

City Council Chamber, City Hall, Tuesday, January 11, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 11, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello and Sue Lovell; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Members Anne Clutterbuck and Melissa Noriega out of the city on city business. Council Member Wanda Adams absent on personal business. Council Members Mike Sullivan and Jolanda "Jo" Jones absent. Council Member Al Hoang absent on city business. Council Member C. O. "Brad" Bradford absent out of the city.

At 1:42 p.m. Acting Mayor Pro Tem Gonzalez stated that presentations would begin with Mayor Parker. Mayor Parker stated that today there was one big presentation and invited the representative with the Souper Bowl of Caring to the podium. Mayor Parker stated that this was a play on words as the Super Bowl Football Game was coming and as part of that groups were working to focus on the alleviation of hunger and Houston was kicking off their Souper Bowl of Caring with community leaders, various organizations, etc., and the goal was to raise \$3 million and or equivalent of food items to meet the needs of hungry Houstonians throughout the community; that most contributions would benefit the Houston Food Bank which served nearly four hundred hunger relief organizations in eighteen southeast Texas counties; encouraged all to participate; and presented a Proclamation to Ms. Julie Falcon kicking off the Souper Bowl of Caring and proclaimed today as "Souper Bowl of Caring Kickoff Day" in Houston, Texas. Ms. Falcon stated that Houston was the number one city in America for Souper Bowl of Caring, more money and food was raised here than in any other city and was a model for all organizations and that was in part due to all businesses, etc., which became involved; that from now until Super Bowl Sunday they would be busy; that you could reach them through their website at tacklehunger.org/Houston; and thanked all for the recognition. Council Members Johnson and Rodriguez absent.

Council Member Gonzalez thanked Ms. Falcon for her efforts and stated that all knew hunger was a problem in the community and through efforts like the Souper Bowl of Caring the issue was tackled and many received help. Council Member Rodriguez absent.

Mayor Parker stated that the State Legislature had their opening session today and a number of Council Members were in Austin; that she did appreciate the Council Members who stayed and they were waiting for a quorum at this time and as soon as they did she would call the meeting to order; and called on Council Members to discuss items of general interest at this time. Council Member Rodriguez absent.

Council Member Gonzalez stated that with the colder weather he would like all to convey to people to be cautious with space heaters as many fires were started during this time and to remember pets and keep them warm; and Mayor Parker stated that was an excellent point; and they did not encourage anyone to drip their pipes, but instead wrap pipes so water pressure could be saved. Council Member Rodriguez absent.

Council Member Costello stated that he had an opportunity to visit with representatives of the Memorial Park Conservancy today and they just awarded another contract for a new trail to be built at Memorial Park from the Living Bridge built several years ago to the north entrance; that they were doing it on behalf of the city and would then turn it over to the city and they were also working on ways to have a fund for maintenance of the facilities as well as the bridge; that Mr. Gary Moss had done quite a bit for the City of Houston in terms of volunteer work with his landscape business; and he thanked all for what they had done; and Mayor Parker stated that

people should also keep their eyes out for what was going on along Buffalo Bayou between Shepherd and Downtown with the trail completion and new bridge across the bayou; that there were many great trail enhancements going on; and progress was going on along the trail system on MacGregor by Herman Park also.

At 1:53 p.m. Mayor Parker stated that there was a quorum and called the meeting to order and called on Council Member Gonzalez who led all in the prayer and pledge.

At 1:54 p.m. the City Secretary called the roll. Council Members Clutterbuck and Noriega out of the city on city business. Council Member Adams absent on personal business. Council Members Sullivan and Jones absent. Council Member Hoang absent on city business. Council Member Bradford out of the city.

Council Members Lovell and Costello moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city on city business. Council Member Adams absent on personal business. Council Members Sullivan and Jones absent. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION ADOPTED.

At 1:55 p.m. the City Secretary began calling the public speakers.

Mr. Rick Aleman, 717 W. Ashby, San Antonio, Texas 78212 (210-737-8220) appeared, presented information and stated that he was President of Selrico Services and present to discuss the evaluation of the jail; that he was a Texas company and operated in 27 states and 8 countries including Afghanistan, Pakistan, Iraq, Amman, Jordan and Boot Camp Bob Hope a facility in Baghdad where President George Bush fed the troops; that he was unfairly treated on the bid; that there were only two bidders he and Aramark and he was the low bidder on the first bid; that when it came to awarding they cancelled it and said they would put out a new bid which they did in August and only one thing changed from the first bid and it was to put down a rebate to the City of Houston for using their facility to produce meals for other entities in Houston and he complied and still beat the incumbent by a large margin; that it was called for best value and he could not understand this; and asked for assistance.

Council Member Gonzalez stated that he would like the rebate portion, the use of the kitchen, explained; and Mr. Aleman stated that he did not know all of it and did not know if Aramark was paying a rebate, the bid said anticipation of a rebate, but he never understood a facility under the city domain to be used for not only feeding the inmates but for other entities also; that insurances should only cover what their project was for; that this was hypothetical, the only thing real was the first bid where actual numbers were written and bid according to what the bid was doing; that he felt it was fair when the first bid was done.

Upon questions by Council Member Costello, Mr. Aleman stated that the original bid was in May and they took until August to issue new solicitation and now it was January; that the chart presented was the second submittal and they asked for a debriefing to let them know where they stood and never got one; the best value was not in the original it was included in the second bid along with the rebate.

Council Member Rodriguez thanked Mr. Aleman for coming and stated that he chaired the committee on MWBE and Affirmative Action and was interested and would like to set a meeting.

Council Member Costello moved the rules be suspended for the purpose of extending the time for questions of Mr. Rick Aleman, seconded by Council Member Johnson. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city on city business. Council Member Adams absent on personal business. Council Members Sullivan and Jones absent.

Council Member Hoang absent on city business. Council Member Bradford out of the city.
MOTION 2011-0017 ADOPTED.

Council Member Rodriguez stated that there were a lot of discrepancies here and would like to help him work through this and his office would arrange a meeting with him as soon as possible.

Upon questions by Council Member Johnson, Mr. Aleman stated that his second bid was lower to the tune of approximately \$150,000; that the first bid they were just feeding the inmates, but the second one was with a rebate so his price went lower, but it was hypothetical, it was what the City of Houston would get back; that he was lower both ways, but the only thing real was the price per meal at the jail and with his bid the city would save \$125,000; and Council Member Johnson stated that all at the table were interested and they had to look into it; and he appreciated him bringing it to their attention.

