

City Council Chamber, City Hall, Tuesday, February 15, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 15, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David M. Feldman, City Attorney; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; and Ms. Marta Crinejo, Acting Agenda Director, present.

At 1:34 p.m. Mayor Parker stated that presentations would begin with Council Member Stardig. Council Member Stardig invited those present for her presentation to the podium and stated that Texas EquuSearch was founded by Tim Miller in 2000 after the abduction and murder of his daughter Laura, it was a nonprofit and all volunteer Texas search and rescue group which was expanded and known throughout the nation; that they helped more than 300 people return home and recovered the remains of more than 100; and Mayor Parker presented Mr. Miller a Proclamation proclaiming February 15, 2011, as "Texas EquuSearch Day" in Houston, Texas. Council Members Johnson, Adams, Sullivan, Pennington, Lovell and Bradford absent.

Mr. Miller stated that this was a huge honor; that they were known all over the world now and he thanked all for their recognition today; presented Mayor Parker with a t-shirt; and invited Lieutenant Miller of the Missing Persons Division and Lieutenant Martinez of the Homicide Division to the podium and presented them plaques and thanked them and Mr. Khan for their work. Council Members Johnson, Sullivan, Pennington, Lovell and Bradford absent.

Council Members thanked and commended Mr. Miller and all those on the Texas EquuSearch Team for all they did and for turning personal tragedy into good. Council Members Johnson, Sullivan, Pennington, Lovell and Bradford absent.

Council Member Jones invited Council Member Adams to join in her presentation and all with her presentation to the podium and stated that Delta Sigma Theta provided assistance and support through established programs and local communities and the Bay Area Houston Alumnae Chapter serviced the Clear Lake, Friendswood, Pasadena, Pearland, Seabrook and Webster areas; that healthcare and access to healthcare in the African American Community was lacking and their sorority was having a physical and mental awareness day Saturday, February 19, 2011, 10:00 a.m. to 3:00 p.m. at the Houston Community College Southeast Campus at 6815 Rustic Avenue; Council Member Adams stated that today they were commending Delta Sigma Theta Sorority, Inc., Bay Area Houston Chapter and the Houston Community College Southeast Campus for its commitment to health and well being of the community and wished all a successful event; and Mayor Parker presented them a Proclamation proclaiming February 19, 2011, as "Delta Sigma Theta Sorority, Bay Area Houston Alumnae Chapter Houston Community College Southeast Campus Physical and Mental Health Awareness Day" in Houston, Texas. Council Members Johnson, Sullivan, Pennington, Lovell and Bradford absent.

Ms. Rhonda Johnson, the founder of Delta Sigma Theta Sorority, Inc., Bay Area Houston Alumnae Chapter, thanked all for the recognition and invited all out to the seminar. Council Members Johnson, Clutterbuck, Sullivan, Pennington, Lovell, Noriega and Bradford absent.

Council Member Adams invited those with her presentation to the podium and stated that she loved commending and recognizing city employees who went above and beyond the call of duty; that on January 19, 2011, Mr. Gusia was swimming at the Metropolitan Multi Service

Center and slipped back into the water when getting out, but the quick thinking of the staff set in motion a series of life saving actions; that he was under less than five seconds before Ms. Latricia Grunaj, the lifeguard on staff entered and brought him to the service; that Ms. Jackie Cantu the facility manager then entered the water with a backboard; that Mr. Joseph Hunt and Ms. Serita Whiting pool supervisors pulled him to the deck and Mr. Hunt began resuscitation; that paramedics transferred him to the hospital, but because of the life saving skills put in motion Mr. Gusia was alive today; and Mayor Parker presented each with a Proclamation for their outstanding acts in saving Mr. Gusia's life; and proclaimed February 15, 2011, as a day in celebration of each one of them. Council Members Johnson, Clutterbuck, Sullivan, Pennington, Lovell and Bradford absent.

A Spokesperson stated that when you go into that field it was natural, but through all your preparation you were not prepared for something like this, it turned into something severe, but their communication kicked in and she could not be happier with the staff present; and thanked all for their recognition and appreciation shown to them. Council Members Johnson, Clutterbuck, Sullivan, Pennington, Lovell and Bradford absent.

Council Member Pennington thanked and commended them for taking care of emergency situations and saving the life of Mr. Gusia. Council Members Johnson, Clutterbuck, Sullivan, Pennington and Lovell absent.

At 2:07 p.m. Mayor Parker called on Council Member Costello who invited Pastor Melisa Henderson with the Eagle Nest International Church in Tomball to lead all in prayer and Council Member Costello led all in the pledge. Council Members Rodriguez and Noriega absent.

At 2:10 p.m. the City Secretary called the roll. Council Members Johnson and Costello absent.

Council Members Jones and Costello moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Johnson absent. MOTION ADOPTED.

At 2:19 p.m. the City Secretary began calling the public speakers. Council Members Johnson and Adams absent

Ms. Lula Nelson, 5302 Trail Lake, Houston, Texas 77045 (713-471-2193) appeared and stated that she was a retiree requesting the termination of Ms. Gloria Bingham be reviewed and placed in another position because of her excellent record; that she was a classified employee, started the call system and other programs and instrumental in the 311 program and she was respected and admired by peers. Council Members Johnson, Adams and Jones absent.

Mr. R. E. Tanner, 8001 Colgate, Houston, Texas 77061 (713-641-0978) appeared and stated that he lived in Glenbrook Valley and was against the historic district designation. Council Members Johnson and Jones absent.

Council Member Rodriguez moved the rules be suspended for the purpose of adding Mr. Joe Ablaza to the list of speakers, seconded by Council Member Adams. All voting aye. Nays none. Council Members Johnson and Jones absent. MOTION 2011-0102 ADOPTED.

Council Member Adams moved the rules be suspended for the purpose of adding Ms. Delores Robinson to the list of speakers, seconded by Council Member Costello. All voting aye. Nays none. Council Members Johnson, Sullivan and Jones absent. MOTION 2011-0103 ADOPTED.

Ms. Berta Monge, 7727 Wynlea, Houston, Texas 77061 (713-649-2404) appeared and

spoke in Spanish which was translated by Council Member Jones stating that she had never signed a petition and the majority of the neighborhood did not understand as it was all in English, but did not want the historic designation for Glenbrook Valley. Council Members Johnson, Sullivan and Hoang absent.

Council Member Gonzalez stated that Council Member Jones was correct in the translation, she had never signed a petition and now they were learning they would have to comply with an ordinance that no one in the community wanted and it was only in English; and upon questions, Ms. Monge stated that she did not want historic preservation and did not sign the petition. Council Members Sullivan, Hoang and Lovell absent.

Ms. Williette Jennings, 5022 Harmon, Houston, Texas 77093 (832-884-8412) appeared and stated that she was present asking the city to reconsider the termination of Ms. Gloria Bingham who was the fairest director she ever had the pleasure of working under and someone who had dedicated their life to the betterment of the City of Houston. Council Members Sullivan, Hoang and Lovell absent.

Upon questions by Council Member Adams, Ms. Jennings stated that she worked in 311 and she tried to be fair with everyone; and Council Member Adams stated that she agreed and she thanked those who appeared in her behalf for having the courage to come. Council Members Sullivan and Lovell absent.

Mr. Clifford Hill, 924 Prosper, Houston, Texas 77088 (281-964-5388) appeared and stated that he was present with an issue; that he learned the "Our Father Prayer" and practiced it; that he was going to his child's basketball game in a predominately White neighborhood and he was stopped by two officers and accused of selling cocaine and he never did; that they took his van and then let him go and he went to the City of Houston with a badge number and was sent to the West Montgomery location and then was told they were looking into the case but he could not file with the Attorney General and he was already talking to him because of his masters license and when he was hurt at Memorial Hermann Hospital; that Council needed to rule properly; and continued expressing his personal opinions until his time expired. Council Members Sullivan and Lovell absent.

Upon questions by Council Member Jones, Mr. Hill stated that they snatched him out of the truck and he said he had no drugs; that he was snatched out of his van and drew down on and went to the doctor the next day; that a citizen did not know who to go to so they came here to find out; and Council Member Jones stated that he could come to her office and she could try and figure out what he wanted. Council Members Sullivan and Lovell absent.

Mr. Kevin Anton, 6321 Mobud, Houston, Texas 77074 (713-515-0177) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Lovell absent.

Mr. Michael Kubosh, 1619 Lubbock, Houston, Texas 77007 (281-850-0172) appeared, presented information and stated that he was present asking for Council to start following the Charter and stop collecting the red light camera fees; that the Charter amendment passed said they would not collect money from any recipient on the notice of violation issued in whole or part in connection with use of a photographic traffic signal enforcement system; that on November 2nd citizens of Houston spoke and said it should stop, but now he heard the County Attorney approached Mr. Don Sumners, the new tax assessor collector to get involved in collecting so the funds might be used for the crime lab; and he wondered if the city had contacted the county. Council Members Sullivan and Lovell absent.

Mayor Parker stated that a lot of fees were accumulated prior to the passage of the red

light camera Charter amendment and they would aggressively collect on those, so the answer was yes; and Mr. Kubosh stated that citizens were upset and on February 17, 2010, the county judge Ed Emmett commented about notices being sent out with the big red letters; that anyone living in Harris County had no reason to pay, they were not enforceable because Harris County voted unanimously in Commissioners Court; and Mayor Parker stated that she heard the will of the voters and cameras were turned off and tickets were not being issued; that they would continue to collect on those past due tickets; that he won and should take his victory and enjoy it; and Mr. Kubosh stated that she was trying to condition the voters and if she could get this passed; that if the federal judge threw out the election she would get them turned back on; that the notice of violation was in conflict with state law. Council Members Sullivan and Lovell absent.

Upon questions by Council Member Gonzalez, Mr. Kubosh stated that the City Charter said they should not collect money from any recipient of a notice of violation issued and that precludes them from collecting on those prior to the vote; and upon questions by Council Member Gonzalez, Mr. Feldman stated that if Mr. Kubosh was correct and that was the meaning of the Charter amendment then it would have been invalid on its face because the Texas Local Government Code under the section dealing with Charter amendments specifically provided that no Charter amendment would affect any prior action or offense, in other words if any kind of legal infraction occurred prior to the Charter amendment no Charter amendment could make it lawful and if Mr. Kubosh would have made the argument in federal court he could have guaranteed the Charter amendment would have been held invalid. Council Members Sullivan and Lovell absent.

Council Member Noriega moved the rules be suspended for the purpose of extending the time for questions of Mr. Michael Kubosh, seconded by Council Member Adams. All voting aye. Nays none. Council Members Sullivan and Lovell absent. MOTION 2011-0104 ADOPTED.

Council Member Gonzalez stated that this was the first time he heard this argument and Mr. Kubosh heard the City Attorney's position and he was stating the Texas Local Government Code and if he thought they were wrong he looked forward to hearing more. Council Members Sullivan and Lovell absent.

Council Member Jones stated that she wanted clarification on information Mr. Kubosh provided and she reviewed his information; and Mr. Kubosh stated that he turned in one sheet so they could see how the citizens amended the Charter and the other sheet was the fact citizens called saying they received a survey on whether they would vote for the Mayor if she reinstated the cameras, so there was a move to get the cameras turned back on and this was now a political issue. Council Members Sullivan and Lovell absent.

Upon questions by Council Member Jones, Mayor Parker stated that obviously there was no survey, there would be no reason for the city to do one and for the record she was doing no surveying and had no idea who it was. Council Members Sullivan and Lovell absent.

Upon questions by Council Member Bradford, Mr. Feldman stated that a vote of Council could not trump the Charter; that there was a specific provision in the Local Government Code that no Charter amendment could affect any preexisting obligation action or offense, in other words, if you did commit a violation of city ordinance and the Charter amendment was enacted which effectively did away with the ordinance it did not do away with the prior violation of the ordinance; that a Charter amendment could not go back in time to make lawful that which was previously not lawful. Council Members Sullivan, Lovell and Jones absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Mr. Michael Kubosh, seconded by Council Member Noriega. All voting

aye. Nays none. Council Members Sullivan, Lovell and Jones absent. MOTION 2011-0105 ADOPTED.

Upon questions by Council Member Bradford, Mr. Kubosh stated that it was not enforceable in Harris County; that it was made well known, the county judge already said it on February 17, 2010, he said they could not deny the registration of cars which received tickets and now he saw a move on perhaps by the city through the county attorney to try and put pressure on Mr. Don Sumners and on Commissioners Court to try and get them to collect the money and it needed to stop. Council Members Sullivan, Lovell and Jones absent.

Mr. Paul Kubosh, 1619 Lubbock, Houston, Texas 77007 (713-850-0172) appeared and stated that when the City Charter was amended they were very clear, no more collecting on notice of violations and they knew Professor Stein was doing another study and working with the Administration of HPD; that if Mr. Feldman was right then why did not Mr. Andy Taylor bring up the same argument; that they would not be present if the city had not approached the county to deny the registrations, but they knew if the federal judge through out the election and denial of registration was in place then they would be in a stronger position even before the election. Council Members Sullivan, Pennington, Lovell and Jones absent.

Mayor Parker stated that for the record the City of Houston had no contract she was aware of for a survey with Bob Stein, he may be doing an analysis for himself or someone else. Council Members Sullivan, Pennington Lovell and Jones absent.

Council Member Bradford stated that HPD may have undertaken Mr. Stein to review something, it was customary for departments to make inquiries of experts in the field; that this was more of a legal issue which needed to be played out in the court room; and upon questions, Mr. Kubosh stated that he agreed with what he said, but someone with the city put pressure on the county over to Don Sumners and they wanted registrations suspended and to the Kubosh's the only people trying to defend the election was them. Council Members Sullivan and Jones absent.

Council Member Stardig stated that feedback she received in her district was there was confusion and regret; that they were now concerned about the number of red lights being run and also believed if someone ran a light then it should still be paid; that they had won the case and they were respecting the vote as they did on all issues, but it concerned her they said they were representing citizens and she wanted to make sure everyone's voice was represented. Council Member Sullivan absent.

