

City Council Chamber, City Hall, Tuesday, October 26, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 26, 2010, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David M. Feldman, City Attorney; Mr. Nelson Espitia, Director Citizens Assistance; Mr. Xavier Herrera Citizens Assistance Office; Ms. Marta Crinejo, Assistant Agenda Director; present. Council Member Oliver Pennington absent on personal business.

At 1:35 p.m. Mayor Parker stated that presentations would begin with Council Member Jones. Council Member Jones invited representatives with the Down Syndrome Association of Houston and children with them to the podium and stated that their mission was to build a brighter future for children and adults with Down Syndrome; that each year they brought awareness through community outreach, support meetings, etc., and the Buddy Walk was established in 1995 to celebrate Down Syndrome Awareness Month and promote acceptance and inclusion of those with Down Syndrome; and Mayor Parker presented a Proclamation to the representatives proclaiming November 6, 2010 as "Buddy Walk Houston Day" in Houston, Texas. Ms. Alejandra Lemma, executive director, thanked all for the recognition and encouraged all to attend the Annual Buddy Walk, November 6, 2010, in Jones Plaza. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Council Member Clutterbuck invited Dr. Rhea Lawson and President and CEO of the Urban Library Council, Ms. Susan Benton and Ms. Kathryn Feldman, president of the Houston Library Foundation to the podium and stated that she wanted to recognize her work and that of the Library Department; that the department's HPL Express Service Model was one of twelve national recipients of the Urban Library Council 2010 Top Innovations Award; that more than 200 success stories were shared and the Houston Public Library was one of the twelve members; that the HPL Express placed libraries within existing buildings; and Ms. Susan Benton stated that she was honored to be in one of the country's most progressive cities; that last year more people went to the library than to McDonald's, the country was hungry for knowledge and the library was a key institution in providing learning; congratulated Dr. Lawson and her team and presented her with an award. Dr. Lawson accepted and thanked all for the award. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Council Member Noriega invited those present with the Ybarra family to the podium and stated that today they were celebrating the Ybarra Gonzales Family Day, this year marked the celebration of the 100th anniversary of the Ybarra Gonzales Family, having had their family reunion last Sunday marking the 100th anniversary of the family's immigration to the U. S. and to Texas with over 350 people there and that was counting children two for one so there were quite a bit more, there were over 1,000 descents of Ibram and Rumalda who were present; that they made their way to Bryan, Texas, worked in the Robertson County Area and eventually relocated to Houston where several worked for Parker Brothers Cement Company and then moved to Genoa, Texas, which became a part of Houston; and Mayor Parker presented a Proclamation to them proclaiming today as "Ybarra Gonzales Family Day 100th Anniversary" in the City of Houston, Texas. Mr. Richard Ybarra, chair of the Family Reunion Committee, thanked all for the recognition and stated that the family was very blessed by God and fortunate to have lived the American dream. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Council Member Gonzalez invited Mr. Roy Zermeno, Mr. Rob Walker and Mr. Daren Alexander with AT&T to the podium and stated that no texting while driving was very important, it diverted attention from the road and 26% of American teens say they had texted while driving

and 48% said they were a passenger while a driver sent a text message; that a recent study showed texting while driving made an accident 23 times more likely and riskier than driving under the influence of alcohol or drugs; and thanked AT&T for bringing awareness to this; and Mayor Parker stated that she had just reiterated to city employees through department directors yesterday it was prohibited for city employees to send or receive text messages while on city business or driving a city vehicle; and presented a Proclamation to AT&T proclaiming October 26, 2010, as "No Texting While Driving Day" in the City of Houston, Texas. Mr. Zermeno with AT&T stated that they were doing this all over the state and thanked all for the recognition. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Council Member Johnson invited those present with Breast Health Collaborative of Texas to the podium and stated that it was made up of 200 organizations throughout the State of Texas dedicated to advocating for the positive legislative action in breast health, promoting collaborations and maximizing existing resources. Ms. Susan Raft displayed a large pink ribbon and stated that many would be on the streets starting next fall; that they were locally made and would be painted by local artists and money going to the nonprofit and the collaborative would get a portion of the funds. Council Member Johnson stated that he challenged his colleagues for them to be the first Council with a ribbon.

Council Member Rodriguez thanked all for promoting healthcare: and Ms. Raft stated that Friday was "Wear Pink Day".

Council Member Rodriguez stated that on a point of personal privilege he wanted to say today they were joined by Brigadier General Joe Ramirez and invited him to the podium; that he would be serving as the next commandant of the Texas A & M University Corp of Cadets and would be the first Hispanic to ever serve in the capacity; and Brigadier General Ramirez thanked all for the recognition and stated that he was retiring after 31 years of military service and was a native Houstonian, it was great to be back and he took his next position very seriously and pledged to produce fine young men and women of quality character and integrity for their great State of Texas and nation.

At 2:07 p.m. Mayor Parker called the meeting to order and called on Council Member Costello who invited his eminence Cardinal Daniel DiNardo, Chief Shepherd of the Archdiocese of Galveston/Houston to lead in the prayer and Council Member Costello led all in the pledge.

At 2:10 p.m. the City Secretary called the roll. Council Member Pennington absent on personal business.

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

At 2:11 p.m. Mayor Parker called on the City Secretary to begin calling the speakers. Council Members Adams, Rodriguez, Costello, Lovell, Noriega and Jones absent.

Mr. Erik Ibarra, 2215 Commerce, Unit D, Houston, Texas 77002 (713-314-0034) appeared and stated that he was present supporting the green initiative which would create a regulatory frame work for low speed shuttles and Pedi cabs. Council Members Adams, Gonzalez, Rodriguez, Costello, Lovell and Noriega absent.

Mayor Parker thanked Mr. Ibarra for coming and stated that they looked forward to passing the ordinance, a lot of good work went into it and she appreciated his hard work. Council Members Adams, Gonzalez, Rodriguez, Costello, Lovell and Noriega absent.

Ms. Bobbie Kite, 11500 NW Freeway #200-0, Houston, Texas 77092 (512-656-9300) appeared and stated that she was the program director for Houston CERT (Community Emergency Response Team), a program advocate for emergency preparedness and today was introducing themselves so they would know they did exist and they were available to increase the city's volunteer capacity. Council Members Stardig, Rodriguez and Noriega absent.

Council Members thanked Ms. Kite for the services being offered. Council Members Stardig, Rodriguez and Noriega absent.

Ms. Sharlette Kellum, 3100 Cleburne, Houston, Texas 77004 (713-313-4827) appeared and stated that she was present from Texas Southern University and today brought students on the subject of domestic violence; that she believed their proposals were fabulous and hoped Council would adopt one or all. Council Members Stardig, Rodriguez and Noriega absent.

Council Member Bradford thanked Ms. Kellum for coming and for her leadership in the Administrative of Justice Department at Texas Southern University; that domestic violence was a critical issue and this was Domestic Violence Prevention Month and he was interested in hearing their proposals as this was a learned behavior and preventable and should not be tolerated. Council Members Stardig, Rodriguez and Noriega absent.

Ms. Nakia Campbell, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Ms. Jada Thompson, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Ms. Ashley S. Dewalt, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Ms. Shatara Lott, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Ms. Estella Seals, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Ms. Shawanna Moore, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Mr. Barnette Lewis, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Ms. Laurenette Wilson, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Mr. Andre Gardner, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Ms. Aries Milo, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Ms. Mychelle Lawson, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Ms. Taneshia Jefferson, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Ms. Noelle Calderon, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Ms. Laraonda Frelde, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); Mr. Nicholas Jefferson, 3100 Cleburne, Houston, Texas 77004 (713-313-4827); appeared as a group and spoke on domestic violence prevention, presenting some proposals such as a danger assessment form and taking guns away, more government funded classes to teach education to women, etc. Council Members Stardig and Adams absent.

Council Member Jones stated that she was in a six year relationship and her ex husband was required to participate in a program and she was amazed that it did not matter whether the abusers were Black, White, Red, Brown or spoke English or not they all had the exact same characteristics and traits; that she wanted to commend three organizations she worked with, the Houston Area Womens Center (HAWC), Aid to Victims of Domestic Abuse (AVDA) and DAYA which catered to the Asian community; and she would like to see people blame the abusers and not the victims, courts should be far more serious; that little boys growing up in such situations were more likely to be abusive and go to prison for killing the abuser of their Mom and little girls were taught it was okay to be beat by their intimate partner. Council Members Stardig, Rodriguez and Lovell absent.

Council Member Adams asked all present with the group to stand to be recognized and commended all for what they had shared. Council Members Stardig, Rodriguez and Lovell absent.

Council Member Sullivan moved the rules be suspended for the purpose of hearing Mr. Dave Welch after Mr. Nicholas Jefferson, seconded by Council Member Lovell. All voting aye.

Nays none. Council Member Pennington absent on personal business. Council Member Stardig absent. MOTION 2010-0748 ADOPTED.

Council Member Johnson thanked Dr. Kellum and all those who came to bring recognition to domestic violence and encouraged all to not let this stop at their class assignment, but to move forward putting the word out. Council Members Stardig, Rodriguez and Lovell absent.

Mr. Dave Welch, P. O. Box 692207, Houston, Texas 77269 (832-688-9166) appeared, presented information and stated that Council took the appropriate action on Proposition One on the ballot and felt it important to express views and concerns heard from hundreds of pastors across the city such as this being a tax on the church which was a step across a line which had historically been respected and an attack on them, first responders who were meeting needs in the city. Council Members Stardig and Rodriguez absent.

Council Member Sullivan moved the rules be suspended for the purpose of allowing Mr. Dave Welch an additional one minute to speak, seconded by Council Member Castillo. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Members Lovell, Bradford and Jones absent. MOTION 2010-0749 ADOPTED.

Mr. Welch stated that they wanted on record hundreds of churches were standing together against this measure because they wanted to continue without such a hindrance and urged they come together and look at solutions; and Council Member Sullivan thanked Mr. Welch for coming; and stated that meetings he attended with the pastors were from all walks of life and he appreciated him coming for their voices being heard. Council Members Lovell, Bradford and Jones absent.

Mr. Ramon Garcia, 5426 Fulton, Houston, Texas 77009 (713-227-7744) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Lovell, Bradford and Jones absent.

Ms. Patricia Martin, 5900 Selinsky Drive #94, Houston, Texas 77048 (832-244-7856) appeared and stated that she was visually impaired, physically disabled and had a 16 year old daughter; that she last spoke to Council on June 22, 2010, regarding events in her life with conspiracy of fraud with the Texas Department of Insurance, a cover up, etc.; that people had removed documents from the judges office; that there was a conspiracy to hide the police report at HPD; and continued expressing her personal opinions until her time expired. Council Member Sullivan absent.