Council Member Costello stated that to follow-up on Council Member Johnson's questions, his base bid was slightly higher and with the commission he was about 5% lower; that he could see his credit per meal back to the City of Houston; and upon questions, Mr. Aleman stated that their bid was price per meal.

Mayor Parker stated that the Administration was still working through this; that departments had ways of confusing bids and this was not as clean cut a process as one would want, but she was still evaluating it and hopefully would have her position set by tomorrow morning; and encouraged Council Members to get information on the issue.

Mr. Peter Vo, 3806 Kristin Lee Lane, Houston, Texas 77014 (713-446-5554) appeared and stated that he was a Vietnamese American and he had a couple of concerns; that the Vietnamese Center in the Southeast area had money approved by Council for improvement and still now work was done and the center was needed for education, job finding, etc., and in that area they also needed more security; that another issue was the bus route, there were many seniors who would like to go to the facility but they had no bus route and would like that considered; and would like a liaison team so when the Vietnamese had issues they could be assisted.

Mayor Parker stated that she would remind Mr. Vo for a bus route he would need to visit with METRO; that the city did have regular communications with the Vietnamese community, their were entities representing large numbers of Vietnamese residents and she was glad he appreciated what was being done in terms of the community center, but she did not know the current status of its construction.

Mr. Philip Nguyen, 5608 Lost Forest Drive, Houston, Texas 77092 (713-972-5601) appeared and stated that he was the deputy director of the Vietnamese Community Center and he had opportunity to help with projects and was offering their gratitude to the city for their CDBG grant; that the renovation process was to begin this week and it was deeply appreciated; that he contacted agencies who could assist there; and again thanked all for the assistance.

Ms. Elysa Maldonado, 2217 Hollister Road #402, Houston, Texas 77080 (832-216-8028) appeared and stated that she had received a ticket for failure to control speed, she knew if you hit the person in front you were automatically at fault, but she was several vehicles away and the lady backed up into her, her car had been in a previous accident and she was not going fast enough to do damage and a witness was there; that she explained all to the officer and the other lady had no insurance, no drivers license and her children were not in car seats, but she was the one receiving the ticket; that the officer said he would not go to court, but he should not have given the ticket and why look to see if her children were buckled in when hers were not;

that she took this to Internal Affairs and they said there were inconsistencies, her witness was not named and the lady did not have insurance, etc.

Mayor Parker stated that she had filed an Internal Affairs investigation and if in fact the officer did not do a good job of investigating the accident an I. A. investigation was the appropriate step; and upon questions, Ms. Maldonado stated that she did not understand the letter she received; and Mayor Parker stated that Lieutenant Gallier with HPD was present and would help her sort things out; and urged she visit with him before leaving.

Council Member Rodriguez stated that on a point of personal privilege today they were joined by several members of the cab industry who were present in support of Item 12 on tomorrow's Agenda; and he thanked them for coming and the Administration and his colleagues for helping the industry during tough economic times.

Mayor Parker thanked the representatives of the cab industry who were present and stated that she previously stated they would work through this as they worked through a number of other issues as they dealt with jitneys, electric vehicles, etc., and they were now doing that; and thanked Council Member Lovell for having the items go through her committee.

Mr. Keiji Asskura, 1409 Bonnie Rae, Houston, Texas 77007 (713-337-5830) had reserved time to speak but was not present when his name was called.

Mr. Joe Meppelink, 2012 Kane, Houston, Texas 77007 (713-256-4849) had reserved time to speak but was not present when his name was called.

Ms. Madine Lewis, 807 Park Trail Vista, Houston, Texas 77019 (832-866-9589) had reserved time to speak but was not present when her name was called.

Mr. Kenneth Maldonado, 2919 Cetti, Houston, Texas 77009 (832-338-3121) had reserved time to speak but was not present when his name was called.

Mr. Jimmy Ray, 7050 Flamingo, Houston, Texas 70877 (713-560-1489) appeared and stated that he was present regarding false liens and Neighborhood Protection; that his grandparents built a home in 1967 in Bayou Oaks and in 1969 a vacant lot was mowed and the city put a lien on the property, but it was accidentally put on his grandparents property and they were not notified until 33 years later in 2003; that in 1990 his grandmother passed away and a title search was done and nothing came up, but in 2003 he was gift deeded the property and then they started receiving collection letters from City Attorneys for collection; that it took Neighborhood Protection 6 months to admit it was filed in error and took 7 years to remove it; that he wanted to know how he could be sure there were no more false liens on his property; and when he contacted the head of Neighborhood Protection he was told thousands more were in the same situation and what did he want him to do about it.

Mayor Parker apologized on behalf of the City of Houston for what he had to go through; and stated that she did hope they had not done this to others, but it was not uncommon for a wrong address to get on a legal document and then be difficult to unwind, but she could only apologize; and Mr. Ray stated that it was released in February 2010, but he had many problems like never being able to file a homestead or get a free and clear title; and Mayor Parker stated that she understood his problems and frustration; and apologized once more. Council Member Rodriguez absent. (NO QUORUM PRESENT)

Mr. David Nguyen, 8706 Bellaire Boulevard, Houston, Texas 77072 (281-235-4224) appeared, presented information and stated that the Vietnamese Community Center had an occupancy limit of 100 and in January they had a meeting with more than 400 attendees; that

also on a signed affidavit Council Member Al Hoang reported and submitted to the 334th District Court that in November 2010 there were 502 attendees, but every time the Fire Marshall came the Council Member tried to interfere; and he did not know if the Mayor knew but at the time they were voting on renovation the Council Member was president of it; and Mayor Parker stated that she noticed in his handout Mr. Hoang actually owned the building being renovated and that would be of concern and she would have that investigated. Council Member Rodriguez absent. ((NO QUORUM PRESENT))

Council Member Stardig stated she was trying to understand, Council Member Hoang was president of the nonprofit and owned the building; and Mayor Parker stated that was what was indicated and it would be investigated, if he was head of the nonprofit all he would have to do is recues himself from the vote, if he owned the building it may be different. Council Member Rodriguez absent. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 3939 NW Freeway #210, Houston, Texas 77022 (832-696-9204) appeared and stated that he was reading the Houston Defender and saw a grant proposal meeting chaired by U. S. Representative Sheila Jackson Lee and he wondered when the next meeting would be so those who did not get the memo could attend. Council Members Stardig and Rodriguez absent. (NO QUORUM PRESENT)

Mayor Parker stated that she did not know what grant program Congress Woman Lee had a meeting about and could not speak to it; and suggested he contact her office. Council Members Stardig and Rodriguez absent. (NO QUORUM PRESENT)

Ms. Sharon Woodard, 8706 Hoffman, Houston, Texas 77016 (713-633-7756) appeared and stated that in April 2009 she was approved for a Tier Three home and told they would start construction in October, but nothing was done and she wanted to check on that. Council Member Stardig absent.