Ms. Mary Jordan, 4923 Eppes, Houston, Texas 77021 (832-724-6271) appeared and stated that she received a traffic ticket January 28th and knew she was falsely accused of speeding; that the officer gave her a ticket and then had unacceptable comments; that she said to him she was not speeding and she had seen him prior; that he said she was going 10 miles over but she said she was looking for a street; that he asked if she had taken defensive driving and she said no and he told her good then she would get to go and he was speaking on his Bluetooth and said, "just like all the crack heads, they're all going to a job" and it was unacceptable. Council Members Adams, Sullivan, Hoang and Gonzalez absent.

Mayor Parker stated that the appropriate venue against a police officer was to contact the Internal Affairs Division, but she may go to the city website and download the complaint form; and Lieutenant Gallier was present if she wanted to bring a formal complaint. Council Members Adams, Sullivan, Hoang, Gonzalez and Rodriguez absent.

Upon questions by Council Member Jones, Mr. Feldman stated that Internal Affairs investigated complaints against police officers and OIG investigated complaints against all other

city employees. Council Members Adams, Sullivan, Hoang, Gonzalez and Rodriguez absent.

Upon questions by Council Member Bradford, Mr. Feldman stated that the complaint did need to be notarized, but it could be mailed in. Council Members Adams, Sullivan, Hoang and Rodriguez absent.

Mr. Norman Adams, 427 W. 20th, Houston, Texas 77018 (713-869-8346) appeared and stated that he was present pleading no action be taken on the Charter amendment, it was not mandatory as in 2002 they still had Propositions I and II which no action was taken on and it was still tied up in the Supreme Court; and there was a lawsuit on the drainage fee or rain tax; that he led the rain tax petition in which 44,000 signatures were collected; that language on the ballot for the rain tax said nothing about taking tax free status away from places such as Star of Hope, churches, schools, etc., and the Mayor even said who would have believed in this recession the drainage fee would have passed, but it passed because it had deceptive language on the ballot and it was violation of the Texas Constitution, etc. Council Members Johnson, Adams, Sullivan, Hoang, Gonzalez, Rodriguez and Noriega absent.

Council Member Costello stated that he and Mr. Adams did have an interesting debate on public television and he wanted to make clarification of something Mr. Adams said; that the federal government ruled they were responsible for storm water run off fees and they did have to pay them. Council Members Johnson, Sullivan, Hoang, Gonzalez, Rodriguez and Noriega absent.

Mr. Abraham Padau, 9303 Angeles Meadow Lane, Houston, Texas 77095 (281-414-0374) appeared and stated that he wanted to propose to Council to pass strict laws banning all synthetic marijuana substances, it was not currently regulated, but was listed as a drug of concern and banned and restricted in most European countries; that it was now banned in the military and elected officials had a responsibility to address threats to public health and safety and this product was sold as incense and potpourri and smoke shops, gas stations, etc., sold it with disclaimers on the package "not for human consumption" and "must be 18 years of age"; that the herbs were laced with a synthetic marijuana compound and the consumer had no clue of what they were getting, the product was stronger than marijuana and sold under the name of K-2, Spice, Flash-2, etc. and its side effects depended on the amount consumed but included increased heart rates which could lead to heart attacks, increased blood pressure, hallucinations, extreme agitation and increased anxiety and set the environment for tragedy or criminal occurrences by someone under the influence; that it could be smoked eaten, drank and he was appealing to Council for strict laws and have it banned within the City of Houston. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Jones, Mr. Padau stated that if you were caught with marijuana it was a law being enforced and if it was included in that law; and Council Member Jones stated that possession of marijuana was in the Penal Code and the State Legislature decided the crimes and local law enforcement enforced it; that she would suggest he go to the State Legislature and she had heard Representative Coleman was doing something similar to that. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Gonzalez stated that he was wondering what had already been done; and Mr. Padau stated that a Bill was introduced at the Legislature to ban it statewide, but there were certain cities in Texas which had already banned it and they would have to get research on that; and Vice Mayor Pro Tem Gonzalez stated that he would like them to let Council know more and what criteria they did use to allow the ban. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Noriega absent. Vice Mayor Pro

Tem Gonzalez presiding.

Dr. Kusum Vyas, 9307 Angeles Meadow Lane, Houston, Texas 77095 (281-414-0374) appeared and stated that she was in the group with Mr. Padau; that Council raised some important points and until a year ago products such as K-2 were virtually unknown in the United States; that several cities in Texas had banned the synthetic marijuana including Dallas, White Oak, Mandel, Gladewater and Longview and the latest city was Kyle; that she had been dealing with the communications director in Kyle and he sent the entire ordinance which she would be happy to share; that they were present imploring Council to take action and send a good message to others to file suit; that the substance was dangerous and even a little child could walk in and buy it and children were smoking it; that on November 24, 2010, the DEA announced it would make the chemicals often found in synthetic cannabis illegal using emergency federal powers and placed in Schedule I of the Control Substance Act. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Jones stated that she would like the ordinance forwarded to her; and Dr. Vyas stated she was happy with the response, this was like Russian roulette. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Dr. Yogi Vyas, 9307 Angeles Meadow Lane, Houston, Texas 77095 (281-414-0374) appeared and stated that in his hand was a printout from the webpage advertising various K-2 products and Spice products so it was not just retail and on line age did not matter; that it said products being used were not intended for human consumption and they warned for safety to keep the product away from children and pets and they should agree to use the product as incense in a ventilated area and not to smoke or inhale it. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Lovell moved the rules be suspended for the purpose of adding Mr. Josh Sanders to the list of speakers, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson, Sullivan, Hoang, Gonzalez, Rodriguez and Noriega absent. MOTION 2011-0106 ADOPTED.

Ms. Kimberly Bennett, 11319 Raven View Drive, Houston, Texas 77067 (832-282-2557) appeared, presented information from which she read on "The Future of the Earth is Wireless Electricity" which included to receive wireless electricity the current infrastructure must be replaced with iron to attract the sun's magnetic field; and continued explaining her vision of plugging earth into visible light to receive the wireless electricity until her time expired. Council Members Johnson, Sullivan, Hoang, Gonzalez, Rodriguez and Noriega absent.

Mr. Sam Schagrin, 6205 Saxton, Houston, Texas 77092 (713-256-8869) appeared, presented information and stated that his problem was he could not resolve this in court as the water district was immune, but problems started after Hurricane Ike in 2009, his rates were estimated on a monthly basis and ultimately the meter was replaced; that he checked all his buildings because of his high bills and he did but bills still remained high and he went to the department; that they filed a small claim against the water department and the judge agreed in principal, but the lawyer representing the water district said he had no jurisdiction over the water department and they were immune so the judge suggested he go to Council. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Mayor Parker stated that Mr. Medina with Public Works was present and asked that Mr. Schagrin speak with him before leaving. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Upon questions by Council Member Jones, Mr. Schagrin stated that he took the City of

Houston to small claims court and Judge Gorczynski agreed with him but said his hands were tied. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Upon questions by Council Member Jones, Mr. Heilman stated that people could file suit against the City of Houston in small claims court but the question became whether or not the court had subject matter jurisdiction and the judge indicated in this case that it did not and he dismissed the case; and Mayor Parker stated that she wanted him to visit with Mr. Medina to figure out whether there was an explanation which could be acceptable to both sides. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Ms. Marlene Ordonez, 7230 Foxbrook, Humble, Texas 77338 (713-501-6982) appeared and stated that she was present on behalf of Ms. Gloria Bingham; that she had worked for her for years and she was a great leader who would work along side them when needed and she was there for them with their problems; and urged her termination be reconsidered. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Upon questions by Council Member Adams, Ms. Ordonez stated that she no longer worked with the City of Houston she was in the private sector, but Ms. Bingham was fair and she had not asked her to come today; and Council Member Adams stated that this Council Member supported her for coming forward. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Jones stated that she too wanted to thank her for coming and was shocked as she thought highly of Ms. Bingham also; and upon questions, Ms. Ordonez stated that she went to work early and did not take lunch so she could speak on her behalf today. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Ms. Armandina Godinez, 9889 Cypresswood #9110, Houston, Texas 77070 (713-259-5430) appeared and stated that she had been with the City of Houston and 311 for years, under Ms. Bingham 10 years and she was great, compassionate, kind and an open door always; that she offered help and solutions, she was strict but never mean; and would thank all if they would review her termination. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Upon questions by Council Member Adams, Ms. Godinez stated that she worked 9 years with BARC and with 311 for 10 years; that she had not met the new director; that she did know Ms. Bingham brought national acclaim to the City of Houston with 311. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Upon questions by Council Member Jones, Ms. Goginez stated that she had seen Mr. Carmody at the center, but had not been introduced to him. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Mayor Parker stated that he was already on staff, it was a reorganization bringing 311 under an existing deputy director, no one new was brought in and she wanted to be clear about that; that he was already a director in ARA, they were aggressively eliminating executive level positions across the city to flatten the workforce and save money and he too was in executive level. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Adams stated that she did appreciate all staff who came forward and if anyone came to them about coming today she wanted to know and she wanted on the record for those who may not know that Ms. Gloria Bingham was terminated Friday and a new director who was a former employee was named in her place on Friday, 21 years of experience with the City of Houston and she started the 311 organization, she represented and was called by many

to leave Houston and start one in other places, New York City, Chicago, Florida, etc., but she stayed home and someone with no experience was hired to run 311; that this was a topic they would not hear the last of, the new director was hired making almost what she made and this was a sad day and employees were fearful; and Mayor Parker stated to repeat no one was hired and 311 was placed under an existing director. Council Members Johnson, Sullivan, Rodriguez and Noriega absent.

Mr. Lester Howard, 7407 Fawnridge, Houston, Texas 77028 (713-633-1377) appeared and stated that he was a former City of Houston employee, he retired from being Assistant Director Public Works and Engineering and was present on behalf of Ms. Gloria Bingham, the 311 ex-director; that she was hired under his leadership and she had strong leadership qualities and always looked for ways to improve her employees performance and motivate them to be the best; that she led by example and came in on Saturdays to learn; that she also reclassified clerks and on 311 she was there from the ground up. Council Members Johnson, Sullivan, Rodriguez and Noriega absent.

Council Member Jones stated that she too wanted to say if anyone was retaliated against for coming she wanted to know; and she knew accolades Ms. Bingham had received and she too was shocked. Council Members Johnson, Sullivan, Rodriguez, Lovell and Noriega absent.

Upon questions by Council Member Adams, Mr. Howard stated that 311 had improved under Ms. Bingham's leadership; and Council Member Adams stated that she sent information in her letter and this was a battle of hers; that she asked Mr. Moran where Ms. Bingham fit in reorganization and he said her position was lowered, but she would be going nowhere as her expertise was needed; that Mayor Parker had given a directive and before anyone would be hired she said it needed to come to her for approval because of the tightening of the belt so she asked Director Moran to provide her with a list of persons he was thinking of letting go by gender, race, position to see how they could move forward and still she had not received it; that African Black females were let go and she wanted to know who they were replaced by, what their experience was, etc., what she was hearing was deplorable; and Mayor Parker stated that she would remind Council Members they were undergoing reductions in force across a number of city departments and there were no replacements. Council Members Johnson, Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Stardig stated that she supported the changes and move forward in technology and changes in 311. Council Members Johnson, Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Costello moved the rules be suspended for the purpose of extending the time for questions of Mr. Lester Howard, seconded by Council Member Jones. All voting aye. Nays none. Council Members Johnson, Sullivan, Rodriguez, Lovell and Noriega absent. MOTION 2011-0107 ADOPTED.

Council Member Stardig stated that she had a background in call center work and she appreciated their work, but the city needed to move forward and technology needed to be brought in that they had not had; that she believed opportunity was here to move forward and hard decisions were being made. Council Members Johnson, Sullivan, Rodriguez and Noriega absent.

Council Member Stardig yielded to Mayor Parker who stated that she wanted to be clear, leadership duties of 311 were given to an existing city employee, already a Deputy Director in ARA so he was taking on new additional responsibilities and he earned 10% less than Ms. Bingham. Council Members Johnson, Sullivan, Rodriguez and Noriega absent.

Council Member Jones stated that all at the Council table understood there was a money crunch and supported in theory consolidation, there were many ways to consolidate and she and Council Member Adams supported equitable consolidation; that she too was asking for the same information Council Member Adams asked for in the budgetary process, one determining factor for her in voting for the consolidation was the promise by the Administration, etc., to be given certain information which she had not yet received either; that it may be equitable but those responsible for the information needed to share it out, she had a concern about qualification. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Mayor Parker stated that she was preparing a list by name of all executive level employees who had been laid off or retired and not been backfilled and hoped to have it to them by 5:00 p.m. today; that Mr. Earl Lambert was laid off two weeks ago and Mr. Raymond Franks was a reduction in force in Solid Waste and there were a number of others and she would be happy to share them; that civil service employees also was having a list. Council Members Stardig, Johnson, Sullivan and Lovell absent.

Upon questions by Council Member Bradford, Mayor Parker stated that Earl Lambert was laid off two weeks ago; and Council Member Bradford stated that he came a few weeks ago with a presentation and Council agreed to go forward with Phase II funding, about \$8 million, and based in part on the expertise he had in the area; that it concerned him that they were voting on such projects and this was the first he heard he was gone; that he was not opposed to cutbacks or reduction in force efforts but was concerned; that they needed to look globally and decide what the master plan was as they went forward to determine who would and would not be laid off and he was concerned with Mr. Lambert as he was in charge of a large project in the Municipal courts and he had voted in part for an item last week to advance the \$8 million for the project because Mr. Lambert did a presentation a few days earlier and had assured them he would be there moving the project forward and his vote would have been different if he was not to be in charge; that maybe they should deploy a lay off plan so people could know where they were. Council Members Stardig, Johnson, Sullivan, Lovell and Jones absent.