Mr. Griff Griffin, 5327 Winding Way, Houston, Texas 77091 (713-503-8064) appeared and stated that he was present regarding jobs for Houstonians and encouraging the Mayor and Council to promote the largest job fair Houston had ever seen; that his goal was for Houston to be the first major city to go under 8% unemployment. Council Member Sullivan absent.

Ms. Yolanda Broussard, 11835 Murrway, Houston, Texas 77048 (832-364-8387) had reserved time to speak but was not present when her name was called. Council Members Sullivan and Rodriguez absent.

Mr. James Patsch-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 Sullivan and Rodriguez absent.

Mr. Manzoor A. Memon, 3810 Bogota Drive, Pasadena, Texas 77505 (713-557-7547) appeared and stated that he had been involved in politics for 13 years and involved in the community much longer; that he was with the Pakistan Association of Greater Houston and they

built the first Pakistan Community Center in the U. S.; that he had written his first book Is Honesty the Best Policy and after his book was published he and his family began receiving death threats; that he now launched a newspaper and radio show entitled Is Honesty the Best Policy and frequency of threats escalated and he was deliberately hit by an HPD officer and HPD refused to take his report and he had to go to Internal Affairs, but no action; that he was recently attacked by someone and still no action; and continued to express his personal opinions until his time expired. Mayor Parker, Council Members Sullivan and Rodriguez, absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Bradford stated that he knew of his service to the community; and upon questions, Mr. Memon stated that the League City Police Department said they were in progress, but nothing happened and it was more than a year and HPD said it was ongoing, but there was really no action; and Council Member Bradford stated that his staff would get with him and see if they could get the status of his investigation. Mayor Parker, Council Members Sullivan, Rodriguez and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Upon questions by Council Member Jones, Mr. Memon stated that first no one wanted to take the report and HPD had rammed his car into him to hurt him and 911 was laughing and would not take the report; that he was in danger and getting no protection; that he went to Internal Affairs; and Council Member Jones stated that he was doing the right thing. Mayor Parker, Council Members Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Mr. Mike Williams, 7711 Wayfarer, Houston, Texas 77075 (713-931-0381) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Ms. Lori Foster, 20922 Twisted Leaf Drie, Cypress, Texas 77433 (281-935-7556) appeared and stated that her business was Texas Boys Balloons and they were greatly affected by the ban of attention getting devices at the beginning of the year having had lost about 75% of their business; that many other businesses had the same stories; that they included a proposal of licensing and usage fees when talking to Council Members which would help profit the City of Houston and businesses losing money now; and urged Mayor Parker get it back on the Agenda; that the pink ribbon shown today was also an attention getting device along with pole banners and election signs, etc., that the Quality of Life Committee had used false information and Council agreed this was not a safety issue, however, the warnings on the citation stated the ordinance was passed due to safety concerns; that one customer just received citations for seasonal decorations and if they were to follow the words in the ordinance Christmas lights would be illegal. Mayor Parker, Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Mayor Pro Tem Clutterbuck thanked Ms. and Mr. Foster for appearing and expressed sorrow for loss of jobs which was predicted would happen when the ordinance passed; that Mayor Parker was listening and the enforcement department should understand an exception was carved out for seasonal balloons and it would be looked into if she would provide the exact locations of her clients. Mayor Parker, Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Jones stated to the Legal Department she would like to know if the Cancer ribbons would be attention getting devices and if so could it still be put all around the city, her question was consistent enforcement; and Mr. Feldman stated that he would have to look at the ordinance, he thought it was intended for commercial enterprises. Mayor Parker, Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Bradford stated that it was clearly obvious to many that the City of Houston did tend to over regulate; that this was too broad and they were killing businesses and running the middle class out of Houston; that he would like her to contact his office with the addresses as he thought it was time to revisit the particular ordinance and bring relief; and he could see no other reason for the ribbons than to get attention and there were many other devices which may or may not be exempt, but not enforced; and Mr. Feldman stated that it was his understanding there was language in the ordinance dealing with the size, many things could be attention getting but under size; and Council Member Bradford stated that he saw both the Foster's shaking their heads and he would like it looked at. Mayor Parker, Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Hoang stated that he would echo Council Member Bradford and like to get the ordinance back into the Chamber and have it scrutinized; that since the ordinance had been enforced his office had received many complaints. Mayor Parker, Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Mr. Royland Jones, 9135 Imogene, Houston, Texas 77036 (832-265-8985) appeared and stated that all who grew up in Houston had the experience of Astroworld and it was a shame all money was leaving Houston and going to such places elsewhere; that he had a petition and wanted all to look deep down into their hearts and remember what it was like and get such a facility back. Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent.

Mr. Augustine Castillo, 1103 Erin, Houston, Texas 77009 (832-656-7804) appeared and stated that he lived on Irvington and Patton and there was construction and he was still looking for a left turn on the south side of the intersection; and urged they bring engineering back to correct the problem. Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent.

Mayor Parker stated that this was a METRO Project he was referring to; and upon questions, Mr. Castillo stated that he had not discussed this with their board, but with their engineers and he was told they were doing what the city told them to do; and Mayor Parker stated that it was built to city standards but she saw nothing of the city telling them to do the project in that way and Mr. Medina was present and could speak with him at this time. Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent.

Ms. Ruby Summers, P. O. Box 55915, Houston, Texas 77255 (713-681-2613) appeared and stated that she built a swimming pool in her front yard but after her metal fence blew down she enclosed it with a six foot chain link fence and a locked gate and the pool was turned into a fish pond; that the swimming pool ordinance stated a pool had to be filled in if abandoned, but hers was not abandoned, she had expensive fish in it and had spent over \$6,000 on it; that ten years ago she started receiving tickets from the Health Department alleging swimming pool violations and most were dismissed because an inspector did not show up to court, but it cost her money for attorneys, etc., and after it was dismissed another inspector would show up with another ticket and that was plain harassment and a waste of taxpayer money; that in 1999 she had a jury trial and it was proven to be a fish pond and not a swimming pool and she was found not guilty, then after a few months came the same charges again. Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent.

Council Member Jones stated that if there was a trial and she was found not guilty how could the city keep going back with the same thing; and Mayor Parker stated that the city did not inspect personal residential pools unless there was a complaint; and it was still at pool depth;

and Ms. Summers stated that she was charged with a lot of things on the tickets, but never the depth and it was completely fenced with a locked gate and would be a hazard if it was not; and Mayor Parker stated that Kathy Barton with the Health Department was present and if it was behind a locked gate and correctly converted she was not sure why they were enforcing this and asked she visit with Ms. Barton. Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent.

Council Member Adams stated that she viewed a photo; and upon questions, Ms. Summers stated that a fish pond did not have to be clear, but she did have filters and the UV light took care of the algae, but with the rain she had to clear it again; and Council Member Adams stated that they were trying to get more enforcement on officers not showing up for court and that was another issue for inspectors. Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent.

Mayor Parker stated that she would like her to meet with Ms. Barton and Ms. Barton get back with her. Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent.

Upon questions by Council Member Jones, Mayor Parker stated that she was wondering about the size of a pond also because she had ponds a long time; and Council Member Jones stated to Mr. Feldman that was another question she had for him; and Mayor Parker stated that it was back and forth on court citations from 1999 to 2002 and quiet since then and now it popped up again and she wanted to understand what happened. Council Members Johnson, Sullivan, Rodriguez, Costello and Noriega absent.

Mr. Robert Voelker, 3800 Lincoln Plaza, Dallas, Texas 75201 (214-855-7594) appeared and stated that he was representing the developer of Tuscan Place Affordable Apartments in Montgomery County which was in the ETJ of the City of Houston; that they were seeking a waiver of the Texas Department of Housing and Community Affairs rule regarding two time state eligible income housing tax credits in the city; that last week they tried to get consideration of the waiver on the Agenda but it did not occur; and gave background information which included the county support taken away because of opposition arising from citizens; that they were now being told because of the ETJ they should have secured a waiver from the City of Houston; that the City of Houston had an over concentration of affordable housing in certain low income housing areas; and urged the waiver be granted. Council Members Sullivan, Rodriguez, Costello and Noriega absent.

Mayor Parker stated that her understanding was a law firm representing Tuscan Place in a demand letter to the City of Houston was the reason it was pulled off the Agenda; and to Council Members suggested this was now not the place to have this conversation; and Mr. Feldman stated that he would agree and to the benefit of Council this just came to their attention last week, the city was not notified in a timely manner, but they were looking at the issue and Mr. Voelker was author of the demand letter sent to the city. Council Members Sullivan, Rodriguez, Costello and Noriega absent.

Council Member Jones stated that she was chair of the Housing Committee and they did try to vet such things through the Housing Committee to see if they were good for the city and she did not recall anyone sending a demand letter and was curious to hear what he was trying to do; and Mr. Voelker stated that he would get her with the developer. Council Members Sullivan, Rodriguez, Costello and Noriega absent.

Mr. Clark Martinson, 14701 St. Mary Lane #290, Houston, Texas 77079 (281-759-3800) appeared and stated that he was the general manager of the Energy Corridor Management District and in the next month they would be coming to Council for a request for annexation; that they had met with many Council Members before and he was present to give an overview of

partnerships succeeding within their district with governmental entities because they were a management district; that they had been improving with the City of Houston street intersections, sidewalks, bike trails, etc. and working with TxDOT for the enhancements along I-10 and they would be doing their enhancements and they were working with Harris County for building parks, etc., and working with the National Park Service on a 100 mile network of trails; and continued until his time expired; and welcomed Council's interests. Council Members Sullivan, Rodriguez, Costello and Noriega absent.

Council Member Stardig thanked Mr. Martinson for all he was doing; that he had worked on this a long time and it was appreciated. Mayor Parker, Council Members Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Mr. J. W. Massey, P. O. Box 742713, Houston, Texas 77274 (713-545-47777) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Mr. Elton Childs, 7039 Burkett, Houston, Texas 77021 (832-347-8094) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was again present on the same subject, they had been discriminated against for the 26.82 acres of land for the YMCA which would benefit the community and Mr. Joe Turner had organized it for them, she felt he had not carried out the job correctly and the community was very upset. Mayor Parker, Council Members Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

Ms. Carol Simon, 2505 Fannin, Houston, Texas 77002 (713-987-4988) appeared and stated that all should get to know those who represented their state as their vote was the only one counted; that Barack Obama should not be reelected to office; and continued expressing her personal opinions until her time expired. Mayor Parker, Council Members Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 had reserved time to speak but was not present when his name was called. Council Member Pennington absent on personal business. Mayor Parker, Council Members Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

At 3:42 p.m. Mayor Pro Tem Clutterbuck stated that City Council was recessed until 9:00 a.m., Wednesday, October 27, 2010. Mayor Parker, Council Members Sullivan, Rodriguez, Costello and Noriega absent. Mayor Pro Tem Clutterbuck presiding.

The Houston City Council reconvened at 9:00 a.m., Wednesday, October 27, 2010, with Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David M. Feldman, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director present. Council Member Oliver Pennington absent on personal business. Council Member Melissa Noriega absent due to being ill.

