

City Council Chamber, City Hall, Tuesday, April 5, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 5, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Ann Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Ms. Lynette Fons, First Assistant City Attorney, Legal Department; Mr. Xavier Herrera Citizens Assistance Office; and Ms. Marta Crinejo, Agenda Director, present. Council Member Sue Lovell out of the city.

At 1:41 p.m. Mayor Parker stated that presentations would begin with Council Member Adams. Council Member Adams invited representatives with LifeGift to the podium and stated that this time of year LifeGift promoted the importance of donation; that more than 110,000 were waiting for lifesaving transplants across the country and 10,000 were Texans; that April marked the celebration of Lifesaving Work through organ transplantation; and Mayor Parker presented a Proclamation to the Representative of LifeGift proclaiming April 2011 as "National Donate Life Month" in Houston, Texas. A Spokesperson for LifeGift spoke briefly on organ and tissue donation and stated that they appreciated all the support; and introduced two young men waiting for lungs and heart transplant. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Costello, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Stardig stated that organ donation was very important and she appreciated their service and she thanked the two young men for coming and putting a face with organ and tissue donation. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega invited Chief Terry Garrison, Dr. David Persee, David Almaguer, Glen Morris and Otis Owens to the podium and stated that in honor of the 40th Anniversary of the Houston Fire Department Emergency Medical Services they were present today along with EMT's who she asked to stand to be recognized; that when someone called 911 they expected someone to show up and that was not always so, there was a time when the city did not have that; HFD began emergency medical services to Houstonians in April 1971 during Mayor Welch's Administration and since then they had evolved into a world renown service with the third largest fire and EMS organization in the country; and Mayor Parker presented a Proclamation to the group proclaiming April 10, 2011, as "Houston Emergency Medical Services Day" in Houston, Texas. Dr. Persse stated that there were special guests present and asked Mrs. Martin and her son to stand to be recognized as Chief Martin was the one who put all this together; Mr. Bill Hausinger was the first to dispatch a crew, Crew 19, who was also present, Glen Morris and Otis Owens, who delivered a baby; and Miss Katy Dunbar, who was here today because of the crews of District Chief 1100, Engine 11 and Squad 62 who were all present as her heart had stopped beating while running in Memorial Park and her heart was restarted; and thanked all in the Fire Department for all that they did. Council Members Johnson, Sullivan, Hoang, Pennington and Rodriguez absent.

Council Members congratulated all present with HFD for what they did and thanked them for their work. Council Members Johnson, Sullivan, Hoang, Pennington and Rodriguez absent.

Council Member Noriega invited those present with the Houston Real Estate Association to the podium and stated that she was honored to present the proclamation on Council Member Stardig's behalf and her honor and pleasure to present it to Courtney Johnson Rose and the Houston Real Estate Association to help proclaim national realtors weekend; that for the last 62 years the Houston Real Estate Association maintained an active roll in the community by providing scholarships, training and homeownership assistance; and Mayor Parker presented the Proclamation to proclaiming the week of April 4, 2011, through April 8, 2011, as "National

Realtors Week” in Houston, Texas. Ms. Rose thanked all for the recognition of their organization which was founded in 1949; and stated that they would continue working to add value of their great city. Council Members Johnson, Sullivan, Hoang, Pennington and Rodriguez absent.

Council Members thanked Ms. Rose and their organization and commended them on their good work. Council Members Johnson, Sullivan, Hoang, Pennington and Rodriguez absent.

Council Member Jones invited representatives of Houston Peace and Justice Center to the podium and stated that Houston was diverse and changing and that diversity was a strength and bias and hateful language was harmful; that many years ago Dr. Martin Luther King wrote about his dream and beloved community where all respected one another; and Mayor Parker presented a Proclamation to the group proclaiming today as “Houston the Beloved Community Day” in Houston, Texas. Mr. Dave Atwood, president of Houston Peace and Justice Center thanked all for the recognition and stated that many representatives from many communities were present today and they were working on the concept of a “beloved community”; and named organizations who had signed on. Council Members Clutterbuck, Adams, Pennington and Rodriguez absent.

At 2:15 p.m. Mayor Parker called on Council Member Gonzalez who led all in the prayer and pledge. Council Members Pennington and Rodriguez absent.

At 2:16 p.m. the City Secretary called the roll. Council Member Lovell out of the city. Council Member Pennington absent.

Council Members Gonzalez and Costello moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Lovell out of the city. Council Member Pennington absent. MOTION ADOPTED.

Council Member Noriega moved the rules be suspended for the purpose of moving Mr. Jeff Ross to the top of the three minute Agenda list of Speakers and to move Mr. Tony Jones to the top of the 3 minute Non-Agenda Speakers List, seconded by Council Member Adams. Council Member Lovell out of the city. Council Member Pennington absent. MOTION 2011-0249 ADOPTED.

Council Member Sullivan moved the rules be suspended for the purpose of moving Pastor Willie Davis to the top of the three minute Agenda Speakers List, seconded by Council Member Bradford. Council Member Lovell out of the city. Council Member Pennington absent. MOTION 2011-0250 ADOPTED.

Council Member Adams moved the rules be suspended for the purpose of moving Ms. Vivian Harris to the top of the three minute Agenda list of Speakers, seconded by Council Member Costello.

Council Member Clutterbuck stated that she was sure Ms. Massie signed up when she did because she too had things to do; and urged in the future to try and honor the existing and established habit of allowing people to appear when they had signed up. Council Member Pennington absent.

A vote was called on Council Member Adams motion. Council Member Lovell out of the city. Council Member Pennington absent. MOTION 2011-0251 ADOPTED.

At 2:19 p.m. the City Secretary began calling the public speakers. Council Member

Pennington absent.

Pastor Dave Welch, 34218 Sanders Ranch Road, Magnolia, Texas 77355 (832-688-9166) appeared and stated that the Houston Area Pastor Council and churches they served were firmly in support of amendments with exception to Council Member Costello's. Mayor Parker, Council Members Adams and Pennington absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Jones, Pastor Welch stated that they were for all amendments except Council Member Costello's as his stripped all exemptions, they were for Council Member Bradford's amendment and instructing the lobby team's support for providing exemptions without offsetting those exemptions onto taxpayers. Mayor Parker, Council Members Clutterbuck and Adams absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Noriega, Pastor Welch stated that they were opposed to Renew Houston from the beginning; they could not say they supported the ordinance implementation. Mayor Parker, Council Members Clutterbuck and Adams absent. Vice Mayor Pro Tem Gonzalez presiding.

Father Kevin Collins, 7250 Harrisburg Boulevard, Houston, Texas 77011 (210-279-6646) appeared and stated that he was co-chair over the Metropolitan Organization which was 30 churches in Houston representing poor families and poor congregations; that they sent a letter to Mayor Parker reiterating their position on the ordinance which he read showing support of drainage improvements, but that it should not be a burden to the poor and TMO supported the set-aside money for poorer residents. Council Member Adams absent.

Upon questions by Council Member Noriega, Father Collins stated that TMO did support this with the money set-aside for the poor. Council Member Adams absent.

Council Member Rodriguez thanked Father Collins for coming and expressing his opinion; and upon questions, Father Collins stated that they supported this with the money set-aside and that the amount be reviewed annually and increased as necessary and that the ordinance be transparent. Council Member Adams absent.

Council Member Jones stated that in the future with issues she would appreciate getting information from him as all Council Members voted regardless of the district. Council Member Pennington absent.

Reverend F. N. Williams II, P. O. Box 13120, Houston, Texas 77219 (713-446-2266) appeared and stated that today they came representing a number of ministerial groups and churches and were in support of Council Member Bradford's amendment and the pending state legislation, the exemption was needed. Council Member Pennington absent.

Ms. Linda Scurlock, 4747 Knotty Oaks Trail, Houston, Texas 77045 (713-433-5737) appeared and stated that she was against amendments, but she would go along with the Mayor's agreement to exempt schools and churches, but only the sanctuary and not all church property as many churches owned much property. Council Member Pennington absent.

Mr. Jeff Ross, 1821 Sunset Boulevard, Houston, Texas 77005 (713-504-4091) appeared, asked those with him present in the engineering community to rise and be recognized and stated that the City of Houston had not committed itself to fund improvements necessary to bring older neighborhoods up to standard; that citizens were tired of this and voted in favor of this and sending the city's lobby group to lobby against what citizens voted for was hard to deal with; that rain fell on all property and all property owners should pay. Council Member Pennington absent.

Council Member Sullivan stated that Mr. Ross indicated if you had flooded you were in favor of Renew Houston and he had been opposed and he flooded two times and had to move out the second time it flooded, so as a victim he still was not in favor; that precedent was already set on sending the lobby team as they had in the redistricting battle when Kingwood was annexed. Council Member Pennington absent.

Upon questions by Council Member Noriega, Mr. Ross stated that Council Member Pennington's amendment asking Public Works to have a plan ready in one year set a deadline and he thought it good; that this city was in serious deterioration in many parts; that exemptions for churches and schools had a precedent and their organization had not taken a position on it. Council Member Pennington absent.

Council Member Costello stated that not too many people had money to move out of a flood zone and the program was a good one. Council Member Pennington absent.

Upon questions by Council Member Jones, Council Member Costello stated that if there were exemptions it would be approximately \$8 million; and upon further questions, Mayor Parker stated that it was impossible to answer how much engineers would make off this as she was talking of projects to be done over the next 20 years, but the majority of the money would go to actual construction of projects and design fees varied. Council Members Stardig and Pennington absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Mr. Jeff Ross, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Lovell out of the city. Council Members Stardig and Pennington absent. MOTION 2911-0252 ADOPTED.

Council Member Jones stated she would like to know if they could look at the history of the city; and Mayor Parker stated that if it would help her vote she was happy to ask Public Works. Council Members Stardig and Pennington absent.

Pastor Willie Davis, 6701 Eastwood, Houston, Texas 77021 (713-204-4252) appeared and stated that he was against the position of the drainage fee and that Council Member Bradford's amendment be accepted; that he wanted to be on record saying many pastors came together and their opposition to this was prior to the vote and this was taxation without a plan and unacceptable; that they did not oppose the drainage fee, but opposed the taxing of churches and so opposed the fee. Council Members Stardig and Pennington absent.

Council Member Bradford stated that there was no plan as of today and questions by Council Member Jones could not be answered and for those who were pleading for a plan before the vote, it did not happen and they had their same issues; and thanked Pastor Davis for trying to bring clarity to prevent what was happening today; and upon questions, Pastor Davis stated that if churches had to pay this tax a burden was some churches were smaller, etc., and could not pay and on top of that it was not right to open a door and tax churches. Council Members Clutterbuck, Hoang and Gonzalez absent.

Council Member Jones stated that there were a number of amendments; and upon questions, Pastor Davis stated that he was presented the Mayor's amendment and did not approve it as it grandfathered the church as it now existed and did not include future churches; and he opposed the \$500,000 set-aside. Council Members Clutterbuck and Sullivan absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Pastor Willie Davis, seconded by Council Member Costello. All voting aye.

Nays none. Council Member Lovell out of the city. Council Members Clutterbuck and Sullivan absent. MOTION 2911-0253 ADOPTED.

Upon further questions by Council Member Jones, Pastor Davis stated that funding the \$500,000 set-aside he had a deep concern with as it did not adequately fix some concerns and if there was no plan how did they know the funds would be enough; and Council Member Jones stated that she asked previously what percentage of the population were seniors, indigent and how they were determined; that the \$500,000 may just be arbitrary and she was still waiting for answers. Council Members Clutterbuck, Sullivan, Rodriguez and Noriega absent.