Ms. Tonia Brown, 8703 Cold Lake, Houston, Texas 77088 (713-221-0968) appeared and stated that she was an employee for 311 and was present asking Mayor Parker to reconsider the termination of Ms. Gloria Bingham; that she worked with her 20 years and she was a dedicated employee and employer and would work along side of them and believed she was chosen because of her great leadership with CRC to be a leader in 311; that she put her heart and soul into 311 and it was a travesty she was terminated. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Adams thanked all for coming and sharing their concern and stated that she wanted to apologize for getting upset; that she was trying to deal with things decently and in order and had been dealing with this issue since this Administration started quietly behind the scenes; that you could only go so far and continue to hear so many things and city employees were their valued asset and if they were not honest with them...; that it was sad when she heard from employees and this case bothered her; that she would not pretend to be the Mayor but in this instance they needed to be mindful; that people set up things and knew the ins and outs and when something was not done decently this was the reaction; that she understood the new director was hired six months ago so he was a previous director, a director on paper and Ms. Bingham did not know he was director on paper and when you hired people in to take a job and did not tell the person it was disrespectful and that was her problem; that if she, Wanda Adams, stopped trusting you...; that people in Israel screamed Saul, Saul they wanted him for King, but God knew Saul's heart and knew he would not last long, but uncovering had to take place and this was uncovering which had to take place, but they had to let it happen and let chips fall where they may; that it was about honesty, integrity, fairness, transparency; that was what employees looked for; that she agreed with change and services needed to be cut but things

needed to be done with decency, in order and without trickery; and this was not about Gloria, but the entire city and when karma came around it hit a whole lot harder. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Jones, Ms. Brown stated that she had met the new director Friday; that he did say he had no call center experience; and asked that we work and be patient with him. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Augustine Ossimetha, 12707 Bellaire Boulevard #502, Houston, Texas 77072 (281-408-6966) appeared and stated that he worked with the city 26 years and transferred to 311 when they first started 10 years ago; that he worked with Ms. Bingham who was very nice and worked with you and he felt it was the best department; and urged that they bring her back even if it was not to 311. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Adams, Mr. Ossimetha stated that in his 26 years his greatest experience was working in 311; Council Member Adams stated that she did not know the new director, but understood he had traveled and introduced himself as the new 311 director and Ms. Bingham did not know and they wanted to make sure that when they went back to work they had a place of harmony; and it was good to know the person who replaced the director had zero experience with the call center; and again if anything came up, if there was any retaliation toward them for coming she wanted them to let her know. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Jones stated that she heard the new director who had zero call center experience was making \$99,000 a year and she would like that confirmed or not; that she also heard the 6 months new person was traveling around the country representing the city and Ms. Bingham was respected around the country so people called her to let her know there was a new director and she did not know that and she would like to know if he had been making that representation; and she wanted to testify when she did her retreat they recognized the parking did not work and her office called Ms. Bingham at the end of the day Friday and she was leaving, but stayed and implemented it into the new call system; that if you could cut someone like Ms. Bingham everyone better watch out; that they had requested a meeting with the Mayor regarding the issue and they would like to meet with her collectively. Mayor Parker, Council Members Stardig, Sullivan, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Gonzalez stated that Mr. Carmody was with the city 4-1/2 years, 2 years with ARA and 2-1/2 with the Health Department and they would find out the other information. Mayor Parker, Council Members Stardig, Sullivan and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Jacqueline Peevy, 7334 Fawnridge, Houston, Texas 77028 (713-231-8589) appeared and stated that she too was present for Ms. Gloria Bingham and they needed her back; that she was a fair and understanding person who worked hard, she did all they did; and urged they bring her back. Mayor Parker, Council Members Stardig, Sullivan and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Adams, Ms. Peevy stated that Ms. Bingham did not call her nor did she know she was coming; that she never heard of her being unfair or of people not wanting to work with her. Mayor Parker, Council Members Stardig, Sullivan, Noriega and

Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Mary Bolden, 13214 Avonshire, Houston, Texas 77083 (281-568-3255) appeared and stated that she was a 20 year city employee who had the privilege of working with Ms. Bingham for all those years and she was dedicated to the city and was personable, proficient, knowledgeable and high standards which she also required from her employees; and high qualities were usually rewarded. Mayor Parker, Council Members Stardig, Sullivan and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Adams, Ms. Bolden stated that she was with the city 20 years; that no one asked her if she wanted to apply for anything and they knew of no job postings. Mayor Parker, Council Members Stardig, Sullivan and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Bradford, Ms. Bolden stated that no one asked her about Ms. Bingham's performance; and Council Member Bradford stated that it was clear Ms. Bingham was an exemplary employee with a national reputation and was a part of the startup team for 311 and he wanted to go on record that what they were hearing today was an exemplary employee had been let go and there may be other employees at the same level or level Ms. Bingham would have agreed to transfer to but because of how the layoff strategy was they were probably using good employees because they were not looking globally of how they were managing the layoff process and it seemed they lost a very competent, hardworking and valuable nationally recognized employee and others may not fit under the umbrella of what he said, but because they were not doing this reduction in force in their respective area they were not subject to inquiry or scrutiny; and encouraged all to push forward; that they must cut back, but he wanted to make sure employees were looked at globally, he did not want to keep someone with less seniority on board in another area not even being looked at when they may not be a stellar performer at all. Mayor Parker, Council Members Stardig, Sullivan and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Chelsea Davis, 5708 rose Hill court, Rosharon, Texas 77583 (281-431-9241) appeared and stated that she was present on behalf of Ms. Gloria Bingham; that she always complimented those with the city on having the ability to serve those in the city and she could not see eliminating a person which did give that quality to the city; that she liked the name of the 311 HELP Line as H was for Houston, E was for excellence which was given to citizens, L was leadership and you had to have P for planters; that whatever was planted would be the outcome; and urged reconsideration of Ms. Bingham. Mayor Parker, Council Members Stardig, Sullivan and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Johnson stated all those who came on behalf of Ms. Bingham had shown character and courage; that it was important she hear from them and know she was cared for; that his concern lied in that as a city they had fired an individual with probably the most experience in the entire country in a particular division and understood it was because of budgetary cutbacks, but did that mean they got rid of people because their salary was too high and then lose their valuable experience; that 311 to him represented his linkage to the community and if it was not working properly they could not reach the community properly; that he was concerned he heard the new person had 3 years experience with the City of Houston and did not know his experience in the call center; that across the board they would be looking at reorganization but if it meant losing valuable, experienced employees they needed to reevaluate what reorganization meant; and he would be watchful of their division to see there were no repercussions for them coming. Mayor Parker, Council Members Stardig, Sullivan, Pennington and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Adams stated that out of respect for the Mayor they were asking for a

meeting with her, collectively, those who signed on to meet with her and discuss the issue; that she was respectful of authority but wanted to make sure that during this budget time...; that 5,300 out of 25,000 employees had taken furloughs and much work needed to be done; that for a city to move forward and heal and get where they needed they needed to make sure people who worked for them were being honest when providing information and in this case she wanted to ask her personally. Mayor Parker, Council Members Stardig, Sullivan, Pennington and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Adams moved the rules be suspended for the purpose of adding Ms. Davita Taylor to the list of speakers, seconded by Council Member Stardig. All voting aye. Nays none. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Pennington and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0108 ADOPTED.

Ms. Davita Taylor, who was previously added to the speakers list, appeared and stated that she was an employee of 311 for 5 years and came from AT&T; that Ms. Bingham was the only director she ever saw who would work the phones if the call volume was high; that a family member was killed in a wreck and she went to work, but Ms. Bingham said she could not work under the stress and had someone take her home and called to check on her; that she was a good person who loved her job; and if they were to let her go they should do it with dignity. Mayor Parker, Council Members Stardig, Sullivan, Pennington and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Clutterbuck thanked all who came today showing courage and support for their coworker; that she wanted to applaud all for their level of empathy, professionalism and advocacy shown today as it was the same she saw in them through their job. Mayor Parker, Council Members Sullivan, Pennington and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Jones stated that she wanted to thank everyone who came, it was diverse and honest and she did not know too many people who loved their jobs as they did; that Ms. Bingham's treatment was a lot like other things coming out on video and sort of shining the light on the policy of the procedure and moral at the city was important and decisions must be rational and fair and when you began wondering about the integrity of the process it undermined everything. Mayor Parker, Council Members Sullivan, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Adams stated that she thanked all again for coming and it said a lot about a leader and she applauded and commended them and had 120% support from her. Mayor Parker, Council Members Sullivan, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Gonzalez stated that in answering a few previous questions the salary was correct at \$99,000 and travel did occur and he was an assistant director of the department which oversaw 311 and he went under that capacity and no posting was placed because there was no position to fill as it was eliminated and he assumed duties of 311 on his plate. Council Members Sullivan, Pennington, Lovell and Noriega absent.

Mr. Joseph Ballard, 6302 rocky Nook Drive, Humble, Texas 77338 (281-850-0388) had reserved time to speak but was not present when his name was called. Council Members Adams, Sullivan, Pennington, Lovell, Noriega and Jones absent.

Ms. Kim Shaw, 6363 W. Airport #225, Houston, Texas 77035 (832-245-8241) had reserved time to speak but was not present when her name was called. Council Members Adams, Sullivan, Pennington, Lovell, Noriega and Jones absent.

Ms. Krystal Muhammad was called and appeared at the podium with two other speakers and the City Secretary stated that under the Rules of Council there was to be only one person at the podium; and a spokesperson stated that at other times there was more than one at the podium; and the City Secretary stated that Council would like them to conform to Council rules; and the spokesperson moved slightly and stated they wanted to stand there; and an officer stated that they needed to move away from the podium; Mayor Parker stated that there distance was now sufficient. Council Members Adams, Sullivan, Pennington, Lovell, Noriega and Jones absent.

Ms. Krystal Muhammad, 7125 Reed Road, Houston, Texas 77087 (713-261-3558) appeared and stated that this was pretty appropriate because she was present speaking about police brutality and disrespect officers gave to Houston citizens, particularly the Black and Brown, she had demands from the citizens; that she was with the new Black Panther Party and also standing in solidarity with the National Black United Front, the Nation of Islam and many other community people, people tired of their rights being violated by HPD; that she was a community activist for 20 years and had witnessed case after case of police brutality, etc., which had not come to justice; that even she was brutalized by police, slammed on the ground and charged with resisting arrests; that they were demanding a civilian review board with subpoena power, proper funding and prosecutorial power; that they wanted the Mayor to use influence and talk to the DA to reopen the case and enhance charges placed on officers to aggravated assault and attempted murder; and demanding an ordinance that city employees live in the City of Houston; that the officers did not treat them as they did the White community. Council Members Sullivan, Pennington and Noriega absent.

Council Member Adams stated that she really did not speak out on this issue as it hit personal; that she brought it up in Council and Lieutenant Gallier knew this and still she had no response; that she was speaking on a personal level and appreciated all those who came continued to do to fight for what was right; that she had a relative who lived outside the City of Houston and an officer of HPD lived there; that the officer went to her relative's home, banging on the door and yelling to come outside; continued describing the occurrence and ending with a constable showing up from their call while the officer was coming back with a gun and what was the purpose of the gun; that she had reported it and still no one had called her and she was an elected official and now her relative was fearful because the person lived around the corner. Council Members Sullivan, Pennington and Noriega absent.

Upon questions by Mayor Parker, Council Member Adams stated that her sister-in-law was fearful; that she knew about filing complaints, but her sister-in-law was fearful and did not do it, she said the officer lived around the corner and crept past her home and she would not go complain because of retaliation; that something needed to be done, they needed to get a hold or there would be an epidemic with tape after tape, but if the constable had not been there...; that much of what was going on was not necessary; and Mayor Parker stated that nothing could be done without a formal complaint. Council Members Sullivan, Pennington and Noriega absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Ms. Krystal Muhammad, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Sullivan, Pennington and Noriega absent. MOTION 2011-0109 ADOPTED.

Council Member Jones stated that people were afraid and rightfully so; that she has filed a number of complaints, the system in place was not constituent friendly, to actually report wrongdoings to the people they were saying was doing the wrongdoing was like asking an abused woman to go to her husband and talk about it; that she did not believe it was a Black

thing, she believed it was a social economic thing, people in disadvantaged areas were treated differently and there were legitimate reasons why people were afraid; and if Council Member Adams brought it then she did not see why they could not deal with it, they knew the officer came with a gun and she felt all the responsibility was being placed on the wrong people. Council Members Sullivan, Pennington and Noriega absent.

Mr. Michael Omowale Haggerty, 6643 Sterns, Houston, Texas 77021 (713-402-8052) appeared and stated that he was not present to disrespect anyone; that they came to stand in solidarity on a serious issue in the community and he was disrespected as if he was a criminal; that last week Mayor Parker went to Good Hope Church and she was asked a question they asked before; that she said she was not in favor of a civilian review board with subpoena and prosecutorial power and he wanted to know why she did not support it and which Council Members would stand with them. Council Members Sullivan, Pennington, Noriega and Jones absent.

Mayor Parker stated that it was a longstanding rule of Council that other than the presentations in the beginning of Council only one person was allowed at the microphone unless a translator was needed and it was not directed at anyone who was here; that they also ask people to place things down and not hold them in their hands; that in terms of answering his question, giving a committee both subpoena power and prosecutorial authority made them police and prosecutor and it was not an appropriate division of powers; that it also was not possible for them to do, they could not supplant the DA's authority to actually prosecute crimes, they investigated, but did not prosecute and it was not a reasonable line of debate; that they could improve the citizen review committee, but personally did not support subpoena power, but Council may; and upon questions by Mr. Haggerty, Mayor Parker stated that she was never a supporter of subpoena power nor did she think it was productive to discuss giving prosecutorial authority at the same time you gave subpoena power, it was not feasible. Council Members Clutterbuck, Sullivan, Pennington, Noriega and Jones absent.

Council Member Johnson thanked the speakers for coming and stated that this furthered his belief that diversity and sensitivity training never worked; that he was disturbed by what took place at the podium; that other groups had come and while Anna Russell did her job, how it was enforced was a whole different issue, and that spoke to what they had come today to speak on; that when faced with the police department admonishing there seemed to be almost animosity, tension right there so what happened when they were in the community; that rules should be applied to all across the board. Council Members Clutterbuck, Sullivan, Pennington, Rodriguez, Noriega and Jones absent.