At 8:25 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:04 Mayor Parker called the meeting to order and said that the first item on the agenda

was a public hearing. Council Members Rodriguez, Bradford and Jones absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on proposals for the City of Houston to enter into separate strategic partnership agreements with the below named districts in Harris County and Fort Bend County; on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts; and on separate proposals by the City of Houston to annex for limited purposes certain territory in the vicinity of certain Districts:
 - a. Cinco Southwest Municipal Utility District No. 4
 - b. Faulkey Gully Municipal Utility District
 - c. Harris County Water Control Improvement District No. 109
 - d. Mills Road Municipal Utility District
 - e. Mission Bend Municipal Utility District No. 1
 - f. Fort Bend County Municipal Utility District No. 142
 - g. Harris County Municipal Utility District No. 44
 - h. Harris County Water Control Improvement District No. 91
 - i. Bridgestone Municipal Utility District
 - j. Chimney Hill Municipal Utility District
 - k. Cinco Southwest Municipal Utility District No. 2
 - l. Cy-Champ Public Utility District
 - m. Harris County Fresh Water Supply District No. 61
 - n. Harris County Municipal Utility District No. 11
 - o. Harris County Municipal Utility District No. 248
 - p. Harris County Municipal Utility District No. 285
 - q. North Belt Utility District
 - r. Ponderosa Forest Utility District
 - s. El Dorado Municipal Utility District
 - t. Harris County Municipal Utility District No. 1
 - u. Harris County Municipal Utility District No. 64
 - v. Harris County Municipal Utility District No. 82
 - w. Harris County Water Control Improvement District No. 132
 - x. Kleinwood Municipal Utility District
 - y. Louetta North Public Utility District
 - z. North Green Municipal Utility District
 - aa. Northgate Crossing Municipal Utility District No. 1
 - bb. West Harris County Municipal Utility District No. 9
 - cc. Woodcreek Municipal Utility District; was called.

The City Secretary stated that Ms. Nicole Smothers was present to make remarks for the Planning Department, that they had distributed a list of three people who had signed up to speak in connection with the hearing. Council Members Rodriguez absent.

Ms. Smothers stated that since January 2001 the City had approved 213 Strategic Partnership Agreements with 172 MUDs generating approximately \$150 million in revenue for the City thru Fiscal Year 2010, that for all of the MUDs included in this hearing, the City would levy a 1 percent sales tax, which it would divide evenly with the MUDs, that these areas included commercial territory only, there were no residents in the areas to be annexed, that the agreements for 2010 were as follows, for the following Districts, the City would amend an existing agreement by adding new territory, there was no territory outside the MUD to be included in the annexation, the City would enforce the Fireworks ban in the area to be annexed, that Cinco Southwest MUD No. 4, Faulkey Gully MUD, Mills Road MUD and Mission Bend MUD NO. 1; that for the following District, the City would amend an existing agreement by adding new territory, there was no territory outside the MUD to be included in the annexation, the City would

not enforce the Fireworks ban in the area to be annexed, Harris County WCID No. 109; that for the following Districts, the City would execute a new Strategic Partnership Agreement, there was no territory outside the MUD to be included in the annexation, the City would enforce the Fireworks ban in the area to be annexed, Fort Bend County MUD No. 142, Harris County MUD No. 44 and Harris County WCID No. 91; that for the following districts the City would amend an existing agreement by adding new territory, there was territory outside the MUD to be included in the annexation, the City would enforce the Fireworks ban in the area to be annexed, Bridgestone MUD, Chimney Hill MUD, Cinco Southwest MUD No.2, Cy Champ PUD, Harris County Fresh Water Supply District No. 61, Harris County MUD No. 11, Harris County MUD No. 248, Harris County MUD No. 285, North Belt UD and Ponderosa Forest UD; that for the following districts the City would execute a new Strategic Partnership Agreement, there was territory outside the MUD to be included in the annexation, the City would enforce the Fireworks ban in the area to be annexed, El Dorado UD, Harris County MUD No. 1, Harris County MUD No. 64, Harris County MUD No. 82, Harris County WCID No. 132, Kleinwood MUD, Louetta North PUD, North Green MUD, Northgate Crossing MUD No. 1, West Harris County MUD No. 9 and Woodcreek MUD.

Mayor Parker stated that there were no questions from City Council and requested the City Secretary to call the public speakers.

Mr. Shannon Brinkley, 3010 Grace Ln., Highland, Texas 77562 (832-656-8302) appeared and stated that he was the Chairman of the Texas Fireworks Association for the Harris County Chapter, that he had been to Council several times and was back again, that the LPAs and SPAs were having a bad effect on their industry in Harris County, many of them had been operating 20 and 40 years here, that she was new and had only been doing it for 15 years, that every time they added a few more LPAs and SPAs they do a fire works ban and it was putting them out of business, that times were really hard for them right now, for everybody out there, that this was affecting thousands of people in Harris and Fort Bend County and was not sure that City Council and the Mayor was aware of the actual economic impact that this was having on them, that this was affecting wholesalers, freight companies and insurance companies, they were a real business and did carry liability insurance, that it was affecting property owners, they paid leases, it was affecting stand workers, families, that families depended on this money, many non profits and churches, that band boosters operated and worked at these fire work stands, that most of the non profit groups used these funds for band equipment, trips, programs and competitions, that the churches used these funds to build new churches, civic programs and anti gang programs, that it was mind boggling to him that they continued to put more people out of work, that he would love to work with the City and the Mayor to find an alternative than just doing the fireworks ban, that this was out of the City proper, that many small businesses depended on the income from the fireworks industry, that it did not matter that they had been at these locations 20 years if they formed a partnership and enforced the fireworks ban they were instantly out of business, they had no alternative, several had filed a lawsuit, the City had appealed it all the way to the Texas Supreme Court saying that they did not even have a right to do business, that he was asking the Mayor personally to please reconsider and please work with them in finding an option besides forcing the fireworks ban and putting them out of business, that this was having an effect on thousands of people inside the City of Houston, Harris and Fort Bend Counties, that they had an excellent safety record and their organization worked with Mike Montgomery on a continual basis, they met with him twice a year to discuss safety issues.

Mr. Ray Soffes, 415 Woodland, Channelview, Texas 77530 (713-253-7285) had reserved time to speak, but was not present when his name was called.

Mr. Paul D. Jones, 21 Huntsmans, The Woodlands, Texas 77380 (832-483-1382) appeared and stated that he had been in Harris County over 60 years and had been in the

fireworks business for 40 years in Harris County, that there were over 500 firework stands in Harris County providing somewhere between 3,400 to 4,000 local people with extra income ranging from \$5,000 to \$6,000 a year, that people throughout the United States were losing their homes because of no jobs, that people throughout the United States were losing their cars because of no jobs, that people throughout the United States were struggling to send their children to college to get an education which he did not get because the nuns said that he needed to get a job, that people throughout the United States could not find jobs because they were just not available in these hard economic times right now, that they were all struggling to feed their families, not only City Council Members and the Mayor but everyone in the United States right now, that what the City was doing was just absolutely mind boggling in these economic times to be putting people out of work, that if there were any legitimate reason for it, safety, anything, they would understand it, that in the past 40 years they had done away with, on a State level, bottle rockets that used to create problems, they had done away with cherry bombs, M80s, all of the items that were unsafe in the fireworks industry, that they were strictly the consumer product, not the big Class B shows that kill two or three people every year, they had never killed anybody from the use of 1.4 fireworks, never, they were not trying to stop the limited annexation, when this Legislation was passed they as a Chamber, he was part of the South Montgomery County Chamber of Commerce, when they went to Austin with this Legislation they were assured that no business in these limited annexed areas would be affected or negatively impacted and the City would not provide any fire, police or garbage, any cost that would be no cost to the City and no hurt to the businesses, that this had not worked out, all they had to do in these annexations was strictly add instead of the sale of fire works, eliminate the use of fireworks in those areas, or the streets and sidewalks, that there were a lot of ways to get around it without putting everybody out of business.

Mayor Parker stated that she would point out that Harris County had just issued a fireworks ban County wide yesterday because of the dry conditions.

After discussion and questions by Council Members, Ms. Sameera Mehindro, Assistant City Attorney, stated that the MUDs had entered into an agreement with the City to ban the sale of fireworks within commercial areas within MUDs, that there was no ban on transportation of fireworks within roadways outside of the MUDs, that the banning of the sales was an agreement between the MUD and the City and was limited to commercial properties within MUDs.

Mr. Jones stated that they could only operate and setup in commercial properties in order to sell, they could not sell out of a home or in a residential area so they were basically banning the sale throughout those areas and the people who lived in those areas did not have a right to vote for any Member on the City Council, yet their rights were being taken away.

Upon further questions and discussion by City Council, Ms. Mehindro stated that to their knowledge there were no permanent firework vendors in any of the areas being annexed or contemplated for annexation in this round, and Mr. David Feldman, City Attorney, stated that it was his understanding that in some instances the MUDs themselves wanted the ban of the sale so it was not simply the City, but it was part of each agreement.

Mayor Parker stated that to make sure she heard correctly, to the best of their knowledge there were no existing firework stands in any of the limited purpose annexation areas as defined, and Ms. Mehindro stated that was correct, there were no permanent structures, there may be temporary structures that arise around the holidays, but they were not aware of them.

After further discussion and questions by Council Members, Council Member Clutterbuck that they certainly had an interest in making sure that every activity that was conducted in the City of Houston or in their ETJs was safe, the sale of fireworks, she would like to know whether or not just the mere presence of selling them was a safety issue, and Mr. Jones argument that it

be something that they regulate the use of them instead of the sale was something that she would like explored as well.

After further questions and discussion by Council Members, Ms. Mehindro stated that for the distinction on permanent and temporary, it was hard to predict and what she understood from the Planning Department was that it was hard to predict where the temporary structures would arise, they could find a permanent structure and knew it was there and they could avoid that but this was an agreement between the MUD and the City and was an agreed upon term and she believed all of the agreements asked for a fireworks ban, except for one, and in that case, which was Harris County Water Control and Improvement District No. 109, there was no fireworks ban in that area, and Council Member Jones asked if they could get them information, and Ms. Mehindro stated that they would meet with her.

Mayor Parker stated that fireworks had been banned in the City limits for decades, and Mr. Jones stated 54 years, but these limited purpose annexations were individual negotiations with the MUDs as they come in and they tried to accommodate the desires of the other parties in the negotiations, but their intent was to ban fireworks anywhere within the City of Houston, and they were going to continue that policy, that these were just the public hearing backup and before it came to City Council for a vote she would be happy to provide them with information from each MUD as to their status. Council Member Clutterbuck absent.

The City Secretary asked if there were any other people in the audience that would like to speak with reference to the item on the agenda. Council Member Rodriguez absent.

