

City Council Chamber, City Hall, Tuesday, May 3, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 3, 2011, Mayor Annise D. Parker presiding and with Council Members Jarvis Johnson, Ann Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega and C. O. "Brad" Bradford; Ms. Carolyn Hanahan, First Assistant City Attorney, Legal Department; Mr. Xavier Herrera Citizens Assistance Office; and Ms. Marta Crinejo, Agenda Director, present. Council Member Brenda Stardig absent on city business. Council Member Jolanda "Jo" Jones absent on personal business.

At 1:43 p.m. Mayor Parker stated that presentations would begin with Council Member Pennington. Council Member Pennington invited those present for his presentation to the podium and stated that Mr. James B. Sales was a senior partner at Fulbright and Jaworski and president of the State Bar and involved in substantial pro bono work, etc., and Mayor Parker presented Mr. Sales a Proclamation proclaiming today as "James B. Sales Day" in Houston, Texas. Council Members Lovell and Noriega absent.

Mr. Sales stated that he was humbled to receive the recognition and all the kind words spoken on his behalf; and introduced his wife and others present. Council Members Lovell and Noriega absent.

Presenters present on behalf of Mr. Sales referred to the many awards Mr. Sales had received; books he had written and programs he had initiated. Council Members Lovell and Noriega absent.

Council Members congratulated Mr. Sales on his recognition and thanked him for all his mentoring, services and accomplishments. Council Members Sullivan, Lovell and Noriega absent.

Council Member Bradford invited Dr. Quintanilla to the podium and stated that HPD was transformed into a great well respected organization and Dr. Quintanilla had worked with nine different police chiefs to help transform the department while teaching the Spanish language and culture; and Mayor Parker presented her a Proclamation proclaiming today as "Dr. Guadalupe Quintanilla Day" in Houston, Texas. Council Members Sullivan, Lovell and Noriega absent.

Dr. Quintanilla stated that it was a privilege to be here; that she was classified by the state as a mentally retarded person and to be honored like this went a long way; that she also had the privilege to represent the United States before the United Nations and traveled all over the world; that the work she did for 34 years with the Houston Police Department had been an incredible rewarding process and it was a privilege to serve the city she loved so much; and thanked all for the recognition; and introduced her son and granddaughter and friends who were present. Council Members Sullivan, Lovell and Noriega absent.

Council Members thanked Dr. Quintanilla for all her services and years served. Council Members Rodriguez, Lovell and Noriega absent.

Council Member Sullivan introduced the Whidby Elementary and Bay Area Charter School students present and asked they stand to be recognized. Council Member Sullivan stated that they were an official part of his proclamation he was presenting to Space Center Houston, a national entity for Physics Day as it was the official visitor center of NASA's Johnson Space Center; and Mayor Parker presented them a Proclamation proclaiming today as "National Physics Day" in Houston, Texas. Council Members Rodriguez, Lovell and Noriega absent.

Ms. Melody Johnson, Director of Education at Space Center Houston, thanked all for the recognition stated that and their ultimate goal was to have a National Physics Day. Council Members Rodriguez, Lovell and Noriega absent.

Council Members thanked Ms. Johnson for her services, recognized her work and wished all continued success. Council Members Rodriguez, Lovell and Noriega absent.

At 2:36 p.m. Mayor Parker called on Council Member Hoang who introduced Reverend Abbott and others with the Vietnam Buddhist Center who led all in the prayer and Council Member Hoang led all in the pledge. Council Members Rodriguez, Lovell and Noriega absent.

At 2:42 p.m. the City Secretary called the roll. Council Member Stardig absent on city business. Council Member Jones absent on personal business.

Council Members Gonzalez and Costello moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Stardig absent on city business. Council Member Jones absent on personal business. MOTION ADOPTED.

At 2:43 p.m. the City Secretary began calling the public speakers.

Mr. Juan Luera, 912 Graceland, Houston, Texas 77009 (281-914-3206) had reserved time to speak but was not present when his name was called. Council Member Sullivan absent.

Mr. Trila, 10603 Bellaire, Houston, Texas 77072 (713-875-4924) appeared and stated he was owner of the Kim Son Restaurant and present supporting the name change of Turtlewood Drive to Little Saigon as for the past 36 years it was a dream of their community. Council Members Adams and Sullivan absent.

Upon questions by Council Member Hoang, Mr. Trila stated that others were in support of the name change and Turtlewood was a two block street; and Council Member Hoang asked those present in support of the name change to stand to be recognized. Council Members Adams, Sullivan and Pennington absent.

Mayor Parker stated that Thursday would be the last day for public comment on this, they were required to have a 30 day comment period and then they would evaluate the level of support from those living along the street and bring it forward. Council Members Adams, Sullivan and Pennington absent.

Council Member Hoang moved the rules be suspended for the purpose of adding Ms. Thy Hoang to the one minute speakers list, seconded by Council Member Costello. All voting aye. Nays none. Council Member Stardig absent on city business. Council Member Jones absent on personal business. Council Members Adams, Sullivan and Pennington absent. MOTION 2011-0347 ADOPTED.

Ms. Ty Hoang, who was previously added to the speakers list, appeared and stated that she and her parents live in Turtlewood Square and this name change was really big, her parents were from Saigon; and urged the name change. Council Members Adams and Sullivan absent.

Upon questions by Council Member Hoang, Ms. Hoang stated that her father originated the petition and they went through the community; that there was opposition to the change, but just a few about 5 out of 47 houses. Council Members Adams and Sullivan absent.

Mayor Parker stated that Council Members were notified this morning a police officer was

seriously injured in the line of duty, Officer Jason Roy was injured in a roll over wreck and had been in surgery most of the day and would ask that all keep him in their prayers. Council Members Adams and Sullivan absent.

Mr. Mark Williamson, 1433 Columbia, Houston, Texas 77008 (713-864-4230) appeared, presented Council Members information for viewing and stated that he was president of the Super Neighborhood 15, the Greater Heights Super Neighborhood Council and he was wanting to pass on to Council a joint resolution between them, the Houston Heights Association, the West End Civic Club and Woodland Heights Civic Association regarding the Yale Street Bridge; and had presented a statement entitled "Position Statement Regarding Traffic and Public Safety in the Greater Heights Washington Avenue Area"; that they requested Heights Blvd. be designated "No Through Trucks" and that it not be used as a cut through. Council Members Adams and Sullivan absent.

Upon questions by Council Member Gonzalez, Mr. Williamson stated that if necessary they would like the street to be one way out and no eighteen wheeler traffic. Council Members Adams and Sullivan absent.

Mr. John Oxley, 12750 Brian Forest #314, Houston, Texas 77077 (832-392-6874) appeared, displayed a vest and stated that he was present to tell a story; that in 2006 his grandson Lance was diagnosed with a brain tumor and he began losing hearing, etc., but loved motorcycles ; that they met a bunch of guys with motorcycles having a fajita cook-off and they adopted him as an honorary member of their club and they were all police officers; that law enforcement seemed to get a kick in the teeth more often than a pat on the back and there were really good people in the organization; that over the course of a year they had benefits for Lance and others. Council Members Adams and Sullivan absent.

Upon questions by Council Member Noriega, Mr. Oxley stated that he was holding his grandson's vest with pins from the Secret Service, HPD, New York City Detectives, from law enforcement agencies throughout; that he had a brain tumor and he was no longer here; and Council Member Noriega thanked Mr. Oxley for bringing his vest and sharing his story. Council Members Adams and Sullivan absent.

Council Member Clutterbuck thanked Mr. Oxley for appearing and sharing the beautiful life of his grandson Lance who affected so many people for the good; and for him bringing such good stories of officers. Council Members Adams and Sullivan absent.