Mr. William Mitchell, 821 Skyline Trail, Houston, Texas 77019 (713-725-2765) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Sullivan, Pennington, Rodriguez, Noriega and Jones absent.

Ms. Sharon Alexander, 4331 Oxford, Houston, Texas 77022 (713-695-2390) appeared and stated that she heard two incidents today and she never met Ms. Bingham, but she had worked in HPD and laid off with no warning after she trained others; that a community activist was going around acting like a lawyer and she paid him \$450. to work a case for her and he left with her money and she saw him on television all the time and he was under them; that she had a son murdered in December 2005, and it was on television, but the case was never solved though another case for someone murdered the same day was solved; that her son fought the person who shot him four times and he may have evidence under his nails; that she had gone to jail over different things including counterfeit money, she was just using her money and then charged with counterfeit money; that she had a felony now and could not find affordable housing. Mayor Parker, Council Members Johnson, Sullivan, Pennington, Rodriguez, Bradford and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Adams stated that out of respect to Glenbrook Valley she wanted to make a statement; that their issue was very important, but she had a CIP meeting getting ready to start; and tonight in District D they would be talking about the flooding and drainage, Rebuild Houston, as well as CIP projects; and she would beg their pardon as she had to leave. Mayor Parker, Council Members Johnson, Sullivan, Pennington, Rodriguez, Bradford and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Johnson, Sullivan, Pennington, Rodriguez, Bradford and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Charles Owens, 7638 Glen Prairie, Houston, Texas 77061 (713-645-5208) appeared and stated that he was against the formation of a historic district for Glenbrook Valley; that he had been treasurer for their civic club for years and when they were handing out petitions to create the historic district they did not inform anyone of the possible \$500.00 a day fines or that the 90 day waiver rule was now gone; that they were being harassed and signatures were forged; that many of his neighbors who signed for it had now signed retractions and they were upset they had not been informed of the ramifications of the historic ordinance. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Lovell stated that they had a difference of opinion, but he mentioned things she found disturbing and if he had proof she would like to have it; that if signatures were forged she would like to have proof and it would be taken care of. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Stephen Stovall, 8007 Colgate, Houston, Texas 77061 (713-644-1412) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Leticia Ablaza, did not wish to give address (713-320-4340) appeared and stated that after two to three years of proponents getting signatures in the neighborhood and submitting only 52% they were told they would be given six weeks to get the word out on changes to the ordinance and opportunity for people to retract signatures and then they found people had been lied to and harassed into signing something in English; that Marlene Gafrick stated in front of Council Member Rodriguez that they would get a historic district in Glenbrook Valley one way or the other even if they had to break up the district; that it was explained to them they were not in the habit of checking signatures; that her family had been trashed, called names, etc., by the proponent, but she would not sit by and have people taken advantage of for others own political or financial gains; that a community realtor also walked around posing as a city inspector intimidating people; that people were having to wait months to have things approved while they were in limbo but it was only for those against this and they wanted this brought up for vote so they could move on to the next phase. Mayor Parker, Council Members Johnson, Adams, Sullivan, Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Lovell stated that they did not agree, but she respected how fierce she was in her position; that if someone was posing as a city inspector she wanted the name or picture, something; that if trash was being thrown ...; and Ms. Ablaza stated that Council Member Lovell had stuck her hand in her face when she asked for help to translate for someone and said she was done with her; and Council Member Lovell stated that was a lie; Ms. Ablaza

stated it was not and she had witnesses; Council Member Lovell stated it was a lie and if she had proof or recording she should bring it; that historic preservation was only about the exterior of a building and had nothing to do with interior; and Ms. Ablaza stated that it did have to do with interior of your home. Mayor Parker, Council Members Johnson, Adams, Sullivan, Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Jones stated that all information she and Mr. Owens would be forwarding to Council Member Lovell she would like as well; that if she had evidence permits were denied to people who were anti historic designation she would like to know; and Ms. Ablaza stated that they were denied permission to replace their heater on one of the coldest days of the year. Mayor Parker, Council Members Johnson, Adams, Sullivan, Pennington, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Sarita Covarrubias, 7719 Wynlea, Houston, Texas 77061 (832-533-6922) appeared and stated that she too was present on behalf of Glenbrook Valley; that they voted for Council to help them have a voice and now they were not being heard; that they were having to abide by an ordinance they did not want, it had not been voted on and people did not have time to come to City Hall, but they would fight this; that her house was broken in and her door needed replaced and she was told she had to get a permit to replace it. Mayor Parker, Council Members Johnson, Adams, Sullivan, Pennington, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Jones, Ms. Covarrubias stated that in January her home was broken into and her door and doorframe needed replacement and the civic club said she had to get a permit, but the officer said they were naive she had to secure her home for her safety. Mayor Parker, Council Members Johnson, Adams, Sullivan, Pennington, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Jones, Mr. Heilman stated that he thought the citizen would be authorized to secure their facility, residence, and with regard to a permit requirement he was not aware but would follow-up with the department. Mayor Parker, Council Members Johnson, Adams, Sullivan, Pennington, Lovell, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. W. L. Orsak, 7907 Pecan Villas, Houston, Texas 77061 (713-649-2101) appeared and stated that he was present as he was very against the Glenbrook Valley Historic organization, it boiled down to stinking politics with someone telling him what he could do with his own home; that the only thing historic there was potholes. Mayor Parker, Council Members Johnson, Adams, Sullivan, Pennington, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Stardig stated that she would like an update from the Planning Department on the status of responses from the community and also she wanted to make sure the message was if a door was kicked in they were allowed to fix it and if exception was needed then the issue needed to be addressed immediately and she would appreciate Legal following up on it. Mayor Parker, Council Members Johnson, Adams, Sullivan, Pennington, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Jones, Mr. Orsak stated that someone tried to get him to sign the petition for historic, but he told them no; that he signed nothing; that he did not believe there was any documentation against only for it and many Hispanics in his neighborhood did not speak English well and how could someone explain to them they were signing their death sentence which was what he thought of this; and this was the first time he ever came before Council. Mayor Parker, Council Members Johnson, Adams, Sullivan,

Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Lovell stated that the reason they took petitions was for those to sign if they wanted to be historic and when they got to 51% of homeowners wanting it they brought it to the City of Houston for process and that was why there was nothing for anyone to sign saying no; that some had signed another petition stating they wanted to retract their name, but they could not retract it if they never signed in favor of it. Mayor Parker, Council Members Johnson, Adams, Sullivan, Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Gonzalez stated the Legal had an answer; and Mr. Heilman stated that there was a permit required for a door replacement and the landowner may immediately replace the door and then obtain proper permits after the door was installed. Mayor Parker, Council Members Johnson, Adams, Sullivan, Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Mary L. Ramos, 1019 Gardner, Houston, Texas 77009 (713-861-6271) appeared and stated that she was a community leader and advocate for the Hispanic community and was present on behalf of LULAC which covered 25 counties; that she had several dozen Hispanics show up from Glenbrook Valley at the LULAC office and all were very upset because they felt they were coerced, forced and lied to for them to sign the petition; that she got over 240 retractions which should have brought it below the 51% and she contacted the Department of Justice and they suggested she go to the State Attorney General and now they opened up a case to see if Hispanics were forced into signing; and read a resolution by LULAC showing support of Hispanic residents in the Glenbrook Valley subdivision in their fight for justice. Mayor Parker, Council Members Adams, Sullivan, Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Noriega stated that they talked in Austin about this and she would like a public discussion on the current status because she felt their concerns were worth investigating and she had asked for it. Mayor Parker, Council Members Adams, Sullivan, Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Hoang stated that he knew there was a huge population of Vietnamese in Glenbrook and Chinese; and upon questions, Mr. Ramos stated that no Asians came to their office, but they had spoken to them on the phone and they felt their civil rights were violated; and Council Member Hoang stated that he had some speak with him about the problems, but he told them it was not in his district. Mayor Parker, Council Members Adams, Sullivan, Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Jones stated that she wanted to thank LULAC for listening to the voices of those people did not always want to listen to; that she received information in her office and it was troublesome to look at two signatures supposed to be from the same person and they were flat out different; that she had many people, no particular race, come to her, but it seemed the Planning Department was always on the side of the one supporting it and her office was looking into this. Mayor Parker, Council Members Adams, Sullivan, Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Noriega moved the rules be suspended for the purpose of extending the time for questions of Ms. Mary Ramos, seconded by Council Member Stardig. All voting aye. Nays none. Mayor Parker, Council Members Adams, Sullivan, Pennington and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0110 ADOPTED.

Council Member Stardig stated that the more she heard the more she questioned the process; that all had good intentions when they were trying to make change; that in the past her

experience was they even went so far as to get notaries and she did not know if they needed to reevaluate the process, but she did request an update from the Planning Department on what was going on; that she would have to defer to the district Council Member, but it did bring up enough questions on the process and in making sure everyone understood what they were committing to; that she wanted to be sure it was fair to both sides and would like the process looked at for the future and would appreciate it from her colleagues. Mayor Parker, Council Members Johnson, Clutterbuck, Adams, Sullivan, Pennington, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Lovell, Ms. Ramos stated that she was told they were lied to and some were invited for a free breakfast and there they were told about going in to clean the neighborhood and get rid of dirty motels, etc., and to sign the paper on their way out and they were not told in Spanish; and how could you hand someone a paper to sign not telling them what it meant; and Council Member Lovell stated that to go back and ask someone to change their mind she did not know if it was harassment, but they had heard concerns and was going back and looking over things to make sure it was done properly and fairly. Mayor Parker, Council Members Johnson, Clutterbuck, Adams, Sullivan, Pennington, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. John Hoang, 7919 Bellfort, Houston, Texas 77061 (713-644-5022) appeared and spoke in Vietnamese and it was translated by Council Member Hoang with him stating that he was a resident of Glenbrook Valley and they asked him to sign a document that was not in Vietnamese and he signed it, but it seemed it was not what he wanted. Mayor Parker, Council Members Johnson, Clutterbuck, Adams, Sullivan, Pennington, Costello, Lovell, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Hoang, Mr. Hoang stated that he did not sign it; that some Vietnamese signed it, but told him they did not understand what it was, but he would like to know so he could explain to them. Mayor Parker, Council Members Johnson, Clutterbuck, Adams, Sullivan, Pennington, Costello, Lovell, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Rodriguez stated that this process was a citizen driven process, a tool available to all constituents so it was not staffers out there, but he did meet with several in opposition to the process and he wanted his colleagues to know they received information and sent it to the proper channels and he too was waiting for information; and he looked forward to hearing from the Attorney General. Mayor Parker, Council Members Johnson, Clutterbuck, Adams, Sullivan, Pennington, Lovell, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that what Council Member Stardig said about notarizations made sense to her as she saw two signatures which did not look the same, but the one in opposition was actually notarized, the one supporting historic designation was not and when it affected someone's home she felt the process should be in their language. Mayor Parker, Council Members Johnson, Adams, Sullivan, Pennington, Lovell, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Arthur Williams, 7630 Wynlea, Houston, Texas 77061 (832-744-3048) had reserved time to speak but was not present when his name was called. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Pennington, Lovell, Noriega and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Carmen Villareal, 8003 Arletta, Houston, Texas 77061 (no phone) appeared and spoke in Spanish and once completed Council Member Noriega stated that she had previously

asked for a translator and she knew Council Member Jones would help, but her point was she had asked for someone to be present and that was her point. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Pennington, Costello, Lovell, Noriega and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Jones translated for Ms. Villareal stating that she was saying the same as others; that she signed it because a neighbor came and there were many pages and all in English and she had a problem with it; that later she tried to retract it, but she said the City of Houston Planning and Development lied to her, but without going into all details it was the same story and that was her concern; and regardless of the language they all seemed to be saying the same thing and this Council Member had a problem. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Pennington, Costello, Lovell, Noriega and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Stardig stated that she had a question on procedures in Council, was it not the case when someone called to be given opportunity to request a translator; that with the hearing impaired community, anyone having special needs, etc., should do it when they made their appointment and if it was not being clear at that point she wanted to make sure the process was reviewed; and Council Member Clutterbuck stated that if someone requested a translator at public session then one would be provided; that it was also correct that Council Member Noriega had requested a translator here and she had received information from the City Secretary that if she heard of it she provided for one. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Pennington, Costello, Lovell and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