Mr. Ray Soffes, 415 Woodland, Channelview, Texas 77530 (713-253-7285) appeared and stated that he operated firework stands in Harris County, that the LPA was really harming his business also in reference to shutting him down, that he operated roughly 20 stands in Harris County, that these LPAs were not going to affect him so bad because they were not going to shut his business down, but they were going to cause other vendors to move right next to him and cause a competition with all bunched up in one big area and that was bad for business big time, that he was losing tons of money over this whole issue and that was how he fed his family and took care of his business, that as far as no permanent structures operating in these LPSs, there were some, there were two warehouses in District 36 that were operating in the LPA area, that as far as he knew, he was almost positive, that District 36 was in a partnership agreement and they went to the board meeting in the MUD districts and they were under the assumption that they had to have the fireworks ban in their agreement, so he, and a couple of other people who had locations in that district, went and talked to the people of the MUD and they agreed to leave that fireworks ban out of their agreement. Council Member Rodriguez absent.

After further discussion by Council Members, the City Secretary asked if there was anyone else in the audience who wished to be heard in connection with the hearing, and hearing none stated that a motion to close the hearing would be in order. Council Member Rodriguez absent.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. Council Member Rodriguez absent. MOTION 2010-0750 ADOPTED.

MAYOR'S REPORT

Mayor Parker stated that she wanted to make two quick announcements, that first she wanted to congratulate Council Member Rodriguez and all of the Council Members who worked on the census effort, that he was one of the co-chairs and in addition to Council Member Rodriguez, Council Members Clutterbuck, Adams, Gonzalez and Noriega, that they did much

better this year on the rate of return than they had previously and out shown the larger cities in America in terms of their response rate, it not only helps them get their fair share here in Houston, but was much less expensive for the federal government in their census collection efforts if people mail their census information rather than their having to go door to door, so she wanted to thank everybody who was involved in the census effort and with a special shout out to Ms. Margaret Wallace who coordinated it on behalf of the City of Houston.

Council Member Rodriguez stated that he wanted to thank all of his colleagues for all of their support in coming to the meetings and chairing the committees and the previous administration for putting up the money, they asked for more money but they used what they were able to obtain, that Council Member Clutterbuck did a great job of raising private funds for this endeavor, that he wanted to say thank you to the residents who took the time to listen to them, to fill out their cards and visit with census workers, that he wanted to thank Mayor Parker for taking this by the horns and moving it forward.

Mayor Parker stated that she also wanted to announce a new civic volunteer, that Dr. Margaret Kripke had agreed to be an advisor to her on Health and Environmental issues, that she was formerly naming her to Chair the Mayor's Council on Health and the Environment, that she was a Professor of Immunology and the Vivian Smith Chair Emerita at the University of Texas MD Anderson Cancer Center, that she was recognized as one of the world's leading researchers in the field of Photo Immunology, the study of how ultraviolet light could alter the function of the immune system, that she was very interested in a range of environmental issues having previously served as Chair of the Environmental Protection Agency Science Advisory Board Sub Committee on causes and effects of ozone depletion, that she had served on federal advisory committees to the EPA, that they had not had anyone in the City who could focus on the broader health and environmental issues, that she was excited that Dr. Kripke had agreed to volunteer for the City of Houston and hoped that Council Members would take an opportunity to get to know her and work with her on the many environmental issues that they had that impacted the health of Houstonians.

Council Member Lovell stated what an excellent selection, that she wanted to thank Dr. Kripke, that she mentioned that she was retired and had some free time, that they could fix that and were going to, that she was going to be very busy here and they were thrilled to have her with her expertise, that she wanted to congratulate Mayor Parker on an excellent choice.

Mayor Parker stated that there were a number of air and water quality issues that Houston had been addressing for some time, they wanted to make sure that they did not slack off from the efforts of previous administrations in these areas and knew that Dr. Kripke was very interested in that as well.

Dr. Kripke stated that she hoped that her expertise would be of some use to the City of Houston, and Mayor Parker stated that she wanted to thank her for agreeing to serve.

CONSENT AGENDA NUMBERS 2 through 52

MISCELLANEOUS - NUMBERS 2 through 9

2. REQUEST from Mayor for confirmation of the appointment of **MR. J. RICHARD HALL** to Position Three, on the **CIVIL SERVICE COMMISSION** for **MUNICIPAL EMPLOYEES OF THE CITY OF HOUSTON** and the **FIREFIGHTERS'** and **POLICE OFFICERS' CIVIL SERVICE COMMISSION**, for a term to expire June 14, 2011 – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0751 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment of **MR. PHILIP J. JOHN** to Position Ten of the **GARDEN CENTER ADVISORY BOARD**, for term expiring on June 30, 2013 – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0752 ADOPTED.
4. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **HOUSTON BUSINESS DEVELOPMENT, INC BOARD OF DIRECTORS**, for three year terms commencing on the date of confirmation by City Council:
 - Position One - **MS. KELLIE R. JENKS**
 - Position Three - **MR. LARRY HAWKINS**
 - Position Five - **MR. HECTOR C. CARREÑO**, and to serve as Chair
 - Position Nine - **MR. ART MORALES**
 - Position Eleven - **MR. A. PHILIP AITSEBAOMO**
 - Position Thirteen - **MS. ALICE LEE**– was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0753 ADOPTED.
5. REQUEST from Mayor for confirmation of the reappointment of **MR. JOHN THOMAS, (Houston Independent School District Representative)**, to Position Eight of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS, also known as the FOURTH WARD ZONE**, for a term to expire June 8, 2012 – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0754 ADOPTED.
6. REQUEST from Mayor for confirmation of the reappointment of **MR. LOUIS S. SKLAR, (Houston Independent School District Representative)**, to Position Eight of the **BOARD OF DIRECTORS OF THE UPTOWN DEVELOPMENT AUTHORITY**, for a term to expire July 6, 2012 – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0755 ADOPTED.
7. RECOMMENDATION from the Mayor’s Office of Intergovernmental Relations for renewal of membership in the **TEXAS MUNICIPAL LEAGUE - 1 Year - \$75,881.00 - General Fund** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0756 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** Annual Consolidated Water Quality Fee for FY-11 - \$1,338,005.55 - Enterprise Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0757 ADOPTED.

ACCEPT WORK - NUMBERS 10 through 12

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,422,487.36 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.** for Safe Sidewalk Program D3 Project - 0.50% under the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0758 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,340,598.32 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Southeast Wastewater Treatment Plant Improvements - Package 2 - 4.39% under the original contract amount - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0759 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,782,574.01 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for FY 09 Fire Hydrant Replacement - 0.97% under the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0760 ADOPTED.

PROPERTY - NUMBERS 14 through 17

14. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Adriana Clowe, Bury+Partners, Inc., on behalf of Texas Abercrombie Family Interests, Ltd., [(R. Hayden Abercrombie, President) General Partner], for abandonment and sale of a 10-foot-wide prescriptive sanitary sewer easement, from the west property line of Tract 2A to Dunlavy Street, in exchange for the conveyance to the City of a variable-width sanitary sewer easement, from the proposed terminus of the sanitary sewer line north to West Alabama Street, and a 25-foot-wide sanitary sewer easement, from West Alabama Street diagonally to Dunlavy Street, all within Tract 2A out of the Obedience Smith Survey, A-696, Parcels SY11-009, DY11-013A and DY11-013B - **DISTRICT D - ADAMS** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0761 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY10-008, located at 1000 South Victory Drive, owned by Artemio and Melania Ortega, for the **ELLA BOULEVARD (WHEATLEY STREET) PAVING PROJECT from Little York to West Gulf Bank** - \$59,635.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0762 ADOPTED.
16. RECOMMENDATION from Director Department of Public Works & Engineering to

purchase Parcel AY10-014, located at 8521 Wheatley Street, owned by Mary E. Jones, for the **ELLA BOULEVARD (WHEATLEY STREET) PAVING PROJECT from Little York to West Gulf Bank** \$51,774.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0763 ADOPTED.

17. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY10-064, located at 8106 Wheatley Street, owned by Norma West, for the **ELLA BOULEVARD (WHEATLEY STREET) PAVING PROJECT from Little York to West Gulf Bank** \$89,981.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0764 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 18 through 21A

18. ORDINANCE appropriating \$336,500.00 out of Equipment Acquisition Consolidated Fund for Purchase of Ambulance Cabs & Chassis for the Houston Fire Department – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0816 ADOPTED.
- 18a. **AMEND MOTION #2010-15, 1/13/10, TO PURCHASE** additional Ambulance Cabs & Chassis for Houston Fire Department, awarded to **KNAPP CHEVROLET, INC** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0765 ADOPTED.
19. **APPLIED BIOSYSTEMS LLC** for Fast Real-Time Polymerase Chain Reaction System for the Houston Department of Health & Human Services - \$60,102.99 - Grant Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0766 ADOPTED.
21. ORDINANCE appropriating \$1,213,250.00 out of Reimbursement of Equipment/Projects Fund for Purchase of Automated Recycling Containers for Solid Waste Management Department – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0817 ADOPTED.
- 21a. **TOTER INCORPORATED** for Automated Recycling and Refuse Containers through the Interlocal Agreement for Cooperative Purchasing with the City of Tucson, Arizona for the Solid Waste Management Department - \$499,961.50 - General Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0767 ADOPTED.

ORDINANCES - NUMBERS 25 through 52

25. SECOND AMENDED AND RESTATED CONCURRENT ORDINANCE creating a Freight Rail District pursuant to Chapter 171, Texas Transportation Code – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0818 ADOPTED.
29. ORDINANCE approving second amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS (OLD SIXTH WARD ZONE)**; authorizing the City Secretary to distribute such plans - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0819 ADOPTED.
30. ORDINANCE amending Ordinance No. 2010-541 approving the issuance of bonds by the **OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY - DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0820 ADOPTED.
31. ORDINANCE approving and authorizing Interlocal Agreements between the City of Houston and **THE TEXAS DEPARTMENT OF PUBLIC SAFETY, THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY and FORT BEND COUNTY**; for their participation in the Houston Auto Crimes Task Force/19 Grant – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0821 ADOPTED.
32. ORDINANCE approving and authorizing the submission of an application for grant assistance to the State of Texas through the Criminal Justice Division, Office of the Governor, for the FY-11 Gang Disruption Initiative; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0822 ADOPTED.
35. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **GULF MEADOWS SUBDIVISION, SECTION 1** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0823 ADOPTED.
36. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **GULF MEADOWS SUBDIVISION, SECTIONS 2 - 4** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0824 ADOPTED.
39. ORDINANCE approving and authorizing Amendment No. 3 to an Air Show Agreement between the City of Houston and **COMMEMORATIVE AIR FORCE, INC**, for Conducting Annual Air Show at Ellington Airport - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0825 ADOPTED.