Mr. Donald Burns, 13021 Donegal Way, Houston, Texas 77047 (713-882-0307) appeared and stated that he was present regarding Shamrock Manor, this began on September 16, 2004 by stuffing a mailbox and breaking federal law; he appeared at civic clubs and the head of Neighborhood Protection came to his home; that they said he disrupted their meetings and he was confronted about deed restrictions; that he was about breaking cycles and this was about his freedom of speech; that they were attacking his civil liberties and encouraging others to call the Board of Pardons and Parole and stop him, but they could not hide the truth. Council Members Adams and Sullivan absent.

Ms. Tamara Scharck, 2115 E. Settlers Way, Houston, Texas 77380 (832-754-5094) appeared, presented pictures for viewing and stated that the pictures were of signs at Smith and Bagby, Parking Management was placing new signs around the city, one was about a jitney stop, but her problem was her car was towed even though she followed all signs and now she was having to pay for the towing, storage and cab and officers gave her zero help and it took them 30 minutes to track her car; there was a number to be displayed to find where your car was towed and the number was on no signs; and was asking Parking Management to better regulate signs, put information on their website; that Parking Management admitted they were

wrong, but now she had to pay to have her case heard in court. Council Members Johnson, Adams and Sullivan absent.

Mayor Parker stated that Ms. Scharck clearly pointed out confusing street signs, they did go remove the sign and did make it clear there was no parking, but she would have to go through the process and she thought the signs would be persuasive to a judge. Council Members Johnson, Adams and Sullivan absent.

Mr. Ray Field, 5910 Jackwood, Houston, Texas 77074 (713-297-1397) had reserved time to speak but was not present when his name was called. Council Members Johnson, Adams and Sullivan absent.

Mr. Nate Lubke, 1719 Live Oak, Houston, Texas 77003 (832-687-5917) appeared and stated that he and his best friend started a pedicab business in Houston in 2003 and went through meetings with Council Members and Mr. Newport for about six months; that they came back to the city over regulations and now it seemed they were being scrutinized by HPD; that one driver got a ticket for a dirty shirt and they would like to be placed with pedicabs by Minute Maid Park on Texas Avenue which was what they were promised in meetings; that they paid for over 30 permits in the city and did not have one pedicab stand made as yet. Council Members Johnson and Sullivan absent.

Upon questions by Council Member Lovell, Mr. Lubike stated that his best friend owned Lone Star Bike CAB; that he was one of the managers; and Council Member Lovell stated that they had sent a message to Mr. Weatherford in Public Works asking when he thought...; that she agreed there should be pedicab stands and it was up to Public Works to make it happen and they sent an email to him asking when it could happen; that cab drivers in Houston did have to look nice; and Mayor Parker stated that this was the first time it came to her attention and it should have already happened, so a strong message was going to Public Works. Council Members Johnson and Sullivan absent.

Mr. Travis Stowers, 1719 Live Oak, Houston, Texas 77003 (832-275-9464) appeared and stated that he was owner of Lone Star Cab and they had companies in other cities; that they were godfathers of alternative transportation in this city, but received little respect; that they had a rough year, but he thanked them for listening and would appreciate anything they could do. Council Members Johnson and Sullivan absent.

Upon questions by Mayor Parker, Mr. Stowers stated that there was an issue of a stand at Reliant as well; and Mayor Parker stated if they need to talk about that..., she just needed to know whether to add it to the list; that they could not actually do anything at Reliant. Council Members Johnson, Sullivan and Noriega absent.

Upon questions by Council Member Lovell, Mr. Stowers stated that he was the owner and he had to assign to someone else as he was going into a coma so someone else was written owner; that he was not licensed to drive as yet; and Council Member Lovell stated that there was indication that would not happen because he would not qualify due to something in his past; and they had asked to get stands at Minute Maid. Council Members Johnson and Sullivan absent.

Mr. Zac Hendrickson, 1202 W. Gray #3, Houston, Texas 77019 (253-886-7628) appeared and stated that he was a permitted rider in the City of Houston and in Arlington they had portable pedicab stands and could move it according to traffic; that people would not walk a block to ride for two blocks and they lost business; that he had been pulled over because of two adults having a small child in their laps and the ordinance said children under five were not to be considered persons and as he read it all would be okay and it was safer for them to be held;

and he would like them to work together and get on the same page. Council Members Johnson, Sullivan and Rodriguez absent.

Council Member Lovell stated that they did need to sit with the Police Department and Public Works and figure out how they could make this convenient for customers and be safe, but on the issue children in laps she was opposed. Council Members Johnson, Sullivan and Rodriguez absent.

Ms. Brenda Thompson, 406 Bradshire Court, Deer Park, Texas 77536 (281-723-1406) appeared and stated that she was present to discuss an issue which affected her economically; that she got a permit for a pedicab and got finger printed, drug tested, etc., but it was obvious pedicab operators were not being treated fairly and improvements could be made; that she was specifically speaking of working the Astros Game at Minute Maid Park; that they were required to stay on a side road across the street and someone would have to go out of their way to get a ride from them and she would propose getting on Texas Street, it would help them and all wanting a ride. Council Members Johnson, Sullivan, Pennington and Rodriguez absent.

Council Member Lovell stated that they were new at this and they had brought excellent suggestions today and a meeting was set with Public Works to get this resolved; and she thanked them for coming. Council Members Johnson, Sullivan, Pennington and Rodriguez absent.

Mr. Matthew Parchem, 20980 Deusters, Porter, Texas 77536 (713-302-0659) appeared and stated that he was with Ready to Roll Pedicab and was present to express disappointment in how regulations were being enforced; that Downtown police were overzealous when at Reliant Stadium and on Washington Avenue there was no enforcement at all; that he wanted the Code enforced, but they went overboard, it was their company which had the guy with the dirty shirt as he had changed a tire and it had a few smudges; that he saw an incident where too many were loaded and the seat belt came off and one girl hit her head on the cement; that if they could work with police they could get a safe solution. Council Members Johnson, Sullivan, Pennington, Rodriguez and Noriega absent.

Ms. Shirley White, 2505 Fannin, Houston, Texas 77002 (no phone) appeared and stated that her passport was used to navigate to the U. S. to torture her with kidnapped brother; and continued expressing her personal opinions much of which was inaudible. Council Members Sullivan, Pennington, Rodriguez and Noriega absent.

Mr. Aurelio Cantu, 2310 Freeman, Houston, Texas 77009 (832-767-7855) appeared and stated that he was also present regarding pedicabs; that they tried to provide a service for tourists and residents and if they had a stand on the curb at Texas Avenue they could provide a simple three block ride, not necessary but enjoyable, at this time it was a hostile experience going behind police cars and looking for a small line of bikes in the dark; and they hoped to mend the broken bridges they now had. Council Members Sullivan, Pennington, Rodriguez and Noriega absent.

Mr. William Beal;, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Pennington, Rodriguez and Noriega absent.

Ms. Angela Hernandez, 8215 Gulf Spring, Houston Texas 77075 (832-310-6213) appeared, presented photos of her Labrador for viewing and stated that he was shot on April 25, 2011, by HPD; that they entered her property as a neighbor called in on a burglary; that the officer said he thought the dog was a threat as he went toward him, that the officer gave her sister a case number, business card and phone number for the Claims in the Legal Department;

when she called she was told he was property; that her dog was now blind and it is yet to be determined if his eye would need to be removed and closed shut; that anyone caring for anything living and breathing would be affected when something happened and she was present hoping she could be reimbursed for vet bills, he was still going through appointments and it was sad someone she loved and took care of nine years was considered property; and he was on his own property. Council Members Sullivan, Pennington, Rodriguez and Noriega absent.

Mayor Parker stated that she was sorry this happened to her dog; that many at the Council Table were dog owners and dog lovers; and it sounded as if it were a very tragic and unfortunate incident for her; that she did understand at the scene she was given the officer's card, supervisor information, etc., and information on how to file a claim; and Ms. Hernandez stated that was correct. Council Members Sullivan, Pennington, Rodriguez and Noriega absent.

Upon questions by Council Member Lovell, Ms. Hernandez stated that her dog's name was Bruce; that her neighbor had called police because someone was breaking into his home and it ended up that it was his stepson; that the dog was in her yard behind the fence; that the officer wanted to check to see if a suspect was in her yard; Council Member Lovell stated that the mascot at BARK was someone that came into the yard and the dog was aggressively protecting its property and they tried to taser it and it would not go down so they were going to shoot, but stopped and BARK came and said it was not a dangerous dog, it was doing its job; that she knew officers had a lot to do, but there should be something better than just shooting a dog when it was in its own yard and she would like some guidance as it did not seem the officer was in a life threatening situation; and maybe the chair of the Public Safety Committee could see if there was another way of going about this; and she was sorry about her dog. Council Members Johnson, Sullivan and Rodriguez absent.

Council Member Pennington stated that maybe a former officer on Council may have an answer as to whether there was training on how to handle dogs, but with regard to this situation it may be a good idea to try and assist her; and Mayor Parker stated that at this point what she wanted was a claim against the city for legal bills for the dog and it would be through Legal and she believed she had been given information for that; and she was not talking of this situation, but to the Council Members this was a common occurrence, many drug houses used dogs for patrolling and often would stake dangerous ones near their entrances and the shooting of dogs, unfortunately, was becoming more common; and it may be a good idea to get what the policy was from the department. Council Members Johnson, Sullivan and Rodriguez absent.

Mr. Norman Nelson, P. O. Box 68424, Houston, Texas 77268 (713-854-7246) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan and Rodriguez absent.

Mr. Joe Zimmerman, 1205 Mansfield, Houston, Texas 77091 (713-725-9924) appeared and stated that he was present in support of John Linden a friend of his who lived at 1205 Mansfield, in August last year he was away from his residence tending to his father and he had a water leak at the meter on the customer side; that his typical water bill was around 15,000 gallons a month and for that month it was 872,000 gallons and he received a bill for \$10,000 plus and he would request consideration in adjusting his bill to what his average usage was, if he was not in town he could not know there was a leak and when he came back he had a plumber correct it and it did appear the meter had been vandalized. Council Members Johnson, Sullivan and Rodriguez absent.

Mayor Parker stated that it was a really large water bill; that she would point out the city did reduce the bill by half and it was still a very large water bill, but it had been addressed in some form by the city and under the Code of Ordinances it was what was allowed; that she

would ask Mr. Gary Norman with Public Works if there was any other relief in such a situation that they could offer. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mr. Don Linden, 1205 Mansfield, Houston, Texas 77091 (713-476-9074) appeared and stated that he lived in Acres Home and he did security planning and requested the meter be placed within his fenced area of his property and he was told it would be done, but it was not and now he had this very large bill; that he was suggesting the city get its act together; that he understood people taking the money for water and sewer hookup was not employees of that department and there was obvious miscommunication. Council Members Johnson, Sullivan, Hoang and Rodriguez absent.

Mayor Parker stated that when he initially asked for the water meter he wanted it behind the gate on his side rather than the public side where they were normally placed; and Mr. Linden stated that was correct; and Mayor Parker stated that honestly she did not know the policy on that and she did not know if his problem could be solved, but Mr. Norman was present and they would start with him to see if there was any other relief. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez and Lovell absent.

Ms. Patricia Martin, 8381 Broadway #206, Houston, Texas 77061 (832-276-6400) had reserved time to speak but was not present when her name was called. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez and Lovell absent.

Mr. Paul Mourino, 12250 S. Kirkwood, Stafford, Texas 77477 (484-343-6107) appeared, presented information and stated that he was present to bring to their attention two bills being presented to Congress and of vital importance, one was the Glass-Steagall Act, which was renamed and it was to restore prudent banking, H.R. 1489 and dealt with collapse of the entire banking system and they needed to push through for firewalls between commercial banking, investment banking and various type activities; that on the second item he would like Council to consider passing a resolution here and that had to do with the space program, Restore American Leadership in Space, H. R. 14641, involving returning to the Apollo Space Mission which meant they would build cities on the moon and he was sure all were for it, but first you had to turn to the banking system. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez and Lovell absent.

Mr. Jesse Shields, 2511 Brewster, Houston, Texas 77026 (no phone) appeared and stated that he was trying to get a consistent money flow to help him get a comfortable living, a job, a check; that bills did not stop and he just needed help. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez and Lovell absent.

Ms. Sheri Cortez, 8722 Sterlingame, Houston, Texas 77031 (713-988-0772) had reserved time to speak but was not present when her name was called. Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Rev. Joe Angel Lopez, 13334 Wells River Drive, Houston, Texas 77041 (832-891-2724) had reserved time to speak but was not present when his name was called. Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Mr. Edward R. Richardson, 28 Lang Lane, Houston, Texas 77027 (713-963-0118) appeared, presented information and stated that he was presenting another plan for redistricting; that he lived in Houston 58 years and would like Precinct 178 kept in district G because of their affinity to the neighborhoods to the north, etc., however, the more he looked at rules, etc., to redistrict the city the more he was concerned about putting the new District J in the center of the city and presented information and on top was a map which was developed after he met with Mr. Jerry Wood and submitted information he developed; that he downloaded

from the city website the 2010 census and went through a series of exercises studying the redistricting map and this proposal took District J and made it a new district on the west and northwest part of town and tried to save as much of District C as possible and reconfigured Districts A, C and G to be more compact and maintain more of the neighborhoods traditionally in the districts with minor changes in Districts F and K and there was no changes in Districts B, D, E, H and I. Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Upon questions by Mayor Parker, Mr. Richardson stated that he had submitted it first to Ms. Wallace and she arranged an appointment with Mr. Jerry Wood and both were very helpful and the Planning Department was extremely helpful; and Mayor Parker stated that you did not need to submit an entire map for it to be considered, but Council had to have the entire map before them before they could take action because they had to understand the implications, but they were trying to encourage people to put their maps in early and as he demonstrated Planning would meet with you and the deadline of submitting a map was this Friday at 4:15 p.m.; and upon questions, Mr. Richardson stated that he took this map and submitted it, but did intend to redraw and show super neighborhoods, etc., and he would do so before that time. Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Upon questions by Council Member Pennington, Mr. Richardson stated that he lived in Precinct 178 which was to the west of Highland Village between Westheimer and Richmond and they had an affinity to the neighborhoods to the north as they were all in the Buffalo Bayou Watershed together and had crime prevention programs they worked on together and a crime alert system and had the same issues on Westheimer, etc. Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Ms. Rita Foretich, 12751 Zavalla, Houston, Texas 77085 (713-729-9826) appeared, presented information and stated that she was president of Super Neighborhood 39 and they joined with 40; that she wanted to bring to their attention voting irregularities in Florida during the 2000 presidential election in which it said the Voting Rights Act did not require intent to discriminate neither did it require proof of conspiracy, but violations of the VRA could be established by evidence that action or inaction of responsible officials and other evidence constitutes a totality of the circumstances that denied citizens their right to vote and gave examples from information presented; that they believed the move of the historical Black Precinct 336 may well follow under that, to move it across Highway 288 the Black population may be diluted; that they would also lose Houston Community College and the Houston Parks Board's Houston Amateur Sports Park which their community needed to create programs and jobs for youth and she would like this to be a part of the hearing record if approved by Legal. Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Mr. Ray Washington, 14907 Bathurst, Houston, Texas 77053 (713-826-6627) appeared and stated that he was president of Super Neighborhood 40, etc., and today was asking Council to move Precinct 336 into the newly formed District K, the reason being that a member of their Southeast Coalition, Mr. John Martin, was also Precinct Judge and president of Canaberry Village and he resided in the area; that the community felt they would better be served in District K and it would be better for their economic development. Council Members Johnson, Sullivan and Rodriguez absent.

Apostle L. F. Wynne, 600 E. Tidwell, Houston, Texas (832-317-5458) appeared, presented information and stated that he moved from Lyerly to Tidwell because of what he considered harassment and now discovered this building was as bad as where he moved from; that some were trying to run Blacks and Whites out of the building and he called police because someone went into his house and spit a ball of mucus into a bottle of vinegar; and continued expressing his personal opinions until his time expired. Council Members Johnson, Sullivan, Rodriguez and Noriega absent.

Mayor Parker stated she was sorry he was having a problem with the Houston Housing Authority, it was not actually the City of Houston; and Mr. Wynne stated that Houston subsidized his rent at the Christian Towers; and Mayor Parker stated that she would like her Citizens Assistance folks to direct him to either the Houston Housing Authority, which may be handling vouchers to help with his rent, or the Housing Department; that they would try and find the right avenue to make a proper complaint. Council Members Johnson, Sullivan, Rodriguez, Lovell and Noriega absent.

Mr. Ramesh Kapur, 3427 Ashton Park,, Houston, Texas 77082 (281-445-7998) appeared and stated that this was the second time in less than two months he was back complaining about Neighborhood Protection; that they were a neighborhood disruption; that by law when you bought a tax foreclosed property any lien on the property was extinguished, but unfortunately the Constable Office could not give him the deed because of unrelated issues; that in 2006 the Constable quoted a copy of a receipt showing his company as owner of the property and it was under House Bill 2946; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Rodriguez, Lovell and Noriega absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373) appeared and stated that he brought charges concerning the City Attorney in violation of their policies; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Rodriguez and Noriega absent.

Ms. Vivian Harris, 13906 Regg Drive, Houston, Texas 77045 (713-433-4597) appeared, presented information to Council Members and stated that she was present asking Council to take a little time and look at small changes made to the original city map presented on April 20, 2011 where Mr. Woods reviewed the change and agreed they were minute, but Montrose cried out because of poor representation and the Medical Center wanted and they heard them so why could they not hear them also; that the only conclusion they could see to justify Council Member Adams wanting to be in District D instead of District K was the way she treated her constituents. Council Members Sullivan, Rodriguez and Noriega absent.

At 4:16 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, May 4, 2011. Council Member Stardig absent on city business. Council Member Jones absent on personal business. Council Members Sullivan, Rodriguez and Noriega absent.

The Houston City Council reconvened at 9:00 a.m. Wednesday, May 4, 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 and C. O. "Brad" Bradford; Mr. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director and Stella Ortega present. Council Member Jolanda "Jo" Jones absent on personal business.

At 8:27 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:08 a.m. Mayor Parker called the meeting to order and stated that the first item on the agenda was the Monthly Operations and Financial Report. Council Members Stardig, Johnson, Clutterbuck, Hoang and Lovell 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 and a Quarterly Investment Report by the City Controller - was called.

Council Members Stardig, Johnson, Clutterbuck, Hoang and Lovell absent.

Mayor Parker recognized Mr. Ronald Green, City Controller and Mr. Kelly Dowe, Director of Finance, for the Monthly Operations and Financial Report and the Quarterly Investment Report. Council Members Stardig, Johnson, Clutterbuck, Hoang and Lovell absent.

Mr. Green and Mr. Dowe reviewed the Monthly Operations and Finance Report, and Mr. Green reviewed the Quarterly Investment and SWAP Reports, a copy of which is on file in the City Secretary's office for review. Council Members Adams, Pennington, Hoang and Lovell absent.

Upon questions by Council Member Sullivan, Mr. Green stated that as to the increase for C&E for Management, Consulting and Legal Fees they would have to get back with him, that those were the numbers that were reported to him, and thought the Mayor may or may not know, that he did not know if it was a special project they were working on, that he knew there were some issues, or they were making some changes over there so that may have to do something with that, and Council Member Sullivan stated that a follow up email would be fine.

Council Member Sullivan asked how did they capture and identify health care insurance savings and also since potentially they would have fewer people paying into the City's pensions fund would that increase the liability on the City with any contractual obligations they had with the pension fund, if any, did they have any makeup to do if they let a certain number of employees go, and Mr. Dowe stated that in the health care they were removing the dollars in FY12 Budget associated with a like plan that those people had been in in FY2011, so if they were in an HMO plan they were moving HMO type dollars from FY12, that was going on in a position by position basis based on the person that the department was laying off, that the department puts it in and they do a review of position by position change that the department had made; that as to the pension they were obligated to pay on a percentage basis, that for Municipal, he thought, it was mainly the concern there, so their contract was percentage based in the out years, that when there was a new actuarial study it could have some sort of effect but in the current fiscal year it did not have any effect on the makeup, that it was in arrears, the actuarial studies look back at investment performance and contributions over past years so some part of that would be picked up, that there could be a lot of change, obviously in investment results and performance that could make up for that, that they would just have to pick it up in the next actuarial study.

Council Member Gonzalez stated that he had the same question as Council Member Sullivan on C&E so if they could follow up with him on that as well; that on the lower than anticipated revenues at the Municipal Courts was that due to lower ticket issuance or just payment, and Mr. Dowe stated that it was a combination of all three, that it depended on a revenue stream by revenue stream, that it could be a different answer in that one revenue stream could be lots of tickets but low collection, that one could be low collection but lots of tickets, that it was a slight change, they were under earlier in the year and they had seen some really positive trends later in the year and they just did not expect that those positive trends later in the year were going to make up for the underage they had earlier this year; that employment was absolutely trending up at the City, they had really strong employment growth six months in a row, which always there was a very strong correlation to employment growth and sales tax growth so they continue to see that trend, they had seen increased employment and then two months later when they get the sales tax rate, absolutely, they see that swing as well and as he mentioned a couple of months ago, but the trend was also good on property tax, they had seen higher appraised values in the initial reports that they had gotten from the Harris County Appraisal District then they had anticipated a year ago and six months ago, so trends were positive on both of those fronts.

Mayor Parker stated that the building permits were up as well significantly, and Mr. Green stated that he would agree that they were trending upward as Mr. Dowe had mentioned, that sales tax was up and they expected that to continue to go up but they were still a little guarded on their side so that they do not over extend themselves, that the employment rate in the City was certainly going up as well as the National Unemployment rate was down last month as well, that housing sales, existing housing sales were good indicators for them as well, but the prices were holding steady in the real estate area, that property tax, as Mr. Dowe stated, while they may have seen some information in the newspaper last week that the overall anticipated receipts would not be as high, but the good thing was that it was higher than they thought it was, so he thought it was a good thing for them that they did not budget the astronomical increase in the property tax receipts that they would receive so all in all they were looking at some positive trends but still being guarded.

Mr. Dowe stated that on termination pay it was a moving target, that it was going to be paid in FY2012, the terminations were effective July 1, 2011 so it was being budgeted into the next fiscal year.

Council Member Costello moved to accept the Monthly Operations and Financial Report and the Quarterly Investment Report, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Jones absent on personal business. Council Members Johnson, Gonzalez, Rodriguez, Lovell and Noriega absent. MOTION 2011-0348 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 32

ACCEPT WORK - NUMBERS 1 through 5

1. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,559,240.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for T.C. Jester Park - 5% over the original contract amount - **DISTRICT A – STARDIG** – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Member Jones absent on personal business. Council Member Johnson absent. MOTION 2011-0349 ADOPTED.
2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,367,222.96 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, INC** for Whiteheather Storm Sewer Improvements Segment 1 4.77% under the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Member Jones absent on personal business. Council Member Johnson absent. MOTION 2011-0350 ADOPTED.
3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$375,671.62 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Safe Sidewalk Program D6 - 5.27% under the original contract amount **DISTRICT G - PENNINGTON** – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Member Jones absent on personal business. Council Member Johnson absent. MOTION 2011-0351 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,241,656.34 and acceptance of work on contract

with **SER CONSTRUCTION PARTNERS, LTD.** for Lockwood Lift Station Rehabilitation - 2.30% over the original contract amount - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Member Jones absent on personal business. Council Member Johnson absent. MOTION 2011-0352 ADOPTED.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$854,238.50 and acceptance of work on contract with **N. G. PAINTING, L.P.** for Rehabilitation of Ground Storage Tanks and Cathodic Protection Systems - 19.94% under the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON and G - PENNINGTON** – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Member Jones absent on personal business. Council Member Johnson absent. MOTION 2011-0353 ADOPTED.

PROPERTY - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracy Youngblood, Brown & Gay Engineers, Inc, on behalf of Saint Philip Presbyterian Church of Houston, for abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 12-foot-wide access easement, all within Block 1, Riviera Addition, out of the A. C. Reynolds Survey, A-61, Parcels SY11-053 and AY11-168 - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Member Jones absent on personal business. Council Member Johnson absent. MOTION 2011-0354 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 9

7. **FORDE CONSTRUCTION COMPANY, INC** for Parking Lot Renovation at 4400 San Jacinto for the General Services Department - \$145,166.36 and contingencies for a total amount not to exceed \$152,424.68 - Parking Management Operating Fund – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2011-0355 ADOPTED.
8. **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD** for Pickup Truck and a Utility Vehicle through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Police Department - \$52,461.80 - Supplemental Environmental Project Fund – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2011-0356 ADOPTED.
9. **OPERATIONAL RESOURCES INTERNATIONAL, INC** for Battery Powered Digital X-ray Systems and associated equipment for the Houston Police Department - \$165,375.00 - Grant Fund – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2011-0357 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 15 through 32

15. ORDINANCE supplementing the City of Houston, Texas Master Ordinance No. 2004-299; providing for the issuance of the City of Houston, Texas, Combined Utility System First

Lien Revenue Bonds, Series 2011B and the City of Houston, Texas, Combined Utility System First Lien Revenue Bonds, Series 2011C, providing for the amounts, interest rates, prices, and terms thereof and other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; authorizing the defeasance, final payment, and discharge of Certain Combined Utility System Commercial Paper Notes; authorizing a Co-Bond Counsel Agreement, authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0307 ADOPTED.

19. ORDINANCE approving and authorizing submission of an application for grant assistance to the **TEXAS AUTOMOBILE BURGLARY & THEFT PREVENTION AUTHORITY** for the Houston Auto Crimes Task Force/20 Grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0308 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City of Houston and **BUSINESS ENTERPRISE MAPPING, INC** for Consulting Services to attain ISO 9001:2008 Certification in the Houston Police Department's Emergency Communications and Property & Supply Room Divisions - \$35,900.00 - General Fund – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0309 ADOPTED.
21. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston, Greater Harris County 9-1-1 Emergency Network and **HARRIS COUNTY** for Sharing a Microwave System to enhance and augment their respective Emergency Communications Programs – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0310 ADOPTED.
24. ORDINANCE appropriating \$39,786.00 out of Library Capital Project Fund for Concrete Repair Services to the Clayton Library Parking for the Houston Public Library Department under an existing citywide contract (Approved by Ord No. 2007-1052) with **SPRING EQUIPMENT CO., INC** and Design/Permit Documents Services under an existing Professional Architectural Services Contract with **BRAVE/ARCHITECTS, INC** and providing funding for contingencies relating to construction of facilities financed by Library Capital Project Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0311 ADOPTED.
25. ORDINANCE appropriating \$225,000.00 out of General Improvement Consolidated Construction Fund, \$310,000.00 out of Parks Consolidated Construction Fund, and \$180,000.00 out of Fire Consolidated Construction Fund; approving and authorizing first amendment to contract between the City of Houston and **INLAND ENVIRONMENTS, LTD.** (Approved by Ord No. 2009-1100) for Asbestos Abatement and Demolition Services – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0312 ADOPTED.
26. ORDINANCE approving and authorizing agreement between the City of Houston and **HARRIS COUNTY** for Construction of Ella/Wheatley Boulevard from West Little York to West Gulf Bank Road - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0313

ADOPTED.

27. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **BRAES TERRACE SUBDIVISION, SECTION 1** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0314 ADOPTED.
28. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **BRAES MANOR SUBDIVISION, SECTION 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0315 ADOPTED.
29. ORDINANCE appropriating \$1,058,858.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Paving Extension of Kirby Drive from Fannin Street to Airport Boulevard (Approved by Ordinance No. 2009-1103); providing funding for CIP Cost Recovery relating to construction financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0316 ADOPTED.
30. ORDINANCE appropriating \$3,125,606.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0317 ADOPTED.
32. ORDINANCE NO. 2011-0280, passed second reading April 27, 2011
ORDINANCE granting to **SUN COAST RESOURCES, INCORPORATED, A Texas 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 Member Jones absent on personal business. ORDINANCE 2011-0280 ADOPTED THIRD AND FINAL READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PURCHASING AND TABULATION OF BIDS

10. ORDINANCE appropriating \$306,812.00 out of Equipment Acquisition Consolidated Fund for Purchase of Light, Medium, and Heavy Duty Cabs & Chassis and Truck Bodies for Various Departments – was presented.

After discussion by Council Members, Mayor Parker stated that not only the department but also Fleet Management scrubbed all of the numbers, they had to have vehicles in order to operate the many services that they provided the citizens of Houston, that there were two sets of eyes on these purchases, they also had the issue if they maintained the vehicles the costs outstripped the cost of buying new vehicles, that in the backup they could see a dump truck 18 years old, a delivery step van 18 years old, a diesel cabin chassis with wench 22 years old, that they provided that information to Council, these were not their grandmother's car that they might want to pass on, these were heavy use vehicles; that they had tried to accommodate all of the Council Members concerns about these vehicles, they believed that these were necessary vehicles or they would not have put them on the agenda, but if Council Members would like a visit and to go through they could go line by line about the vehicles.

A vote was called on Item No. 10. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0318 ADOPTED.

- 10a. **HOUSTON FREIGHTLINER, INC** - \$86,462.00; **INTERNATIONAL TRUCKS OF HOUSTON** - \$187,170.00 and **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$754,952.00 for Light, Medium and Heavy-Duty Cabs & Chassis and Truck Bodies for Various Departments - \$753,950.00 Stormwater and Enterprise Funds – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2011-0358 ADOPTED.
11. ORDINANCE appropriating \$652,171.00 out of Equipment Acquisition Consolidated Fund for Purchase of Medium and Heavy Duty Cabs & Chassis and Truck Bodies for Various Departments – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0319 ADOPTED.
- 11a. **TYMCO, INC** - \$165,897.00, **HOUSTON FREIGHTLINER, INC** - \$87,829.00; **VAC-CON, INC** - \$221,181.70, **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$1,181,766.00 and **SCHWARZE INDUSTRIES, INC** - \$132,520.00 through the Interlocal Agreements for Cooperative Purchasing (**H-GAC Contractors**) and **CHASTANG ENTERPRISES, INC** - \$381,247.00 (**Buy Board Contractor**) for Medium and Heavy-Duty Cabs & Chassis and Truck Bodies for Various Departments - \$1,518,269.70 Enterprise Funds – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2011-0359 ADOPTED.
12. **SNAP-ON INDUSTRIAL a Division of IDSC Holding, LLC** for spending authority to Purchase Automotive Tools and Equipment from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program - 5 Years - \$478,952.00 General, Enterprise and Park Special Revenue Funds – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2011-0360 ADOPTED.

RESOLUTIONS AND ORDINANCES

13. RESOLUTION designating certain properties within the City of Houston as historic landmarks
Holley-Mengden House 2240 Glen Haven Blvd **DISTRICT C - CLUTTERBUCK**
Loggins-Hughes Building 4216-4218 Washington Avenue **DISTRICT H - GONZALEZ**

Council Member Sullivan asked if granting the landmark status would be an automatic tax issue going forward or would each property owner have to apply for the ad valorem tax exemption, and Mayor Parker stated that each property owner had to apply and then each property owner had to spend at least half the value of the property to receive an exemption.

A vote was called on Item No. 13 All voting aye. Nays none. Council Member Jones absent on personal business. RESOLUTION 2011-0010 ADOPTED.

14. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to reorganization of the Mayor's Office of Affirmative Action and Contract Compliance – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0320 ADOPTED.
16. ORDINANCE establishing the north and south sides of the 1600 block of Milford Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0321 ADOPTED.
17. ORDINANCE establishing the north and south sides of the 1600 block of Milford Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0322 ADOPTED.
18. ORDINANCE relating to the Retail Gas Rates of **CENTERPOINT ENERGY RESOURCES CORP. d/b/a CENTERPOINT ENERGY ENTEX**, and **CENTERPOINT ENERGY TEXAS GAS (“ENTEX”)** within the City of Houston, Texas; suspending for forty-five days the effective date of new rates; maintaining current rates in effect; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Jones absent on personal business. Council Member Noriega absent. ORDINANCE 2011-0323 ADOPTED.
22. ORDINANCE approving and authorizing contract between the City of Houston and **AKIN GUMP STRAUSS HAUER & FELD, LLP** for Professional Services relating to representing the Houston Airport System in Washington, D.C.; providing a maximum contract amount - 1 Year with 2 one-year options - \$446,400.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ** – was presented, tagged by Council Member Sullivan.

Council Member Rodriguez stated that he wanted to thank the Aviation Department for working with his office to establish an MWBE goal on this contract, that he thought they went above and beyond and wanted to thank the administration as well for working with him as well on this.

Mayor Parker stated that Council Members Sullivan and Noriega had tagged Item No. 22.

23. APPROVING and authorizing ordinance relating to the pursuit of reimbursement of funds associated with overpayments for street light maintenance and illumination; approving first amendment to Professional Services Contract between the City of Houston and **TRISTEM, LTD.**, (Approved by Ordinance No. 2009-942) for Utility Bill Auditing Services and approving and authorizing contract between the City of Houston and **BECK, REDDEN & SECREST, A Registered Limited Liability Partnership** for Legal Services in connection with a contractual dispute with CenterPoint Energy Houston Electric LLC – was presented,

and tagged by Council Member Adams. Note: Council Member Adams released her tag later in the meeting.

31. ORDINANCE granting to **PHOENIX POLLUTION CONTROL & ENVIRONMENTAL SERVICES, INC, A Texas 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 - **FIRST READING** – was presented, and tagged by Council Member Sullivan.

MATTERS HELD - NUMBERS 33 through 36

33. ORDINANCE **AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to a charge for SafeClear towing; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 10 on Agenda of April 27, 2011, TAGGED BY COUNCIL MEMBERS HOANG and BRADFORD)** – was presented.

After discussion by Council Members, a vote was called on Item No. 33. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0324 ADOPTED.

34. ORDINANCE approving and authorizing amendments to the fourth amended and restated SafeClear Freeway Towing and Emergency Road Service Agreements between the City of Houston and **ALLIED COLLISION CENTER, INC, CANNINO WEST, INC, CORPORATE AUTO SERVICES, INC, C-MAS, INC, d/b/a FIESTA WRECKER SERVICE, KTL ENTERPRISES, INC, MILAM STREET AUTO STORAGE, INC, NORTH HOUSTON MOTORS, INC, T & T MOTORS, UNIFIED AUTO WORKS PAINT & BODY, INC, d/b/a UNIFIED AUTO WORKS AND WESTSIDE WRECKER SERVICE, INC** to add City's Contractor's Pay or Play Program and to provide for collection of Tow Service Fees; and authorizing and approving first amendments to SafeClear Towing Services Agreements with **RBEX, INC d/b/a APPLE TOWING CO., STERLING INTEREST INVESTMENTS, INC, d/b/a ELITE COLLISION CENTER AND HOUSTON AUTO TECH INC, d/b/a HOUSTON AUTO TECH** to provide for the collection of Tow Services Fees; establishing a maximum contract amount for and authorizing a Temporary Assistance Program; authorizing the City Attorney to establish guidelines for eligibility for such Temporary Assistance Program – **(This was Item 11 on Agenda of April 27, 2011, TAGGED BY COUNCIL MEMBERS HOANG, JONES, BRADFORD and JOHNSON)** – was presented.

After discussion by Council Members, a vote was called on Item No. 34. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0325 ADOPTED.

35. ORDINANCE approving the issuance of Bonds by the **MIDTOWN REDEVELOPMENT AUTHORITY - DISTRICTS C - CLUTTERBUCK; D - ADAMS and I – RODRIGUEZ** – **(This was Item 13 on Agenda of April 27, 2011, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. Council Member Rodriguez absent.

Council Member Adams stated that she wanted to release her tag on Item No. 23, and Mayor Parker stated that they would call it later. Council Member Rodriguez absent.

Council Member Clutterbuck stated that she was concerned about the way the bonding authority was inextricably linked to the purchase of land on Main Street from the City of

Houston, that there were two documents that showed that link and she did not know if they were artfully worded or if they really did reveal what was intended but it gave her pause, that the first was a document from December by the Midtown TIRZ, December 30, 2010, that on page 2 said that the initial bond issuance, which would be this one, would partially be to offset cash diverted from existing projects for the acquisition of the City's Main Street site, the subsequent issuances would fund Midtowns 2011 to 2015 CIP; that additionally on April 7, 2011, Andy Icken produced a memo to Mayor Parker that said with the increased bond authorization, the item they were voting on now, Midtown would be able to purchase the Main Street property and implement it's 2011 to 2015 CIP, that she did not believe that was the best way to accomplish what they were trying to accomplish and she was concerned that whenever they linked a land purchase with CIP bond issuances, that she would like to see the bond issuance be a little bit lower and not be linked to the purchase of land, which she understood they would be voting on in the next week or two.

Mayor Parker stated that this land had intended to be on the block for a while, they had been in negotiations with a private sector potential purchaser and were approached by the Midtown TIRZ, that it was not something that the City went to them, that they believed that this was part of their overall strategy for the redevelopment of the Tax Reinvestment Zone area and believed that it would not only accomplish their goal to sell a piece of property that was surplus, but also help in the overall generation of tax revenues for that area. Council Members Sullivan and Rodriguez absent.

After further discussion by Council Members, a vote was called on Item No. 35. Council Member Clutterbuck voting no, balance voting aye. Council Member Jones absent on personal business. Council Members Rodriguez and Lovell absent.

36. MOTION by Council Member Lovell/Seconded by Council Member Rodriguez to receive nominations for City Council Appointees to the **REBUILD HOUSTON OVERSIGHT COMMITTEE** – **(This was Item 36 on Agenda of April 27, 2011, DELAYED BY MOTION #2011-346)**

Council Member Adams stated that she would nominate Mr. Dwight Boykins for Position Two on the Rebuild Houston Oversight Committee.

Council Member Gonzalez moved to close nominations for Position Two of the Rebuild Houston Oversight Committee, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2011-0361 ADOPTED.

Mayor Parker stated that there was one nomination for Position One on the Rebuild Houston Oversight Committee, Ms. Frances Castenada Dyess and asked if there were any other nominations for Position One.

Council Member Gonzalez moved to close nominations for Position One of the Rebuild Houston Oversight Committee, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2011-0362 ADOPTED.

Council Member Lovell stated that she would nominate Mr. Edward Taravella for Position Three of the Rebuild Houston Oversight Committee.

Council Member Gonzalez moved to close nominations for Position Three of the Rebuild Houston Oversight Committee, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2011-0363 ADOPTED.

Council Member Pennington stated that he would nominate Mr. C.P. "Chip" Bryan for

Position Four of the Rebuild Houston Oversight Committee.

Council Member Stardig moved to close nominations for Position Four of the Rebuild Houston Oversight Committee, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2011-0364 ADOPTED.

Council Member Sullivan stated that he would nominate Mr. Bert Keller for Position Five of the Rebuild Houston Oversight Committee.

Council Member Stardig moved to close nominations for Position Five of the Rebuild Houston Oversight Committee, seconded by Council Member Adams. All voting aye. Nays none. Council Member Jones absent on personal business. MOTION 2011-0365 ADOPTED.

Mayor Parker stated that they had nominations for all open positions.

The City Secretary stated that earlier Council Member Adams released her tag on Item No. 23

23. APPROVING and authorizing ordinance relating to the pursuit of reimbursement of funds associated with overpayments for street light maintenance and illumination; approving first amendment to Professional Services Contract between the City of Houston and **TRI-STEM, LTD.**, (Approved by Ordinance No. 2009-942) for Utility Bill Auditing Services and approving and authorizing contract between the City of Houston and **BECK, REDDEN & SECREST, A Registered Limited Liability Partnership** for Legal Services in connection with a contractual dispute with CenterPoint Energy Houston Electric LLC – was again before Council. All voting aye. Nays none. Council Member Jones absent on personal business. ORDINANCE 2011-0327 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Costello stated that yesterday at their Budget and Fiscal Affairs Committee meeting they had a presentation from ARA, Don Pagel, about their automated accounting system and payroll system, which was really an incredible process they were going through and he looked forward to a follow up meeting with them in July to get a better feel for once the conversion was about half way through that they have some financial trends to see how much money they were actually saving, that he thought Don Pagel did a great job in the presentation yesterday. Council Member Noriega absent.

Mayor Parker stated that the Mayor's office was one of the early guinea pigs for this because like Council offices people in the Mayor's office worked erratic schedules and it had forced them to evaluate whether their employees were in fact hourly or whether they should be exempt, that by the time it gets to the rest of the City a lot of the bugs would have been worked out. Council Member Noriega absent.

Council Member Bradford stated that he wanted to commend the Agenda Director, Marta, because with the Oversight Committee issue it was difficult but nonetheless she demonstrated that she was willing to work with Council, could get information to them and was willing to step out into the deep waters and help navigate amicable resolutions, that she commended Mayor Parker and commended Marta for an excellent job done on this particular task, and commended those members who had been nominated to the Oversight Committee. Council Members Clutterbuck and Noriega absent.

Council Member Rodriguez stated that he wanted to congratulate Chris Moran, Chronicle, who was a new father, that he hoped that mom and baby were doing well. Council Members

Clutterbuck and Noriega absent.

Council Member Sullivan stated that at Ellington Airport, this weekend, a show called "Aeros and Auto", that provided an opportunity for people to enjoy the best of both transportation worlds, airplanes and automobiles, that the proceeds from the admission ticket would benefit Texas Lions Club and United States Organization, USO; that he wanted to thank Beda Kent, Houston Fire Department, for working closely with them this week providing a lot of information that he had asked for, that she produced it in a timely fashion and it was good information as they went forward in their planning for the budget next month, and everyone else in the Fire Department who helped produce that information; that he wanted to bring attention to the fact that they had a number of multi alarm fires across Houston lately and in visiting with the Harris County of Emergency Management personnel yesterday they were extremely concerned about fire danger, the tops of the canopies were becoming dry, that when he heard that and they had seen all of the fires they had lately it was not an effort to talk about the budget, and knew it was not the appropriate place, but they were in a severe drought and were seeing a lot of fires and ask they look at budget reductions and brownouts he just wanted to make sure that they continued to have the personnel, apparatus and equipment and the people in place to fight these fires, that the second part of that, he was wondering if there might be a media outreach program that they could start, something where they bring more attention to the fact that they were in a dry drought period and have some mention of the series of fires, they actually had lost some lives, they had a code 3 transport out of a fire night before last and it was a serious situation and wondered what they could do to make the public more aware of the dangers they were in right now. Council Members Hoang and Noriega absent.

Mayor Parker stated that she thought that was an excellent idea and whatever they could do on the administration side to work to raise the issue they could do that.

Council Member Sullivan stated that he would be happy to devote some personal time to it as well, that he believed strongly in it and would do whatever he could to help; that he wanted to thank the Houston Dynamo, they stepped forward and did something kind of extraordinary, that he had become a huge Dynamo fan, mainly because of the staff in his office, that they had told him a lot about what they did and he had started to go to some games and Council Member Rodriguez had been an extraordinary fan and supporter for a long time, that they took a minute to recognize a junior from Kingwood High School who had been killed in a traffic accident a couple of months ago and the Dynamo presented a signed team jersey to the family, on the field at half time, last week and he just wanted to thank them for doing that, that they allowed most of the Kingwood Soccer Teams to come out and donated a portion of the ticket proceeds to a charity benefitting the family and their cause, and he wanted to thank them publicly for doing that. Council Members Hoang and Noriega absent.

Council Member Lovell stated that she wanted to wish a Happy Birthday to Council Member Rodriguez whose birthday was yesterday; that the Transportation, Infrastructure and Aviation Committee would meet on Tuesday, May 10, 2011 at 10:00 a.m. in the Council Chambers; that she wanted to congratulate Victor Rodriguez who had been appointed the new Chief of Police for Metro, that he was currently a captain with the Houston Police Department and would join Metro later this month and would lead a force of 220 officers responsible for policing more than 10,000 bus stops, 29 park and rides and 19 transit centers; that Metro would be having some workshops on long range plans, they would hold two dozen workshops that would offer the public the opportunity to impact the agency's future plans and directions, the workshops were part of an ongoing process that would be the basis for a blueprint that included long and short range transit projects to meet regional mobility needs for the next 25 years, that the workshops would be held in locations across the Metro service area, that if they would like more information they could call Metro at 713-739-4000. Council Members Hoang and Noriega absent.

Council Member Johnson stated that this Friday was their first annual Brock Park Golf Tournament, that he hoped everyone would attend, that Mayor Parker would be there for lunch with them, that it would be on May 6, 2011, that it would be benefitting Brock Park as they were trying to raise money to make sure that Brock Park stayed viable; that on Saturday, May 14, 2011, they would have their annual State of the District at the Acres Homes Multi Purpose Center. Council Members Hoang and Noriega absent.

Mayor Parker stated that she wanted to take the opportunity to say that because of reforms that Joe Turner, Director, Parks and Recreation, instituted and a change of management at Brock Park and the staffing out there that Brock was right at the breakeven point and if this tournament did what they expected Brock would be in the black for the first time. Council Members Hoang and Noriega absent.

Council Member Gonzalez announced the following: Lulac would be hosting the annual Cinco de Mayo Parade on Saturday at 10:00 a.m.; on Saturday, 12:00 p.m. to 5:00 p.m. the annual Cinco de Mayor Celebration at Northline Commons at 4400 North Freeway at Crosstimbers; that the Friends of Woodland Park were sponsoring a free movie night at Woodland Park, 212 Parkview on Saturday starting at 8:00 p.m. Council Members Sullivan, Hoang, Lovell and Noriega absent.

Mayor Parker stated that she knew many Council Members would be at the Cinco de Mayor Parade but there was also the Dragon Boat Festival at Allen's Landing downtown as well, that many of them were going to do both. Council Members Sullivan, Hoang, Lovell and Noriega absent.

Council Member Adams announced the following events: Happy Belated Birthday to Council Member Rodriguez and Business of Opportunity, Carlicia Wright, they shared the same birthday; that this past Saturday the Third Annual Day of Service was held in the Kennedy Heights Community in District D and thanked the Houston Chapter of the National Pan Helladic Council for supporting Habitat for Humanity; that on Sunday many of their young people participated in National Lemonade Day; that on Thursday they would hold their Neighborhood Protection and Quality of Life Committee meeting at 10:00 a.m. in the City Hall Council Chamber; that on Saturday, May 7, 2011, she would be participating in a ceremony for District D resident, Alexander B. Dynard, who would obtain his Eagle Court of Honor, Eagle Scout was the highest rank that could be obtained by scouts, at St. James Episcopal Church, 3129 Southmore Boulevard; that she wanted them to continue to keep Officer Roy, who was injured yesterday, in their prayers, along with his partner as they recover from their accident; that she wanted to wish all of the Mothers a Happy Mothers Day; that their office was receiving phone calls about the changes to CIGNA, that many of the retirees, as of today, had not received their retiree package and they were being placed in the middle plan, which was the most expensive plan, that she had been communicating with Candy Aldridge, HR Department, as well as representatives from CIGNA and they said they were working on it, that she knew they had worked out an extended date of June 3 or June 30 to receive additional packages and knew they were working really hard and getting a lot of phone calls, that she did not know if they were going to create a 1-800 number or put something on the website, but she thought some type of communication needed to be made, that she wanted to have an open dialog with the Mayor to see what they could do to smooth out what was going on. Council Members Sullivan, Lovell and Noriega absent.

Council Member Clutterbuck stated that she had a copy of the Price Waterhouse Coopers Report of Cities of Opportunity, in which 26 cities around the world were evaluated, and Houston came in number 11 over all, but number 1 in terms of cost of living and purchasing power, that it was a hopeful reminder of the amazing power of the businesses and individuals who were really the people driving the City of Houston and making Houston work, that Price

Waterhouse Coopers produces this every year and believed it was their fourth year and an effort, in their words, to shed light on what makes major cities healthy, that it was a fascinating report and she brought it to everyone's attention because they went through dozens and dozens of inducers, airport access to the central business district, classroom size, commute time, cost of living, crime, cultural vibrancy, entrepreneurial environment, hospitals, housing, hotel rooms, life satisfaction, literacy and enrollment, mass transit coverage, math and science skill attainment, natural disaster risk, recycled waste, skyline impact and skyscraper construction activity, traffic congestion, total tax rate, and the one item that she was quite sure was the reason as far down as number 11, they rate them on thermal comfort, which measured the average deviation from optimal room temperature in a City, which was technically 72 degrees, that they take the January and July heat inducers and calculate that for the City using an online tool that integrates the average temperature and average morning relative humidity for each city during each month, that she was quite sure that their humidity and temperature rating was the one thing that really brought them down, that she found the report fascinating and kudos to the good people and the businesses of the City of Houston, that it was available online or she had a copy of an abbreviated version; that she wanted to give kudos to Catherine Murphy and Barbara Hite of her office, she received a very nice letter from Mr. and Mrs. Roman, who contacted her office about a CenterPoint Energy gas leak on his property, that as they knew the City did not govern that but he was extremely frustrated from the lack of response from CenterPoint Energy, that Catherine took his call and Barbara handled it and a day after the situation was resolved, weeks before CenterPoint Energy promised that they would take care of it. Council Members Johnson, Sullivan, Lovell and Noriega absent.

Council Member Stardig stated that yesterday she attended the groundbreaking for Houseman Elementary located in the Spring Branch area ISD of District A, that Houseman Elementary had been serving the area for over 61 years and her mother was actually a student there; that earlier this week there was a fire along Friendship Road that affected her constituents in northwest Houston, that she wanted to send her condolences to those affected by the incident, that in response to this tragic event she and her staff joined the Houston Fire Department Public Affairs, along with firefighters, along the areas of Friendship Drive, Tillsen Lane, McDade, Norton Drive and Lazy Spring to canvas the area and insure that the residents were educated about fire safety, that she was surprised of the willingness and receptiveness of the homeowners that they were there and willing to help them, that it was also a great opportunity to educate folks, that they went door to door to offer free installation of smoke detectors and batteries, as well as provide safety tips and information, that they installed over 10 smoke detectors in a one hour period, that she was shocked at those who did not have smoke detectors, especially the elderly, that she would encourage all Houstonians to test their smoke detectors and contact HFD if they had any additional questions on how to become more prepared; that she appreciated everyone's birthday celebrations, Council Members Clutterbuck, Rodriguez and Gonzalez, they were going to have a festive month. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Noriega absent.

Council Member Pennington stated that he too appreciated the birthdays and thought he had given congratulations to everybody; that he would like to know the passing of the Osama bin Laden era, that he wanted to give thanks to President Bush, President Obama, the national security team, the military, particularly the Navy Seals who participated in this very successful venture and did it as surgically and as effectively as it could be done, that everyone laments the loss of a life but this fellow just did not want to do any good, that at the same time he wanted to congratulate the people in the Mideast who were fighting for democracy, that he thought they all supported that; that he wanted to note the appointment of the Oversight Committee, that as they all knew the Mayor had appointed him as Chairman of the Drainage Committee and he was an ex officio member of that committee and looked forward to working with each one of the members of the committee, that they were on the clock to develop principles for the expenditure of money and to help develop a long range plan, that he knew that all of the committee

members would be up to it and thought it was a diverse committee and they would get input from all of the various sectors, that they would have public hearings and do the right thing to establish a credible program, one that they could all be proud of, or at least they were going to do their very best, that if anybody would like to participate in it he would certainly be glad to have their assistance; that Monday night he attended an event where the Mayor was the principle speaker to announce the local matching funds for Federal Grant for Livable Center Study, a \$300,000 study for Washington Avenue, that he knew that Council Member Gonzalez had done a lot of work on it and he had done a little work on it because part of his area was over there as well, that their ex colleague was the leader of raising the money from local land owners and business people, they raised \$50,000 and he would congratulate them and looked forward to that study proceeding, that it was an area that had great promise, but also had great problems, that he knew that the Mayor was well aware of that by the statements that were made and hopefully they could proceed; that he attended the Mayor's Gala kicking off the International Festival, the Silk Road Festival, last week, that it was a great affair honoring China, India and other Asian countries, that several of them were in attendance; that this past week he attended one of the property owners meetings, the Broad Oaks Civic Association meeting, that they did not have deed restrictions so they could require the payment of dues and had a very high participation, both in terms of payments for security and other local improvements, that they had a great turnout, and as all of the District Council Members knew nothing warms the heart of a District Council Member more than having to show up at a neighborhood where people were willing to do things; that he attended the Memorial Hermann Circle of Life Gala benefitting the Institute for Rehabilitation and Research; that he wanted to say Happy Birthday to James, Ann and Ed, and in advance to the Mayor. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Noriega absent.

Mayor Parker stated that a reminder to everybody who might be watching, the deadline for filing redistricting proposals was this Friday at 4:15 p.m., that they would evaluate everything that they receive by that point and actually were evaluating things as they come in and she appreciated those folks who had said that the process had been working for them, that their access to the software and the assistance had been helpful, but a reminder to get their information in by Friday so that they could evaluate it, that Council's first opportunity to begin to vote on a proposed redistricting plan would be a week from today; that she also wanted to thank those Council Members who attended the dedication of the Herbert Gee Courthouse Building. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Noriega absent.

Council Member Hoang stated that he wanted to add to Council Member Clutterbuck's statement, a couple of weeks ago when he was watching CNN it said that Houston was voted the number one City for bachelors and they listed several elements, first, the quality of life, second, the low cost of living, and believed down the road was diversity. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Noriega absent.

Mayor Parker stated that they were also the number one City for Fast Company Magazine and wanted to make sure that Council Members got a copy of that information. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Noriega absent.

There being no further business before Council, the City Council adjourned at 10:36 a.m. Council Member Jones absent on personal business. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Noriega absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary