentiary hearing; and

(3) The party requesting the court reporter agrees to pay all costs of the court reporter, including preparation of transcript(s) for appeal to city council.

(4) Except as otherwise provided by the city Code, the party appealing to city council shall submit the complete court reporter-certified record to the city secretary as required by this Code within 60 days of the decision of the officer, agency, board, or commission whose decision or action is the basis of the appeal. Failure to submit the requested or required records within the required time period shall constitute an untimely appeal to city council and a waiver by the appealing party to an appeal before city council.

In the event that an appeal to the city council is filed by a party to a decision, the city council shall consider the appeal solely on the basis of:

(1) The written record of the hearing conducted below; and

(2) The written exceptions, if any, of each party to the proceeding to the facts and administrative rulings and decisions made by the officer, agency, board or commission.

In the event the city council finds that the record is incomplete or inadequate, the city council may refer the matter to the officer, agency, board or commission for further proceedings to complete the record. All decisions of the council on the record, other than a referral for further proceedings, as described above, shall be final and not subject to further appeal or rehearing.

~~Delete (g) If the city council designates as a landmark or archaeological site a building-structure object or site that is the subject of an unexpired certificate of non-designation, the designation shall not be effective until the expiration of the certificate of non-designation. If the city council designates an historic district, the designation shall not be effective with respect to an individual building, structure, object or site located within the historic district that is the subject of an unexpired certificate of non-designation until the expiration of the certificate of non-designation with respect to the individual building, structure, object or site.~~

Amend Sec 33-241

(b) (1) b. The total added height of the addition does not exceed 1.25 times the plate height of the existing structure **or the tallest existing building in the District, whichever is higher.**

Amend Sec 33-253

(d) An applicant aggrieved by a decision of the commission with respect to any certificate of appropriateness may appeal to the city council by filing a written notice of appeal, stating the grounds of the appeal, with the director within ten days following the date the commission renders its decision. Appeals considered by city council shall be conducted pursuant to Sec. 33-228 (f) or Sec. 2-2, rule 12 of the code of ordinance.

- Council Member Lovell tagged

Council Member Clutterbuck presented the following written motion to amend Item No. 13:

“I move to amend the pending Historic District Ordinance as follows:

WHEREAS, the foregoing shall apply only to historic districts created following the passage of this ordinance. Historic districts created prior to passage shall be controlled by the provisions of this chapter that were in effect at the time of the designation of the historic district. Existing districts wishing to extend the protections of the revised ordinance may do so by following the procedures proscribed in Sec. 33-221.1 of this chapter.”

Mayor Parker asked if there were any other amendments and seeing none in writing recognized Council Member Lovell.

Council Member Lovell stated that she moved to tag the amendments.

Mayor Parker stated that Council Member Lovell tagged the amendments, and now the two main items were on the floor, they could continue to debate those and they would be tagged at the end of the agenda.

After a lengthy discussion by Council Members, Council Member Jones moved “that they make the effective date from the date they post the petition or repetition”, whatever it was called, seconded by Council Member Pennington.

Council Member Clutterbuck stated that she would tag Council Member Jones motion to amend, just so it was tagged with all of the other amendments.

Mayor Parker stated that there were no other speakers on the list; that she had a point of privilege, they had some visitors in the audience, a group from Beijing, China, the Beijing Political Consultive Committee and asked that they stand and be recognized. Council Members Pennington, Lovell and Noriega absent.

Mayor Parker stated that she needed Item No.13 tagged.

13. ORDINANCE establishing a process for the reconsideration of the designation of historic districts within the City of Houston designated or pending designation by the City Council in connection with the amendment of certain provisions of Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, relating to Historic Preservation – was again presented to City Council, tagged by Council Members Jones, Johnson, Clutterbuck and Sullivan.

Mayor Parker stated that she needed Item No. 13a tagged.

- 13a. ORDINANCE **AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES** relating to Historic Preservation; making findings and containing other provisions relating to the foregoing subject; containing a repealer; providing for severability – was again presented to City Council, tagged by Council Members Jones, Johnson, Clutterbuck and Sullivan.
16. ORDINANCE relating to the Retail Electric Rates of CenterPoint Energy Houston Electric, LLC within the City of Houston, Texas; denying a rate increase and maintaining in effect the current rates that shall constitute the CenterPoint Energy Houston Electric LLC rates to be observed within the City of Houston, Texas until changed under the Utilities Code; requiring reimbursement of rate case expenses – was presented. All voting aye. Nays none. Council Members Johnson, Pennington, Lovell and Noriega absent. ORDINANCE 2010-0783 ADOPTED.