Mayor Parker stated that she had a memo from the Housing and Community Development Department that said she originally applied for a home repair and it was determined it could not be repaired at a reasonable cost and she was placed into a HUD program to demolish and reconstruct her home and she was now number 55 out of 147 applicants; that under the funding formula they only did about 12 homes a year and it would be awhile before she was worked up on the list; that Mr. Eichenbaum with the Housing Department was present and could answer her specific questions and point her to alternative housing if her house had become inhabitable.

Mr. Matthew Creede, 1739 Richmond Avenue, Houston, Texas 77098 (713-522-1200) appeared, presented information and stated that he owned several businesses and one was Segway Tours; that recently they received a letter from the Parks Department asking they no longer go into parks and it was a shock to him and he felt there was confusion on what a Segway was, but it was a personal assisted device and it gave the same rights of a pedestrian on someone in a wheelchair; that at this time they had 1,000 people signed up to take their tour and now he did not know what to do or where they could go.

Council Member Lovell stated that Mr. Creede had called their office and they called Director Turner and his objections were from a liability standpoint; that for now it was not until issues were worked through, such as exercises they did when regulating other vehicles as they just did with the electric cars; and she told the director she would support his position simply because until June the big priority was budget and she did not want to ask he take his attention away from that and after budget she would like for them to sit with Mr. Creede and see if this was a possibility and would commit to him to do that after June; and Mayor Parker stated that respectfully, she did expect her department directors to multi task and if this was interfering with a business she believed some attention could be devoted to this and whether it required an

ordinance change or if it was a matter of interpretation of policy, but did appreciate her willingness to take it up in her committee; and Council Member Lovell stated that she would go in the Mayor's direction and go back to Director Turner with her instruction; and Mayor Parker stated that Mr. Norris was present with Parks if he could begin with him.

Council Member Stardig stated that she had seen Segway outside her window and it was an opportunity to investigate as it may bring tourism and they put time and effort into the jitneys and would like to support Council Member Lovell in exploring this opportunity.

Council Member Costello stated that Mr. Creede stated Segway was similar to pedestrians by law, what law was that; and Mr. Creede stated that he had several places in the packet presented and he got it from state law; and Council Member Costello stated that he was concerned when limiting this access; and upon questions, Mr. Creede stated that the director considered it a motorized vehicle, but it was considered a personal assisted mobility device; and Council Member Costello stated that he supported it being looked into quickly.

Mr. Marion Scott, 1600 Louisiana, Houston, Texas 77002 (832-274-0986) appeared and stated that he did not know where to take his concern and was starting with Council; that he was concerned with people who received inheritances, settlements, etc., he believed if someone received something and did not know there should be a place they could go to see if someone was looking for them. Council Members Johnson and Lovell absent. (NO QUORUM PRESENT)

Council Member Stardig thanked Mr. Scott for coming and expressing his concerns and stated that the State Controller was one to see about unclaimed funds and 2-1-1 was another for seniors and Citizens Assistance or someone from her office could direct his specific requests; and Mayor Parker stated that there was no one place for unclaimed money and each state had their own registry and through Texas it would be the State Controller's Office; and someone from Citizens Assistance can speak with him at this time. Council Members Johnson and Lovell absent. (NO QUORUM PRESENT)

Mr. Ed Browne, 41 Rollingwood, Houston, Texas 77080 (713-365-9902) appeared, presented information and stated that on April 28, 2009, over 500 homes in their Memorial City area flooded and in spite of repeated warnings to this body and others; that public officials denied any responsibility so residents formed a nonprofit organization, Memorial City District Drainage Coalition, and they wanted to know if flooding may have been prevented and what could be done to prevent it in the future; that money was raised and they hired an environmental attorney Mr. Jim Blackburn and he hired a hydrologist, Larry Dunbar, over 20 concerns were identified by their group, but it was narrowed down because of funds and that was what was presented today, the narrowed down version of concerns, the answers were new bridges, some property raised, roads widened, needed detention was not installed; that this did happen in every district in Houston. Council Member Johnson absent. (NO QUORUM PRESENT)

Mayor Parker stated that she appreciated being provided a copy of the study and would ask it be reviewed by the Public Works Department; and Mr. Browne stated that he would like to meet with all Council Members and explain the problems they ran into with the study; and Mayor Parker stated that he may meet with any Council Member who would schedule a meeting with him; that the ordinance for Rebuild Houston she could not conceive it would actually address issues raised in his report, but if so would be happy to address them. Council Members Johnson and Lovell absent. (NO QUORUM PRESENT)

Council Member Costello thanked Mr. Browne for coming and stated that he had met with their group and with Larry Dunbar and they were anticipating this report for some time and as the Flooding and Drainage Committee Chair he would spend a great deal of time reading this

and offer comments and critique to his fellow Council Members prior to his meeting with them so they could get a technical review of his report; that he knew they were working hard and he and Council Member Jones and her staff had been attending the TIRZ 17 meetings and he would get comments to him. Council Members Johnson and Lovell absent. (NO QUORUM PRESENT)

Council Member Pennington thanked Mr. Browne for the work done and money raised and he considered Mr. Dunbar a qualified professional; that he had attended many meetings and some projects had been stopped with they thought would exacerbate the situation; that TIRZ 17 had authorized a hydrological study and he thought their group was able to provide input; and Mr. Browne stated that they had met with them and did have concerns on the study; and Council Member Pennington stated that he met with the Public Works Director and told him there were areas like the southwestern portion of the Ditch 153 Watershed, this was a difficult problem and they were mindful of the issues. Council Members Johnson and Lovell absent. (NO QUORUM PRESENT)

Mr. Dean Bixler, 9702 Cedardale, Houston, Texas 77055 (713-932-0051) appeared, presented information and stated that he lived in the TIRZ 17 District and the current budget boasts over \$41 million in drainage improvement projects and he would as the Mayor and Council to seriously question, as he did, the validity of the claims; and continued reading from his information presented which included TIRZ 17 falsely stating CIP justifications for both Kimberley Lane and the Memorial Drive projects, etc. Council Members Johnson and Lovell absent. (NO QUORUM PRESENT)