41. ORDINANCE appropriating \$514,855.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 2 to an agreement for Professional Architectural/Engineering Services between the City of Houston and **3D/INTERNATIONAL, INC** (Project No. 490M); providing funding for the Civic Art Program - **DISTRICT B – JOHNSON** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
42. ORDINANCE appropriating \$10,321,232.78 out of Airports Improvement Fund and awarding construction contract to **UNITED RESTORATION AND PRESERVATION, INC** for the Repair of Parking Structures at William P. Hobby Airport (Project 592); 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 Civic Art Program, engineering testing services and for contingencies relating to construction of facilities financed by such funds - **DISTRICT I – RODRIGUEZ** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
43. ORDINANCE appropriating \$39,641.00 out of Parks Consolidated Construction Fund; awarding construction contract to **ARC ABATEMENT, INC**, for Asbestos Abatement, Demolition and Disposal at 815 Dorsett Street; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management and construction oversight and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0826 ADOPTED.
45. ORDINANCE appropriating \$781,896.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **LANDTECH CONSULTANTS, INC** for Holmes Road from Main Street to Kirby Drive (Approved by Ordinance No. 2006-0224) - **DISTRICTS C - CLUTTERBUCK and D - ADAMS** – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0827 ADOPTED.
47. ORDINANCE appropriating \$145,466.37 out of Water & Sewer System Consolidated Construction Fund to Reimburse the Houston Museum of Natural Science for the cost of relocating a City of Houston 24' water main - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0828 ADOPTED.
51. ORDINANCE appropriating \$3,530,742.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LTD.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method; 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 - Project No. WW 4258-44 – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0829 ADOPTED.

52. ORDINANCE appropriating \$2,361,075.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LTD.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS); 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 - Project No. WW 4258-46 – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0830 ADOPTED.

Mayor Parker stated that there were some of the new appointees in the Chamber, they had just affirmed the appointment of Mr. Richard Hall to the Civil Service Commission, and thanked him for agreeing to serve.

Mayor Parker stated that for the Garden Center Mr. Phillip John was in the Chamber and stated that she wanted to thank him for agreeing to volunteer for the City of Houston.

Mayor Parker and Members of Council congratulated the newly appointed Houston Business Development, Inc. Board of Directors and thanked them for their service to the City of Houston.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2011 Operations and Maintenance Budget for the **TRINITY RIVER AUTHORITY** \$3,397,170.00 - Enterprise Fund - was presented, moved by Council Member Clutterbuck, seconded by Council Member Costello.

Council Member Sullivan stated that he would like to see if they could have items like these come to the Water Resource Management Committee as opposed to an automatic renewal, and Mayor Parker stated that they did not just automatically approve it from the administration's standpoint but Council ought to have the opportunity to look at it as well, and Council Member Sullivan stated that in advance, not just this one, but other water related, for instance Coastal Water Authority with an individual board, but they had a keen interest in that entity and could they get an assurance that it would come to them, and Mayor Parker stated yes.

A vote was called on Item No. 8. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0768 ADOPTED.

ACCEPT WORK

13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$854,044.12 and acceptance of work on contract with **TEXAS BRIDGE, INC** for Rehabilitation of Two and Replacement of One Ground Storage Tank at Three Pumping Stations - 11.05% under the original contract amount - **DISTRICTS C - CLUTTERBUCK; E - SULLIVAN and G - PENNINGTON** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez, and tagged by Council Member Jones.

PURCHASING AND TABULATION OF BIDS

20. **COMMUNICATION SUPPLY CORPORATION** - \$1,528,386.40 and **GRAYBAR ELECTRIC COMPANY** - \$1,310,996.90 for Communication Cables and Supplies for Information Technology Department - Central Service Revolving Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez, and tagged by Council Member Jones.

ORDINANCES

22. ORDINANCE creating the BARC Special Revenue Fund (The “Fund”); establishing the sources and uses of the Funds therein for the Operation and Maintenance of the City of Houston Bureau of Animal Regulation and Care Animal Shelter Facilities and Programs; transferring \$6,121,549 to the Fund from the accounts set out in Attachment A to this ordinance; appropriating any and all funds donated to or received into the Fund for the purposes set out herein; approving the budget for the Fund attached as Attachment B – was presented, and tagged by Council Member Adams.
23. ORDINANCE **AMENDING ARTICLE XIV OF CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the grant of privileges to Telecommunications providers to place telecommunication facilities across, along or under public ways – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0831 ADOPTED.
24. ORDINANCE supplementing and amending City of Houston Ordinance No. 2002-1178 as it relates to City of Houston, Texas, Subordinate Lien Hotel Occupancy Tax and Parking Revenue Commercial Paper Notes, Series A, in an aggregate principal amount not to exceed \$75,000,000; authorizing the substitution of a Replacement Credit Agreement; approving the use of an Offering Memorandum in connection with the sale and delivery of the Commercial Paper Notes; making other provisions regarding such Commercial Paper Notes and matters incident thereto; authorizing a Bond Counsel Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0832 ADOPTED.
26. ORDINANCE appropriating \$160,000.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing Development Agreement between the City and **SHINE PROPERTY DEVELOPMENT, LLC** to develop two (2) Affordable Single-Family Model Homes in the Trinity Gardens Area to be later sold to qualified low-income and very low-income families - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Johnson.

After discussion by Council Members, Council Member Sullivan asked if they had evaluated if they could take this money and achieve more benefit within the department, for instance with SROs or other areas, and it was not in particular to Council Member Johnson’s district, that it was a discussion that he would like to know if they had or could have, and Mayor Parker stated that she would defer to the Chair of the Housing Committee on that and believed that there had been a number of discussions about this, that she and Council Member Sullivan had that discussion, that she was a big supporter of multi family housing, they did have a glut of multi family housing right now and some of their housing money they were devoting to helping remove some of the worst multi family properties out there to upgrade the quality of housing stock available for multi family, but these were TIRZ funds and believed they were specific

development project, but would ask Council Member Jones to answer for her.

Council Member Jones stated that when it came to the TIRZ funding the City did not have the rigorous regulations that the housing money did, that the money that came from HUD they had issues in the Housing Department over subsidizing, that as the Mayor said, not doing subsidy layering, in other words, making sure that they put in just enough money to make the project of the home work and they get less value for the dollar here with how they had been doing it and they were trying to fix that, but one of the unique problems they had, because they had been doing that, was that they had some inventory that could not go places in areas so they had built new houses and people were not buying, that the realtors explained that when people could drive through a neighborhood and see it they were more likely to sell, so what they had sort of done was put some people in a position to invest with the City in putting up these houses and then they do not sell, that was problematic so they were trying to get people in and educate them on how to maintain a house, that the Housing Department was working really hard to work out all of the issues they had been having with HUD, that because they did not have as much money from HUD that was why they had to use TIRZ funding because it was more flexible with what they could do, and Mayor Parker stated that Council Member Jones had raised a good issue and would ask Mr. Noteware to visit with her about it as well.

After further discussion by Council Members, Council Members Johnson, Sullivan and Stardig stated that they would tag Item No. 26.

27. ORDINANCE appropriating \$160,000.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing Second Lien Construction Financing Agreement between the City of Houston and **GUIDING LIGHT COMMUNITY DEVELOPMENT CORPORATION** to develop two (2) Affordable Single-Family Homes in the Trinity Gardens Houston Hope Area to be sold to qualified low-income and very low-income families - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Members Johnson, Sullivan and Stardig.
28. ORDINANCE amending Ordinance No. 2010-572 relating to the Fiscal Affairs of the Fifth Ward Redevelopment Authority on behalf of Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone); approving an amendment to the Fiscal Year 2010 Operating Budget for the Authority - **DISTRICTS B - JOHNSON and H - GONZALEZ** – was presented, and tagged by Council Member Johnson.
33. ORDINANCE approving and authorizing SafeClear Freeway Towing and Emergency Road Service Contracts between the City of Houston and **STERLING INTEREST INVESTMENTS, INC dba ELITE COLLISION CENTER, HOUSTON AUTO TECH, INC and RBEX, INC dba APPLE TOWING** for Towing Services related to the SafeClear Major Freeway Towing and Emergency Road Service Program – was presented, and tagged by Council Member Jones. Council Member Clutterbuck absent.

After discussion by Council Members, Mayor Parker stated that the overall contract was voted on under the previous administration, this was the first SafeClear piece that had come up, it was her intention to go back and try to align all of the contracts so that they all have to do pay or play and her instruction to Chief McClelland would be that he bring the individual contractors in and tell them that they expect them to step up and do it because the contracts, as Council Members would recall, were all cancelable for convenience and they needed to have a level playing field, that she hoped that the Council would support her on that; that the primary expense of SafeClear were the officers that were assigned at TranStar, they were in active negotiations right now with Metro, who also had certified peace officers assigned 24/7 to take over that responsibility, she had a conversation with Mr. Greanias, but Chief McClelland and Metro were also in those discussions and were going very well, that she could not tell them the

answer yet, but they thought they could work out an arrangement that would significantly benefit the City and knew that Council Member Lovell had been monitoring that as well, that it allowed them to put the officers back on the street where they were needed; that the document was somewhat misleading, they had to remember that in the initial creation of SafeClear it was designed to be self funding and the citizens who were towed would have to pay for that tow and then it morphed over time where they used their Mobility Funds from Metro to pay for it, but the cost of the program had continued to increase so when they say it was in a deficit funding position it was simply that the original concept of the program was that it would not be a burden on the City, but they had operated for years where the City General Fund had picked up much of the cost, they were actively engaged in trying to lower the cost to the City so that it no longer had an impact on the General Fund, that if they believed in SafeClear they were going to have to pay for it; that she supported SafeClear and thought it had been a boom to the citizens of Houston but it was not a free service, it had to be paid for one way or another and what they were discussing was shifting that cost onto Metro in a time when Metro had slashed 40% out of it's budget, it was simply that they believed that there was a more efficient way to authorize the tows and they were working closely with Metro to do that.

After further discussion by Council Members, Mayor Parker stated that as soon as this item passed then they would have the inequity they were going to go back and begin the negotiations and she would be happy to report back to Council if there was a problem in those negotiations; that she did not mean to imply that they were shifting the financial cost onto Metro, that they were shifting the responsibility onto Metro and they were stepping up at a time when they were cutting their budget because their commitment was to have those officers staffed at TranStar 24/7 so there was no need to have the duplication.

After further discussion by Council Members, Council Member Jones stated that she would release her tag on Item No. 33, and a vote was called on Item No. 33. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0833 ADOPTED.

34. ORDINANCE appropriating \$235,000.00 out of Water & Sewer System Consolidated Construction Fund for Legal Services; approving and authorizing contract between the City of Houston and **ANDREWS KURTH LLP** for Professional Services and Representation of the City in connection with Cause Numbers: 03-10-00423-CV, 03-10-00433-CV and 03-00497-CV; all styled Bruce R. Hotze and Paul Bettencourt v. City of Houston; in the Third Court of Appeals of the State of Texas; providing a maximum contract amount - was presented. Council Member Clutterbuck absent.