The City Secretary stated that when someone reserved time, many times someone stated that they needed a translator and if they needed one the Mayor's Office was contacted and a translator was arranged in whatever language they needed, but most of these reserved time right before deadline and she was not informed anyone had requested a translator; and Council Member Clutterbuck stated that she understood a translator was present earlier but had left; and she would advise all taking this up with the Administration. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Pennington, Costello and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Pamela Lewis, 7706 Wynlea, Houston, Texas 77061 (713-748-3777) had reserved time to speak but was not present when her name was called. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Pennington, Costello and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Secuneino Vasquez, 8014 Glen Valley, Houston, Texas 77061 (713-504-0879) appeared and spoke in Spanish with Council Member Jones translating stating that he lived in his house since 1994 and someone named Larry Rocket got him...; that this was the same story heard before. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Lovell, Mr. Vasquez stated that he spoke a little English; and Council Member Lovell stated that he did an interview on Channel 13 in English; and Mr. Vasquez stated that it was in Spanish; that he spoke a little English, but it was not that good Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Noriega and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Joe Ablaza, who was previous added to the speakers list appeared and stated that he was a resident of Glenbrook Valley and opposed to the proposed historic district; that after collecting enough retractions the City of Houston Planning Department chose to ignore the results and if it had done what it was supposed to do they would not be standing here; that he had a DVD he was presenting which showed harassment, Council Member Lovell wanted to see something and there it was; that his group had friends supporting this and they respected them, they were not lowlifes like the ones who sent that; that his friend who had her door kicked in and was more afraid of the city and permitting than criminals was not good; that the level of support of Glenbrook Valley was far below 51% and despite that they were still having to live under the ordinance and he urged all look at the facts and vote the historic district down. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Noriega and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Stardig stated that security should always be first and she wanted to reiterate she requested an update for all to understand what the status was on the petitions from the Planning Department and this Administration so all would be on the same page; that she was also very concerned today that a Council Member was interpreting and commenting instead of a professional and she was asking the Administration on the record for this to not happen again, she could not tolerate it, she must have professional interpreters in this Chamber, it left too much for interpretation and it was to protect all parties and if it meant them staying late then they needed to stay late. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Noriega and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Jones asked if she had correctly interpreted what the Spanish speakers said and then stated that two Council Members had translated she and Council Member Hoang and for the record if a constituent looked to her for translation she was being responsive to her constituents and she would ask that whatever rules they put with Council they be applied equally and Council Members not be targeted; and she was thankful they came today to let Council know what was going on and she did hope all remembered the people were the city regardless of what language they spoke and actually she would like translators present whether they were asked for or not; and Mr. Ablaza stated that he would like to say that regarding his good friend who was attacked because he spoke English on Channel 13; that the reporter interviewing him spoke to him in Spanish because he did not understand what she was saying entirely in English and he did speak limited English, but if he had to go on record today he would not speak Spanish because he was not that fluent in it and it was the same for his friend, when getting something on record he would not speak English. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Lovell, Noriega and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked all for coming and stated that it was an outrage there was not an official interpreter present and they would work on making sure it did not happen in the future, these comments would be passed on to the Administration. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Lovell, Noriega and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Delores Robinson, who was previous added to the speakers list appeared and stated that she lived in Glenbrook Valley and against the historic district; that she had been harassed by phone and people coming to her door and she put retraction letters at doors and someone went behind her pulling each one out and yelling at her and she was fearful. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington,

Costello, Lovell, Noriega and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Josh Sanders, who was previously added to the Speakers List appeared and stated that he was present representing Houstonians for Responsible Growth and recently there was much discussion about Rebuild Houston and Proposition I and they kept hearing the word fairness; that the City of Houston and the Mayor's Office presented preliminary plans for Rebuild Houston with the position of no exemptions based upon fairness, all should pay equally, HRG strongly supported the no exemptions, but somehow it kept coming up whether all was fair, but the election was had and now they needed to write an ordinance fair and balanced for all and if churches, etc., were exempt cost would rise for everyone else and it would not be fair; that they looked forward to volunteering their expertise. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Sanders stated that the debate on whether or not the issue should be discussed, whether or not they should have a drainage fee or whether or not they believed in Proposition I should be over; that the implementation, who it applied to, etc., needed to be fair and equally balanced; and their position was it was fair for all to pay. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Clutterbuck presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that they appreciated him coming and his position was noted. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr. Roland Curry, 8707 Cowart, Houston, Texas 77029 (832-613-7301) had reserved time to speak but was not present when his name was called. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr. Isiaka Owolabi, 7447 Neal Ridge, Missouri City 77489 (832-468-1283) had reserved time to speak but was not present when his name was called. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he was the official United States President and continued expressing his personal opinions until his time expired. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Noriega presiding. (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. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Ms. Patricia Martin, 3401 Fannin, Houston, Texas 77004 (832-630-3717) had reserved time to speak but was not present when her name was called. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr. John Cieslewicz, 1250 Dubarry Lane, Houston, Texas 77018 (713-683-0703) appeared, presented information and stated that for the last five months he asked the city what legal right it had to arbitrarily block storm water drainage in Oak Forest Section One; that 61 years ago the city recognized the backyard drainage put in; and he was demanding to know what right they had. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that someone was present earlier prepared to address this and it looked as though he was present before as he was speaking one minute; and Mr. Medina was present and could speak with him before he left. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Mr. Heilman stated that it was his understanding with this individual's situation was the plat had a utility easement in the back of his property and he believed it was a drainage easement; that a utility easement was not a drainage easement; that a utility easement was for gas, electricity, cable, water, but did not equate to surface drainage; that if it was buried it would be a different issue, but this was surface drainage and the plat he relied on did not give the city a drainage easement only a utility easement. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Clutterbuck, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Noriega, Mr. Cieslewicz stated that the lots in Oak Forest, Section One had lots almost a block long and the developer put swells down it to the street and it was there before they were annexed and the city knew of it when they annexed the subdivision and when they issued the building permits; that the issue was not flooding, but that the storm water drainage was blocked; and Council Member Noriega stated that they were now out of time and there were not enough Council Members present to extend his time, but she had a staff person present and Mr. Medina was present and she would ask he speak with them again. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Clutterbuck, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

At 6:23 p.m. Council Member Noriega stated that City Council was recessed until 9:00 a.m., Wednesday, February 16, 2011. Mayor Parker, Vice Mayor Pro Tem Gonzalez, Council Members Johnson, Clutterbuck, Adams, Sullivan, Hoang, Pennington, Costello, Lovell and Bradford absent. Council Member Noriega presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, February 16, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Oliver Pennington, Al Hoang, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David Feldman, City Attorney, Ms. Lynette Fons, First Assistant City Attorney, Ms. Jo Wiginton, Contracts, Division Chief; Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Mike Sullivan absent on city business.

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

At 9:08 a.m. Mayor Parker called the meeting to order. Council Members Stardig, Pennington and Noriega absent.

Council Member Lovell moved to consider the consent agenda before the public hearing, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Members Stardig, Pennington and Noriega absent. MOTION 2011-0111 ADOPTED.

CONSENT AGENDA NUMBERS 2 through 24

ACCEPT WORK – NUMBER 5

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$825,418.25 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 1.49% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - HOANG; G - PENNINGTON; H - GONZALEZ and I – RODRIGUEZ** - was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Members Stardig, Pennington and Noriega absent. MOTION 2011-0112 ADOPTED.

PROPERTY - NUMBER 6

6. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. Hong C. Hoang and Luyen T. Nguyen, et al., Cause No. 946,541; for acquisition of Parcel AY8-115; for the **HOMESTEAD ROAD GRADE SEPARATION PROJECT (Ley Road - Firnat Street) - DISTRICT B - JOHNSON** - was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Members Stardig, Pennington and Noriega absent. MOTION 2011-0113 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 9A

7. **ARAMARK CORRECTIONAL SERVICES, LLC** for Purchase of Jail Food Services for the Houston Police Department - \$166,000.00 - General Fund - was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Members Stardig, Pennington and Noriega absent. MOTION 2011-0114 ADOPTED.
8. **EAGLE COPTERS, LTD.** for a Refurbished Twin-Engine Helicopter for the Houston Police Department - \$8,236,301.00 - Grant Funds - was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Members Stardig, Pennington and Noriega absent. MOTION 2011-0115 ADOPTED.
9. ORDINANCE appropriating \$73,803.90 out of Water & Sewer System Consolidated Construction Fund for Emergency Replacement of a 16” Back Flow Valve and Water Line Repair for the Public Works & Engineering - was presented. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Members Stardig, Pennington and Noriega absent. ORDINANCE 2011-0109 ADOPTED.
- 9a. **REYTEC CONSTRUCTION RESOURCES, INC** for Emergency Replacement of a 16” Back Flow Valve and Water Line Repair for the Department of Public Works & Engineering - Enterprise Fund - was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Sullivan absent

on city business. Council Members Stardig, Pennington and Noriega absent. MOTION 2011-0116 ADOPTED.

ORDINANCES - NUMBERS 16 through 24

16. ORDINANCE amending Ordinance Number 2010-768 to increase the maximum contract amount for contract between the City of Houston and **HARRIS COUNTY** relating to the Joint Elections held on November 2, 2010 - \$7,153.94 - General Fund - was presented. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Members Stardig, Pennington and Noriega absent. ORDINANCE 2011-0110 ADOPTED.
18. ORDINANCE appropriating \$75,000.00 out of General Improvement Consolidated Construction Fund, \$50,000.00 out of Public Health Consolidated Construction Fund, \$50,000.00 Public Library Consolidated Construction Fund, and \$105,000.00 out of Police Consolidated Construction Fund and amending Ordinance No. 2008-0374 (Passed April 30, 2008) to increase the maximum contract amount and approving first amendment to contract between the City of Houston and **BRAVE/ARCHITECTURE INC** for Architectural Services Task Order Contract for Various City Departments - was presented. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Members Stardig, Pennington and Noriega absent. ORDINANCE 2011-0111 ADOPTED.
20. ORDINANCE appropriating \$230,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ENTECH CIVIL ENGINEERS, INC** for On-Call Citywide Rehabilitation and Replacement of Bridge Structures/Roadways; 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 Sullivan absent on city business. Council Members Stardig, Pennington and Noriega absent. ORDINANCE 2011-0112 ADOPTED.
21. ORDINANCE appropriating \$1,592,300.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **CHIANG, PATEL & YERBY, INC** for On-Call Engineering for Water/Wastewater Utility Facilities Improvements (Approved by Ordinance Nos. 2007-0216 and 2008-0061) - was presented. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Members Stardig, Pennington and Noriega absent. ORDINANCE 2011-0113 ADOPTED.
24. ORDINANCE No. 2011-102 passed first reading February 9, 2011
ORDINANCE granting to **SOS LIQUID WASTE HAULERS, LTD, 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 Sullivan absent on city business. Council Members Stardig, Pennington and Noriega absent. ORDINANCE 2011-0102 PASSED SECOND READING IN FULL.

HEARING - 9:00 A.M.

1. **HEARING** for **JUSTICE TRAX** to protest award to Porter Lee Corporation for Laboratory Information Management System for the Police Department – was called. Council Members Pennington and Noriega absent.

The City Secretary stated that Ms. Wiginton was present to represent the Legal Department and Mr. Feldman, City Attorney, would make remarks. Council Members Pennington and Noriega absent.

Mr. Feldman stated that the hearing was being conducted because Justice Trax was not awarded a contract pursuant to a procurement that HPD conducted for an Information Management System for the crime lab, that they complained regarding the procurement, their failure to be selected, that they were offered the opportunity to appear before Council pursuant to irregular procedures by coming to a public forum and speaking for 5 minutes, they were offered that opportunity on several occasions and they rejected it, they instead filed a complaint with the Department of Justice (DOJ) because this contract was funded with a grant from the Department of Justice, the Department of Justice was required by law to have regulations with respect to contested procurements, but they actually did not and following the complaint being made to the Department of Justice, the DOJ in turn looked to the City and asked the City to provide a hearing to Justice Trax in order for it to exhaust administrative remedies, that they were having this special hearing today where Justice Trax would be given the opportunity to speak for 15 minutes, that as noted in the memorandum that he sent them dated February 11, 2011, the contract in question was well on it's way, in fact it was near completion, nevertheless Justice Trax, pursuant to the request of DOJ, had the opportunity to speak to Council on this matter. Council Members Lovell and Noriega absent.

Mayor Parker asked what was the date of the original contract award, and Mr. Feldman stated June 30, 2009, and Mayor Parker asked Mr. Feldman if there was anything else and he stated not at this time. Council Members Lovell and Noriega absent.

The City Secretary stated that representative of the Justice Trax were present and asked that they come forward and introduce themselves, that as Mr. Feldman stated, they had 15 minutes to make their presentation. Council Members Lovell and Noriega absent.

Mr. Stephen Sale, Counsel for Justice Trax, stated that he was joined by Mr. Jeffery Braucher, Chief Operating Office of Justice Trax; that he had been representing Justice Trax from the beginning, that as far as the invitation from the City to appear before the City Council was concerned, they were looking for administrative remedy and had asked the City Attorney's office on a number of occasions if there was an administrative remedy and they were advised that Chapter 7, Section 3 of the City Code provided that City Council shall meet weekly and that citizens of the City shall have a reasonable opportunity to be heard at such meetings, that unfortunately he was not a citizen of the City and when he saw that citizens of the City were invited to appear before Council he did not feel that meant him; that Justice Trax did search it's records and they looked to see if they had somebody to have standing to appear before the Council and they found somebody in Spring, Texas, they could not find an employee in the City; that once the case was ongoing he fully agreed with Mr. Feldman that after the case had been pending for a number of months the City did invite them to come to Council, but that was the first time the invitation was made to someone who was not a citizen of the City of Houston; that the second argument that was made by the City Attorney was that they could come because their bid was rejected and they could make a 5 minute presentation, that section of the City Code, he believed 3.15, applied to a formal open bid procedure, and that was not what happened, it was a negotiated procurement, it was a request for proposals, so basically they were left without an administrative remedy other than what they pursued, that they did not know