Council Member Pennington stated that he discussed priorities that the TIRZ had for Kimberley and the Memorial Drive projects and it was his understanding it was not the city's position that it set spending priorities for the TIRZ's, they were done by the TIRZ Boards themselves, but he thought the Public Works Department should look at them; and Mayor Parker stated that respectfully, the city did approve their project plan, so they did dictate how they spent their money; that they may not do it to the extent they should, but they did do it; and Council Member Pennington stated that he meant it would be a change in the method of doing business to not allow the TIRZ Board to be the primary mover; and Mayor Parker stated that it would be reviewed as would the report from the previous speaker. Council Members Johnson and Lovell absent. (NO QUORUM PRESENT)

Mr. Eric Kaposta, 443 Hollow, Houston, Texas 77024 (713-294-0000) appeared and stated that he was present supporting Mr. Browne's report about the flooding in west Houston; that he had been in his house about 10 years and on April 28th the rain came in and within half an hour had three feet of water and a rise in water that fast was scary; that water had never topped his street before, but the year before the city had come in and put six feet diameter pipes all over the neighborhood; and on another subject he thought it would be nice to be leaders in quality of life by staggering the times people went to work and cut freeway traffic in half. Council Members Johnson and Lovell absent. (NO QUORUM PRESENT)

Mayor Parker stated that they did encourage employers and the City of Houston had flex hours; that the previous Mayor had meetings with major employers encouraging them to do flex schedules and work from home options. Council Members Johnson and Lovell absent. (NO QUORUM PRESENT)

Council Member Pennington stated that he had mentioned his area to Mr. Krueger, the Director of Public Works; that there was a Flood Control Ditch which ran by his house and also restrictions in the flow on Memorial Drive and other complicating factors and it did need to be looked at and he was sure Mr. Krueger would do so. Council Members Johnson and Lovell absent. (NO QUORUM PRESENT)

Ms. Lois Myers, 9701 Westview Drive, Houston, Texas 77055 (713-461-7447) had reserved time to speak but was not present when her name was called. Council Members Johnson and Lovell absent. (NO QUORUM PRESENT)

Mr. Isiaka Owolabi, 7447 Beal Ridge, Missouri City, Texas 77489 (832-468-1283) appeared and stated that he had been present in Council three times complaining about police; that one of the cab inspectors pursued him in Humble and wrote him two citations; that he told the Judge it was complete bosh and no address as written on the ticket and the Judge said he could do nothing; that he was tired of bullies; that he brought his children today and needed to raise them right; and asked for assistance from the Mayor and Council as he said he had from many others in government. Council Members Stardig and Johnson absent. (NO QUORUM PRESENT)

Mr. William Beal, 5814 Overdale, Houston, Texas 77033 (no phone) had reserved time to speak but was not present when his name was called. Council Members Stardig and Johnson absent. (NO QUORUM PRESENT)

Mr. Tony Nguyen, 802 Wakefield Drive, Houston, Texas 77018 (281-701-6867) appeared, presented information and stated that he was a former Captain of the Army Republic of Vietnam and he was present today because Council Member Hoang was a liar; that Janice Evans said Monday Council Member Hoang was not speaking for the Mayor at the event he said he was representing; and continued expressing his personal opinions until his time expired. Council Members Stardig and Johnson absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he wished all a Happy New Year and happy 1/11/11 and this was campaign season and he was encouraging many to get ideas out and run; that many things went on he did not like and one change he would make would be to have the first speakers at a meeting be the Houston citizens and then those from other places, it was common sense to hear Houstonians first; that www.mayorgalvan.com was one of his websites; and Terry Street needed to be reopened; and continued expressing his personal opinions until his time expired. Council Members Stardig and Johnson absent. (NO QUORUM PRESENT)

Ms. Angie Diaz, 2709 Terry, Houston, Texas 77009 (281-701-5037) appeared and stated that she was present regarding a story on Channel Two last Sunday concerning Pit Bulls, a lady was trying to make them against the law and she had one and they were the way they were raised by their owners; that there were other aggressive dogs. Council Member Johnson absent. (NO QUORUM PRESENT)

Mayor Parker stated that there was no pending legislation to outlaw Pit Bulls in the City of Houston, it was an issue taken up a number of times; that they were concerned with dangerous animals and if a particular breed was banned it did tend to send the message that was the problem, but a breed was not the problem it was irresponsible pet owners who were the problem. Council Member Johnson absent. (NO QUORUM PRESENT)

Ms. Patricia Martin, 3401 Fannin, Houston, Texas 77004 (832-630-3717) appeared and stated that she was visually impaired and a recovering addict; that she was appalled about the tragedy which happened to the congresswoman and sympathized; and continued expressing her personal opinions until her time expired. Council Member Johnson absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) had reserved time to speak but was not present when his name was called. Council Member

Johnson absent. (NO QUORUM PRESENT)

At 3:19 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, January 11, 2011. Council Members Clutterbuck and Noriega out of the city on city business. Council Member Adams absent on personal business. Council Members Sullivan and Jones absent. Council Member Hoang absent on city business. Council Member Bradford out of the city. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m., Wednesday, Wednesday, January 12, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams. Mike Sullivan, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, and Jolanda "Jo" Jones; Mr. David Feldman, City Attorney; Ms. Marty Stein, Agenda Director; and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Al Hoang absent on city business. Council Member C. O. "Brad" Bradford out of the city.

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

At 9:05 a.m. Mayor Parker called the meeting to order. Council Member Sullivan, Lovell, Noriega and Jones absent.

Mayor Parker stated that they would be starting with the Monthly Operations and Financial Report, then as part of the Mayor's Report they would be discussing redistricting, timeline and overall policies, that she wanted to welcome those Council Members who traveled to Austin yesterday for the opening of the Legislative session; that she thought it was appropriate that they start today's meeting with a brief moment of silence for those who were killed or injured in Arizona, that she had the opportunity to meet Representative Gifford several times, she had traveled to Houston to visit with her Astronaut husband, that she was hugely important to their efforts to hold on to the jobs at NASA, that she very ably worked with Houston's Congressional delegation for the changes that were ultimately adopted in Congress, that they would continue to pray for her and the families of all of those killed or injured in the assassination attempt on her, and asked for a brief moment of silence. Council Member Jones absent.