Upon questions by Council Member Adams, Pastor Davis stated that there was no plan and his point was how could \$500,000 be enough when nothing was determining the cost. Council Members Clutterbuck, Sullivan, Rodriguez and Noriega absent.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Pastor Willie Davis, seconded by Council Member Jones. All voting aye. Nays none. Council Member Lovell out of the city. Council Members Sullivan and Noriega absent. MOTION 2911-0254 ADOPTED.

Upon questions by Council Member Adams, Pastor Davis stated that they were given a number of \$75,000 given out last year to help with water bills; and Council Member Adams stated that those who applied for assistance last year equaled almost \$97,000 and if you qualified there was no rejection; and discussed the ordinance regarding future construction, etc.; and Mayor Parker stated that the only correction she would make would be they build to mitigation standards and they were only referring to low income seniors. Council Members Stardig, Sullivan, Rodriguez, Noriega and Jones absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Pastor Willie Davis, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Lovell out of the city. Council Members Stardig, Sullivan, Rodriguez and Noriega absent. MOTION 2911-0255 ADOPTED.

Council Member Bradford stated that many read the ordinance and Council Member Adams referred to building to standards would exempt you, but he did not know how you built a roof to absorb water and he did not know how a church could go forward and not pay; and Pastor Davis stated from the start they were against it. Council Members Stardig, Adams, Sullivan, Rodriguez and Noriega absent.

Ms. Vivian Harris, 13906 Regg Drive, Houston, Texas 77045 (713-433-4597) appeared and stated that the amendment was for schools and churches with nothing new; that they needed to stand firm for all, it was unfortunate they were not for what the voters voted for and that was no exemptions for anyone; that she was against it, but since it passed and they were going to exempt and there was a \$500,000 set-aside for assistance how hard would it be to get the assistance. Council Members Sullivan and Rodriguez absent.

Upon questions by Council Member Noriega, Ms. Harris stated that if the current facilities of schools and churches were exempted she could live with it. Council Members Sullivan, Rodriguez and Jones absent.

Ms. Poppie Massey, 3632 Inverness, Houston, Texas 77019 (713-408-1928) appeared and stated that streets have caused accidents, people arriving late, etc., she voted for Proposition I and she did not know how people could not know fees were attached; that voters voted for it and she did not see why exemptions were needed; that some churches paved acres and it was not fair citizens should pay for them. Mayor Parker, Council Members Adams,

Sullivan, Rodriguez and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Clutterbuck stated that Ms. Massey and her family came from a long line of generations of public service and philanthropic contributions of phenomenal proportions to this city; and upon questions, Ms. Massey stated that many citizens donated money and 40% of the dollars given went to religious institutions and the amount going back into the community was a lot less. Mayor Parker, Council Members Adams, Sullivan, Rodriguez and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Sid Edmonds, 739 E. 28th, Houston, Texas 77009 (713-267-2893) appeared and stated that he was a resident of the East Sunset Heights Community and lived in an older neighborhood with open ditches, etc.; that he supported the ordinance with no exemptions as prior to the November election and he felt that important as churches would benefit from this as well as others; and encouraged an ordinance be passed distributing cost evenly and fairly. Mayor Parker, Council Members Clutterbuck, Adams, Sullivan, Rodriguez and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Gonzalez stated that he and Mr. Edmonds spoke about infrastructure way before the ordinance was revealed; and thanked him for his interest in this and other issues. Mayor Parker, Council Members Adams, Sullivan, Hoang, Rodriguez and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Pastor Robert Jefferson, 13233 Cullen, Houston, Texas 77047 (713-734-0275) appeared and stated that he did not think it right for churches to be taxed for the drainage fee, Council Member Adams used to be for poor people; that if churches were taxed they could not do the services needed in their neighborhoods; that larger churches sent money to some of their programs and it helped children stay out of jail and they were trying to bring all churches together to help. Council Members Sullivan, Hoang, Rodriguez, Noriega and Jones absent.

Upon questions by Council Member Adams, Pastor Jefferson stated that the Mayor met with pastors and told them what the ordinance was; that he did not think she (Council Member Adams) was for the poor; and Council Member Adams stated that churches and schools were exempt in the ordinance; and Pastor Jefferson stated that it did not exempt future expansion of the church; and Council Member Adams stated that she was shocked he made the comment he did when she was for poor people and sleeping on the streets and looking out for them; and there was an amendment to pull the exemption out so churches and schools would not be exempt at all and she was not afraid to repeat things she said and was surprised being a woman of God she was so glad she heard the words that came out of his mouth; that she did not stand up for the poor and it was wrong and disrespectful. Council Members Stardig, Sullivan, Hoang, Rodriguez and Noriega absent.

Pastor Hernan Castano, 2238 Permott, Houston, Texas 77050 (832-455-8928) appeared and stated that he was speaking in English because if he spoke Spanish the language would not be understood and that was what this was about, the language was not understood by his people; that justice began with a laid out plan and he was representing the church and justice; and urged Council Member Bradford's amendment be supported. Council Members Stardig, Adams, Sullivan, Gonzalez and Rodriguez absent.

Upon questions by Council Member Hoang, Pastor Castano stated that it was good if the amendment passed, but he still believed voting on the ordinance tomorrow would create a problem and he did not support the ordinance if it exempted future construction. Council Members Stardig, Adams, Sullivan, Gonzalez and Rodriguez absent.

Upon questions by Council Member Jones, Pastor Castano stated that he wanted Council

to support Council Member Bradford's amendment, but still he did not support the drainage fee; and Council Member Jones stated that she and other Council Members campaigned against Renew Houston and it passed by a small margin; and upon further questions, Pastor Castano stated that they could not support the ordinance if people were misled. Council Members Stardig, Adams, Sullivan and Rodriguez absent.

Pastor Steve Riggle, 14505 Gulf Freeway, Houston, Texas 77034 (832-454-0054) appeared and stated that the drainage issue was lost and this had become political and it was unfortunate; that he thought all drainage issues in Houston should be addressed, but in a way where all was clear and he objected to this on principal and for churches being taxed. Council Members Stardig, Sullivan and Rodriguez absent.

Mayor Parker stated that they did not put more money into estimates to be able to exempt later on, they stated publicly and clearly that they were very conservative in fee estimates so they would not have to make it go up and as they refined estimates they were able to not raise rates. Council Members Stardig, Sullivan and Rodriguez absent.

Council Member Costello thanked Pastor Riggle for speaking with him earlier; and upon questions, Pastor Riggle stated he was asking for support to Council Member Bradford's amendment and the amendment for legislation in Austin and vote no on the implementation of the ordinance. Council Members Sullivan and Rodriguez absent.

Upon questions by Council Member Jones, Pastor Riggle stated that if Council voted yes on Council Member Bradford's amendment he would still ask a no vote on the ordinance; and Council Member Jones stated that all this time they were working for exemptions and now she was hearing even with exemptions they still wanted a no vote on the ordinance. Council Members Adams, Sullivan and Hoang absent.

Ms. Frances Dyess, 550 Gulfgate Center, Houston, Texas 77087 (713-408-3600) appeared and stated that she was the new president for the Houston Eastend Chamber of Commerce and was present for the Eastend Coalition and in support of Proposition I, Renew Houston and its sound pay as you go approach to renewing the street and drainage system and this ordinance was the first step; and urged a positive vote. Council Members Stardig, Adams, Sullivan, Hoang, Bradford and Jones absent.

Upon questions by Council Member Noriega, Ms. Dyess stated that the Eastend Chamber looked to Council to make the decision on exemption of schools and churches; that they hoped it would have been enacted as passed with no exemptions, but they would respect their wishes. Council Members Stardig, Adams, Sullivan, Hoang, Bradford and Jones absent.

Upon questions by Council Member Rodriguez, Ms. Dyess stated that she thanked Council Member Costello for going out to talk, many businesses had gone to the infrastructure meeting because they understood if the old roads were not fixed businesses would move to areas that had proper drainage; and they had 3,500 businesses and growing in support of Proposition I. Council Members Stardig, Adams, Sullivan, Hoang, Bradford and Jones absent.

Council Member Costello stated that he did appreciate speaking with their membership; that when they were advertising for Proposition I it was not just an infrastructure issue, what they advocated for was that infrastructure was the foundation of the community and it was not just a quality of life, but an economic development issue; and thanked Ms. Dyess for coming. Council Members Stardig, Adams, Sullivan, Hoang, Bradford and Jones absent.

Ms. Kathy Caldwell, 1218 Sanford, Houston, Texas 77019 (713-830-3052) appeared and stated that she was the executive director of Legacy Community Health Services, a not for profit

community health center with six locations in three locations of Houston and today was present as they were not exempt from drainage fees and were willing to pay the fees as they had ponding and flooding and this would make it easier for staff and clients to get to their locations. Council Members Stardig, Sullivan, Hoang, Gonzalez, Bradford and Jones absent.

Upon questions by Council Member Noriega, Ms. Caldwell stated that it was okay with them to not exempt nonprofits. Council Members Stardig, Sullivan, Hoang, Gonzalez, Bradford and Jones absent.

Council Member Johnson stated that he was glad she came to speak on behalf of nonprofits; and Ms. Caldwell stated that she was only speaking for them; and Council Member Johnson stated that nonprofits did excellent work and one of the first areas cut in hard times was giving to nonprofits; and it was said state law did not allow them to exempt nonprofits, but he disagreed, they could exempt all they chose to exempt, but his one caveat was if they made all exemptions the cost not be passed on to residents. Council Members Adams, Sullivan, Rodriguez and Jones absent.

Council Member Costello moved the rules be suspended for the purpose of extending the time for questions of Ms. Kathy Caldwell, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Lovell out of the city. Council Members Adams, Sullivan, Rodriguez and Jones absent. MOTION 2911-0256 ADOPTED.

Upon questions by Council Member Costello, Ms. Caldwell stated that Legacy Community Health Services was a not for profit community health center with six locations and three locations in Houston, they provided no cost/low cost primary health care, all on a sliding scale. Council Members Adams, Sullivan, Rodriguez and Jones absent.

Mr. Robert Schwartz, 5446 Queensloch, Houston, Texas 77096 (713-723-7230) appeared and stated that he was president of the Brays Bayou Association, an organization whose objective was to reduce the risk of flooding and this particular issue was of great concern and interest to them; that churches delivered community support and to help reduce the risk of flooding which reduced the risk to human life, enabled emergency vehicles to reach people, etc., it would certainly seem appropriate to qualify as community support, but those worthwhile objectives seemed to escape the attention they deserved. Council Members Adams, Sullivan, Pennington, Rodriguez and Jones absent.

Council Member Costello stated that Mr. Schwartz was a longtime supporter of the program and he appreciated his efforts in getting the message out; and Mr. Schwartz stated that he would leave a copy of what he had; that needs were increasing faster than funding and urged all step up to the plate. Council Members Johnson, Adams, Sullivan, Pennington, Rodriguez and Jones absent.

Upon questions by Council Member Clutterbuck, Mr. Schwartz stated that one amendment, 20-5, had to do with terms like oyster shell, gravel, etc., and he felt it was inappropriate to describe materials in an ordinance; that technology changed so rapidly they should not bind themselves to something so specific as they would be very limited; that he thought they should include a definition of impervious cover, something with a definition which could live over time; that a pier and beam house was an impervious cover; that the inclusion of nonprofits in 20-9 he thought would represent a significant problem to enforce. Council Members Johnson, Adams, Sullivan, Pennington, Rodriguez and Jones absent.