18. ORDINANCE appointing Presiding and Alternate Judges for the Early Voting Ballot Boards, Central Counting Stations and Voting Precincts for the City of Houston Special Election to be held on November 2, 2010; prescribing the maximum number of election clerks for each voting precinct – was presented. All voting aye. Nays none. Council Members Pennington, Lovell and Noriega absent. ORDINANCE 2010-0784 ADOPTED.
19. ORDINANCE establishing City of Houston Election Precincts and designating polling places for the City of Houston Special Election to be held on November 2, 2010 – was presented. All voting aye. Nays none. Council Members Pennington and Noriega absent. ORDINANCE 2010-0785 ADOPTED.
22. ORDINANCE approving and authorizing Automobile Rental Concession Agreement between the City of Houston and **SIMPLY WHEELZ, LLC d/b/a ADVANTAGE RENT A CAR** at William P. Hobby Airport - **DISTRICT I – RODRIGUEZ** - was presented, and tagged by Council Member Sullivan.
23. ORDINANCE approving and authorizing fifth amendment to contract among the City of Houston, **THE HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK** to provide an additional \$65,000.00 and continue the program for the development of Neighborhood Parks on Public School Grounds under the SPARK Program - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2010-0786 ADOPTED.
32. ORDINANCE consenting to the addition of 799.04 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 490**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2010-0787 ADOPTED.
34. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2010-0788 ADOPTED.
35. ORDINANCE appropriating \$836,228.00 out of Street & Bridge Consolidated Construction Fund awarding construction contract to **ISI CONTRACTING, INC** for Neighborhood Traffic Management Program; 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 contingencies, project management, construction management and engineering testing relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented, and tagged by Council Member Adams. Council Member Sullivan absent.

After discussion and questions by Council Members, Council Member Adams requested a representative from Public Works and Engineering, Neighborhood Traffic Management Program to come and visit her office, and Mayor Parker stated that she would have them meet with Council Member Bradford also, and Council Member Bradford stated that he would like information on the salary recover and would also add his tag to Item No. 35. Council Members Sullivan and Hoang absent.

MATTERS HELD - NUMBERS 38 through 40

38. 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 – **(This was Item 21 on Agenda of September 29, 2010, TAGGED BY COUNCIL MEMBERS JOHNSON and JONES)** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2010-0789 ADOPTED.

39. 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 – **(This was Item 25 on Agenda of September 29, 2010, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2010-0790 ADOPTED.
40. 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** – **(This was Item 26 on Agenda of September 29, 2010, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2010-0791 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Bradford stated that President Barack Obama had issued a proclamation declaring October as the National Domestic Violence Awareness Month, that thousands had been battered and hundreds had been killed via domestic violence, individuals of every race, gender and background face domestic violence, that children were exposed to domestic violence as victims or witnesses, that ending domestic violence required a collaborative effort involving every part of their society not just law enforcement and the criminal justice system, that they must involve businesses of faith and community based leaders as well as educators, health care providers, human services professionals, they all had a role in communicating that domestic violence was always unacceptable and in most instances was simply learned behavior that they should not tolerate in their society, so he was asking all Houstonians to join them this month and let them all resolve to be vigilant in recognizing and combating domestic violence in their communities and build a culture of safety and protection for all of them. Council Members Sullivan and Gonzalez absent.

Council Member Gonzalez stated that he wanted to thank all of the HPD personal that were out last night at National Night Out, that the District I team made as many as they could and everybody seemed very upbeat by the visibility in what they were trying to do and accomplish in terms of public safety, that he had the Houston Dynamo accompany him to the various Nights Out in District I, that the Houston Dynamos were going to have East End Celebration Day on October 23, 2010, a game at Robertson Stadium and they would be offering \$10 tickets for the community; that he wanted to congratulate Denver Harbor Little League Football for their opening day ceremony on Saturday and best of luck for the 2010 season. Council Members Sullivan and Gonzalez absent.

Council Member Lovell stated that she wanted to say congratulations to Ms. Marlene Gafrick and the Department of Planning and Development, that the Texas Chapter of the American Planning Association had chosen the City of Houston as a recipient of the Chapter's 2010 Project Planning Award, that the award particularly recognizes the Planning Departments Midtown Livable Centers project, that Michael Kramer would attend the APA Texas Awards Luncheon in San Antonio on Friday, October 8, 2010 to accept the award on behalf of the City; that she wanted to congratulate the Houston Zoo which welcomed a new baby elephant born on Sunday, the new elephant is name Tupelo. Council Members Gonzalez and Jones absent.