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

Mayor Parker called on Controller Ronald Green and Mr. Kelly Dowe, Acting Director, Finance Department for the Monthly Operations and Financial Report. Council Members Clutterbuck and Jones absent.

Mr. Green and Mr. Dowe reviewed the Monthly Operations and Financial Report, a copy of which is on file in the City Secretary's office for review. Council Member Jones absent.

Upon questions by Council Members, Council Member Adams asked if they had an updated report on collection of fees and where they were and how well they were doing in the collections, could they get something in writing to all Council Members, and Mayor Parker stated that the Legal Department had been reviewing, she believed they had five existing collection contracts in various areas, there were differences in quality of work so they could show her what outstanding funds and fees there were in the various different categories and where they were going, but the intent was to very aggressively collect, that she would say that it was hundreds of millions of dollars that had been uncollected over the years; and Mr. Dowe stated that the topic

of discussion between him and the City Attorney, yesterday when they meet, was identifying the processes and procedures, if they existed, and accessing them was currently underway and was a major focus of his in starting up the collections effort, and Mayor Parker stated that they intended a very aggressive manner, if they owed the City money they were going to be coming and getting it. Council Members Clutterbuck, Noriega and Jones absent.

Council Member Costello moved to accept the Monthly Operations and Financial Report, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. Council Members Clutterbuck, Noriega and Jones absent. MOTION 2011-0018 ADOPTED.

MAYOR'S REPORT - Redistricting Overview

Mayor Parker stated that the Mayor's Report had to do with redistricting of Houston City Council seats, that it was something that they had not had to do to this extent in a very long time and thought it was appropriate for Council Members to get brought up to speed on why they were here and what the process was going to be, that they would be asked to vote later in the meeting on a Redistricting Resolution to codify the processes that they would use and those would be touched on briefly during the presentation, that the overall presentation would be made by Mr. Dave Feldman, City Attorney, but he was assisted by Mr. Jerry Woods, who was the consultant that had already been brought on board to assist them with the process.

Mr. David Feldman reviewed a PowerPoint presentation titled "Redistricting 2011, History and Legal Issues", a copy of which is on file in the City Secretary's office for review. Council Member Noriega absent.

Mayor Parker stated that she wanted to thank Mr. Feldman for his presentation, that she thought it was a good overview of how they got to where they were and she wanted to note to Council that they had a long history of litigation around redistricting and it was their goal to try to reduce that possibility as much as possible by being very careful and considerate as they go through the process, they must proceed carefully, that the other important point was that she had already seen individuals who had created their own fantasy districts and they could save themselves and all of them a lot of headaches in the future if the message went out that it was about a plan that redistricted the entire City, that it was really easy to create a district that did all sorts of interesting things, but it could not happen because of the impact that it would have on all of the other districts, that they encourage people to participate in the process, they wanted to hear from them, that sometimes it was the people on the ground who had a much better knowledge than them about where the neighborhood boundaries were and where it actually made sense to keep a community of interest together, but on the other hand the plan had to accommodate things all over the City and any change they made on the far west side would have an impact moving across the City to the far eastside, that it was all a system that must work together. Council Member Noriega absent.

Mr. Feldman was questioned by Members of Council, and Mayor Parker stated that she hoped she had not contributed to any confusion, she had been speaking publicly and Council Member Sullivan had heard her before about Kingwood, because of its unique location and the fact that it was separate from the rest of the City of Houston, except for that long canal down to Clear Lake, that she thought it was safe to say that Kingwood would probably remain intact because of its geography, but other than some unique situations like that they had to have a plan that gets through the Justice Department and that was their primary focus. Council Members Stardig, Sullivan, Lovell and Noriega absent.

Council Member Johnson moved to suspend the rules to consider Item No. 13 out of order, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member

Hoang absent on city business. Council Member Bradford out of the city. Council Member Sullivan absent. MOTION 2011-0019 ADOPTED.

13. ORDINANCE approving and authorizing contract between the City of Houston and **JERRY WOOD** for Professional Services relating to Demographic and Consulting Services relating to the City's 2011 Redistricting and other matters; establishing a maximum contract amount \$58,800.00 - General Fund – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. Council Member Sullivan absent. ORDINANCE 2011-034 ADOPTED.

Council Member Johnson moved to suspend the rules to consider Item No. 11 out of order, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. Council Member Sullivan absent. MOTION 2011-0020 ADOPTED.

11. RESOLUTION establishing procedures, criteria and rules for the consideration and establishment of Council Member District Boundaries following receipt of the Year 2010 Decennial Census Count as required by Article V, Section 3 of the Charter of the City of Houston, Texas; calling public hearings at which interested persons shall have an opportunity to be heard; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. RESOLUTION 2011-0001 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 26

MISCELLANEOUS - NUMBERS 1 through 3

1. CONFIRMATION of the appointment of **MR. NOMAAN HUSAIN** to Position Six of the **ETHICS COMMITTEE**, for a two year term expiring December 31, 2012 – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0021 ADOPTED.
2. REQUEST from Mayor for confirmation of the reappointment of **MR. JOSEPH “ALAN” JOHNSTON, JR., (Houston Independent School District Representative)** to Position Six of the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire July 6, 2012 – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0022 ADOPTED.
3. REQUEST from Mayor for confirmation of the reappointment of **MR. ROBERT CASEY, III, (Houston Independent School District Representative)** to Position Six of the **UPPER KIRBY REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire July 20, 2012 – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0023 ADOPTED.

ACCEPT WORK - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$139,076.85 and acceptance of work on contract with **JERDON ENTERPRISES, L.P.** for Dryden Street Widening from Main to Fannin - 2.92%

over the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0024 ADOPTED.