Mr. Khanah Huynh, 6100 Ridgemont, Houston, Texas 77087 (713-645-7766) appeared and stated that he was Pastor of the Vietnamese Church and was one who did seek refuge and had his choice of many nations but chose the United States of America because of how it was

built; that because of their refugee background they worked hard to earn money and if churches were taxed it would be a burden they already paid tax upon tax; and urged a vote for Council Member Bradford's amendment and Council Members Pennington's and Hoang's amendments and vote against the ordinance. Council Members Johnson, Sullivan, Pennington, Rodriguez and Jones absent.

Upon questions by Council Member Hoang, Pastor Huynh stated that he had problems with supporting the ordinance because the people voted on something that was not clear; that it was like the communist government, you voted on something today and it changed tomorrow based on whatever was involved; that he supported the amendments, but would urge a vote against the ordinance. Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez and Jones absent.

Mr. Ty Kelly, 67 Teal Way, Houston, Texas 77019 (713-888-1809) appeared and stated that he was the president of the Bayou Preservation Association and present in that capacity and as a citizen; that the association supported the drainage fee and they thought it was important; that everyone should be a part of the solution and not a part of the problem and when speaking in terms of exemption, it was just as easy to speak in terms of privilege; that necessity should not be complained about but recognized and he did not think any exemptions were fair. Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez and Jones absent.

Mr. Paul Bettencourt, 13622 Apple Tree, Houston, Texas 77079 (713-365-0420) appeared and stated that people shifted their position because the Mayor changed the game by changing the integrity of the process when she announced there could be an exemption without any change in the rate or amount of money collected; that it proved the fact when Don Sumners asked for an open records request as County Tax Assessor that numbers were not true and there was a \$35 million overcharge built into the rate and a part of the Proposition I being voted on; that Council Members Bradford, Hoang and Pennington had good amendments, trying to make bad policy better, but the best thing to happen would be for the bill in the Austin legislature to move forward. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Pennington and Rodriguez absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Bradford thanked Mr. Bettencourt for coming and stated that there seemed to be confusion around the table concerning support of his and Council Member Hoang's amendments and the amendment as it stood, the two were exclusive, his and Council Member Hoang's amendment did nothing to fix the problem with the main ordinance and colleagues knew that so in an attempt to connect the two was to be questioned and his amendment did not mean he did not have a problem with the ordinance because he did; and upon questions, Mr. Bettencourt stated that an overcharge was built into the process and it was the only way they could make an exemption without raising the rate or lowering how much people would pay; that the bills in Austin were important, there were 39,000 accounts exempt now under property tax in Houston for churches, charities and schools and if his amendment passed and the city lobby team stopped lobbying against taxpayers the bills would move and the Star of Hope would not have to pay their tax and without the bills moving they could not exempt the Medical Center, etc. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez and Costello absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Michael Bloom, 12223 Waldermire, Houston, Texas 77077 (713-506-7008) appeared and stated that he was a practicing Water Resources Engineer working with cities and counties to improve storm water quality and runoff and the bayou health and he did support adoption of the ordinance with exemptions consistent with current state law for fairness reasons, but also recognized and honored the Council's discretion to adopt the ordinance with selected exemptions and he did not support the language which would direct the city to support Senate

Bill 714 which was blatantly unfair to have the city move forward against the will of the voters. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez and Costello absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that the Patrick amendment exempted organizations or entities from drainage fees which implied it was okay to have a drainage fee; that for someone to say, somehow to connect the two was disingenuous, actually whoever said that did not get it because if they believed it wrong, campaigned against it and lost, then they have to figure out something workable and you kept hearing exempt churches and they were ...; that if they made principal votes on everything the city would be shut down. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez and Costello absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Ramesh Gunda, 7322 SW Freeway #1802, Houston, Texas 77074 (713-541-3530) appeared and stated that he was a small business owner in Houston, District F, he heard everyone's point, but some things were not mentioned; that when it rained a little he could not get where he needed to be and staff and clients could not go where they needed; that if more people came in it could be paid faster, if there were more exemptions it could not get done; and urged Council to vote and do the right thing. Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez, Costello and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Gunda for coming and for his tireless hard work in the community. Council Members Stardig, Johnson, Sullivan, Pennington, Rodriguez, Costello and Jones absent. (NO QUORUM PRESENT)

Council Member Noriega stated that it seemed a lot of the money involved with Public Works and infrastructure projects went to banks which fronted the money to allow them to borrow and with getting finances moved to pay as you go it seemed she would rather see the money go to small businesses rather than large bonding banks; and upon questions, Mr. Gunda stated that she hit right on it, he did not borrow much because he did not want to pay credit cards and that was why he thought pay as you go was very responsible. Council Members Stardig, Johnson, Sullivan, Pennington, Gonzalez, Rodriguez and Costello absent. (NO QUORUM PRESENT)

Mr. Tony Jones, 1950 Spenwick, Houston, Texas 77055 (832-239-9636) appeared and stated that he was happy to see EMS received their proclamation they saved his life twice; that he was present because of an incident Sunday night, he met students from out of town and while they were downtown an officer approached him asking if he had a license for his power chair and said he was taking up too much space on the sidewalk; that he brought this up today because people from out of town got a bad impression. Council Members Stardig, Johnson, Sullivan, Hoang, Gonzalez, Rodriguez and Costello absent. (NO QUORUM PRESENT)

Upon questions by Council Member Noriega, Mr. Jones stated that a police car was on Travis between Lamar and McKinney and he left when he was about to call in on him; and Council Member Noriega stated that Houston did get many visitors and they should be shown everyone's best face; and upon questions, Mr. Jones stated that it was dark and he had an officer's uniform; and Council Member Noriega stated she apologized for him. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Gonzalez, Rodriguez and Costello absent. (NO QUORUM PRESENT)

Council Member Jones stated that she had been working with Mr. Jones and he told most of the issue, but the officer also told him there was a curfew for people with disabilities and her office did an investigation and there was no license for a power chair, no curfew, etc., Mr. Jones after being placed on the speakers list received a call from the Mayor's Office to try and handle

it without coming to Council; and Mayor Parker stated that to be clear, everyone who signed up was called with the hope it could be taken care of and they would not need to make the trip down, it was to save them time and energy; and Sergeant Baltazar was present and could speak with him at this time and she would ask the Chief to investigate. Council Members Stardig, Clutterbuck, Sullivan, Hoang, Gonzalez, Rodriguez, Costello and Bradford absent. (NO QUORUM PRESENT)

Council Member Jones stated on a point of personal privilege that the district maps were now being shown in the back and she needed to leave to view them and it was no disrespect to anyone present. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Gonzalez, Rodriguez, Costello, Noriega and Bradford absent. (NO QUORUM PRESENT)

Ms. Elvia Valdez, 6410 Creek Wind Circle, Houston, Texas 77081 (832-215-1897) appeared and stated that she was present to remind all that April was National Donate Life Month, a time to raise awareness about the ultimate gift of life, the gift of organ and tissue donation, Texas still ranked last with the number of registered donors; and urged all to promote registration of donation. Council Members Stardig, Clutterbuck, Sullivan, Gonzalez, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Shannon Lenox, 24230 Sunny Glen, Huffman, Texas 77330 (281-642-9160) appeared and stated that she was present to share her son's story who on March 29, 2010, was in a serious car accident and her son Roy was life flighted to the hospital; that they did their best to clean him up for her to see, but she knew he was not there and after three days the doctor said his brain injury was so severe he was only alive because of life support; that her son was a giver and with no hope of recovery she decided to let God have her son and he was able to save four people's lives by donating five life saving organs; that she now worked with LifeGift to educate others on the importance of organ donation. Council Members Stardig, Clutterbuck, Adams, Sullivan, Hoang, Gonzalez, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker thanked Ms. Lenox for coming and sharing her story and obviously when she spoke it touched hearts. Council Members Stardig, Clutterbuck, Adams, Sullivan, Hoang, Gonzalez, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that her situation was similar to his little brother who was killed in an accident about 20 years ago and many of his organs were donated; that he had signed up; and upon questions, Ms. Lenox stated that more public service announcements, more publicity was needed. Council Members Stardig, Clutterbuck, Adams, Sullivan, Hoang, Gonzalez, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Aaron Daniels, 10901 Ranchstone, Houston, Texas 77064 (713-805-4615) had reserved time to speak but was not present when his name was called. Council Members Stardig, Clutterbuck, Adams, Sullivan, Hoang, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Dixie Montoya, 3222 Golden Willow Kingwood, Texas 77339 (832-955-2209) appeared and stated that she was also present with LifeGift and thanked all for the Proclamation and for standing with them; that her son was on a heart transplant list for the second time and this was very important, there was not enough donation, her son got out daily telling his story and how important donation was and he was helping himself and all others on the list; and they appreciated any support given. Council Members Stardig, Clutterbuck, Adams, Sullivan, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

PRESENT)

Mr. Michael Leon, 3222 Golden Willow Kingwood, Texas 77339 (832-955-2209) appeared and stated that he was sixteen years old and at two years old he had a heart transplant and now was on a list trying for his second heart; that being a teenager it was hard with classes, trying to learn to drive and the social system, but it was harder when waiting for a transplant as he missed a lot of school with doctors appointments, etc., eight out of ten times people asked what did it mean to be an organ donator and what was it for and it upset and worried him as he was one of those in real need and so many did not even know of the need or existence of the problem. Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker thanked Mr. Leon for coming and stated that it was incredibly hard to be a teenager and she could only imagine how hard it would be to have to also deal with such health issues; and she had great respect for his ability to be able to come and articulate what he went through. Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that he too wanted to echo the mayor's comments and thank Mr. Leon for his courage and willingness to bring awareness about his and so many others story, it was appreciated and they wished him the very best. Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Curley Mae Williams, 8106 Creekbend #314, Houston, Texas 77071 (713-270-7196) appeared and stated that your heart rate was supposed to be beating at 60 per beats and before transplant hers was 15; that she had multiple emergency room visits, etc., for 22 years they treated her for asthma but all along it was her heart; that she thanked all for the Proclamation and urged more awareness. Council Members Adams, Sullivan, Pennington, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Cynthia Nevels, 6823 Staffordshire, Houston, Texas 77030 (281-974-4463) had reserved time to speak but was not present when her name was called. Council Members Adams, Sullivan, Pennington, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Tyler Nelson, 6823 Staffordshire, Houston, Texas 77030 (469-531-9151) had reserved time to speak but was not present when his name was called. Council Members Adams, Sullivan, Pennington, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Willie Thornton, 8526 Wiggins, Houston, Texas 77029 (713-966-0896) appeared and stated that he received a heart transplant on March 22, 2007, prior to that he received a pace maker, etc., but since his transplant he did volunteer work at Methodist Hospital where he received his transplant, he spoke to patients, families and friends about their fears and the unknown about transplants; that he also worked with other organizations including LifeGift and he had received awards and accepted them because he knew God was showing he was on the right track, doing the right thing, Council Members Adams, Sullivan, Pennington, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Marilyn Pickaree-Champaigne, no address (no phone) appeared and stated that for the past 11 years in her disability case involving Social Security Administration Division for disability termination services she was now at this point in her circumstances, a complete failure; and continued speaking on disability and her claim being denied until her time expired.

Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Richard Fisher, P. O. Box 23631, Houston, Texas 77028 (832-692-3750) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Adams, Sullivan, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. William Beal, 5814 Overdale, Houston, Texas 77033 (no phone) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Adams, Sullivan, Hoang, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Katie Holmes, 6412 Foster, Houston, Texas 77021 (832-889-6484) appeared and stated that she was present to speak on violence; that she was trying to check on safety programs at school and neighborhoods, but this went back to parents and today she wanted to know who would get back with her on school safety, etc. Council Members Sullivan, Rodriguez, Costello, Noriega, Bradford and Jones absent.

Upon questions by Council Member Adams, Ms. Holmes stated that when speaking of wrap around services, she wanted to see more; and Council Member Adams stated that she applauded her for coming; that they were trying to develop a partnership between the City of Houston and HISD and they met on the 14th at 5:00 p.m. and she would encourage her to attend and take any parents she could; that HISD had cut police and hired security officers and she drove around Worthing, etc., and found things HISD could do to be more proactive and they needed to get with parents; that all patrolling was being done by different entities; and again urged she go to the meeting on the 14th. Council Members Sullivan, Rodriguez, Noriega, Bradford and Jones absent.

Ms. Sandra Massie Hines, 4421 Alvin, Houston, Texas 77051 (832-374-5585) appeared and stated that she was present demanding this government body implement mandatory security enforcement at apartments and schools; that graffiti plus guns equaled gangs; that people needed to care more about children and the environment they were subjected to; that Worthing was subjected to a shooting on the football field where there was no lighting and the same was at apartments. Council Members Sullivan, Rodriguez, Noriega, Bradford and Jones absent.

Council Member Adams stated that many issues brought by Ms. Hines and others were about private property; and upon questions, Mayor Parker stated that issues of bad apartment complexes had been around for a long time and they had a Blue Star Program where they worked with management to get them to upgrade; that they could not mandate they hire security, but could put in undercover officers, many complexes provided places for surveillance and what was needed was an apartment management willing to work with them and when they identified the bad guys they must evict them. Council Members Sullivan, Rodriguez, Noriega, Bradford and Jones absent.

Council Member Stardig stated that in her area they looked for patterns of behavior for public nuisance laws, etc., which was enforceable at the city level and they got inspectors, etc., in and address safety issues and have presence on the property. Council Members Sullivan, Rodriguez, Noriega, Bradford and Jones absent.

Mayor Parker stated to Council Member Adams that it may be appropriate for her to bring this to the Neighborhood Quality of Life Committee and get Neighborhood Protection in. Council Members Sullivan, Rodriguez, Noriega, Bradford and Jones absent.

Mr. Gentry Cooper, 8811 Gustine #707, Houston, Texas 77031 (832-209-6689) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Rodriguez, Noriega, Bradford and Jones absent.

Mr. Johnny Gibbs, P. O. Box 2381, Pearland, Texas 77588 (713-530-0833) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Rodriguez, Noriega, Bradford and Jones absent.

Mr. Joseph Ballard, 6302 Rocky Nook, Houston, Texas 77396 (281-850-0388) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Rodriguez, Noriega, Bradford and Jones absent.

Ms. Barbara Ann LaCourse, 6363 Beverly Hill, Houston, Texas 77057 (832-880-2010) appeared and stated that she was present to speak about 911 she called on January 25, 2011, as there was domestic violence in her home and they called her back four times and that time the guy answered and said they should disregard the phone call she was not with it and no one ever came and she was punched, etc., why had they not come. Council Members Sullivan, Rodriguez, Noriega, Bradford and Jones absent.

Mayor Parker stated that the information she had said HISD police were there when HPD arrived; and Ms. LaCourse stated that was when she was run over, but this was about a 911 phone call; and Mayor Parker stated that she had no record; and Ms. Lacourse stated that they had the record on Shepherd and they said she hung up, but it was the guy hanging up; and Mayor Parker stated that if the call was mishandled she would suggest she complain through the ...; and Ms. LaCourse stated that she filed in Internal Affairs. Council Members Johnson, Sullivan, Rodriguez, Noriega, Bradford and Jones absent.

Ms. Wilbert Marie Moore, 3803 Synott #1710, Houston, Texas 77082 (832-405-7321) appeared and stated that the City of Houston had come to unity, but they had united for the wrong purposes, purposes of terrorizing innocent families and shedding innocent blood; and continued expressing her personal opinions until her time expired. Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Gonzalez, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Pat Powers, 6518 Neff, Houston, Texas 77074 (713-771-7237) appeared and stated that he was present as he attended the Frank Library and in Tucson when things were bad he observed their local library system financed by district provide Saturday service and were open longer hours and if the city needed to raise taxes to provide better services then it was the responsible thing to do and if the City of Houston could not handle this then they should turn the responsibilities over to an independent district and let them run it. Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Powers for coming and for being a patron of the Frank Library; that the Library budget was not much compared to others and still they were asking them to cut 27%; that they were receiving letters not to cut library services and the budget was pretty much all people. Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that they were looking at creating a similar structure to what they had for the Houston Parks Board and to enhance private sector support for the library system and it was a positive step forward; that she was aware some cities had library districts, park districts,

etc., and it was something possible, but nothing she saw moving soon. Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Robert Segovia, 570 Kenwood Lane, Houston, Texas 77013 (713-455-7042) appeared and stated that they talked on many subjects today, but he was present as he lived in the Wood Bayou Subdivision and there were drugs, gangs, etc., he worked to rid them; that he spent money to try and improve the subdivision and he had addressed illegal dumping, weeds, etc., and talked with Neighborhood Protection and had pictures. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Upon questions by Council Member Pennington, Mr. Segovia stated that he had dealt with this a long time and proposed that at the dead end of Wood Forest be lit up, place signs, send notices in water bills for times of trash, etc., so it did not sit out. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that Solid Waste was aware of the problem and they had it on a regular watch list; that Ms. Joseph with Solid Waste was present and could speak with him at this time and she wanted her to turn it over to Neighborhood Protection and if a car was parked in the street and not moving it needed to be ticketed; that she did not know if lights could be provided, but a better coordinated enforcement mechanism could be worked on. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Jogretta Williams, P. O. Box 42505, Houston, Texas 77242 (713-542-4842) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he filed charges on Ronald C. Green repeatedly, he was being attacked; and continued expressing his personal opinions until his time expired. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Patricia Martin, P. O. Box 26045, Houston, Texas 77207 (832-630-3717) had reserved time to speak but was not present when her name was called. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Tammy Betancourt, 12018 Wood Hollow Lane, Houston, Texas 77043 (713-203-0726) had reserved time to speak but was not present when her name was called.

Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Clyde Bryan, 10801 Pepper Lane, Houston, Texas 77079 (281-266-6464) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

At 5:36 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, April 6, 2011. Council Member Lovell out of the city. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, April 6, 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 Feldman, City Attorney; and Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office, present.

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

At 9:07 a.m. Mayor Parker called the meeting to order, and stated that they had the Monthly Operations and Financial Report and a Mayor's Report on Redistricting and the normal agenda and recognized Council Member Lovell for a point of order. Council Members Johnson, Clutterbuck, Adams, Noriega, Bradford and Jones absent.

Council Member Lovell moved to suspend the rules to consider Item Numbers 1 and 2 out of order, seconded by Council Member Hoang. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Adams, Noriega and Jones absent. MOTION 2011-0257 ADOPTED.

1. REQUEST from Mayor for confirmation of the appointment of **ASSOCIATE JUDGE MIMI MALICK BERKOWITZ** to serve as **MUNICIPAL COURT JUDGE** for a two year term – was presented. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Adams, Noriega and Jones absent. MOTION 2011-0258 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment of **MUNICIPAL COURT JUDGE ANTONIA MARTINEZ INGVERSEN** to serve as **ASSOCIATE JUDGE OF MUNICIPAL COURTS** for a two year term – was presented. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Adams, Noriega and Jones absent. MOTION 2011-0259 ADOPTED.

Mayor Parker stated that they had just affirmed two new positions in Municipal Courts and asked that Judge Hartle bring them forward, and Judge Hartle stated that Judge Antonia Ingversen was retiring from fulltime status and they had just appointed her to be an Associate Judge to continue serving the City in a part time associate status, that Judge Mimi Berkiowitz had been an Associate Judge and was moving up to fulltime status, that they were two fine judges and she was grateful that they were both continuing to serve at the Municipal Court. Council Members Johnson, Clutterbuck, Adams, Noriega and Jones absent.

Judge Hartle further stated that she had to recently appoint a new Associate Presiding Judge, Judge Maria Casanova, who had been the Administrative Judge and had now promoted Judge Elaine Marshall to be the Administrative Judge at Municipal Court, that she wanted to introduce them to City Council, that they were two fine judges who had sat on the bench longer

than she had and brought lots of experience and she felt well supported by having them be a part of her staff. Council Members Clutterbuck, Adams, Noriega and Jones absent.

Mayor Parker stated that she wanted to thank Judge Hartle for bringing in her leadership team. Council Members Clutterbuck, Adams, Noriega and Jones absent.

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

Mayor Parker recognized Mr. Ronald Green, City Controller, and Mr. Kelly Dowe, Director, Finance Department, for the Monthly Operations and Finance Report and Quarterly Investment Report. Council Members Clutterbuck, Adams, Noriega and Jones absent.

Mr. Green and Mr. Dowe reviewed the Monthly Operations and Finance Report, a copy of which is on file in the City Secretary's office for review; and Mr. Green stated that they please be advised that the current expenditure projections did not contain any projected costs for any of the additional termination pay which may result from planned layoffs, that until the layoffs were finalized they would not know the actual amount and their office was estimating that the amount could fall between \$10 million and \$35 million so to please be cognizant of that as they go forward with the layoffs. Council Members Clutterbuck, Adams, Noriega and Jones absent.

Upon questions by Council Members, Mr. Green stated that in respect to the draw down on their fund balance, right now the ordinance says 5% and as long as they did not go below the 5% they would not be in contradiction to any bond covenants, they were projecting that they would be right at 5% or right below 5% and he would assume that by the time they certify it would be at the 5%, that they did need to be cautious, every bit above 5% was helpful but as long as they were within their bond covenant they should be okay; that as to termination pay, what he had done was outlined a range that they would be responsible for, whenever someone was laid off, depending upon their years of service, depending upon which plan they were under, they were responsible for that old sick pay and old vacation pay that was un-accrued and there were some adjustments in that, that in the Fire Department that tended to be a little higher which was mostly their classified individuals, that they would not know a specific amount until they knew who was going to be laid off and that would be based on a person's pay grade, where they were, how many years in the system, that if the liability was accrued this fiscal year than that department would have to pay for that this fiscal year, if it was accrued in the early part of next year than it would come out of their budget, that it was his understanding that each budget was charged back, there was not a special fund set up for termination pay, that most of them would probably hit early in July, that the other thing was unemployment insurance that they also had to pay if in fact these individuals did not go to work, that they expected to budget for the maximum amount, but potentially it would not happen that the maximum amount would be paid out over the life of 26 months. Council Members Stardig, Johnson, Clutterbuck, Adams, Noriega and Jones absent.

Upon questions by Council Members, Mr. Dowe stated that they were working with Legal and HR as they worked through the proposed layoff plan submitted by the departments, that they could see the wide range in the Controller's, between \$10 million and \$30 million, because they actually needed the individuals identified and that was a process that was ongoing, that obviously everything had to comply with Legal and HR and the Layoff Ordinance that they just passed, that was not just something that they just pull the names and the number and have a quick answer on, they were budgeting for that and the unemployment insurance in FY2012 as

the Controller mentioned, they could have some hit in FY2011 for either of these but his preference was just have it hit early in July 2011 and include it as part of the adopted budget for all of them to see a very firm number and have real transparency to that number. Council Members Stardig, Johnson, Clutterbuck, Adams, Noriega and Jones absent.