After discussion by Council Members, Mr. Feldman stated that this was a max for all appeals through the Texas Supreme Court and he was hopeful that it was not reached, or even close to it, that this particular litigation was never pro bono, it was approved shortly before he became the City Attorney, he could not say had it been pro bono had he been City Attorney at the time, but what they had done was keep the rates down in accordance with the maximum fee schedule that his office had published, so the rates being charged were not the large law firm rates, but they were reasonable rates based on what prevails in the City as a whole. Council Members Clutterbuck and Lovell absent.

Council Member Sullivan stated that he would tag Item No. 34 and maybe he and Mr. Feldman could visit on the pro bono comment because that was a public comment and he had been asked to explain the difference, and Mr. Feldman stated that they had any number of firms that did pro bono work for them in particular litigation where he specifically asks them to do that, this was not one of those cases. Council Members Clutterbuck and Lovell absent.

Council Member Hoang stated that he had heard that in the hearing at that time City

Attorney Arturo Michel said very clearly that there was some pro bono work, and Mr. Feldman stated that the pro bono work was in connection with the appeal of the constitutionality of Proposition One and that was, had been and continued to be done pro bono, that he was referring to the old Proposition One, not the one on the ballot, that was pending before the Texas Supreme Court, that Scott Atlas was handling that and it was now Beck, Redding and Seacrest, David Beck, who was handling that appeal pro bono. Council Member Clutterbuck absent.

Upon questions by Council Member Bradford, Mr. Feldman stated that they were talking about two different matters, the attack on the constitutionality of Proposition One commenced approximately three years ago and that had been handled on a pro bono basis in it's entirety, the litigation that the Council was now being asked to approve fees on appeal for was the Declaratory Judgment Action that the City brought to establish the validity of the Water and Sewer Rate increase under bond covenant, those were two very separate pieces of litigation, and the contract with Andrews Kurth to handle the Declaratory Judgment Action was entered into prior to his becoming the City Attorney and was not entered into on a pro bono basis, that the pro bono services that were still being offered, regarding to the constitutionality of Proposition One were not being provided by any attorneys or firm that they were awarding a contract to today for the \$235,000, and Council Member Bradford stated that he would add his tag to Item No. 34. Council Members Clutterbuck and Lovell absent.

Mayor Parker stated that Item No. 34 had been tagged by Council Members Sullivan and Bradford.

37. ORDINANCE amending Ordinance No. 2005-0705 (Passed on June 8, 2005) to increase the maximum contract amount for contract between the City of Houston and **GENUINE PARTS COMPANY dba NAPA AUTO PARTS** for Automotive and Equipment Parts and Repair Services for the Public Works & Engineering Department - \$3,750,000.00 - Fleet Management Fund and was tagged by Council Members Jones and Adams.

Upon questions by Council Members, Mayor Parker stated that she believed this was presented to the Fiscal Affairs Committee, but they had been taking in piece by piece the different parts inventories, they did not do a citywide conversion, they were doing it by department, and each department had their own parts inventory, so they were adding in measured chunks as it was ready to come under the consolidation, that part of the agreement with NAPA was as they go in and take over the parts operation, and they had the spending authority to purchase their parts through them, they were purchasing the City's existing inventories as well; that they had an original NAPA parts contract that covered certain City departments, but as they began to go into the conversion they were adding departments and as they add those departments the overall contract amount was going up.

Upon further questions by Council Members, Mayor Parker stated that Council Members would recall that when they unanimously passed the budget it had \$77 million of what she would call plug numbers, some of that was real estate, anticipated real estate sales which would come closer to the end of the year, but there was \$15 million in new fees and/or fee recovery that Council supported and there was \$22 million in cost cutting, that it was always going to be very difficult to hit either the revenue or the cost cutting target, they would be bringing the fee review that was being worked on, and she wanted to thank Council Member Stardig for her help on that, to that Fiscal Affairs meeting, the cost cutting had already started and they had been rolling it out through the departments, the challenge for her was that while they desperately needed to cut spending, and they were cutting spending, they were a service organization, and she wanted to be really clear to Council Members that anytime they did a consolidation they saved the money by reducing headcount in the City of Houston and they could not turn around on a dime on that; that the other issue was that they did not want to have any operational impacts,

also going back to the item before them, the NAPA Parts Contract, what they were seeing here was an individual contract that was going up rapidly but they had to offset that with the spending by the different departments as they were purchasing parts for their own inventory, so they were not seeing the entire picture with just this item; that the parts consolidation was preceding without, that it was apart from the fleet, that it would eventually go under the fleet operator but they were not waiting on that and again, she was happy to have the item tagged, but they needed to look at it holistically that they were going to see a reduction in spending on inventory of parts, but these allows the authorization for purchase of those parts under this contract.

After a further lengthy discussion, Mayor Parker stated that she did not have to wait for Council's support to cut spending and they had begun that process, that she did have, however, have to come back to Council for the \$15 million in fee recovery and that would be coming back to Council and would be laid out at the November 8, 2010 meeting, that certainly as someone who stays awake at night thinking about the budget she wished they had been able to bring that forward sooner but the cost cutting was ongoing, many of the City departments were being reorganized and they may see different people let go and new people brought in because they were trying to upgrade with the same dollars. Council Member Lovell absent.

After further discussion by Council Members, Council Member Adams stated that she would like for HR to show her all of the positions, since they passed the budget in July 2010, of all departments who had hired and how many people they had fired or let go, that she wanted to know Mayor Parker's plan to know how to move forward, and Mayor Parker stated that every time they had a budget discussion that there was always a furlough option on the table, they were the last major City in America that had not had to do a layoff or a furlough in the General Fund and she intended to do her best to see that did not happen, but a furlough was always possible, but she was telling them that in order to hit \$22 million in savings a number of City employees would lose their jobs, they were a service organization and the efficiencies come from a reduction in census within the City, they would be coming to the November 8, 2010, Fiscal Affairs Committee to lay out the 5 Year Plan and where they were on the current budget, just as they come on a monthly basis where they see the MOFAR they would know how they were doing in terms of the budget that was passed, that she could tell them that they were behind target on the cost reductions, she still believed that if Council worked with the administration on the fee increase and fee recovery piece that they could make up some of that but that was something that Council would have to step up on. Council Members Rodriguez and Lovell absent.

After further discussion by Council Members, Mayor Parker stated that they were going far a field and the City Attorney was signaling to her that they may not be germane to the issue that was before them. Council Members Rodriguez, Lovell and Jones absent.

After discussion Council Member Gonzalez asked how did they determine that \$3.7 million was the right number, what input or data were they gathering to determine that was indeed the right number; and a concern was the fact that NAPA was not currently meeting their MWBE participation and he was concerned if they were going to be increasing their funding that they should at least determine that they do a much better job in trying to reach that goal and he wanted to find out what were some of the obstacles that were prohibiting them from reaching that goal.

Mayor Parker stated that Item No. 37 had been tagged, that she would make sure that Council Member Gonzalez would get his answers, that she would remind Council Members that this was spending authorization, it was not actual appropriations for spending.

After a further lengthy discussion by Council Members, Council Member Bradford stated that he also would tag Item No. 37.

Council Member Rodriguez moved to suspend the rules to consider Item No. 56 out of order at this time, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0769 ADOPTED.

56. **ORDINANCE AMENDING VARIOUS PROVISIONS OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to creation of a Regulatory Framework for the operation of Pedicabs and Low-Speed Shuttles as Vehicles for Hire; declaring certain conduct to be unlawful and providing penalties therefor; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 11 on Agenda of October 13, 2010, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** – was presented.

Council Member Lovell presented the following written motion to amend Item No. 56 as follows:

“I move to amend Item 56 as follows:

In Exhibit A to the proposed Ordinance, amend Subsections (b) and (c) of Section 46-175 to read as follows:

(b) It shall be unlawful for any person to operate a pedicab on a street where the posted speed limit exceeds 35 miles per hour, except for the purpose of crossing the street.

(c) It shall be unlawful for any person, while operating a pedicab, to pick up or drop off passengers on a street where the posted speed limit exceeds 35 miles per hour.”

Council Member Clutterbuck asked if this would limit the ability of cyclists or was it just pedicabs and if State law governed the ability of bicyclists to be on streets that exceeded 35 miles an hour, and Mayor Parker stated that this section of the ordinance only applied to NEVs and pedicabs and this would specifically apply on to pedicabs and would have no impact bicycling, that she did not know the answer whether bicycles were allowed, what the State law was, but it was not germane to this item, and Council Member Clutterbuck asked if the purpose of this was to take out the electric vehicles and only regulate the pedicabs, and Mayor Parker stated that this was actually an amendment requested by the administration due to an oversight, that it was the phrase “exceeding 35 miles per hour”, because most of the streets on which they operate were at 35 miles per hour and the original ordinance, how it was worded would inadvertently keep them from operating and they wanted to make it for those streets that the posted speed exceeded 35 miles per hour, that this was just a cleanup.

A vote was called on Council Member Lovell’s motion to amend Item No. 56. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. MOTION 2010-0770 ADOPTED.

After further discussion by Council Members, Mayor Parker stated that they were in discussions with the cab companies, that this was an issue that had been litigated whether they could limit the number of years a taxicab could operate and it had been affirmed that they had the authority to limit the number of years they could operate, they had an interest in making sure that vehicles for hire in the City of Houston were not only mechanically sound but that they were in good shape so that they present a good image to those who come into the City who use their taxicabs, but recognizing the economy they were having a discussion at the staff level with the cab industry on whether with a heightened level of inspection it would be appropriate to allow vehicles to continue to operate, that it had not been resolved yet but they were in good faith discussions, recognizing that the vehicles would have to be overhauled and maintained to a level that they would approve; that the TIA Committee would be appropriate for the discussion

and Council Member Lovell had been kept apprised of those discussions, that she agreed that the handicap cabs would be a higher priority for extended life than normal taxicabs.

After further discussion by Council Members, a vote was called on Item No. 56 as amended. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0834 ADOPTED.

40. ORDINANCE approving and authorizing the Mayor to accept Federal Aviation Administration Grant offers up to \$50,000,000.00 for Projects at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport; declaring the City's eligibility for such grants **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented, and tagged by Council Member Jones.

38. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **AUTOMATION NATION, INC** for Marketing and Sale of Heat-Dried Bio-Solids - Revenue **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented.

After discussion by Council Member Clutterbuck a vote was called on Item No. 38. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2010-0835 ADOPTED.

44. ORDINANCE approving and authorizing an amendment to the Interlocal Agreement (Approved by Ordinance No. 2007-0722) between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** for Sims Bayou Flood Damage Reduction Project - **DISTRICTS D - ADAMS; E - SULLIVAN and I - RODRIGUEZ** – was presented, and tagged by Council Members Costello and Stardig. Mayor Parker and Council Member Rodriguez absent. Mayor Pro Tem Clutterbuck presiding.