PROPERTY – NUMBERS 8 and 9

8. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY10-047, located at 1098 DeWalt Street, owned by Charles Evans aka Charles E. Evans and wife Pearlene Evans aka Pearlene F. Evans, for the **ELLA BOULEVARD (WHEATLEY STREET) PAVING PROJECT from Little York to West Gulf Bank** - \$95,994.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0025 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY10-048, located at 1097 DeWalt Street, owned by Annie Maxwell, for the **ELLA BOULEVARD (WHEATLEY STREET) PAVING PROJECT from Little York to West Gulf Bank** \$81,438.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0026 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 12 through 26

12. ORDINANCE **SUSPENDING VEHICLE FOR HIRE AGE LIMITATIONS ESTABLISHED IN CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, applicable to 2005 and 2006 Manufacturer Model Year Taxicabs and 2006 and 2007 Sedan-Type Luxury Motor Vehicles and Sport Utility Vehicles operated as chauffeured limousines – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-035 ADOPTED.
15. ORDINANCE adopting a three-year Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-036 ADOPTED.
18. ORDINANCE appropriating \$171,566.96 out of Police Consolidated Construction Fund for Purchase and Installation of CCTV and Access Control Security Equipment at the Police Property Room, Westside Police Station, and Clear Lake Police Station for the Houston Police Department under an existing contract with **BL TECHNOLOGY, INC** (Approved by Ordinance No. 2007-0972) **DISTRICTS E - SULLIVAN; G - PENNINGTON and H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-037 ADOPTED.
19. ORDINANCE appropriating \$3,130,000.00 out of General Improvement Consolidated Construction Fund and awarding Design/Build Contract between the City of Houston and **BALFOUR BEATTY CONSTRUCTION, LLC (f/k/a SPAWMAXWELL COMPANY, LLC)** for City Hall Annex and City Hall Renovations; providing funding for materials testing, security, and Information Technology Services for the project and for the Civic Art Program and contingencies relating to construction of facilities financed by the General

Improvement Consolidated Construction Fund - had been pulled from the Agenda by the Administration, and was not considered.

24. ORDINANCE appropriating \$878,392.00 out of Federal State Local - Pass Through Fund and \$183,608.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **CAAN CONSTRUCTION SERVICES, INC** for Safe Routes to School Program; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Federal State Local - Pass Through Fund and the Street & Bridge Consolidated Construction Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-038 ADOPTED.
25. ORDINANCE appropriating \$276,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS REEXCAVATION, L.C.** for Neighborhood Back Lot Wastewater Substitute Service Program - First Montrose Commons; 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. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-039 ADOPTED.
26. ORDINANCE NO. 2011-11, passed first reading January 5, 2011
ORDINANCE granting to **GENERAL SITE SERVICES, LLC, A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-011 PASSED SECOND READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. RECOMMENDATION from the Mayor's Office of Intergovernmental Relations for approval of annual membership with the **GULF COAST REGIONAL MOBILITY PARTNERS** - \$75,000.00 General Fund – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0027 ADOPTED.

ACCEPT WORK

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$3,122,758.29 and acceptance of work on contract with **MERIDIAN COMMERCIAL, L.P.** for Air Handler Units Upgrade at 611 Walker - 0.15% over the

original contract amount **DISTRICT I – RODRIGUEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez.

Upon questions by Council Member Jones, Mayor Parker stated that they were actually paying the surety in this item, that they believed that the surety deserved to be paid and that while Meridian may not fall under their formal Debarment Contract it was certainly not the administrations intent to do business with them ever again, that they had the retainage left, 1%, about \$30,000.

A vote was called on Item No. 5. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0028 ADOPTED.

PROPERTY

7. RECOMMENDATION from Director Department of Public Works & Engineering to appoint Alan Dominy and Tom Edmonds independent appraisers to determine the fair market value for the portion of right-of-way on the north side of Wheeler Avenue, ±400 feet from the intersection of Wheeler Avenue and Calhoun Street, to ±368 feet from the intersection of Wheeler Avenue and Cullen Boulevard in exchange for fee-owned land from the University of Houston for the construction of Wheeler Street, from Scott Street east to Calhoun Road, out of the Luke Moore Survey, A-51, Parcels SY10-074A, SY10-074B, AY10-331, AY10-332A through AY10-332D, AY10-333, QY10-007 and VY10-039 - **DISTRICT D - ADAMS** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0029 ADOPTED.

RESOLUTIONS AND ORDINANCES

10. RESOLUTION authorizing loan application to the Texas Water Development Board – was presented, and tagged by Council Member Jones.
14. ORDINANCE approving and authorizing agreement between the City of Houston and **WILLIAM MARSH RICE UNIVERSITY** for Research Services associated with the development of a Storm Risk Calculator - \$388,466.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-040 ADOPTED.
16. ORDINANCE relating to the fiscal affairs of the Fourth Ward Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS (FOURTH WARD ZONE)**; approving the Fiscal Year 2011 Operating Budget for the Authority and the Fiscal Years 2011-2015 Capital Improvements Budget for the Zone - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-041 ADOPTED.
17. ORDINANCE amending License Agreement with **AMERICAN TOWERS, INC**, Licensor, and the City of Houston, Texas, Licensee, approved by Ordinance No. 2009-1102, to allow for an increase of the monthly license fee from \$4,500.00 to \$4,550.00 to accommodate the additional equipment all in connection with a new Public Safety Radio System, located at 819 Battleground Road (a/k/a Independence Parkway), Deer Park, Texas – was presented. All voting aye. Nays none. Council Member Hoang

absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-042 ADOPTED.

20. ORDINANCE awarding contract to **CROWN RELOCATIONS** for Moving & Storage of Household Goods for Housing & Community Development Department; providing a maximum contract amount - 1 Year with 1 one-year option - \$235,568.00 - Community Development Block Grant Fund – was presented.

After discussion by Council Members a vote was called on Item No. 20. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-043 ADOPTED.

21. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath one tract of land containing 28.04 acres commonly known as 7030 Ardmore Street, Houston, Texas and portions of Yellowstone Boulevard, Alice Street, Fall Avenue, Grand Boulevard and Charline Avenue rights of way, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-044 ADOPTED.

22. ORDINANCE appropriating \$500,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **TEDSI INFRASTRUCTURE GROUP, INC** for Traffic Signal and Intelligent Transportation Systems Design Services; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-045 ADOPTED.

23. ORDINANCE appropriating \$500,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **TRAFFIC ENGINEERS, INC** for Traffic Signal and Intelligent Transportation Systems Design Services; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-046 ADOPTED.

MATTERS HELD - NUMBERS 27 through 30

27. WRITTEN Motion by Council Member Noriega to amend Item 27A below by replacing Section 14 of the proposed ordinance with the following:

“Section 14. That Subsection (c) of Section 18-33 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

(c) It shall be unlawful for a city employee to solicit contributions for any candidate at any time unless the employee is acting during off-duty hours or is on a duly approved leave of absence. Further, this section does not contradict state law as it applies to police and fire personnel.” – **(TAGGED BY COUNCIL MEMBERS NORIEGA and ADAMS)** – was presented.