Council Member Johnson stated that he wanted to congratulate all of the neighborhoods that were out for the National Night Out, that it embodied what National Nigh Out should have been, lots of community people coming together to discuss neighborhood issues and simply bond and get to know each other; that he wanted to remind everyone for Houston's Hidden Treasure Golf Tournament on October 22, 2010, that tee time would be at 8:00 a.m. for Brock Park; that they should have gotten a letter from him or Council Member Adams as they continued to push for October 20, 2010, which was Collaboration for Action Career Mentoring Day to allow a person with disabilities to be in their office on that particular day to shadow them and give an opportunity to a person with disabilities to break down the barriers and a lot of the perception that was out there when it came to people with disabilities; that Habitat for Humanity was looking for volunteers for October 11, 2010 at 10:00 a.m. at 1801 Penell Street, that this was the first brand new home to get underway as a result of the City's NSP Grant awarded to Houston Habitat; that it was immunization time again, that they would be going out with the Houston Fire Department and the Blue Cross Blue Shield Van, they were teaming up for free childhood immunization and it would be on October 7, 2010 at 6515 Lions Avenue, that there were other dates, October 21, November 4 and November 18, 2010; that he was informed that Ms. Darlene Williams of the Solid Waste Department passed away and his thoughts and prayers go out to her family; that he wanted to say to his wonderful wife of 13 years Happy Birthday, that her birthday was tomorrow. Council Members Gonzalez, Rodriguez, Lovell and Jones absent.

Council Member Clutterbuck stated that she wanted to thank Mayor Parker for speaking publicly about their good friend Mr. Charlie Leal and his passing last night, that it affected many of them just as the passing of Ms. Darlene Williams affected so many of them to, that she wanted to express her sincerest condolences to his Fiscal Affair family; that Max Feldman was joining them and he was the grandson of City Attorney David Feldman. Council Members Johnson, Sullivan, Gonzalez, Rodriguez, Lovell and Jones absent.

Council Member Noriega stated that their last community meeting for Public Safety was going to be on Monday, October 25, 2010 at 2:30 p.m. in the Council Chamber, that if her colleagues had any comments on any of the meetings that they had out in the community this would be a good time to bring them forward, that it would be her hope that they would have some recommendations to bring to Council as part of that process, that she just wanted to mention that to everyone and they would go ahead and notify their offices as well; that they had an intern in their office named James Jones, who was a registered nurse, and he went on a ride along with the Fire Department and he wrote a letter to the Fire Department Command Staff about his experience and wanted to read a little from his letter, that she thought his perspective as a nurse gave him an added insight into the kind of work that their firefighters did, "two things really made an impression on me, on one run that he went upon the patient was an elderly lady with COPD and congestive heart failure who had an oxygen saturation of 56%, this is a condition I am very familiar with from my experience as an ICU registered nurse, I ask many questions and they were answered promptly and professionally and I realize they had done the exact things that would have been done in an ICU setting, and I realized that they had been done under field conditions independent of a supervising physician, I rode in the ambulance with the patient and observed the procedures used and before we arrived at Ben Taub Hospital

they had called in a complete assessment and transmitted an EKG as well, that I was very impressed with the calm professionalism and the calm professionalism and the competence with which they carried it out", that he went on to talk about the second call, there was an individual discovered by a jogger along Buffalo Bayou and they were concerned that they were in an altered mental state and staggering around, and they went and looked for him and pulled a helicopter out and the police and firefighters coordinated together to try to find the individual and everyone that the intern talked to said they were responsible, they needed to find this person and make sure they were alright, that he went on to say that he had an opportunity to see a pay scale posted on a bulletin board and had something to think about in terms of what these folks made, that he was very impressed and sent a letter to the Fire Department, that she just wanted to remind everyone about some of the things that the Fire Department does that they do so well which was protect property and save lives. Council Members Johnson, Sullivan, Gonzalez, Rodriguez and Lovell absent.