when the contract was awarded, that they understood they had a letter that was in the record, but they did not receive that letter for whatever reason, the company, Mr. Brocker, made a reasonable inquiry and found that the contract had been awarded, that they had some conversations with the City Purchasing Agent, along about September 18 or 19 and 10 days later they filed their protest, that they had not delayed, the extent that there was some time taken was not the fault of Justice Trax, but after those procedural issues, as they go to the merits of the case, they find it very interesting that they hear a year and a half into the contract, that it was 85% to 95% performed; that he would like to give them a little contrast on it, that Justice Trax, over the period of 9/11, was asked to install their software in the Harris County Crime Lab, they installed that from the period of September 7 to October 11, 2011 (2001), that when planes were not flying they nonetheless got them here and made that installation and did it in a little over a month; that here they were a year and a half into the contract and it was only 85% to 95% performed, why was that, well they ordered one thing and then they went and bought another thing, that here was what they said they wanted, it was from Scope of Work, Section 1.1, the City of Houston was seeking proposals with installation of a modern commercial off the shelf laboratory information management system, LIMS, for the Houston Police Department, herein referred to as HPD, that off the shelf, that meant it existed, that meant it was something akin to what they would buy for Microsoft Office and the like, and they were operating at the crime lab in a Microsoft environment, that if they read their RFP all they talked about in there was Microsoft, so naturally what they were looking for was a system that was going to be compatible with all of the Microsoft equipment they had and they wanted to run it on a Microsoft, it was called a SQL, server, and that was exactly what Justice Trax writes it's software for, that there were in fact two types of software in this industry, Oracle and Microsoft, they were going to be a master of one and not a master of the other just because the way things worked, they were going to update one and then do the other one, that Justice Trax, for a number of years, had both products, they decided they were not doing their clients any favors by trying to do Oracle when they were primarily in Microsoft, they abandoned that product and they would not sell it to clients anymore, they would only sell their Microsoft product, that unfortunately the one awarded did not take that prudential course, they said they did not have it but they would give it to them, that they (Justice Trax) found it interesting that the City was saying, the City Attorney, this was an emergency, they did not even really have authority to review it at City Council, Justice Trax could not review, no court could review it because it was an emergency; that they would look a little bit at their emergency scenario, the proposals were submitted in June of 2008, in July 2008 they were evaluated, in August 2008 they called in people for demonstrations and then they signed a contract, they did award on June 30, but they did not sign a contract until later in July with Porter Lee, why, because Porter Lee did not have the software available, so they had to wait until they got it ready, but they still did not have it ready a year later, so they said okay, go ahead and install their Oracle, they could take the money they were giving them and they could finish writing Microsoft Software, even though it did not exist today, that commercial off the shelf software was what they bought, that was what they wanted, that was what they told Justice Trax and the world that they wanted, instead they acquired something that did not even exist, they acquired Microsoft SQL Server Software from Porter Lee and they had not even written that, that they heard that they were 85% to 95% done two years after they had an emergency, that it had to be installed in an emergency basis because all over the Country people were hearing horror stories about misidentifying evidence, test results not being reported correctly and chain of custody problems, two years later, after the emergency, they were only 85% to 95%; that Harris County had done quite well, they read that a lot of their DNA testing continued to be subbed out to Harris County, they used Justice Trax Software, it was also Microsoft environment, there were no problems of running two different systems and hoping for the best, hoping they did not have to many software errors that created problems that get convictions overturned, that had never happened in Harris County and it was not going to happen because Justice Trax was only doing what they knew, Microsoft; that they were also hearing that the word mandatory did not mean mandatory, that the word shall did not mean shall, that he would agree in the requirements matrix it said these requirements were not the only requirements and

they may not enforce all of these requirements, but they were not only talking about the requirements matrix, they said it was the body of the Statement of Work that controlled, not the requirements matrix, in other words the specific controlled over the general and they made the requirements matrix a general because it was not a catch all, but the very specific part of the RFP they stated that the LIMS shall use MS Windows Networks Services, that the LIMS shall utilize MS SQL Server 2005, the LIMS shall use this database product for all LIMS managed information and configuration, that they now know that the word "shall" did not mean "mandatory", it meant if they wanted to, or if they wanted to do it two or three years later, whenever they got around to it was fine, that "shall" did not mean anything, that in Section 12 of the RFP was the same effect the use of the MS SQL 2005, was that mandatory, that again the answer was that it was mandatory, and not what they hear from the City Attorney that mandatory did not really mean mandatory, that shall did not mean shall, so basically there was a bait and switch, for everybody else they had to get commercial, off the shelf, software, it had to be Microsoft compatible, Microsoft SQL server, and had to be delivered in 2008, but for Porter Lee they got an extra year, they put off the award for a year and then after they gave them the award they waited a full year and then they got another year, and they were still not done, they were at 85% to 95%; that if they lost fair and square, they lost fair and square, but this was not fair and square, this was buy one thing and then pick a favorite contractor, give them your money, let them program their software that was going to compete with your money and then give them as long as it takes for them to do it, that they were told by the City Attorney that they could give back the money or let them continue to perform the contract, that on June 18, 2010, the City Attorney did not tell the Justice Department that those were his remedies, that he told the Justice Department, correspondence, "finally in accordance with State law and the City Charter the City Council was the only entity that could reverse that award, rescind the contract, or grant any other remedy associated with that contract", that in fact they did include within the contract a provision that said that Porter Lee had to bond the contract, if they did not finish doing the reprogramming using the City money by July 2010 then the City could reverse the contract and get it's money back, but apparently the relationship was so strong between Porter Lee and the City that it had not happened, that was going to be another protection if they did not do what they were required to then the company who actually did submit what was requested, Microsoft SQL Server Software, would have an opportunity to install that software and have it run correctly as it had done it at the Harris County Lab; that he thought he had said enough and appreciated their time, that this was not for them a gripe session, it was a matter of fairness and a matter of integrity in the Criminal Justice System because these systems were essential for them not to repeat the problems they had in the crime lab. Council Members Lovell and Noriega absent.

Mayor Parker stated that six of them were not at Council when the contract was first let, she knew nothing about it and as she said five of her colleagues knew nothing about it as well, there may be a number of questions, that to Council Members, there were also representatives of the Police Department present who could answer questions relative to this item, they would not be taking action this morning, this was simply a hearing and an opportunity for questions or comment; and asked Mr. Sale if he had a suggested remedy to this. Council Members Lovell and Noriega absent.

Mr. Sale stated yes, that the remedy was rescission, and Mayor Parker stated and an attempt to receive their money back from Porter Lee, and Mr. Sale stated that the Local Government Code, Section 252.042 stated that discussions by a municipality may be conducted with offers to submit proposals who were determined to be reasonably qualified for the award, that offers shall be treated equally and fairly, that they did not think either happened here. Council Members Lovell and Noriega absent.

Upon question by Council Members, Mr. Feldman deferred to Ms. Wiginton, and Ms. Wiginton stated that yes, "shall" still meant "shall", the contract required that the laboratory

information management system run on a SQL platform, that was part of the requirement for acceptance testing, which was the final part of the contract, if it did not meet acceptance testing there was a performance bond that the City could require to be forfeited to pay the money to the City, so the requirement was that before the whole program was over and the system was accepted it must run in SQL MS interface. Council Members Clutterbuck, Costello and Lovell absent.

Upon further questions by Council Members, Mr. Sale stated that the reason he stated that "shall" did not mean "shall" was because shall meant commercial off of the shelf at the time they were buying it in 2008, it meant that it had to exist; and Ms. Wiginton stated that it meant, before they paid them and accepted, it had to be able to do that, that they had not paid the final amount, that it was not running, it was still in the process, that there were several explanations, number one, this was not Harris County, this was the Houston PD Crime Lab, it had different requirements and was larger, number two, there was a hold process, not only was there an evaluation of the written materials that were submitted by all of the parties, she thought there were six, there was a demonstration where they came to demonstrate the equipment to the people on the evaluation panel, Justice Trax was rated second in the written evaluation and were rated third in the demonstration, that they were not using the system now but expected to be using it in the next three months, that they still had the option to terminate, that it turned out to be more complicated because there were all kind of things and data that needed to be programmed into it. Council Member Lovell absent.

Upon further discussion and questions by Council Members, Mayor Parker stated that they do normally declare each Council meeting, the passage of items, an emergency, that was just a routine matter so that later they would not have the questions about how fast they do things at Council, that Mr. Sale was referencing that and it was just a belt and suspender thing that they did at Council. Council Member Lovell absent.

Upon further discussion by Council Members, Ms. Wiginton stated that if they rescinded the Justice Department had told them that they may ask to get the funding back, they may ask the City to pay back the money, that she believed and as a matter of fact one of Justice Trax request to the Justice Department when they filed their complaint was that funding be suspended and that the contract be awarded to them. Council Member Lovell absent.

Upon further discussion and questions by Council Members, Council Member Bradford moved to suspend the rules to hear from Chief Oettmeier, seconded by Council Member Jones. All voting aye. Nays none. Council Member Sullivan absent on city business. Mayor Parker and Council Members Stardig, Adams, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0117 ADOPTED.

Upon questions by Council Members, Chief Oettmeier stated that as to the product that Porter Lee was in the process of implementing, it was his understanding that it was an off the shelf, but with any off the shelf product there was going to be some customization to meet the needs of the department, that he did not recall if there was any indication when they intended to install the product, that it had not been completed. Mayor Parker and Council Members Stardig, Clutterbuck, Adams, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon further questions by Council Members, Mr. Feldman stated that obviously they were required to notify those who receive the award, and the City as a matter of practice would notify others as well, but there was no specific timeline when it must be done, that Mr. Sale's company did receive notice; that they do not lay out the appeal process in the RFP, that was a matter of ordinance or practice of the City, that clearly if a bidder was dissatisfied with a procurement they had the right, as was provided for in their ordinances, to raise that matter. Mayor Parker and

Council Members Stardig, Clutterbuck, Adams, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon further questions and discussion by Council Members, Chief Oettmeier stated that yes, it was his opinion that the allegations of change in the scope were not valid, that they were obviously concerned about wanting to implement the LIMS as quickly as possible, however, the department was faced with challenges with respect to making sure the software would work within the crime lab and all of the element within the crime lab, as well as working in conjunction with the property room, as well as working in conjunction with the latent print operation, that they had experienced difficulties in the property room and latent print operation which had contributed to the delay of being about to finalize this effort, that as much as they were dissatisfied with that they believed that taking the proper time to get it done correctly was appropriate, that it was correct that they were about 85% to 95% complete. Mayor Parker and Council Members Stardig, Clutterbuck, Adams, Pennington, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon further questions by Council Members, Mr. Feldman stated that yes it was his opinion that they had not changed the scope, that they had followed according to what the scope had described. Council Members Stardig, Clutterbuck, Adams, Lovell and Noriega absent.

Upon further discussion and questions by Council Members, Mr. Feldman stated that they had paid, he believed, approximately \$529,000, that if they looked at his memo to the Mayor and City Council dated February 11, 2011, in paragraph four, he noted that as of that date Porter Lee had been paid \$529,418.00 out of a total contract amount of \$825,000, that Ms. Wiginton was referring to final payment; that in answer to a question, there was, under Tab 6, a letter to Justice Trax dated July 13, 2009, two weeks after the contract award, that "this letter is your formal notification that the City of Houston has completed it's review of all proposals submitted in response by referenced RFP, please be advised that after careful examination review of your proposal consistent with the RFP, Justice Trax can not be given further consideration, Porter Lee Corporation, etc. Council Member Clutterbuck absent.

After further discussion and questions by Council Members, Council Member Bradford asked if they had a Chief Technology Officer for the City, and Mayor Parker stated that they did not have anybody in the Chamber to answer those questions, but they were not taking action today so if Council Members wished a briefing they would attempt to provide them with that information if they would like a separate briefing, that they would provide it in writing so that it could be made public; that they would need to post the item separately should Council chose to act. Council Members Adams, Rodriguez, Lovell and Noriega absent.

Upon further questions by Council Members, Mr. Feldman stated that they gave notice by use of the United States mail, and as every lawyer knew under their rules of civil procedure when they place an item in the United States mail with proper postage affixed and properly addressed, as was the case here, receipt was presumed within three days; that they did not anticipate a response from Justice Trax, it was just notification to them that they did not get the contract, they did not complain about the fact that they did not get the contract until approximately six months later; that they complained when they complained and they gave them the opportunity to appear before Council, that he had no idea, obviously he was not at the City at the time and had no idea in retrospect that they were taking the position that since they were not citizens of Houston they would not avail themselves of the process that the City offered to furnish to them, instead they filed a complaint with the Department of Justice. Council Members Johnson, Pennington, Rodriguez, Lovell and Noriega absent.

Mr. Sale stated that they asked to be notified when an award was made and they

exchanged emails to that effect and the City said they would let them know when the award was made, they sent them an email, that when the award was made they did not get an email or certified letter, they had a letter in their file that they never received, and Council Member Hoang stated that if Mr. Sale had the email exchanges and would provide them to the City Council it would help them a lot to consider the merit of the case. Council Members Johnson, Pennington, Rodriguez, Lovell and Noriega absent.

After further discussion by Council Members, Council Member Jones moved to recess the public hearing until the following week, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Members Johnson and Rodriguez absent. MOTION 2011-0118 ADOPTED.

Council Member Costello moved to continue the agenda before the Mayor's Report, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Member Johnson absent. MOTION 2011-0119 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Fire Chief to approve the sale of Decommissioned Firefighting Bunker Gear to the Sister City of Guayaquil, Ecuador – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Member Johnson absent. MOTION 2011-0120 ADOPTED

ACCEPT WORK

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$392,745.00 and acceptance of work on contract with **ARC ABATEMENT, INC** for Asbestos Abatement at 1200 Travis Parking Garage - 4.90% over the original contract amount **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez, and tagged by Council Member Jones. Council Member Johnson absent.
4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$137,167.60 and acceptance of work on contract with **AIA GENERAL CONTRACTORS, INC** for Fuel System Upgrade at Solid Waste Maintenance Facilities 2.42% over the original contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK and H - GONZALEZ** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez, and tagged by Council Member Jones. Council Member Johnson absent.

ORDINANCES

10. ORDINANCE amending Ordinance Nos. 2008-385 and 2009-420, passed April 30, 2008 and May 13, 2009, respectively, which approved and authorized the submission of the 2008 and 2009 Consolidated Action Plans, including the Housing Opportunities for Persons With AIDS Grant Applications – was presented. Council Member Johnson absent.

After discussion by Council Members, a vote was called on Item No. 10. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Member Clutterbuck

absent. ORDINANCE 2011-0114 ADOPTED.

11. ORDINANCE approving and authorizing agreement between the City of Houston and **IBN SINA FOUNDATION, INC** to provide a grant of \$1,200,000.00 in Community Development Block Grant Funds for partial funding of land acquisition and construction of a building to be located at 16345 South Post Oak Road which is to be used as a Community Health Clinic whose services will benefit low to moderate income families in the Southwest Houston Area - **DISTRICT D – ADAMS** - was presented. Council Member Clutterbuck absent.

After discussion by Council Members, a vote was called on Item No. 11. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Member Lovell absent. ORDINANCE 2011-0115 ADOPTED.

12. ORDINANCE approving and authorizing submission of an application for grant assistance to the **U.S. JUSTICE DEPARTMENT, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)**, for the FY2010 COPS Hiring Program for the Houston Police Department; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented.