After discussion by Council Member Jones a vote was called on Item No. 27. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0030 ADOPTED.

27a. ORDINANCE **AMENDING VARIOUS PROVISIONS OF CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Ethics and Financial Disclosure; 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 January 5, 2011, TAGGED BY COUNCIL MEMBERS NORIEGA, ADAMS, HOANG, JONES and BRADFORD)** – was presented.

After discussion Council Member Pennington stated that he would offer the following written motion to amend item No. 27a:

“I move to amend Item 27a by amending the definition of the term *benefit* set forth in **Section 2** of the proposed Ordinance (amending Sections 18-1, 18-2 and 18-3 of the City Code), to read as follows:

Benefit means anything reasonably regarded as economic gain or economic advantage, including any charitable contribution to any other person in whose welfare a city official is directly interested. The term *benefit* shall not apply to elected city officials in receipt of any political contribution, fee, gift, award, or other benefit as exempted by section 36.10 of the Texas Penal Code, as amended.”

Mayor Parker stated that the administration concurred that this was an improvement on the language in the ordinance.

After further discussion by Council Members, Council Member Clutterbuck stated that she would like a little bit of clarification, that she understood that there was an Executive Order issued under Mayor Lanier, which banned all gifts of any dollar amount, which could be interpreted to mean even a cup of coffee and yet she had seen a number of incidental exchange of gifts which would probably comply with State law, but would not comply with his Executive Order, and would like some clarification of whether or not that Executive Order was still in place or if this would supersede it, and Mayor Parker stated that the Executive Order had been replaced by a new Executive Order, but to be clear she could issue an executive order that dealt with all City employees, including the staffs of Council Members, but she could not impose an Executive Order on Council Members themselves, and Mr. Feldman stated that he thought that was the significant difference, that what Mayor Lanier actually had adopted was a Mayor's policy on gifts, which was probably the most onerous policy on gifts in the United States, that had now been converted to an Executive Order and had been refined to bring it up to date, but it did not apply to elected officials, such as Council Members, and what Council Member Pennington was offering was simply a reference to the inclusions for public service, elected public officials, that currently existed in the Penal Code Statute on gifts to a public servant, that all it was doing was explaining further what he would have interpreted the term “benefit” to mean anyway because they did not intend to use a definition that was any different than the definition used under State Law, that the policy with regard to gifts for non elected officials in the City of Houston, there was a general prohibition from accepting a gift from any contractor or person interested in doing business with the City, there was no monetary ceiling or floor in that connection, that in order to accept such a gift the individual had to receive permission from the Mayor or the Mayor's designee.

After further discussion by Council Members a vote was called on Council Member Pennington's motion to amend Item No. 27a. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0031 ADOPTED.

After discussion Council Member Costello stated that he would offer the following written

motion to amend Item No. 27a:

"I move to amend Item 27a by amending Section 18-3(b)(1) of the City Code, as set forth in **Section 2** of the proposed Ordinance, to read as follows:

- (1) Use or attempt to use the official's position to exercise any administrative powers over any city department, as provided for in section 10, article VII of the City Charter."

Mayor Parker stated that again it was a clarification that they thought was helpful, obviously the City Charter would trump over anything they would do, but it was easier to have it in the ordinance and not have to make some kind of ruling, that they thought it was a helpful clarification.

A vote was called on Council Member Costello's motion to amend Item No. 27a. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0032 ADOPTED.

After discussion by Council Members, a vote was called on Item No. 27a as amended. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. ORDINANCE 2011-047 ADOPTED AS AMENDED.

28. ORDINANCE appropriating \$600,000.00 out of Equipment Acquisition Consolidated Fund for conversion of data from the Municipal Court's Integrated Case Management System to it's Court System Management and Resource Technology System pursuant to contract, (Approved by Ordinance No. 2008-806); providing funding for contingencies related to the project and for services under contract with **HOV SERVICES, LTD.** – **(This was Item 21 on Agenda of January 5, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented, and tagged by Council Member Johnson.
29. MOTION by Council Member Noriega/Seconded by Council Member Sullivan to receive nominations for Position Four of the **ETHICS COMMITTEE**, for a two year term expiring December 31, 2012 – **(This was a portion of Item 41 on Agenda of January 5, 2011, POSTPONED BY MOTION #2011-12)** – was presented.

Council Member Johnson stated that he would nominate Dr. Franklin D. Jones for reappointment to Position Six of the Ethics Committee and has passed out his resume.

Council Member Jones moved to close nominations for Position Six of the Ethics Committee, seconded by Council Member Adams. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. MOTION 2011-0033 ADOPTED.

30. ORDINANCE awarding contract to **ARAMARK CORRECTIONAL SERVICES, LLC** for Jail Food Services; providing a maximum contract amount - 3 Years with two one-year options \$3,296,043.99 - General Fund – **(This was Item 44 on Agenda of January 5, 2011, POSTPONED BY MOTION #2011-15)** – was presented.

Council Member Gonzalez moved to refer Item No. 30 back to the administration, seconded by Council Member Costello.

Mayor Parker stated that the administration concurred, that this was the item that was discussed at some length at yesterday's Council meeting, that she did not think it was a clean bid process any longer and they were just going to start over.

After discussion by Council Members, Mr. Feldman stated that he would suggest the matter be handled through the Legal Department, and a vote was called on Council Member Gonzalez motion to refer Item No. 30 back to the administration. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Bradford out of the city. Council Members Stardig, Costello and Lovell absent. MOTION 2011-0034 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Pennington stated that as they all knew from the public comments yesterday flooding was a terrific problem on Buffalo Bayou and it's tributaries in District G, that a lot of people had been working on that, including TIRZ 17, the Flood Control District, Department of Public Works and so forth, that there was a meeting that he was unable to attend this morning, that the Memorial Super Neighborhood had been meeting with the US Corp of Engineers to discuss diverting the ditch from discharging directly into Buffalo Bayou to having a discharge into the reservoir, which would lower the flooding somewhat; that he attended the Greater Houston Partnership annual meeting yesterday; that he wanted to thank the administration for coordinating their CIP meeting on February 23, 2011 at Tracey G. Council Members Stardig, Rodriguez, Costello, Lovell and Noriega absent.

Council Member Jones stated that she wanted to remind people that on Monday, January 17, 2011 there would be the 33rd Annual Martin Luther King, Jr. Day Parade that the Black Heritage Society was having. Council Members Stardig, Rodriguez, Costello, Lovell and Noriega absent.