46. ORDINANCE appropriating \$262,240.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract with **COBB FENDLEY & ASSOCIATES, INC** for Technical Assistance for Interagency Project Reviews (Approved by Ordinance No. 2007-0028) - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; D - ADAMS; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ** – was presented, and tagged by Council Member Jones. Mayor Parker and Council Member Rodriguez absent. Mayor Pro Tem Clutterbuck presiding.

48. ORDINANCE approving and authorizing contract between the City of Houston and **NRG ENERGY SERVICES LLC** for Electric Reliability Services to implement Texas Senate Bill 361; approving and authorizing three Lease Agreements between the City of Houston (as Landlord) and NRG Energy Services LLC (as Tenant) in connection therewith for the purpose of locating Backup Generation Equipment near the City's East, Southeast and Northeast Water Treatment Plants - \$55,861,466.00 - Enterprise Fund – was presented, and tagged by Council Members Jones, Bradford and Sullivan. Mayor Parker and Council Members Johnson and Rodriguez absent. Mayor Pro Tem Clutterbuck presiding.

49. ORDINANCE appropriating \$471,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Neighborhood Back Lot Wastewater Substitute Service Program - W. Clay, W. Pierce, and W. Bell; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS** – was presented,

and tagged by Council Member Jones. Mayor Parker and Council Members Johnson and Rodriguez absent. Mayor Pro Tem Clutterbuck presiding.

50. ORDINANCE appropriating \$1,473,797.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **TEXAS REEXCAVATION, L.C.** for Wastewater Collection System Rehabilitation and Renewal; 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 Pennington absent on personal business. Council Member Noriega absent due to being ill. Council Member Rodriguez absent. ORDINANCE 2010-0836 ADOPTED.

NON CONSENT AGENDA - NUMBER 53

MISCELLANEOUS

53. RECEIVE nominations for Positions 2, 4, 6, 8, 10 and 12 of the **HOUSTON BUSINESS DEVELOPMENT INC**, for three year terms – was presented. Council Members Rodriguez and Lovell absent.

Council Member Clutterbuck named Ms. Elle Shebay to Position 2 of the Houston Business Development, Inc. Council Members Rodriguez and Lovell absent.

Council Member Hoang named Mr. Michael A. Nebgen, Jr. to Position 4 of the Houston Business Development, Inc. Council Members Rodriguez and Lovell absent.

Council Member Jones named Mr. Chad Khan to Position 6 of the Houston Business Development, Inc. Council Members Rodriguez and Lovell absent.

Council Member Bradford named Mr. Robert N. Collier to Position 8 of the Houston Business Development, Inc. Council Members Rodriguez and Lovell absent.

Council Member Costello named Ms. Angela Blanchard. to Position 10 of the Houston Business Development, Inc. Council Members Rodriguez and Lovell absent.

Council Member Adams named Ms. Zawadi Bryant to Position 12 of the Houston Business Development, Inc. Council Members Rodriguez and Lovell absent.

Council Member Sullivan stated that he wanted to know if it was a requirement for their nominees to be a resident of the City of Houston and if so as they were handed papers at the table they did not know if they were or not. Council Members Rodriguez and Lovell absent.

Mayor Parker stated that it was not a requirement for their nominees on this board to be residents of the City of Houston, that it was certainly her policy not to present nominees to Council that were not residents of Houston without expressly stating that fact and did not believe that she had submitted nominees who were not residents of Houston and it was her personal policy not to vote for those who were not residents of Houston, but it was not a requirement of this board. Council Members Rodriguez and Lovell absent.

Council Member Gonzalez moved to close nominations for Positions 2, 4, 6, 8, 10 and 12 of the Houston Business Development, Inc., seconded by Council Member Costello. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member

Noriega absent due to being ill. Council Members Rodriguez and Lovell absent. MOTION 2010-0771 ADOPTED.

MATTERS HELD - NUMBERS 54 through 56

54. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$4,404,659.00 and acceptance of work on contract with **PYRAMID CONSTRUCTORS, L.L.P.** for Renovation of Magnolia Health and Multi-Service Center - 13.69% over the original contract amount - **DISTRICT I – RODRIGUEZ – (This was Item 1 on Agenda of October 13, 2010, TAGGED BY COUNCIL MEMBER HOANG)** – was presented, moved by Council Member Jones, seconded by Council Member Clutterbuck. Council Member Rodriguez absent.

After discussion by Council Members, Mayor Parker stated that Council Member Rodriguez was not present but was sure that he would weigh in, it was the Magnolia Health and Multi Service Center, it was a very old facility and as someone who has owned old homes when they tear out a wall they never know what was behind it and the conditions in the facility were such that the costs went up during the course of the remodeling, they did not want to go over the original contract estimates, but they found problem after problem in the structure and they kept the facility open during the remodeling which added to the cost because there was no place else to relocate the people who used those services, but they understood and in this case they wanted to make sure that the public knew that it was not because of bad estimating, that once they got into the remodeling of an old facility there were unexpected situations; that any time they were remodeling or renovating an older facility the General Services Department understood that they needed to go above and beyond in terms of trying to estimate what the potential costs were going to be; that this was an accept work and not an amendment to the contract, that originally they put a 10% contingent fee and came back and went up to 15%, they came in under 15% but they amended it previously, that Council was aware of the conditions in the facility and Council voted to add 15% contingency, which was 5% over the original and now they were coming back to the accept work; that everybody would have bid on the same set of specs originally and this would have been the low bidder on that set of specs but once they got into the project, remember this came back to the Council and had a full debate at Council more than a year ago in June 2009 when the contingent amount was raised in recognition of the fact that there were additional unforeseen conditions, that it was not that they would change the contract that was why they put in a contingency clause in there, it was more due diligence on the part of General Services at the beginning when they were approaching a remodeling or renovation of a building of significant age, that was where they had fallen short, the Gregory School being one that they had to keep revisiting, that the Magnolia Center, it was not just the conditions of the building, however in this one it was because Council decided that they needed to keep the facility open which slowed down the renovation process and cost more money, that it was the due diligence in the beginning as they spec it out. Council Member Rodriguez absent.

After further discussion by Council Members, Mayor Parker stated that she did not mean to imply that Council voted on it and it should be fine, the point she was trying to make was that this was an accept work, the raising of the contingent amount was actually done more than a year ago and there was a full discussion at Council as to what the unforeseen circumstances were and whether they could have been anticipated in the bid specs.

A vote was called on Item No. 54. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. Council Member Rodriguez absent. MOTION 2010-0772 ADOPTED.

55. RECOMMENDATION from Purchasing Agent to award to **FORMS + SURFACES, INC** for

Stainless Steel Litter and Recycling Receptacles for the Houston Airport System - \$386,873.00 Enterprise Fund – **(This was Item 4 on Agenda of October 13, 2010, TAGGED BY COUNCIL MEMBERS SULLIVAN and CLUTTERBUCK)** - was presented, moved by Council Member Costello, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. Council Member Rodriguez absent. MOTION 2010-0773 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sullivan stated that he wanted to recognize the Houston Police Department Air Support celebration of 40 years in service, that Council Member Rodriguez presented a proclamation at the event and he and Council Member Costello joined him on stage; that he wanted to compliment the Houston Airport System for their work in support of Wings Over Houston last weekend; that they had a townhall meeting in the south part of the district on October 13, 2010 and wanted to thank City representatives who attended and answered questions for their constituents, that he wanted to thank the University of Houston Clear Lake for opening up their campus to them for their townhall meetings; that the Ethics and Council Governance Committee was going to meet on Thursday, November 4, 2010 at 2:00 p.m.; that he wanted to recognize the Houston Police Department for their investigation of the taxicab murders and Lieutenants Leslie Martinez and Dan Harris, Homicide Division Sergeants Ryan Chandler, Bill Rush, Bobby Roberts, Brian Harris, Officers John French, Roger Chapel and Phil Waters, Fire Arms Examiner Kim Downs, Homicide Division Crime Analyst Dolly Lawless, Crime Scene Unit Officer D. C. Lambride, the Gulf Coast Violent Offenders Task Force, that this was a great example of everyone working cooperatively together from within and outside the department in a short period of time, that the suspects were in custody about 30 hours after the murder, that the entire group would be nominated for a Chief of Police commendation. Council Member Rodriguez absent.

Mayor Parker stated that they did do excellent police work and she would point out that the department was also working very aggressively on the murders of the two homeless women downtown. Council Member Rodriguez absent.

Council Member Sullivan stated that with respect to the decorum in the Council Chamber they had the prayer and pledge and then their guests go out into the lobby and take photos and it was so loud and he felt bad for the speakers who were coming up afterwards and the business they were trying to conduct, that if maybe Mayor Parker could give them some guidance on that, that he did not know what the secret answer on that was, and Mayor Parker stated that there was not a secret answer it was simply that she asked the officers if they could bring some order to the lobby out there, that if Council Members would call that to her attention she would make sure that would happen. Council Member Rodriguez absent.

Council Member Lovell stated that tomorrow the Development and Regulatory Affairs Committee would meet in the Council Chamber at 10:00 a.m.; that she wanted to offer condolences to the family of the worker that was killed yesterday at George Bush Intercontinental Airport/Houston in a terrible accident and their prayers to the worker that was hospitalized with injuries, that the two workers names had not been released but both worked for contractor PBS&J Construction who were hired by Continental Airlines; that the final day of Early Voting was on Friday, October 29, 2010 and Election Day was on Tuesday, November 2, 2010; that she wanted to thank the Houston Police Department, they caught the two thieves in Montrose who had been having quite a grand time robbing about 160 residents, that it was good work between the police and the neighborhoods in helping identify who they were. Council Members Sullivan and Rodriguez absent.

Council Member Johnson stated that last Friday night he attended the Acres Homes Citizen Council Seventeenth Annual Achievers Banquet, there were three young students from the district who received scholarships, that Ms. Dinecia V. Armstrong and Ms. Brittoni Taylor Smith, who graduated from Aldine Carver and Mr. Charles Johnson, graduate of Booker T. Washington, that the Acres Homes 100 Year Celebration would take place on Saturday and they would have a parade on October 30, 2010 at South Victory and West Montgomery; that on Saturday was Texas Southern University's homecoming, that it would be preceded by the Texas Southern Distinguished Alumnae Dinner on Friday night and the parade on Saturday starting at 9:00 a.m. at Congress and Hamilton Streets; that Ahmad was no longer with his office, that he had taken a position at his Mosque, that Akeem Olajuwon, the former Rocket, offered him a job and Ahmad accepted, that he was proud of the work that he had done for him and the work that he would be doing at his Mosque; that his thought for the day, "those who are not looking for happiness are most likely to find it because those who were searching forget the surest way to be happy was to seek happiness for others", that it was a quote by Martin Luther King. Council Members Sullivan, Rodriguez and Lovell absent.