After discussion by Council Members, Mayor Parker stated that they had not laid off any officers, that this was for new hires, which would be new cadets, that they would be the City's after the three years, they were going to be hiring cadets anyway; that they had committed to doing at least two cadet classes per year, which did not quite keep up with attrition, and this helped pay for 50 new police officers, so out of that commitment some of it was going to be covered by the Justice Department Grant, that they had a very robust, community oriented, policing program through several Chief's and that was the reason that they received the grant. Council Member Hoang absent.

After further discussion by Council Members, Council Member Noriega stated that they had something between 1,100 and 1,800 officers, right now, eligible to retire or eligible over the next three years, which was quite a bit, she did not think that 50 officers were quite enough, and Mayor Parker stated that 50 officers would not be enough, that the two cadet classes were 140 officers per year that they were going to at least start.

Upon further questions by Council Members, Mr. Fenninger, HPD, stated that there would be no issue with supplanting, it depended upon when the class was going to be held, but the supplanting took into account their normal attrition, it did not mean that they were fixed at a point and time and then were locked in on that, that for example, suppose they were to have the class this coming spring, but they had already budgeted for this spring and then they decided to undo that budget, that could be problematic, what if they did it for Fiscal Year 2012 perhaps, it might not be a problem because they had not developed a budget yet, problematic, if they were to then already have it in this year's budget, which they did, and then they were to cancel that and instead use the grant funds, that might be problematic, and Mayor Parker stated that it had to be additional to what they were intending to spend and they could not pay for 50 officers they currently had, it had to be new police officers coming in, and Mr. Fenninger stated that if they added a class this spring, on top of what they had, it was not an issue; that at the time that a COPS class was put together they would not want to do it for 50, they would want to do it for 70, the 50 would be paid for by the grant, an additional would be started at the same time so that they would have synchronized start dates, that in the event that they were to lose any of those 50 they already had somebody here that could just go and be part of that 50 to continue for the entire three year period, this way they would take full advantage of that grant; also in the blue

book that they send out to everybody, on page 4, the Management Summary, there were about 7 or 8 different bullet points on this that specifically addressed the COP Grant, that this was actually approved in April 2009, at that time all of the directors were given the latitude to direct apply and accept grants under ARRA, the only reason they were coming forward now was that they did not get the grant award in the first round, that they did get into the second round, but when they gave them the award in the second round it was not under ARRA, they came out and did it under COP, so because it was coming from a different sourcing they needed to come back and make sure they had everything tied down; that they had a grant person who applied for all of the grants at HPD. Council Member Lovell absent.

A vote was called on Item No. 12. All voting aye. Nays none. Council Member Sullivan absent on city business. Council Member Lovell absent. ORDINANCE 2011-0116 ADOPTED.

13. ORDINANCE amending Ordinance No. 2009-1359 to increase the maximum contract amount for contract between the City and **RON SMITH & ASSOCIATES, INC** for Latent Print Support services - \$300,000.00 - General Fund - was presented, and tagged by Council Member Jones.
14. ORDINANCE amending Ordinance No. 2010-0223 (Passed by City Council on March 24, 2010) to increase the maximum contract amount; approving and authorizing first amendment to contract between the City of Houston and **BUSINESS ENTERPRISE MAPPING, INC** for Consulting Services to attain ISO 9001:2008 Certification for the Houston Police Department Emergency Communications and Property and Supply Divisions - \$35,900.00 - General Fund – was presented, and tagged by Council Member Jones.

After discussion by Council Members, Mayor Parker stated that the Ron Smith item on their agenda was Item No. 13, that the RCA was mis-numbered, that she would make sure that the issue was addressed, that Council Member Jones had also tagged Item N. 14, which they were on, and Council Member Noriega had reminded her that they were doing updates quarterly on the issue. Mayor Parker stated that Item No. 14 had been tagged.

15. ORDINANCE approving Tri-Party Development Agreement between **BUFFALO BAYOU PARTNERSHIP, HARRIS COUNTY FLOOD CONTROL DISTRICT** and the City of Houston concerning the Greenway on Buffalo Bayou Project - **DISTRICTS H - GONZALEZ and I – RODRIGUEZ** – was presented.

Council Member Clutterbuck stated that she had a number of concerns with this item, that this was an effort to accept a very generous bequest from the Kinder Foundation, that her frustration with the item was not with the Kinder Foundation, but instead with the City and the way they had handled it, that she was extremely concerned when it came to light at the meeting on Monday that the scope of work for the item covered two TIRZs, but the item was funded by one TIRZ, that she was around when the TIRZs in question were formed and most recently the TIRZ in which much of the work was occurring was created a couple of years and at the time there were some issues as to why it was created and they wanted to help with Washington Avenue and a number of other development projects along there and it was her understanding that at the time the generous offer from the Kinder's was available, that she wished they had known about it at the time and wished they could have had the boundaries of the district expanded, that she had spoken about this with Mr. Icken but her concerns remained and felt they had the cart before the horse, they should be redrawing the district boundaries of the TIRZ that intended to pay for this now before they take action on the item rather than after the fact, that she was additionally concerned that the documents that were supporting this, specifically the multi year plan for Fiscal Year 2012 to 2020 for TIRZ No. 3, Main Street TIRZ, contained in it \$2 million for the Buffalo Bayou Greenspace Trust in Fiscal Year 2015, that was on the printed

document that was part of the backup, that she was now told that was probably an error and certainly that would square with the information that was given on Monday, that the intent was to have the funding start in 2016, that this type of stuff was just sloppy, frankly, and it gave her great concern when they handled issues of such magnitude in such a sloppy manner, that her frustration was not at all with the Kinder Foundation, she understood they were eager to get moving and they were now rushing to be able to take advantage of their generosity, but this was no way to do economic development.

Council Member Rodriguez stated that as the District Council Member that had two of these TIRZs he had several concerns, he had not been thoroughly briefed, no one had come to his office, that he knew there was a committee hearing on it and they received information last night that had a lot of detail numbers and budget numbers, that he had asked several questions about concessions, naming rights, MWBE participation and remediation, and he thought in these tough economic times they really needed to look at what the City was going to spend, he had not seen any hard numbers and would like for somebody to go over this with him, that he was a hands on Council Member and looked at all of his projects and was a little disappointed that they were getting to this point without having spoken to a District Council Member.

Mayor Parker stated that she wanted to apologize, there was a full briefing for the Council and if he was not able to be there they certainly should have brought this to him, that for the public the short version was that there were no City dollars in until the project was completed and that was a minimum of \$50 million renovation of the area, that what they were trying to achieve was a Maintenance Agreement for after all of the work was done and to be blunt the Foundation did not trust that the City would maintain the property in the condition received unless there was some funding guarantee and that was what they were trying to achieve, a funding guarantee that was acceptable to the Foundation, that the item was taggable, there was no problem with that.

Council Members Clutterbuck and Rodriguez stated that they would tag Item No. 15.

After discussion by Council Members, Mayor Parker stated that the issue was truly one of a guarantee of maintenance, so if there were some other source of funds that the Council wished to substitute that was an option, but they had done a lot of work to identify this TIRZs appropriate level of funding; that Item No. 15 had been tagged.

17. ORDINANCE appropriating \$175,000.00 out of Street & Bridge Consolidated Construction Fund and \$132,000.00 out of Water & Sewer System Consolidated Construction Fund and awarding contract to **SET ENVIRONMENTAL, INC** for Handling and Disposal of Hazardous Materials for Various Departments; establishing a maximum contract amount - 3 Years with two one-year options - \$2,194,454.19 - General, Enterprise and Revolving Funds – was presented, and tagged by Council Member Jones.

Council Member Bradford asked why were they spending the \$245,000, there was a tremendous strain on the General Fund already, were not some of these Enterprise Accounts that they could spend the \$245,000 out of as opposed to draining the General Fund, and Mayor Parker stated that the item had been tagged and would have somebody answer his question.

19. ORDINANCE appropriating \$1,601,325.00 out of Parks Consolidated Construction Fund; awarding construction contract to **CARRERA CONSTRUCTION, INC** for Sagemont Park; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and materials testing services, air monitoring services, Civic Art Program and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund and Texas

Parks and Wildlife Department Fund \$1,000,000.00 - Grant Fund - **DISTRICT E – SULLIVAN** – was presented, and tagged by Council Member Clutterbuck.

22. ORDINANCE approving and authorizing contract between the City of Houston and **MEDORA ENVIRONMENTAL, INC dba SOLARBEE, INC** for Maintenance and Support Services for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$331,540.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Sullivan absent on city business. ORDINANCE 2011-0117 ADOPTED.
23. ORDINANCE appropriating \$545,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RESICOM, INC** for Chemical Feed Station Repairs and Containment Walls at Dollywright, Garden Villas and Eddington Lift Stations; 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 - **DISTRICTS B - JOHNSON and I – RODRIGUEZ** – was presented, and tagged by Council Member Jones.

NON CONSENT AGENDA - NUMBER 25

MISCELLANEOUS

25. **SET A HEARING DATE** relating to proposed amendments to Article VI, Chapter 9 of the Code of Ordinances, to amend land use regulations in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport - **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ - HEARING DATE - WEDNESDAY - MARCH 9, 2011 - 9:00 A.M.** – was presented.

Council Member Lovell moved to set a hearing for Wednesday, March 9, 2011, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Sullivan absent on city business. MOTION 2011-0121 ADOPTED.

MATTERS HELD - NUMBERS 26 through 28

26. MOTION by Council Member Lovell/seconded by Council Member Gonzalez to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$17,086,999.40 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Storm Drainage Improvements in the Fonn Villas Subdivision - 4.99% over the original contract amount - **DISTRICT G – PENNINGTON – (This was Item 3 on Agenda of February 9, 2011, TAGGED BY COUNCIL MEMBER PENNINGTON)** - was presented. All voting aye. Nays none. Council Member Sullivan absent on city business. MOTION 2011-0122 ADOPTED.
27. ORDINANCE approving and authorizing Lease Agreement by and between the City of Houston, Texas (“Lessor”) and the **HONORABLE SHEILA JACKSON LEE**, as (“Lessee”) for space in the Acres Homes Multi-Service Center located at 6719 W. Montgomery Road, Houston, Harris County, Texas **DISTRICT B - JOHNSON - (This was Item 16 on Agenda of February 9, 2011, TAGGED BY COUNCIL MEMBER STARDIG)** – was presented.

After discussion by Council Members, Mayor Parker stated that this was a satellite Congressional office, that it was not a campaign office, that it had to be a public purpose; that the monies generated from the rent all go back to the General Fund, that it would be a

combination of the affected directors and the General Services Department would be challenged to come up with a more complete written policy then it would be vetted by the Legal Department.

After further discussion by Council Members, a vote was called on Item No. 27. All voting aye. Nays none. Council Members absent on city business. Council Members Costello and Lovell absent. ORDINANCE 2011-0118 ADOPTED.

28. ORDINANCE approving and authorizing contract between the City of Houston and **BICKERSTAFF HEATH DELGADO ACOSTA, LLP** for Legal Services relating to redistricting issues; providing a maximum contract amount - \$100,000.00 - General Fund – **(This was Item 17 on Agenda of February 9, 2011, TAGGED BY COUNCIL MEMBERS ADAMS, JONES and NORIEGA)** – was presented. Council Members Costello and Lovell absent.

After discussion Council Member Noriega moved to refer Item No. 28 back to the administration as there were some issues and questions with it, seconded by Council Member Gonzalez. Council Members Costello and Lovell absent.

After further discussion by Council Members, a vote was called on Council Member Noriega motion to refer Item No. 28 back to the administration. All voting aye. Nays none. Council Member Sullivan absent on city business. MOTION 2011-0123 ADOPTED.

MAYOR'S REPORT - Collections

Mayor Parker stated that they would move to a Mayor's Report on their collection efforts, that they received an outline last night and Mr. Feldman would attempt to go through it rapidly but there were a lot of numbers in the presentation, in fact a staggering amount of money owed to the City of Houston, and apparently a long standing policy within the City of Houston that for the most part they would not do aggressive debt collection activities, that just as they discovered for their cost recovery on fees, inconsistent policies, inadequate efforts and frankly a surprising lack of attention in this area, that she appreciated the work that was done and would turn it over to Mr. Feldman.

Mr. Feldman reviewed a PowerPoint presentation titled "City of Houston Debt Collection Project", a copy of which is in the City Secretary's office for review. Council Members Johnson, Pennington and Hoang absent.

Mayor Parker stated that she wanted to thank Mr. Feldman and the whole team who put the presentation together, there was a lot of work and a new attitude about this, that frankly they could not afford to leave any money on the table, so they were going to go out and collect it. Council Members Johnson, Pennington and Hoang absent.

After discussion and questions by Council Members, Council Member Noriega stated that she did not know whether the current letters they had indicated that they were collecting for red light activity that was incurred before the referendum, she thought they should add that to the bottom of their collection effort and make it crystal clear that this was the pre Charter change so it was on the document, and Mr. Feldman stated that all of the letters include citations listed by date, and Council Member Noriega stated that she did not think that was not enough, and Mayor Parker stated that she thought it was a great idea, big block letters at the bottom. Council Members Johnson, Pennington and Hoang absent.

After further questions and discussion by Council Members, Mr. Feldman stated that the challenge had just begun, this was a constant scrubbing exercise, they had to lay a template

over each of the debts to determine whether or not they had a debtor they could find or accurately identify and then go after, that the process was beginning; that the collections unit was going to be an ongoing, ever emerging and evolving organization and obviously it was difficult now for them to add personnel but knew that Mr. Dowe in Finance had committed to do everything he could to use the existing personnel resources that he did have to contribute to the new collection unit. Council Members Johnson, Pennington, Hoang, Costello and Jones absent.