Council Member Sullivan stated that yesterday he was in Austin for the swearing in of the House members, that it was a great event; that while he was gone one of the items that was addressed were the Segway Tours, that he had conveyed his observation and thoughts to Council Member Lovell before he left so that she would know, that from his office he could see the Segway's going through Sam Houston Park and there were anywhere from two to ten of them and they stopped and went around and he thought it was disruptive and he was the one who raised an objection to them, that those were sidewalks for pedestrians, that he was not opposed to any business being successful in Houston, but he also wanted to respect, what he viewed, the pure use of the park, that he would be involved in those discussions when they come up; that they had a meeting of the Water Resource Management Committee last week and wanted to thank Public Works Director Dan Krueger and the Council Members who attended; that he would have a meeting in Kingwood and Clear Lake for the Houston Arts Alliance Grant Writing Process, that the first meeting would be tomorrow night at 5:30 p.m. at Creekwood Middle School; that they had an ordinance about prohibition of parking in yards and throughout the life of that ordinance there had been several subdivisions and communities that had requested to be able to prohibit that, one recently in Kingwood was denied, that it was interesting because the community had taken it upon themselves, Kingwood Lakes, to apply as a preventive measure to keep people from parking in their yards, but they were denied because no one was parking in their yards, that he may have misread the email but it really struck him as being ironic and he did not think that was the intention of the ordinance, and he was at Council when it was passed, and he read a memo from Ms. Marlene Gafrick to his Chief of Staff, Monica, stating "that there had to be a problem, the ordinance requires that the Hearing Officer makes a finding that the parking of vehicles or equipment in the front or side yards of residences in the residential area first, had caused or was presently causing a diminution in the value of the residences in the application area, tow, degrades the aesthetic appearance of the neighborhood or three, tends to damage underground infrastructures leading to the loss of water or other conditions contrary to the public interest, that none of three above mentioned problems were shown to be occurring in area by the applicant at the hearing, in fact the Hearing Officer specifically asked him whether there was an existing problem in the area or whether he

was filing the application as a preventive measure as indicated by the protestors, he admitted on record that he was filing to prevent future parking on lawns, not because there was a current problem with it in the application area, the ordinance, as it was currently read did not provide for the use of the ordinance as a preventive measure". Council Members Stardig, Clutterbuck, Rodriguez, Costello, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that was the ordinance as it was, she was not present when they actually passed the ordinance, that she was assuming that there must have been some legal justification for requiring a problem before they create the solution, but she would research and get back with him. Council Members Stardig, Clutterbuck, Rodriguez, Costello, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to thank all Council Members, friends and constituents of District B who had called and given condolences for the loss of his wife's mother and the hospitalization of his grandmother, that it had been a very tough beginning of the year, but they know GOD was able and they certainly would pull through this; that he wanted to wish everyone a Happy New Year, that he was excited about 2011, it would mark the end of his term on City Council so they would make sure that all of his constituent knew that while it was his final year on City Council the work would not stop. Council Members Stardig, Rodriguez, Costello, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that the Houston Public Library was inviting the community to start the New Year by learning how to better manage their finances through it's "More Money at Your Library Program"; that he thought it was a good segue to the Bank on Houston Program; that today the Houston Can Academy would celebrate the grand opening of their North Campus at 3401 Hardy Street with a ribbon cutting ceremony at 2:00 p.m. Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to congratulate the Houston Texans and the Y.M.C.A., they did their grand opening last Wednesday; that on Friday she went to the 20th celebration at the Palmer Church, that she had an opportunity to flip pancakes and serve; that she attended the 82nd Texas Legislative session in Austin, Texas; that today was the one year anniversary of Haiti, last year 250,000 people were pronounced dead after the earthquake, not including those not found in the rubble and destruction, that Americans had donated more than \$479 million and more work was still needed to rebuild and she wanted to salute those organizations who continued to extend a helping hand; that this weekend they would be celebrating Martin Luther King, Jr. and there would be many festivities that would take place; that on January 18, 2011 they would be hosting a Neighborhood Protection and Quality of Life Committee meeting at 2:00 p.m. in the City Hall Chamber; for those in the First Montrose Commons, they had been talking about historic preservation and to remind them that the first public meeting would take place at the Montrose Counseling Center at 401 Bernard, that she would verify the date; that she wanted to thank Mayor Parker and Council Member Costello for the wonderful meeting that was conducted on Monday with the Super Neighborhood Alliance; that she wanted to say happy Founders Day to the ladies of Delta Sigma Theta. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that the At Large 2 office was contacted recently about a grooming business in Montrose that had licensing issues with the City and she wanted to thank her staff and the staff of BARC for working with the owner of Gizzy's Grooming to resolve the issues, that she wanted to thank all who worked on this; that the foster dog that she took on before Christmas was doing extremely well and she thought he was ready to go to a permanent home; that this week at her house she received a post card that came from a group called

"Boycott HEB", that HEB had come into their neighborhood in Montrose, at the corner of Alabama and Dunlavy, and they had done really great community work in listening to the community and allowing the community to pick the design, that all of this was around the fact that there were people in their community who wanted more greenspace, that was not really a bad goal, but when they had worked with a new neighbor coming in, HEB, when the Parks Department had sent them an asset map of greenspace around that area and truly there was a lot of greenspace if they were knowledgeable about it around there, and the fact that HEB decided not to do greenspace but to save some incredibly old trees, to put in a plaza that would have movie nights and what they call a "performance park", with mikes that would be available, to a place where artists in the community could show off their talents and be engaged in the community, and to hire a coordinator who would coordinate all of this in the community, all the activities, that she wanted to say to the group that she commended their commitment to the neighborhood but this was not the way that they do it, they do not generally boycott any of their businesses, that she wanted to say to them that she hoped they would pull down their website and stop their activity, but if not she intended to use her voice to educate the people in the area to the amount of greenspace that was available within a one mile radius, that she thought people would be very pleasantly surprised by how much greenspace and places for activity that they had in the neighborhood. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that the meeting in the First Montrose Commons, the first public meeting would be held on Tuesday, January 18, 2011, at the Montrose Counseling Center at 401 Bernard. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that she wanted to remind everybody that they had now kicked off the Super Bowl of Caring, which was a desire for everyone in the City of Houston to contribute to the Houston Food Bank. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Rodriguez, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:02 p.m. Council Member Hoang absent on city business. Council Member Bradford out of the city. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Rodriguez, Costello, Noriega 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