Council Member Clutterbuck that those were excellent comments by Council Member Johnson in quoting Martin Luther King, Jr.; that there were plenty of opportunities to find happiness in the City of Houston, that if they had not been to the amazing Farmers Market put on by Susan Christian and Laura Spangen and all of the people who worked on their teams, that it was a great opportunity to buy local and buy fresh and have a little bit of entertainment, as well as entertainment being put on by the Convention and Visitors Bureau at Jones Plaza, and tonight the Houston Fire Fighters Pipe and Drum Corp. would have their bagpipes and drum corp. at Brian O'Neals Irish Pub in District C at 5555 Morningside; that on Saturday, October 30, 2010 from 12:00 p.m. to 6:00 p.m. at the Houston Bureau of Animal Regulation and Care there would be a blessing of the animals, that they were also offering low cost chipping of their animals, that it was a great way if their animal was ever lost it would come back to them, that it was a service that the City of Houston provided with micro chipping and returning lost animals who had been micro chipped to their owners. Council Members Sullivan, Rodriguez and Lovell absent.

Mayor Parker stated that they were formalizing the non profit that would raise money, private sector money, for BARC as well. Council Members Sullivan, Rodriguez and Lovell absent.

Council Member Adams read an email that she received last week from Mr. Bob Jones regarding the position that she and three of her fellow Council Members had taken on Proposition One; that she wanted to thank all of those current African American leaders and fellow Council Members who stood with her on the email from Mr. Jones. Council Members Sullivan, Rodriguez and Lovell absent.

Council Member Gonzalez announced the following events: Texas Department of Transportation and the City of Houston would be hosting a public meeting regarding the proposed extension of San Jacinto Street today at 6:00 p.m. at the Y.M.C.A. MD Anderson, 705 Cavalcade Street; October 29, 2010 the Ripley House Neighborhood Center, 4410 Navigation Boulevard 2010 Harvest Fest; Olivewood would be hosting their Second Annual Halloween Party on October 30, 2010 from 2:00 p.m. to 5:00 p.m. at the Olivewood Cemetery at 1300 Court Street, that there would be activities for the children and a penny drive to go towards the Emergency Grave Recovery Project. Council Members Rodriguez and Lovell absent.

Council Member Hoang stated that he wanted to welcome Miya Shay, Channel 13, back from Hong Kong, that she covered the basketball game; that he received an email that praised the Parks Department from the Tai Chi Martial Arts instructor who used the Sharpstown Community Center to conduct a workshop last week, that the instructors and students

expressed their deep gratitude to the Parks Department for their hospitality and in particular they thanked the responsible and dedicated personnel in the Sharpstown Community Center and Director, Mr. Joe Turner; that this weekend was Halloween and he would take his three kids to trick-or-treat and wanted to make sure that their citizens were going to be protected and safe, that the safest way to celebrate Halloween was to participate in an organized event coordinated by a school or place of worship, that for those who would be trick-or-treating HPD suggested the following tips, children should wear light colored costumes short enough to prevent tripping, reflective tape could be added to enhance visibility, their child should be able to see properly through a mask, that children should be accompanied by an adult at all times and should stay within their neighborhood and only visit homes of people they knew, that they should carry a flashlight after sunset, examine all candy and treats at home before allowing their children to eat them, that if any candy appeared to be tampered with to please throw them away immediately, keep the costumed children away from pets since the animals might panic and not recognize the children; that his condolences to the Khan family, that Mr. Sahib Ali Khan was murdered last Wednesday after a robber attacked him at his convenience store in North Houston. Council Members Rodriguez and Lovell absent.

Council Member Stardig stated that last Saturday she attended the Korean Festival at Discovery Green, that it was organized by the Korean American Society of Houston, that the Korean Society's mission was to strengthen the Korean American Community in Houston and raise community involvement through professional and civic initiatives and the Korean Festival was a wonderful example of their outreach to the community; that on Friday, October 29, 2010 was the last day for pledges to be made to the Combined Municipal Campaign; that she was looking forward to attending the Acres Homes Centennial Parade on Saturday organized by the Acres Homes Historical Society, that the parade would celebrate the 100 year anniversary of Acres Homes Community, that she wanted to thank her Chief of Staff, Corey Ray, for her support of the community and helping them get organized. Council Members Clutterbuck, Rodriguez and Lovell absent.

Council Member Jones announced the following events: Thursday, October 28, 2010, an Ike/Dolly Public Hearing starting at 7:00 p.m. and an action plan starting at 8:00 p.m. at the Sunnyside Multi Service Center, 4605 Wilmington Street; a Housing Committee Meeting on Thursday, October 28, 2010 at 2:00 p.m. in the City Hall Chambers; that the Houston Reality Challenge ended last week; that Officer Gary Dora's mother died, Ms. Irma Jean Dora, that she wanted to offer her condolences to her family; and Council Member Jones read a letter that the leaders read in defense of Council Member Adams and the Black leadership of City Council from the African American Newspaper. Council Members Stardig, Clutterbuck, Hoang, Rodriguez and Lovell absent.

Council Member Costello stated that yesterday he attended a conference sponsored by the Coalition for the Homeless, they had a consultant from the Corporation for Support of Housing, that it was about permanent support of housing for the homeless, that it was an issue that he decided to take on after Proposition One, that they had over 10,000 homeless people who were chronic homeless, they had a total of over 30,000 and the chronic homeless most of them suffered from mental illness or some type of dependency on chemicals, alcohol or drugs, that the cost of doing nothing for these people ranges from \$30,000 to \$40,000 a year, that was subset of the homeless actually took up 50% of the bed capacity of all of the facilities that offered overnight stays for them, that it was very critical that they focus on the homeless in the community, that he looked forward to working with them, that he wanted to commend the Housing Director Jim Noteware and several members of his department who were there yesterday at the United Way, that he was committed to seeking a comprehensive approach to addressing this particular problem, that with all groups working together they could certainly achieve the goals and meet the housing and supportive services needs of Houston's most vulnerable; that he wanted to urge everybody to vote and go to the bottom of the ballot and

address the three propositions that were before them. Council Members Stardig, Clutterbuck, Hoang, Rodriguez and Lovell absent.

Council Member Bradford stated that Council Member Hoang did a really great job of outlining some of the strategies of Halloween safety; that as to the Mayor's Youth City Council he wanted to congratulate Mayor Parker for continuing the tradition of installing Youth City Council Members, that the swearing in ceremony was well attended last night, that he wanted to congratulate the students for volunteering; that as part of the wrap up to the Public Safety Committee's community meetings and details of a Sam Houston State University's Citizens Satisfaction Survey, the issue of adequate staffing for the Houston Police Department clearly surfaced, the Police Chief had indicated that even after the graduation of the two scheduled Police Cadet Classes HPD would have a net loss of officers this year, that it was not likely that the local economy would recover to an extent in the near future to fund additional cadet classes, therefore it had become even more imperative that they determine how many HPD officers were needed to adequately staff the department and to insure that officers were being deployed in the field in a safe manner, that also the issue of one officer versus two officer unit was still unresolved, they needed to know how many officers were needed and to do what, that he was re urging his request to conduct a work demand analysis of the Houston Police Department, that it would determine what was adequate staffing, what was their policing model and it would also help this body outline a financial strategy and a deployment plan to meet Houston's public safety needs of tomorrow; that he wanted to congratulate his district Council Member for doing an exemplary job representing those of them who lived in District D, that he wanted to thank those elected officials who went on record in rebut of the attack on African American City Council Members by Bob Jones, a key supporter of Proposition One. Council Members Stardig, Clutterbuck, Hoang, Rodriguez, Costello and Lovell absent.

Council Member Adams stated that she wanted to thank the Central Patrol Division of HPD for doing such an awesome job and arresting the burglars and going door to door and educating residents about safety and crime safety; that they had a South Park Health Fair and had over 70 vendors, including the City of Houston Health and Human Services Department and she wanted to thank them all for participating in the health fair last Saturday; that she wanted to commend Windsor Village Elementary School, she had the opportunity for being principal for the day; that she attended the Corinthian Point Homeowners Association meeting; that she wanted to thank Near Town Super Neighborhood No. 83, Scott McCullen and HEB for working very closely with the community, there would be a meeting on Saturday at the Episcopal Church beginning at 9:00 a.m.; that tomorrow they would be attending a 2010 Fire Ops, that she looked forward to dressing up in her gear and seeing what the HFD Officers had to go through on a daily basis; that there would be a cleanup on Saturday at South Park, that she wanted to thank Hope World Wide, that it would be from 8:00 a.m. to 1:00 p.m., that she wanted to congratulate some of the organizations that were within District D who had been recognized in the 2010 Mayor's Proud Partner Awards; that last Friday her office participated in the White Cane Day for people with disabilities who had a visual disability on how to properly cross the streets. Council Members Stardig, Johnson, Clutterbuck, Hoang, Rodriguez, Costello, Lovell and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that she regularly and publicly stated that she thought that Council Member Adams was doing an excellent job as her District Council Member and worked hard for all of the constituents of District D, that as someone who regularly receives stupid and insulting emails from people she finds that the best policy was to circular file them where they belong and not to respond to them publicly, but she understands her need to do so. Council Members Stardig, Johnson, Clutterbuck, Hoang, Rodriguez, Costello, Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he did not know that Proposition One was a Black or

White issue and it was unfortunate that it went to that, that his name was not on a formal letter but he did want to publicly say that he sent Council Member Adams a personal message when he saw that and apologized for what she had to go through, that he said it was uncalled for and she did not deserve that, that he was now on record for being the White guy who supports her; that he failed to thank his staff for putting together their townhall meeting last week; that the Houston Chronicle had a front page article yesterday on Ellington Field and the new construction, that he wanted to thank Kathy Elek and Saba Abishaw for visiting with him last week; that he had an opportunity this past Sunday to visit with Governor Perry at church at Grace Community and they specifically talk about Embry Riddle Aero Space University locating to their new campus at Ellington Field and he reiterated his support for it and sent over a letter of support and it would be in a packet that Andy Icken was putting together that he knew what to do with; that he had the pleasure of speaking to the French American Chamber of Commerce on Monday night and he wanted to thank their group for their support of the Houston Nice Sister City relationship. Council Members Stardig, Johnson, Clutterbuck, Hoang, Rodriguez, Costello, Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that the Police Store Fronts on Telephone Road, Broadway and Sunnyside were having trick or treat from 6:00 p.m. to 9:00 p.m.; that she wanted to thank Mayor Parker for her support on the email, but if it was a personal email directed to her she would have kept silent but several elected officials called her to tell her that she had the email, that it was distributed before it got to her. Council Members Stardig, Johnson, Clutterbuck, Hoang, Rodriguez, Costello, Lovell and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:54 a.m. Council Member Pennington absent on personal business. Council Member Noriega absent due to being ill. Council Members Stardig, Johnson, Clutterbuck, Hoang, Rodriguez, Costello, Lovell 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