After further questions by Council Members, Mayor Parker stated that if they add the numbers there was a billion dollars in debt owed to the City of Houston, if they would say that \$500 million of that was uncollectable, they would never find it, it was too old, that was still \$500 million of potential money to come into the City of Houston, that they were doing everything initially with existing personnel and would suggest for those people across the City who might want a little job security and they were aggressive and thought this was a good place to be they were assembling a team from existing City personnel for the initial work, they were going to have to invest in some software but expected that they could pay for that out of the initial collection efforts and would go from there; that when she does her press conference in a few minutes she was going to do their most wanted list and make those names available across a range of areas, that one of the simplest things they could do was put it up on a website and they could go in and see if their name was on there, did they owe the City of Houston money, that did not cost, it was a few hours of staff time. Council Members Johnson, Adams, Pennington, Hoang, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

After further discussion and questions by Council Members, Mr. Feldman stated that obviously the new collection unit that started today was going to be giving thought to all issues, that he thought if he had to identify what the first priority would be was to help Judge Hartle in Municipal Courts because she had a huge undertaking, there needed to be assistance on the non adjudicated cases, and for example strike the deal with the County on doing registration holds for not just the Red Light Violations but more importantly the Municipal Court fines that were owed, they had already talked about doing a kiosk in the County Administration Building, that would be a huge help, that Mr. Feldman, who was going to be heading up the unit, came up with the idea of booting people who were parked at the airport, who owed the City money and were in the database for parking fines or Municipal Court fines, so there were all kind of devices that they could look at. Council Members Johnson, Adams, Pennington, Hoang, Costello, Noriega and Jones absent. (NO QUORUM PRESENT)

After further questions and discussion by Council Members, Mayor Parker stated that they were still looking at IT, she still had an outside group that had been going out to try to inventory what they had across the City and what the needs were, but she would remind everybody if they start this aggressive effort there would be lots of folks coming to Council to complain; that they had a lot of folks over the past year who had been coming and complaining about past due water bills and that was because they had made a more aggressive effort to collect on water bills, so Council Members needed to be aware of that. Council Members Adams, Pennington, Hoang, Costello, Noriega and Jones absent.

After further discussion and questions by Council Members, Mayor Parker stated that she thought they were going to be most sensitive on ambulance fees, that on parking and traffic tickets no sympathy whatsoever. Council Members Stardig, Johnson, Pennington, Hoang, Costello, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

After further questions by Council Members, Mr. Feldman stated that they had to have a citywide protocol on what to charge people who wrote hot checks, that it was additional money, that it was the same enforcement mechanism, it was a question of charging people for putting them through that effort. Council Members Stardig, Johnson, Pennington, Hoang, Costello,

Lovell and Noriega absent. (NO QUORUM PRESENT)

After further discussion by Council Members, Mayor Parker stated that they would move to Council presentations. Council Members Stardig, Johnson, Pennington, Hoang, Costello, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Adams stated that the Health and Human Services and Sunnyside South Park had a mass HIV/AIDS event at the Sunnyside Multi Service Center last week; that she wanted to thank Pastor Allen and the Miracle Land Church, the South Park Area Civic Club, Precinct 237 and the students of the University of Houston for participating in a cleanup this weekend; that she wanted to thank the Council Members and staff who attended last night's CIP meeting; that for those who live near the South Post Oak/Hiram Clarke Community there was a Metro 90A Corridor Line presentation tonight at 6:00 p.m. at the Power Center, 12401 South Post Oak Road, that there would be a second meeting in Council Member Clutterbuck's District on the 22nd of the month at Westbury High School, that they would talk about the rail line extension going down South Main; that tomorrow many of them would be attending the State of the School Luncheon at 1600 Lamar, the Hilton Americas; that yesterday they had a lengthy discussion on a City of Houston employees, that she wanted to commend those employees who came to standup for the termination of Gloria Bingham, that this would not stop, they would continue, that she had sent out letters to the Mayor and everyone asking for update status, that just for clarification about yesterday and the ones who were let go and who they were replaced with, that the other people who she was really concerned about were Argelia Kelly, Rhonda Belt Rhea and Minnie Beal, that they brought many of years of experience to City government, that there were three people who replaced those individuals, that Mr. Alfred Moran brought in three new hires, Frank Carmody, Don Pagel and Greg Dominoff, that those three females who had been with the City of Houston, African American females, among many; that she asked Debra Veal if she had permission to mention her case today and she told her she could, that she was hearing some serious concerns, and she knew that C & E had staff in the Chamber, about when she comes back to work, that she was saying it publicly, Debra Veal was diagnosed with Cancer, that she worked for the City for a very long time. Council Members Stardig, Johnson, Hoang, Pennington, Rodriguez, Costello, Lovell and Bradford absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she along with Mayor Parker served on the Board of the Houston Galveston Area Council, their 13 County regional council of government, that it was her habit to update the body as to what kind of actions they took each month, that they were watching issues of interest in the Legislature which was an additional source of advocacy for the City of Houston since they did have an additional body to advocate for them in the Legislature on issues of mutual concern, that they passed a number of items that benefitted the City of Houston, one in particular was a \$75,000 contract for Planning for a bike and pedestrian walkway in the 5th Ward; that Brad Olson of the Houston Chronicle had left and was not present to hear her thank him for his years of service to the City of Houston and the Chronicle, that it was her understanding that this was the last City Council meeting that he would be covering and that Friday was his last day with the Houston Chronicle, that they looked forward to meeting the new Chronicle reporter that would have the City Hall beat. Council Members Stardig, Johnson, Hoang, Pennington, Rodriguez, Costello, Lovell and Bradford absent. (NO QUORUM PRESENT)

Council Member Jones stated that the Housing and Community Development Committee meeting would be at 3:00 p.m. on Thursday, February 17, 2011 in the Council Chamber; that she thought they all attended the first Core Services Assessment Work Session on Parks, that she was thankful that they were trying to get down to the weeds but she would like to see those

meetings in the Council Chamber publicized because as the Council Members were making decisions as to what was core and not, what they were going to cut and what not to cut she thought the public should be a part of that, that she did not think that having it in the room on the first floor was constituent friendly and they could discuss it more later; that Council Member Clutterbuck referenced Brad Olson, who she would dearly missed, but she could not begrudge someone for an upward move, that he was going to be eventually moving to Calgary, that he was going to be covering energy and was happy to start working on that; that she absolutely agreed with Council Member Adams on Debra Veal. Council Members Stardig, Johnson, Clutterbuck, Hoang, Pennington, Gonzalez, Rodriguez, Costello and Bradford absent. (NO QUORUM PRESENT)

Council Member Lovell stated that the Development and Regulatory Affairs Committee would meet tomorrow, February 17, 2011 in the Council Chamber; that she wanted to congratulate Metro for a total of \$200 million, that the Metro North and Southeast Corridor Rail Lines were included in President Obama's Fiscal Year 2012 Budget, that it was great news for them, that George Greanias, President and CEO of Metro, saw this as a vote of confidence and they thought that the Federal Transit Administration and others were seeing the progress they were making at Metro and that Houston's work merits priority treatment, that a lot of this was due to Mayor Parker's change in leadership of a new Metro, that she wanted to say thank you to everyone, that it had been a total team effort by their delegation; that she wanted to introduce their new intern, Mr. Dillon Osborne, who was majoring in Social Sciences with a concentration in Political Science and History at the University of Houston Downtown. Council Members Stardig, Johnson, Clutterbuck, Hoang, Pennington, Gonzalez, Rodriguez, Costello and Bradford absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she was going to ask their indulgence because she was going to talk about Uncle Pete, that a few weeks ago they had the Ibarra Day and had 45 members of the Ibarra Family present, that Aunt Francis was present in a wheelchair and Aunt Francis's husband was Uncle Pete and he was known all over Bryan and College Station as Mr. Pete, that Uncle Pete was a fourth generation Texan, he was born in 1915 and did not graduate from Bryan High School but went to work at Texas A & M as a young man in 1930 because of the Great Depression, he needed to support his parents, both of whom were blind, that he left to be part of the U.S. Army Medical Corp. in the 9th and 3rd Army, which was Patton's Army and was part of the drive through Germany in the Battle of the Bulge, but his work began at A & M and was a bellman at the Aggieland Inn and left after 52 years of service, that he was the longest serving employee that they had up to that point, that he left as the General Manager of the Chemistry Department, that his son, Dr. Pete Rodriguez, who passed away, had a PhD in Chemistry, and his grandson was the Associate Dean at the University of Virginia, that he was a lovely and gracious man and the funeral was today, that he was married to Aunt Francis for 71 years and she did not attend because she was at Council instead, but she just wanted to note his passing and tell them that he was a gracious and wonderful role model for all of them. Council Members Stardig, Johnson, Clutterbuck, Hoang, Pennington, Rodriguez, Costello and Bradford absent. (NO QUORUM PRESENT)

Council Member Adams stated that Debra Veal had called her one night crying, that she went to her supervisor, privately, to share with her that the Cancer had returned and would have to go in to have future procedures and did not know how long she would be out, that she would be out on FMLA leave, that Friday of that week she was called in and told that she no longer would have her job; that people ask her why does she have concerns about African American females, if they looked within the last couple of years, prior to current leaders, several of them served in director roles and had been for several years, that people say consolidation and she gets it, but consolidation meant that they look at ways that they could better the City not hurt the City, that she had known this for a year and had been asking questions about it, not publicly what was going on, but now it could no longer be silent because she did not know who was

making the decisions, that nobody was perfect but they were great employees, that she had a problem when they replace strong African American leadership in the City, who had served the City well, that one of the reasons why she ran for office was because of the unfair and mistreatment she saw of City employees, then she saw constituents of her district, where their areas were left deplorable, dangerous buildings and trash everywhere, that she felt she had to make a difference, so she was elected to be able to be the voice of those who did not have a voice, that she knew that some people were mad and upset, but she had given a year when she knew it was happening, so no disrespect to anybody, but she had been asking for answers for a very long time, and the answers had yet to be given, that it was ashamed when they lose institutional knowledge in the City of Houston to be able to move forward, that yes they were consolidating, that yes they were bringing divisions together, but they could not create ordinances to terminate people to get rid of them, that she understood that there was going to be a LIFO Ordinance, last in first out, that would have saved Gloria Bingham, but yet still they were preparing another ordinance to cover some of their senior employee personnel, that she did not understand it, so one of the things that she would continue to do was to stand tall for those City of Houston personnel who did not have a voice, that she understood that everybody was not perfect, she understood that there were mistakes that had been made, she understood that they had some employees that did not work, that came to work and sat on the job for 8 hours and did not do anything, that she got it, but when they lose valuable employees and did not have any reason why they let them go, when they had only one black female standing in the directorship when everyone else was let go, she had to hold her obligation and had to say something about. Mayor Parker and Council Members Stardig, Johnson, Clutterbuck, Hoang, Pennington, Rodriguez, Costello and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she had listened to Council Member Adams and was glad she was taking it and running with it, that she did have people who supported her; that she received a call from some Vietnamese speaking constituents, who by the way, had a translator who spoke both languages and who explained that they called the City Secretary's office yesterday and wanted to be placed on the agenda and someone who spoke English was trying to place them on the agenda and there was a policy that they had to actually speak with the person who wanted to be placed on the agenda, that the English speaking person said that she explained that they did not understand English, but there was an issue important to them, so the English speaking person who was translating for them said that they were placed on hold for she did not know how many minutes, that however many minutes it was that person said that the people got discouraged and did not come, so they had a discussion about translations, that she knew there were so many different languages and she did not know how they picked which languages they had translators for and it was her understanding that the Mayor's Office for Citizens Assistance had a number of languages that were spoken but she thought that at a minimum they should have people prepared to translate, whether requested or not, in Spanish and Vietnamese and if there were other languages that they perhaps needed to have on that list, she was not trying to have that list be exhaustive, but these people were discouraged, that she had spoken with Nelson Espitia in the Mayor's Citizens Assistance and they were working on this together and he was going to help get a Vietnamese speaker in her office for the purpose of translating so she could figure out what their issues were, so they could try to help them, that she thought it was good protocol; that her Chief of Staff, Todd Curry, suggested that perhaps they should consider putting the agenda out in Spanish and Vietnamese; that she would like for them to be the most open City that they could be and be as accommodating as they could to the people that lived here, so she would make that request. Council Members Stardig, Johnson, Clutterbuck, Hoang, Pennington, Rodriguez, Costello, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mayor Parker stated that for the record they were always available to have translators in Spanish, but the women did not make herself known until she walked up to the podium, that

they were contacted about a Vietnamese speaker, that it took a little bit longer and they had to give them enough time to do it, but they always attempted to provide translators, that it was extremely expensive to have qualified translators standing by, whether they were needed or not, that they were always available to provide a Spanish translator because there were so many Spanish speakers on staff, that Vietnamese was very difficult and that was the question she originally raised, that if they were in the office they did not have to pay them extra, but they had to know in advance and had to get to the Council Chamber, that it was the policy if they were given sufficient notice to always have translators. Council Members Stardig, Johnson, Clutterbuck, Hoang, Pennington, Rodriguez, Costello, Noriega and Bradford absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that yesterday when a number of people had to leave and she was asked to preside the issue came up again and they did have several Spanish speaking members of the public wanting to talk about something very important, the issue of historic preservation, and she knew that Council Member Noriega would probably express this were she present, she expressed her frustration that they did have somebody at Council but they left, that there was tremendous frustration, a number of them understood Spanish and they understood what the public was saying but it was a bad public policy for elected officials to be put in the position of having to interpret, that lots of things could happen, that she knew Council Member Noriega expressed her frustration yesterday that the translator had left, they did go until 6:30 p.m., but it was a very frustrating situation for all of them and the comments were that they needed to express that to the administration. Council Members Stardig, Johnson, Clutterbuck, Hoang, Pennington, Rodriguez, Costello, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mayor Parker stated that she was sorry that she had to leave for another event, that once they were made aware that they had only Spanish speakers she regretted that the ball was dropped, that she would speak with the Citizens Assistance about that to make sure that did not happen in the future, that they did expect to be notified when they call in, but for Spanish there was never an excuse not to have somebody here who could translate. Council Members Stardig, Johnson, Clutterbuck, Hoang, Pennington, Rodriguez, Costello, Noriega and Bradford absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:50 p.m. Council Member Sullivan absent on city business. Council Members Stardig, Johnson, Clutterbuck, Hoang, Pennington, Rodriguez, Costello, Noriega and Bradford 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