Council Member Adams stated that she wanted to thank her colleagues for a healthy discussion about the Historic Ordinance that hopefully they would be discussing next week, and she wanted to thank Ms. Marlene Gafrick and her team for keeping them all involved, and Legal for making sure that they get everything decent and orderly when it came to their amendments; that October was Breast Cancer Awareness Month and she wanted to remind all of the females to go out and make sure, that all City employees get a free day every year, a wellness day, and she encouraged all of them to take advantage of that wellness day, that she had a conversation with one of her friends and he was talking about men and wellness and that men really did not take advantage of going and getting physicals and they hear every day that men were being diagnosed with Prostate Cancer because they did not go to the doctor, so she encourages everybody, all City staff, to take advantage of the wellness day; that a lot of things have been in the news lately about bullying so she thought they needed to have a healthy discussion about bullying, that she did not know what the City of Houston was doing to partner with the independent school districts or the Police Department, that she knew that Chief McClelland was trying to come up with ways to blend the communication between HPD and their local schools that she wanted to thank Allen Helfman and HPD for trying to come up with a lunch program between HPD and students at their schools so that they could have lunch everyday; that she wanted to thank Kashmere High School, their class reunion was this weekend and they had a wonderful time; that last night at National Night Out it had to have been the best National Night Out that she had attended, that she wanted to commend all of the civic associations who did such an outstanding job; that she wanted them to remember Ms. Darlene Williams, Solid Waste Department, that she was her friend and would be missed, that she looked forward to celebrating with her family as they celebrate her passing over to the other side, that their blessings and condolences go out to the Ms. Darlene Williams Family and Director Hayes and her Solid Waste Family as well. Council Members Johnson, Sullivan, Gonzalez, Rodriguez and Lovell absent.

Mayor Parker stated that last night was a good night and she went to several in Council Member Adams district and hit Council Members Rodriguez and Johnson districts as well, that there was fabulous weather. Council Members Johnson, Sullivan, Gonzalez, Rodriguez and Lovell absent.

Council Member Hoang stated that it was fabulous weather, that he also saw Congressman Al Green in his district and last night he went to seven or eight events and appreciated Captain Spears and many officers and the neighborhoods who organized the events, that it was an opportunity for folks who did not know one another; that he wanted to remind the residents of southwest Houston, especially those in Sharpstown and Braeburn areas of the new City Recycling Facility that they just opened, that last Thursday Solid Waste officially opened the depository at 10785 Southwest Freeway at U.S. 59 and Beltway 8 South, that the new state of the art facility could simultaneously accommodate 10 vehicles for bulky materials

and 3 vehicles for recycling, that the service was provided to Houston residents at no charge with proof of City residency, that the facility accepts all type of recyclables, for more information they could call 713-895-1003. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Lovell and Noriega absent.

Council Member Stardig stated that she wanted to thank all of the good neighbors who came out for National Night Out, that it was a great success in District A as well; that about Breast Cancer Awareness Month, her mother was a two time survivor and celebrated her birthday last week, that if they did not do it for themselves, do it for their family members and their care givers, that she encouraged everyone to be tested; that last Thursday she attended the Houston Hispanic Chamber of Commerce 2010 Legislative Reception; that this year she was the sponsoring Council Member for the Combined Municipal Campaign, that she strongly encouraged her colleagues and their staffs and everyone to take part in the various events that they had going on this month; that she was going to attend the Fire Fest Parade on Saturday and would be riding on one of the fire apparatus, that it would begin at 9:30 a.m. at 8030 Braniff Street near Hobby Airport. Council Members Johnson, Hoang, Gonzalez, Rodriguez, Lovell and Noriega absent.

Council Member Pennington stated that he attended the Hispanic Chamber event and had attended several of their events and was impressed with their president and their membership and was looking forward to working with them on economic development matters; that he was out last night as well for National Night Out, that he attended Rice Military and Wesleyan Place, both civic associations, that there were more than 200 people at both of them. Council Members Johnson, Clutterbuck, Hoang, Gonzalez, Rodriguez, Lovell and Noriega absent.

Council Member Jones stated that she went to nine National Night Out events last night and ended up at Inwood Forest and had an appreciation about how big the City was; that HPD Officer Vonda Higgins died and they went to the wake and funeral; that Council Member Adams talked about Breast Cancer and she wanted to remind people about Sisters Network who worked with Breast Cancer for African American Women; that she was out at Pleasantville last weekend for their voter registration drive and third 60th Birthday so Happy Birthday to Pleasantville; that she went to a Friends of Houston Habitat Breakfast, they started a new organization; that Sunnyside lost a wonderful community organization, the House of Prayer, they moved to 6101 Lara Koppe; that Council Member Adams talked about bullying, she had the opportunity to go to a memorial for Asher Brown and had something for Mayor Parker that his family gave to her; that they would be giving notice of a couple of public hearings on the Consolidated Acton Plan and on Dolly and Ike Hurricane Recovery money because the City was applying for another round of that; that Council Member Bradford talked about the President naming October Domestic Violence Month, that domestic violence affects everyone, that she would urge everyone who was in one of those relationships that if they did not get out for themselves to please get out for their children; that she wanted to remind people who wanted to compete in the Houston Reality Challenge that the deadline to apply was October 9, 2010 on Saturday, that the challenge would be the weekend of October 23 and 24, 2010. Council Members Stardig, Johnson, Hoang, Gonzalez, Rodriguez and Lovell absent.

Council Member Costello stated that this weekend he attended his nephews graduation from Lackland Air Force Base basic training and he was shipped to Shepherd, Texas for technical training, that his other nephew was in the Army and stationed at Fort Drum with the Tenth Mountain Division and had already had one stint in Afghanistan and was fixing to be redeployed, that he wanted to urge his colleagues and everyone out in the public to take a moment to thank the men and women in uniform for the things that they do for our protection and safety and fighting for the democratic cause; that he wanted to wish Happy Birthday to his Chief of Staff, Sally Alcorn. Council Members Johnson, Hoang, Gonzalez, Rodriguez and Lovell

absent.

Council Member Sullivan stated that he wanted to thank BARC and Director Alfred Moran and David Atencio, BARC Director, for some personal attention they gave to a constituent in Kingwood, a lady was playing with the neighbors dog, who was friendly, but the dog broke a little skin so as a precaution they went to the doctor and that initiated a lot of other activity that was unintended consequences, that he contacted Director Moran and he got involved and was able to work out a really good resolution where the dog could be quarantined at a private vet as opposed to being quarantined at BARC; that he had lunch with the troops at Ellington Field on Saturday, that Base Commander Colonel Weisan took him on a driving tour of Ellington, that it was impressive all of the tools that they had at their disposal, some of which he was interested in working with the Houston Police Department on, that they could ask his Chief of Staff to request a meeting with Chief Ottmyer to lay those out and maybe set up a meeting with the base commander and HPD; that HFD was back in place on ambulances, that they had both ambulances out of service in Kingwood last week and another ambulance was on it's way to Kingwood to back in at a station, they received a call in route and arrived on time and performed the necessary services, that he wanted to thank HFD for what they had in making sure that they were all staffed around the City; that last week there was a dedication of a memorial park at Fire Station No. 26 in honor of fallen Firefighters Hobbs and Harlow, that both of their families were there and Chief Garrison was there, that it was a moving ceremony and he would encourage anyone who wanted to stop by Fire Station No. 26 to go and look at it, that the firefighters used a lot of imagination and a lot of private sector companies kicked in and were recognized at the event, that Jackie Hanson, Firefighter from Station No. 102 led that effort in volunteering his talents; that he wanted to thank the Houston Police Department for meeting with him and some constituents regarding some traffic problems on Kingwood Drive this week, that he wanted to thank Captain Bennett, Lieutenant Police and Lieutenant Hosel; that they had a cadet graduation class last week and Officer Vonda Higgins funeral; that they had the True Blue Gala at Tilman Fertitta's house, which was a fund raiser for the Houston Police Foundation, that Tilman continues to do this and pays for it himself and he wanted to publicly thank him and the contributions that he makes for their community; that last week he took his staff to the Wortham Theater for a ballet performance, Jewels, that while it might not be a big deal the pride that people at the center had, as well as the Director of the Ballet, C. C. Conner, just spoke volumes, that he wanted to thank Mr. Conner, Mario Raisa, Andrew Wong and Director Dawn Ullirch for making all of that happen; that the Water Resources Committee meeting that was scheduled for this week had been cancelled and he did that because he felt like there was a duplication of efforts, while he had intended to cover the emergency power requirements, or lack of, for the City of Houston for emergencies and hurricanes, they covered that yesterday in the BFA Committee, so he did not feel the need to duplicate the efforts. Council Members Johnson, Hoang, Gonzalez, Rodriguez, Lovell and Jones absent.

Mayor Parker stated that she missed the Police Foundation event at Tilman's house, she was out of town and could not go, but she had attended in the past, that his house by itself was pretty amazing and when they add all of the police toys that were out there it was an amazing event.

Council Member Adams stated that on behalf of the Neighborhood Protection and Quality of Life and Vice Chair, Council Member Stardig, they wanted to invite all of their colleagues out tomorrow morning, October 7, 2010 at 10:00 a.m., the items for discussion would be the Houston Arts Alliance contract, the Green Office Challenge that they were having at the City of Houston and a discussion of an amendment to Chapter 10 about the hearing and penalties for dangerous buildings. Council Members Johnson, Sullivan, Hoang, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:01 a.m.

Council Members Johnson, 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

Anna Russell, City Secretary