Upon questions by Council Members, Mayor Parker stated that it was very early and they were quite aware of the burden of termination pay, in fact that had been one of the issues that they had argued with at least one of the pension groups about, they were the ones who tracked some of that and they had been unable to get hard numbers from them so they had set aside money, as they calculated next year's budget, for termination pay but until they actually pull the trigger it was hard to know exactly what it would be. Council Members Stardig, Johnson, Clutterbuck, Adams, Noriega and Jones absent.

After further discussion and questions by Council Members, Mayor Parker stated that she wanted to assure everybody that the administration had never ever said they were going to layoff 2,300 people, that was the media taking \$130 million and dividing it by a fully loaded employee of \$55,000, that it would be helpful not to put that out there, it was not their intention to layoff 2,300 people, that it was not so easy to just lay somebody off because they did have to look at the offset to that and they were looking at every dollar all the way up and down the chain, that the 2,300 number was an estimate; and Mr. Green stated that part of what their office did was that they had to give them some planning scenarios and obviously with a worse case scenario he thought it was best that they were prepared on the high end so that if any of these other contingencies come about, that of course if they did not have to layoff 2,300 people or 10 people it was great, but the money had to come from somewhere and they had to be prepared that these were the numbers and they had to work with them; and Mayor Parker stated that she was not working with the Controller's number and he was entirely appropriate in putting that number out there it was just the worse case scenario and they had never indicated that they were going to do that, it was just a raw number; that it was true that she had sent a directive to the directors to consider termination pay so it was nothing new to the directors, that that it had been baked in, the \$130 million, which was the worst case scenario and they still hoped to reduce that. Council Members Adams, Rodriguez, Lovell and Jones absent.

Council Member Costello moved to accept the Monthly Operations and Financial Report, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Adams, Rodriguez, Lovell and Jones absent. MOTION 2011-0260 ADOPTED.

MAYOR'S REPORT

Mayor Parker stated that they were going to have a Mayor's Report on redistricting and recognized Mr. Jerry Woods, who was the consultant hired to assist them with the process, they were presenting the administrations map produced by the consultant, that they had attempted to provide the fairest and least disruptive plan that balances the multiple imperatives that Council laid out in the ordinance that they adopted earlier, that there were at least 8 criteria that Mr. Wood was to consider, they conducted 10 town hall meetings to take input on what should be in the plan and knew that she and Mr. Wood and those Council Members who attended heard over and over again that citizens wanted neighborhoods put back together, they respected the relationship they had with their incumbent Council Member but they really wanted to be in neighborhoods that were united with reasonable neighborhood boundaries, if by some miracle Mr. Wood got the map exactly perfect and they could pass it that way that would be great but did not think that even Mr. Wood was even that good, that before they started this was a proposal that would be available to the public and to Council to discuss, to sit with Mr. Wood, that any Council Member who wished to sit with Mr. Wood and the software to look at impacts for changes to the map, and as a reminder to the public, that same software and assistance was available in the Planning Department. Council Members Stardig and Jones absent.

Mr. Woods reviewed the televised redistricting maps and a PowerPoint Presentation of the "Proposed Redistricting Plan", a copy of which is on file in the City Secretary's office for review. Council Members Stardig and Jones absent.

Mayor Parker stated that as a reminder some of the slightly odd shapes they were constrained by the existing precinct boundaries, they used the precincts for building blocks, that the Legislature had drawn some interesting precinct boundaries and that was the one thing they could not change, they could move whole precincts among districts.

Upon questions by Council Members, Mr. Woods stated that Council Members would be making proposed amendments, and Mayor Parker stated that her suggestion was that each Council Member with concerns sit down with Mr. Wood and the computer and software because it was real easy to take their pencil and make amendments on the map but the impacts had to be seen, and in a matter of seconds they could see if they moved this precinct what did it do to every other district, that Mr. Wood would come to their office and sit with them, that this next month was an opportunity to test assumptions and then there were the three formal public hearings, April 13, 2011 at 9:00 a.m., April 20, 2011 at 9:00 a.m. and 7:00 p.m., that when it actually gets posted to the Council agenda by that point Council would have had an opportunity to see if there were amendments that did not negatively impact other districts and where they could gather support. Council Members Stardig, Johnson, Gonzalez, Lovell and Jones absent.

After further discussion and questions by Council Members, Mayor Parker asked Mr. David Feldman, City Attorney, if there was any else that he thought they needed to know about the process before they moved. Council Members Stardig, Johnson, Gonzalez, Lovell and Jones absent.

Mr. Feldman stated that he thought everyone needed to understand that while this was in large measure a political process it was fundamentally driven by the need for compliance with the Voting Rights Act of 1965, that Mr. Woods report that they were going to receive prior to the first public hearing next Wednesday was a report that they were required to have as part of their submission to the Department of Justice, that it was going to provide them with a great deal more explanation than they heard today, that while he would anticipate that the dialog between Council Members and Mr. Woods would begin he thought the most critical period was between the conclusion of the public hearings and the date that the plan actually would go before Council, which he believed was May 6, 2011, which was the first date, it was important to understand that as people talked about plans and talked about reconfiguration, that there must be compliance with the criteria that Council adopted in it's Redistricting Ordinance, all of which was criteria that was recognized under the Voting Rights Act, it was also important to understand the basic law of physics that for every action there was a reaction, that the Legal Department had to be in a position that if any Council Member was going to submit an alternative plan or an amendment to this plan, the Legal Department had to have the time to analyze what the impact was under the Voting Rights Act and whether or not any amendments to the plan could pass with the Department of Justice, that his goal as the chief legal representative of the City was to insure that at the end of the day they had a plan that they could submit to the Department of Justice in June that they could be assured would obtain preclearance. Council Members Stardig, Johnson, Gonzalez, Lovell and Jones absent.

Mayor Parker asked Mr. Feldman that the plan that was presented, the Legal Department backed that plan as one that would, at least from a starting point, pass the Justice Department scrutiny, and Mr. Feldman stated yes. Council Members Stardig, Johnson, Gonzalez, Lovell and Jones absent.

Mayor Parker stated that they would move to the Council agenda and recognized Council

Member Sullivan for a point of personal privilege. Council Members Lovell and Jones absent.

Council Member Sullivan recognized Mr. Andy Teas and Ms. Amy Arrington, they had brought the Houston Apartment Association Leadership Lyceum Team to Council and asked that they stand and be recognized. Mayor Parker and Council Members Rodriguez and Jones absent.

CONSENT AGENDA NUMBERS 1 through 18

ACCEPT WORK - NUMBERS 3 through 8

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,252,891.41 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.**, for Storm Drainage Improvements in the Rustling Oaks Subdivision - 0.99% under the original contract amount - **DISTRICT G – PENNINGTON** – was presented, moved by Council Member Noriega, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker and Council Members Rodriguez and Jones absent. MOTION 2011-0261 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,226,927.30 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (4258-35) - 2.26% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; F - HOANG and G - PENNINGTON** – was presented, moved by Council Member Noriega, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker and Council Members Rodriguez and Jones absent. MOTION 2011-0262 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,365,924.76 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (4257-94) - 1.15% over the original contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - HOANG, H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Noriega, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker and Council Members Rodriguez and Jones absent. MOTION 2011-0263 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,772,412.70 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (4257-57) - 3.40% under the original contract amount - **DISTRICTS A - STARDIG; D - ADAMS; E - SULLIVAN; F - HOANG, G - PENNINGTON and I - RODRIGUEZ** – was presented, moved by Council Member Noriega, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker and Council Members Rodriguez and Jones absent. MOTION 2011-0264 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,101,756.85 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (4257-58) - 3.45% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - HOANG, H - GONZALEZ and I - RODRIGUEZ** – was presented,

moved by Council Member Noriega, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker and Council Members Rodriguez and Jones absent. MOTION 2011-0265 ADOPTED.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,634,096.04 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Water Line Replacement in Briargrove Park - 1.64% over the original contract amount - **DISTRICT G - PENNINGTON** – was presented, moved by Council Member Noriega, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker and Council Members Rodriguez and Jones absent. MOTION 2011-0266 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 and 9A

9. ORDINANCE appropriating \$499,984.65 out of Equipment Acquisition Consolidated Fund for purchase of 11,223 96-Gallon Refuse Carts for Solid Waste Management Department – was presented. All voting aye. Nays none. Mayor Parker and Council Members Rodriguez and Jones absent. ORDINANCE 2011-0243 ADOPTED.
- 9a. **TOTER, INCORPORATED** for Automated Refuse Containers through the Interlocal Agreement for Cooperative Purchasing with the City of Tucson Arizona for Solid Waste Management Department – was presented, moved by Council Member Noriega, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker and Council Members Rodriguez and Jones absent. MOTION 2011-0267 ADOPTED.

ORDINANCES - NUMBERS 11 through 18

11. ORDINANCE approving and authorizing Conservation Easement Agreement between the City of Houston, as grantor, and the **TEXAS HISTORICAL COMMISSION**, as grantee, for the benefit of the National Park Service, for the preservation of the Julia Ideson Building - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Rodriguez and Jones absent. ORDINANCE 2011-0244 ADOPTED.
- 11a. ORDINANCE approving and authorizing Conservation Easement Agreement between the City of Houston, as grantor, and **TEXAS HISTORICAL COMMISSION**, as grantee, for the benefit of the Julia Ideson Library Preservation Partners, for the preservation of the Julia Ideson Building **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Rodriguez and Jones absent. ORDINANCE 2011-0245 ADOPTED.
13. ORDINANCE approving and authorizing first amendment to Task Order Contract (Approved by Ordinance No. 06-0283) between the City of Houston and **AAR INCORPORATED** for Lead Remediation/Lead Decontamination, HEPA Filter Replacement and proper disposal for the Police Academy Firing Range and to extend the contract term - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Rodriguez and Jones absent. ORDINANCE 2011-0246 ADOPTED.
14. ORDINANCE appropriating \$18,821.00 out of Parks Consolidated Construction Fund; awarding construction contract to **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition at Tidwell Park and Glover Park; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management, construction oversight and air monitoring and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICTS B - JOHNSON and I - RODRIGUEZ** – was

presented. All voting aye. Nays none. Council Members Rodriguez and Jones absent. ORDINANCE 2011-0247 ADOPTED.

16. ORDINANCE appropriating \$4,595,000.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Astoria Boulevard Paving and Drainage Improvements; 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 Drainage Improvements Commercial Paper Series F Fund - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Rodriguez and Jones absent. ORDINANCE 2011-0248 ADOPTED.
17. ORDINANCE granting to **DUMPSTER DAVE, INC, A Texas Sole Proprietorship**, 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 - **FIRST READING** – was presented. All voting aye. Nays none. Council Members Rodriguez and Jones absent. ORDINANCE 2011-0249 PASSED FIRST READING IN FULL
18. ORDINANCE NO. 2011-213, passed second reading March 30, 2011
ORDINANCE granting to **POT-O-GOLD RENTALS, INC, A Foreign For-Profit 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Members Rodriguez and Jones absent. ORDINANCE 2011-0213 ADOPTED THIRD AND FINAL READING IN FULL.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

ORDINANCES

10. ORDINANCE appropriating \$393,883.00 out of Fund 2409 (TIRZ Affordable Housing Fund) to Water & Sewer Operating Fund 8300 for payment of administrative expenses associated with the TIRZ Affordable Housing Program – was presented. All voting aye. Nays none. Council Members Rodriguez and Jones absent. ORDINANCE 2011-0250 ADOPTED.
12. ORDINANCE appropriating \$3,300,000.00 out of Dangerous Building Consolidated Fund for the abatement of dangerous buildings – was presented. All voting aye. Nays none. Council Members Rodriguez and Jones absent. ORDINANCE 2011-0251 ADOPTED.
15. ORDINANCE awarding contract to **AABBOTT-MICHELLI TECHNOLOGIES, INC** for Calibration and Repair of Truck Platform Scales for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years plus two one year options - \$231,512.00 - General, Enterprise and Stormwater Funds – was presented. All voting aye. Nays none. Council Members Rodriguez and Jones absent. ORDINANCE 2011-0252 ADOPTED.

MATTERS HELD - NUMBERS 19 through 20B

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as a public right-of-way of Glenheath Street, from Glen Loch Drive west to its terminus, and two utility easements with attendant aerial easements, all located in Glenbrook Valley Section 7, or the replat of Block 38, Glenbrook Valley Section 7; vacating and abandoning said right-of-way and easements to Houston Independent School District, owner, in consideration of owner's conveyance to the City of a water meter easement, payment of \$31,647.00 to the City and other consideration - **DISTRICT I – RODRIGUEZ – (This was Item 15 on Agenda of March 30, 2011, TAGGED BY COUNCIL MEMBERS RODRIGUEZ and NORIEGA)** – was presented. All voting aye. Nays none. Council Member and Jones absent. ORDINANCE 2011-0253 ADOPTED.
20. Consideration of proposed amendments to Item 20A below, submitted in writing on March 30, 2011 by Council Members Costello, Pennington, Bradford and Hoang as set forth in the attached Exhibits Nos. 20-1 through 20-10 (Amendments will be considered in the order of a matrix prepared by the Administration) – was before Council.

Council Member Adams moved to suspend the rules to consider Item No. 20-4 out of order, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Jones absent. MOTION 2011-0268 ADOPTED.

20-4 Council Member Bradford offered the following written motion to amend Item No. 20A.:

“To exempt schools and religious organizations from a drainage charge under the proposed Chapter 47 of the Code of Ordinances, Houston, Texas, Article XIV. Municipal Drainage Utility System.

Section 47-822 Drainage charge established; exemptions.

Section (f)(5) shall be changed to read as follows:

(5) property owned by, including improvements thereon, any independent school district, to include any public charter school, that is recognized by the State of Texas;

Section (f)(6) shall be changed to read as follows:

(6) property owned by religious organizations, including improvements thereon, that is used primarily as a place of worship, and/or other activities, as defined in the Texas Tax Code Section 11.20, subsection (c);

Section (g) shall be added as follows:

(g) Other exemptions, if any, from the imposition of a drainage charge shall be as indicated in the Schedule of Rates attached hereto.”

After discussion by Council Members, Mayor Parker stated that the administration strongly urged a “no” vote on Item No. 20-4, the original ordinance had no exemptions, the administration discussed with Council and conducted 10 townhall meetings on this and heard over and over again a desire for some relief for schools from the drainage fees, for which she was sympathetic and relief for churches from the drainage fee, that the administration therefore offered, what she believed, was a principled compromise that exempted all existing facilities for schools and existing church facilities as defined under State Law but still allowed going forward for all new construction to conform to greener building practices and properly incentivized that practice, they believed that if it was voted down that Council Member Costello may be persuaded to withdraw his amendment as well and that they would be voting finally on the administration's principle compromise that grandfathered existing facilities, but had a good go

forward plan. Council Member Jones absent.

After further discussion by Council Members, Council Member Adams moved to suspend the rules to hear from Mr. Andy Icken, Chief Development Officer, seconded by Council Member Bradford. Note: no vote was taken and Mr. Icken was seated at the Council table. Council Members Johnson and Lovell absent.

Upon questions by Council Members, Mr. Icken stated that going forward if a church builds a new roof or parking garage over a parking lot that was already impervious than there would be the same exemption that they had before, that if they were building it over impervious service already then it would be exempt, that if it were not over impervious surface then they would not be exempt, and Mayor Parker stated unless they engaged in low impact development mitigation, and Mr. Icken stated that there were means that they could off site from the roof they did, create opportunities that created less impervious surface elsewhere on the site. Council Member Lovell absent.

After further discussion by Council Members, a roll call vote was called on Item No. 20-4.

ROLL CALL VOTE:

Mayor Parker voting no	Council Member Gonzalez voting no
Council Member Stardig voting no	Council Member Rodriguez voting no
Council Member Johnson voting no	Council Member Costello voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Adams voting no	Council Member Noriega voting no
Council Member Sullivan voting aye	Council Member Bradford voting aye
Council Member Hoang voting aye	Council Member Jones voting no
Council Member Pennington voting no	MOTION 2011-0269 FAILED.

Council Member Hoang moved to suspend the rules to consider Item No. 20-9 out of order, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2011-0270 ADOPTED.

20-9 Council Member Bradford offered the following written motion relating to Item No. 20A.:

"I move that the City of Houston lobby team in Austin, TX, be instructed to work to assist with the passage of SB 714 authored by Senator Dan Patrick and its companion bill, HB 1022, authored by Representative Harold Dutton. These pieces of filed legislation would be exempt from a drainage fee.

- Property owned by a county
- Property owned by a school district
- Property owned by a church, synagogue or other organization or association organized primarily for religious purposes, and
- Property owned by a nonprofit organization that is exempt from federal income taxation."

After discussion by Council Members, Mr. Feldman stated that he issued a legal opinion that all Council Members were given a copy of and the property of charter schools, without going into a discussion of the various Education Code in Texas, Administrative Code Provisions involved, the property of a charter school would be considered the property of State agency therefore subject to a mandatory exemption under the statute of the ordinance.

After further questions and discussion by Council Members, Mr. Feldman stated that in the

unlikely event that the judge were to rule that the election was invalid, the imposition of the fee did not take effect until July 1, 2011, so obviously there would be ample time to drop back at that point, but he considered that to be a highly unlikely event; that State law was not supreme to a home rule City Charter, they were of equal weight, he had already expressed the legal opinion of the City in connection with what he believed to be the unconstitutionality of the Patrick bill, that they had all seen that opinion, but nevertheless if Council adopts the ordinance as it was and there was subsequent State Legislation passed which would provide for additional exemptions, then it certainly would be his proposal to the Mayor that they challenge that Legislation because in his concrete view it was unconstitutional, particularly with respect to the aspect of the Patrick bill, which sought to eviscerate their Charter by precluding them from collecting the \$125 million, which the voters of Houston approved, that the short answer to the question if the Patrick Legislation should pass would be in the courthouse; that 20-9, as he read it, was not an amendment to the ordinance, it was essentially more in the form of a resolution to support a piece of Legislation that was pending in Austin, that he had to state frankly he did not even know if the amendment were to pass how they could possibly incorporate it into their Drainage Ordinance, and particularly in light of the fact that they had a State statute, Chapter 552 of the local government code, which tells them what could or could not be in their ordinance; and Mayor Parker stated that Mr. Feldman was going down the legal patch and her understanding was that Senator Patrick's bill did state that the amount of any exemption not being passed on went directly to Mr. Feldman's comment that it would override the City's Charter and that was what they found offensive. Council Members Stardig, Johnson, Clutterbuck, Rodriguez and Lovell absent.

A roll call vote was called on Item No. 20-9. Mayor Parker stated that the administration did not support the item, they believed that Senator Patrick's bill was offensive on it's face, it was a violation of local control and it says that they were not competent to handle the business of the City.

ROLL CALL VOTE:

Mayor Parker voting no	Council Member Gonzalez voting no
Council Member Stardig voting no	Council Member Rodriguez voting no
Council Member Johnson voting aye	Council Member Costello voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Adams voting no	Council Member Noriega voting no
Council Member Sullivan voting aye	Council Member Bradford voting aye
Council Member Hoang voting aye	Council Member Jones voting no
Council Member Pennington voting no	MOTION 2011-0271 FAILED.

20-1 Council Member Costello offered the following written motion to amend Item No. 20A.:

"I move to amend Agenda Item #32, Article XIV to Chapter 47 of the Code of Ordinances, Houston, Texas, to create a Municipal Drainage Utility System to remove exemptions for school districts, religious organizations, and county-exempt property:

Sec. 47-822 Drainage charge established; exemptions.

- (f) The following are exempt by State Law from imposition of a drainage charge;
- (1) Properties appraised for use as and designated as agricultural use property by the respective county appraisal district where the property is located;
 - (2) Properties served wholly sufficient and privately owned drainage system;
 - (3) State agencies;
 - (4) Any public or private institution of higher education
 - ~~(5) Any impervious surface owned by a school district as of _____1;~~
 - ~~(6) Any impervious surface owned by a religious organization as of _____2;~~
 - ~~(7) County exempt property."~~

- 1 Editor/City Secretary shall insert the effective date of this Ordinance.
- 2 Editor/City Secretary shall insert the effective date of this Ordinance.

After discussion, Council Member Costello stated that he would withdraw Item No. 20-1.

20-2. Council Member Pennington offered the following written motion to amend Item No. 20A.:

“I move to amend Item 32 by amending Section 47-861 of the proposed ordinance to read as follows:

Sec. 47-861. Oversight Committee.

There shall be created an oversight committee of nine members, five members to be appointed by the Mayor, including the committee chair, and four members to be appointed by city council, whose members shall advise the city on drainage project priorities and process. The committee will consist of individuals with significant backgrounds in community development, infrastructure assessments, and other appropriate qualifications. Contractors, engineers or firms participating in any city drainage system project will be ineligible to serve on the committee. Within twelve months following the appointment of the committee, the committee shall recommend to city council principles and guidelines by which future drainage projects shall be selected, and shall present to city council a proposed ten-year plan identifying drainage and street improvement projects recommended for construction with funding collected by the city pursuant to this article. Following presentment of said plan to city council, and after any amendments thereof by city council have been considered, the council shall approve the plan for implementation. The plan may thereafter be reviewed periodically by the city council and may be amended as appropriate. Following approval of the plan by city council, the plan shall be placed on the City’s website or other public location for public viewing.

The oversight committee shall be in place by July 1, 2011”

Council Member Pennington stated that he offered the amendment because he heard loud and clearly from his constituents and also from his personal opinion that when they were talking about the expenditure of large sums of money over a long period of time they needed transparency and accountability and they needed planning, and also they needed follow up, they read articles about what Metro did or did not do so he thought they needed to look retrospectively and prospectively to determine that they spend their money effectively and that they were proposing to spend it effectively, so the amendment, the proposed substitute amendment that was on their matrix was something that he had worked out with the administration that called for the oversight committee to develop policies and also to make a long range plan subject to approval by the City Council, and moved adoption of the amendment as stated in the matrix.

Mayor Parker stated that she wanted to thank Council Member Pennington for working with them on his language, that it codified what the administration’s intent was and he did an excellent job.

A vote was called on Item No. 20-2. All voting aye. Nays none. Council Member Adams absent. MOTION 2011-0272 ADOPTED.

Note for the record: #1

Motion 2011-0272 was written from the original written motion submitted by Council Member Pennington on 3-30-2011, inasmuch as the matrix, with the comments of the administration, was not provided to the City Secretary, who under the Rules of Council is the Clerk of the meeting, and no second was made to Council Member Pennington's verbal motion to adopt the verbiage in the matrix nor was a motion made to amend Agenda Item No. 20-2.

The following is the Matrix that Council Member Pennington referred to, which was not received by the Clerk until after the meeting:

Amend section 47-861 "Oversight committee": There shall be created an oversight committee of nine members....

To add: "Within twelve months following the appointment of the committee, the committee shall recommend to city council principles and guidelines by which future drainage projects shall be selected, and shall present to city council a proposed ten-year plan identifying drainage and street improvements projects recommended for construction with funding collected by the city pursuant to this article. Following presentment of said plan to city council, and after any amendments thereof of by city council have been considered, the council shall approve the plan for implementation. The plan may thereafter be reviewed periodically by the city council and may be amended as appropriate. Following approval of the plan by city council, the plan shall be placed on the City's website or other public location for public viewing. The oversight committee shall be in place by July 1, 2011.

Also a copy of the Legal Opinion dated April 21, 2011, which the original was signed by the City Attorney, follows on pages 28 and 29:

To: Anna Russell
City Secretary

From: David M. Feldman
City Attorney

Date: April 21, 2011

cc: Marta Crinejo

Subject: April 6, 2011 City Council Meeting;
Adoption of Amendment 20-2.

You have inquired as to the effect of the action taken by the City Council with regard to City Council floor amendment #20-2 to the proposed drainage ordinance, the latter being Item No. 20a on the April 6, 2011, Council agenda. We understand that at the April 6, 2011, Council meeting you were not provided a copy of the matrix being used by the Mayor and Council Members to reference the proposed amendments to the drainage ordinance.

Proposed floor amendment #20-2 was sponsored by Council Member Oliver Pennington. A matrix containing the ten proposed floor amendments to the drainage ordinance, and used by the Council to track and discuss such amendments, displayed each proposed amendment adjacent to a statement of the administration's position on each amendment and any substitute amendment proposed by the administration.

Prior to the preparation of this memo, a member of the Legal Department reviewed the video of the portion of the meeting at which amendment #20-2 was considered. In the video, Council Member Pennington referred to a substitute proposed by the administration for amendment #20-2 that appeared *on the matrix* as something that he had worked out with the administration, and moved to adopt the administration's substitute amendment *as stated on the matrix*. The Mayor then thanked the Council Member for working with the administration and stated that the substitute (i.e., the administration's) language codified the administration's intent. A vote was called on Item #20-2, and the item was approved unanimously.

The issue is, was the action taken sufficient to adopt the substitute (administration's) language of the matrix, even though the customary motion to consider a substitute was not made before the final vote was taken on the item, and the City Secretary did not have before her the proposed substitute language?

Based on the record, the intent of the City Council was to adopt from the matrix the substitute proposed by the administration. The other possibilities are (1) that because of the lack of formalities in the adoption, the action taken was to adopt the original amendment, a result not supported by the original amendment's sponsor, nor the record, or (2) no action was taken, an outcome clearly not supported by the record.

While the City Council has adopted Robert's Rules of Order to govern the conduct of City Council meetings, the use of such Rules is itself conditioned upon state law, City

Charter, city ordinance, or the Council's own rules (*see* Council Rule 21). This Department has on at least two prior occasions considered the impact on Council action of failing, through oversight or error, to strictly apply Robert's Rules, concluding that in the interest of finality of Council action, the intention of City Council, where clearly manifested, should be followed (*see* Legal Department Advisory Memo AD94-003; August 5, 1987, memo from Nick Demeris to Edward A. Cazares re: Council Motion 87-1247¹).

Observing these principles, the intention of City Council in this instance was clearly to adopt the matrix substitute amendment proposed by the administration. Please include this memorandum as well as the matrix itself in the minutes for the April 6, 2011, Council meeting.

1. In considering the impact of Robert's Rules, Mr. Demeris noted case law authority for the principle that a city council may "waive, modify, or disregard its own rules", citing *Anderson v. Grossenbacher*, 381 S.W. 72; that while such rules are created by the body "to insure the orderly conduct of business...the same body which makes them can also waive or simply disregard them at pleasure", citing *State ex rel. Todd v. Essling*, 128 N.W. 2d 307, 318; and that the failure of a city council to comply with its own rules "would be an irregularity, not a jurisdictional defect", citing *Meredith v. Connally*, 330 NYS 2d 188, 190. While these opinions support the interpretation herein, this memorandum should not be extended to suggest that the City Council should intentionally deviate from the application of Robert's Rules in the conduct of its meetings.

20-3 Council Member Pennington offered the following written motion to amend Item No. 20A.:

"I move to amend Agenda Item Number 32 with the following language:

Sec. 47-824 Verification, correction and appeal.

(b) Strike the sentence "To be eligible for verification and correction, any request must be at a minimum provide information sufficient to support a correction in the annual drainage charge to the user's favor of at least two percent or \$3.00, whichever is greater."

(e) Strike the sentence "The appeal shall be based exclusively on the information and data considered in the verification and correction process."

(e) Modify the sentence "The decision of the hearing examiner, following such appeal, shall be final." to "The decision of the hearing examiner, following such appeal, may be appealed by the user in the City of Houston Municipal Courts within 30 days time."

Council Member Pennington stated that the second amendment, No. 20-3, they had a substitute amendment for that which had been circulated to them, that at the end of the second paragraph he added the term "City Council is to review and approve the independent process utilized by the director", that was to assure that Council had a role in determining the procedures that were followed; that the second was to delete the sentence in the second paragraph that did not allow residents to present new evidence before the hearing examiner, that as the ordinance was drafted now they could present evidence to the staff person and then if they appealed to the hearing examiner they did not have the right to present new evidence, that it was important for fairness to the property owners and also for the credibility of the system if they did have a process where the evidence could be presented, that he did drop off the provision that he had in the original proposed amendment to allow an appeal to the Municipal Courts upon review by the City Attorney, they did not have the power locally to vest jurisdiction in a State court, so that would be a nullity even if they adopted it, it would have to be an amendment to the State law so he would drop that provision and asked for adoption of the substitute amendment.

Council Member Pennington offered the following written motion as a substitute motion for the motion presented and tagged on March 30, 2011 and identified as agenda Item No. 20-3:

"Re: Agenda Item No. 20-3

PENNINGTON AMENDMENT #2 – SUBSTITUTE OFFERED BY COUNCIL MEMBER PENNINGTON (SEC 47-824 (e))

ADD THE FOLLOWING SENTENCE at the end of the second paragraph of Sec. 47-824 (e): "City Council is to review and approve the independent process utilized by the director for this appeal process."

STRIKE THE SENTENCE in the fourth paragraph of Sec. 47-824 (e): "The appeal shall be based exclusively on the information and data considered in the verification and correction process."

Mayor Parker stated that Council Member Pennington had placed before them a written substitute which reflected what was on the right hand box as the administration's position, they did support his written substitution and would encourage an affirmative vote for that.

Council Member Sullivan asked if anyone appealing have the ability to present new

evidence, and Mayor Parker stated yes, that their original ordinance was an appeal on record and they received many appeals on the record but the Council Member opposed that since this was a new ordinance and a work in progress that they ought to allow the opportunity for the property owner to bring in more data and they concurred, that seemed a fair way to do it.

A vote was called on the written substitute motion for Item No. 20-3 as presented by Council Member Pennington. All voting aye. Nays none. MOTION 2011-0273 ADOPTED AS SUBSTITUTED.

20-5 Council Member Bradford offered the following written motion to amend Item No. 20A.:

"I offer the following Amendment to alter the definition of *Impervious surface* within the proposed Chapter 47 Code of Ordinances, Houston, Texas, Article XIV, Municipal Drainage Utility System:

Modify Section 47-802 Definitions

Section labeled *Impervious Surface* shall be changed to remove the terms oyster shell, gravel, and decks from the definition of impervious surface and to exclude them from consideration as impervious surface features and/or materials"

After discussion by Council Members, Mayor Parker asked if they wanted to hear from Mr. Icken.

Mr. Icken stated that about 95% of a deck was an impermeable surface, it did flow off and some of it did go below, they looked at a number of cases and in most cases what had happened was that the ground was compacted underneath a deck and they really were trying to lower the administrative costs of going out in every case to measure, that many decks were built over a concrete surface across the City and others were built on other forms of deck so the view was that; that as to the comment on oyster shells, oyster shells had been used in the City for years as an impermeable road surface and that was how many of the streets in Houston were originally built because they were impermeable. Council Member Noriega absent.

Council Member Gonzalez moved to extend the meeting past the scheduled noon recess to complete the agenda, seconded by Council Member Noriega. All voting aye. Nays none. MOTION 2011-0274 ADOPTED.

After further discussion by Council Members, a vote was called on Item No. 20-5. Council Members Johnson, Adams and Bradford voting yes, balance voting no. MOTION 2011-0275 FAILED.

20-6 Council Member Bradford offered the following written motion to amend Item No. 20A.:

"I offer the following Amendment to the proposed Chapter 47 Code of Ordinances, Houston, Texas, Article XIV, Municipal Drainage Utility System:

Sec 47-824 Verification, correction and appeal

The second paragraph of Section (e) *Appeals* currently reads:

"The director shall designate hearing examiners who will be independent of the operation of the city's drainage system to consider appeals as to whether or not a drainage charge was correctly determined based on the amount of impervious surface on the property.

The second paragraph of Section (e) *Appeals* shall be changed to read:

The City Council shall designate hearing examiners who will be independent of the operation of the city's drainage system, to consider appeals as to whether or not a drainage charge was correctly determined based on the amount of impervious surface on the property."

After further discussion by Council Members, Mayor Parker asked Mr. Feldman that in most cases where they use hearing examiners what was the process, and Mr. Feldman stated that it did vary, they had some situations where hearing examiners were appointed without any form of confirmation, but they also had situations where the administration recommends the appointment and the Council confirms, and Mayor Parker asked if there was anywhere where Council appointed directly the hearing examiners, and Mr. Feldman stated no.

Mayor Parker stated that the administration did not support Item No. 20-6 and felt that they had addressed the concerns of the Council Member through Council Member Pennington's item.

A vote was called on Item No. 20-6. Council Members Bradford and Johnson voting aye, balance voting no. MOTION 2011-0276 FAILED.

20-7 Council Member Bradford offered the following written motion to amend Item No. 20A.:

"I offer the following Amendment to alter the proposed Chapter 47 Code of Ordinances, Houston, Texas, Article XIV, Municipal Drainage Utility System:

Sec. 47-805 Administration of municipal drainage services.

The last sentence, which currently reads:

Calculation of impervious surface may be adjusted by the director based on utilization of specific storm water management techniques on the benefitted property"

Shall be changed to read as follows:

Calculation of impervious surface shall be adjusted by the director based on the utilization of approved storm water management techniques on the benefitted property. Any approved management techniques are to be identified and described in detail by the director and the information made readily available to the public.

After discussion by Council Member Bradford, Mayor Parker stated that the administration was sympathetic to the changing of the word "may" to "shall" and did offer some various forms of compromise on this which were declined.

After further questions and discussion by Council Members, Mr. Feldman stated they would agree that "shall" was an appropriate word to use but there was additional language in the amendment that the administration was opposed to, that if the only change was to that one word he believed it was quite appropriate, and Mr. Icken stated that they did not have an issue with the word "shall" versus "may", however the concern was that if the director was set to do it there were some requirements on the citizen and what they suggested was that they change the word in the amendment that "shall upon the submission of adequate information" then the word "shall" was fine with them but that

was not an acceptable alteration. Council Member Sullivan absent.

After further questions by Council Members, Mayor Parker stated that this was not a particularly egregious amendment, as she said she was perfectly happy with changing “may” to “shall”, they had asked for some cooperation on the rest of it to tweak it but the Council Member declined, and Mr. Icken stated that they were fine with the last sentence, they agreed all of the information should be public and disclosed to the entire public, the question was that in the word “shall” they wanted to make it clear that the citizen had to submit the required information and that was the legal advice they had. Council Member Adams absent.

After further questions by Council Members, Mr. Feldman stated that Council Member Bradford’s amendment was perfectly fine as far as the Legal Department was concerned. Council Member Adams absent.

A vote was called on Item no. 20-7. All voting aye. Nays none. Council Member Adams absent. MOTION 2011-0277 ADOPTED.

20-8 Council Member Bradford offered the following written motion to amendment Item No. 20A.:

“I offer the following Amendment to the proposed Chapter 47 Code of Ordinances, Houston, Texas, Article XIV, Municipal Drainage Utility System:

Sec. 47-822 Drainage charge established; exemptions.

Subsection (f) (7) currently reads:
County-exempt property.

Shall be changed to read:
Any property owned by a county of the State of Texas.

After discussion by Council Members, Mayor Parker stated that this item was designed to address things like the Reliant Complex that were revenue generating complexes, not County property that was really tax supported property, that it was the same distinction they made between Enterprise Funds and the General Fund, that the administration urged a vote against; that they did not have Enterprise or General Funds, they phrased it a different way, but the City made that distinction in the ordinance, in consultation with the County Attorney’s office, and asked Mr. Feldman to follow up. Council Member Adams absent.

Mr. Feldman stated that this language was arrived at in discussion with the County Attorney’s office and they signed off on the language, and Mayor Parker stated that on the language in the base ordinance, that it would add to the items exempted to the County to give it a blanket exemption for current County facilities they had discussions with them again like things like the Reliant Complex, which was supported by users fees and the City thought it was appropriate that they pay a drainage fee. Council Members Adams and Noriega absent.

Council Member Jones moved to call the question on Item No. 20-8, seconded by Council Member Costello. Council Members Bradford and Sullivan voting no, balance voting aye. Council Member Adams absent. MOTION 2011-0278 ADOPTED.

A vote was called on Item No. 20-8 and Mayor Parker stated that the

administration urged a no vote on the item, they believed it had been addressed in the base ordinance. Council Members Bradford and Sullivan voting aye, balance voting no. Council Member Adams absent. MOTION 2011-0279 FAILED.

20-10 Council Member Hoang offered the following written motion to amend Item No. 20A.:

Sec. 47-861. Oversight committee.

Sec. 47-867. shall read as follows

There shall be created and oversight committee of nine members, ~~five~~ four members to be appointed by the mayor, including the committee chair, and ~~four~~ five members to be appointed by city council, whose members shall advise the city on drainage project priorities and process.

After discussion by Council Member Hoang a vote was called on Item No. 20-10. All voting aye. Nays none. Council Member Adams absent. MOTION 2011-0280 ADOPTED.

20a. ORDINANCE adopting Article XIV to Chapter 47 of the Code of Ordinances, Houston, Texas, to create a Municipal Drainage Utility System; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – **(This was Item 32 on Agenda of March 30, 2011, TAGGED BY COUNCIL MEMBER COSTELLO)**

After discussion by Council Members, Mayor Parker stated that this was a community press conference and they asked to be able to use City Hall, she was asking them respectfully to hold, and Council Member Clutterbuck moved to suspend the discussion and take a break until the press conference was over and then resume discussion, seconded by Council Member Adams.

After further discussion by Council Members a vote was called on Council Member Clutterbuck motion to recess. Council Members Stardig, Clutterbuck and Bradford voting yes, balance voting no. MOTION 2011-0281 FAILED.

After further discussion by Council Members, Council Member Adams stated that she hoped they continued to move forward and make sure they kept their eye on list of what streets would go forward and was waiting for those results to come out and she knew that Council Member Costello was going to make sure she was one of the first Council Members to get that list.

A vote was called on Item No. 20A. Council Members Johnson, Sullivan and Bradford voting no, balance voting aye. ORDINANCE 2011-0254 ADOPTED AS AMENDED.

Note for the record: #2

The City Secretary was provided by Mr. Larry Schenk, Senior Assistant City Attorney, substitute pages to be inserted into ordinance listed on the agenda as 20A to be in the form adopted by the City Council as amended by motions and the Legal Opinion listed as Note for the record: No. 1.

20b. MOTION by Council Member Gonzalez/Seconded by Council Member Noriega to adopt recommendation from Director Department of Public Works & Engineering to approve a

schedule of rates to establish and levy drainage charges for the implementation of a Municipal Drainage Utility System as follows: Annual rate per square foot of impervious surface

Proposed Rate (per sq ft of impervious surface per year)

Residential curb & gutter, non residential 3.20¢

Residential open ditch 2.60¢

(This was Item 32A on Agenda of March 30, 2011, TAGGED BY COUNCIL MEMBERS COSTELLO and SULLIVAN) - was presented. Council Members Bradford and Sullivan voting no, balance voting aye. MOTION 2011-0282 ADOPTED.

Council Member Stardig moved to suspend the rules to recess pop off until they return, seconded by Council Member Lovell. Council Members Stardig and Lovell yes, balance voting no. MOTION 2011-0283 FAILED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Clutterbuck first

Council Member Stardig moved to suspend the rules to recess popoff until after the press conference, seconded by Council Member Lovell. Council Members Stardig and Lovell voting aye, balance voting no. Council Member Sullivan absent. MOTION 2011-0283 FAILED.

Council Member Clutterbuck reviewed a video of the re-opening of Marian Park and stated that she wanted to thank people from the Mayor's office, Susan Christian, Todd Holloman and Stephanie Kiouses, the Brays Oaks Management District, the Pink Hat Ladies, Welch Middle School, the amazing District C office and team, Catherine Murphy, Sharon Shanahan, Barbara Hite, Landon Taylor and Jonathan Newport; that this morning on the way into work she passed a very busy intersection at Greenbriar, Shepherd and Highway 59, that all of the lights were out at those intersections because a car ran into an electrical pole and toppled the electrical pole, that she got to see first hand the Fire Department remove the car and try to right the traffic pole in the process of restoring power to the traffic lights, but she also saw very quickly the Mobility Response Team (MRT) showing up on the scene to help assist with traffic, the lights were completely black and the Mobility Response Team were there able to help assist speeding along traffic during rush hour, that if they had not been there HPD would have been and if they had HPD officers serving in the traffic direction function it would have cost a lot more money than the MRT's. Council Members Stardig, Johnson, Sullivan, Rodriguez, Noriega, Bradford and Jones absent.

Council Member Pennington stated that he had talked to Mr. Feldman before he left and he wanted to mention the great service the City received by Nirja Aiyer, Assistant City Attorney, who represented the City and residents of the Briargrove area in opposing an application for renewal of a Liquor Permit of an entity that got put out of business for being a public nuisance, that she and Yolanda Woods and Marlene Allen did a great job, that he was there and testified; that last Friday night he and Mayor Parker and Council Members Clutterbuck and Council Member Gonzalez attended the BARC event, that it was wonderful to see the supporters that BARC had; that he attended the Hispanic Chamber of Commerce meeting luncheon yesterday, that they had great leadership and great support; that he wanted to congratulate the City, including Susan Christian and the local organizing committee, for the Final Four, that he attended the games and knew that his son Lloyd attended the musical events downtown, that he read in the paper that the NCAA thought they did a great job and were looking forward to coming back so kudos to all who were directly involved. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that it went spectacularly well for the City of Houston, there were a few traffic jams and a few places where the mass transit was jammed up but overall a very good event. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Costello stated that yesterday they had a Budget and Fiscal Affairs meeting to discuss a number of items, that they were going to have a meeting with Director Dowe on April 19, 2011, at 9:30 a.m. in the basement conference room where Director Dowe would give them a kind of listing of what each department director's were recommending for their budget cuts and what impact it was going to have on each one of their departments, that they would have an opportunity to not only review all of the material that had been given to them during the core service exercises but then would be able to have some direct input and comments on what each department director was going to be doing, that he would urge his colleagues to look at the material that they had accumulated from all of the core services sessions and then be prepared to have a lengthy or quality discussion with Director Dowe over some of those recommendations. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to say thank you to Council Member Costello for Rebuild Houston, for his vision, his leadership, the ability to collaborate with his colleagues and have the patience to bring them along and understand what was at times a very technical issue, that she wanted to thank him for the time that he took to explain it to her, that she thought that what he had done in his first term as a Council Member was one of the most significant things that they had done this year, that they would now not incur debt to fix what was an infrastructure that so badly needed to be fixed and a problem that had been kicked down the road for a long time, that she wanted to thank the Mayor for her leadership on the issue and her willingness to stand firm and to understand that their schools were being choked by the Legislature, that she wanted to thank her for the ability to reach out and to reach a compromise with the churches on this issue, that she wanted to thank the churches for understanding that it was not just about them and their neighborhood, that they all contribute to the problem. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that she too thought that passing the Rebuild Houston and their redistricting this year were probably the two most significant things they would do in their time at Council. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that he wanted to thank the voters for allowing them to be able to move forward with this and enact the ordinance to implement Rebuild Houston, that he wanted to thank Council Member Costello for his leadership and for educating them when they did not have all of the answers on the table and provide a unique perspective that only he could bring to the Council table in that regard and for staying the course when things were tough, that he wanted to thank Mayor Parker for providing the leadership and providing the framework for them to work under as she promised many months ago and they stayed the course as well and had worked through the difficult issues and found compromise when necessary and made the hard decisions, that he thought the voters of the City should be grateful for that, that it was not only for today but for the future; that he also saw the Mobility Response Team in action during the Final Four and thought the same thing that it would probably be much higher paid police officers having to man some of those traffic assignments and it worked very well and very effectively to be able to use them in that regard with such a big scale event, that he hoped that the Final Four was not the last one, that he knew they had others coming down the road and maybe they could have another super bowl and other high spectator sports that would come to their City; that on Saturday, April 9, 2011 they would partner with the Friends of Woodland Park to pick up debris and trash, that it was one of the oldest parks in the City, that he would say it was a hidden gem because there was a 19 acre lake in the park that many years ago had a water playground and promenade and they were trying to bring it back to life, that it was a community driven process and this was just an

extension of that. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to say congratulations to the Texas A&M Woman's Basketball Team on their victory last night; that she wanted to thank the Knights of Peter Claver for an award this past weekend and also the A. Phillip Randolph Institute under the leadership of Ms. Clara Caldwell for presenting her an award on Sunday; that they were thankful for the NCAA Final Four, to their leadership and everyone who played a role in making sure that they had a safe and fun filled event, that they wanted to thank them for the revenue they left behind; that on Thursday, TSU Inspiration Reveal, a showcase of fine arts would be at the Wortham Theater and would be honoring Alumni Oliver Hermit and Thomas Melcanon, that it would be at 7:00 p.m.; that this Saturday would be the Sisters Network Walk, that last year they raised over \$10,000, that the organization was growing and were nationally recognized for the education and awareness of "Stop the Silence" for women going the battle of breast Cancer, that the walk would be at Discovery Green; that they would rally to bring the shuttle home. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:03 p.m. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary