

City Council Chamber, City Hall, Tuesday, May 17, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 17, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Mike Sullivan, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Ms. Lynette Fons, First Assistant City Attorney, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance, Mr. Xavier Herrera, Citizens Assistance Office; and Ms. Marta Crinejo, Agenda Director, present. Council Member Ann Clutterbuck absent. Council Member Wanda Adams absent on personal business. Council Member Al Hoang absent on city business.

At 1:44 p.m. Mayor Parker called the meeting to order and stated that presentations would begin with Council Member Jones; that all doors and isles needed to be passable and there was an overflow room set up as they did this when large crowds were present, but no doors should be blocked and she assumed all firemen present knew that. Council Members Gonzalez, Rodriguez and Bradford absent.

Council Member Jones invited all with her presentation to the podium and stated that young ladies with Attucks Middle School and Alpha Kappa Alpha Sorority were present; that the school had its challenges and Alpha Kappa Alpha Sorority, Inc. adopted that and other schools and developed a program, Emerging Young Leaders, that the goal was to offer more than 20,000 middle school girls tools to develop lifelong skills including advocacy, leadership, community service, etc., that she visited Attucks Middle School and had girls write essays on what they learned from the program and Miss Dominique Bibbs was the winner and would receive \$500.00, A'Miracle Hall, Rachal Meagan and Jacquett Hall would receive \$50.00 a piece; and Mayor Parker presented a Proclamation to the group commending the Alpha Kappa Omega Chapter and proclaimed today as "Alpha Kappa Alpha Sorority, Inc. Emerging Leaders Day" in the City of Houston, Texas. Council Members Sullivan, Rodriguez, Lovell and Bradford absent.

Ms. Margie Taylor stated that she was chairman of the Emerging Young Leaders Program and thanked all for the recognition. Council Members Sullivan, Rodriguez, Lovell and Bradford absent.

Council Member Johnson thanked all for their work and to all the young ladies present he wanted them to embrace their relationships with the ladies as they would teach and guide them. Council Members Sullivan, Rodriguez, Lovell and Bradford absent.

Council Member Pennington thanked the ladies for what they did and congratulated them on their recognition. Council Members Sullivan, Rodriguez, Lovell and Bradford absent.

Council Member Johnson invited Mr. William "Bill" Collins to the podium and stated that he was born November 20, 1950 and he began his running career in high school where he won four state titles and in 1977 made the U. S. Relay Team which won the gold medal at the first IAAF World Cup; that after turning 60 at his first major meet he set the world indoor record in the M6200 meter and 400 meter and named U. S. A. Track and Field Athlete of the Week among all age divisions five years after and while setting world records; and in addition he trains members at the Track Club and Rice University, etc.; and invited Ms. Collins to the podium and stated that she placed tires on the curbs in the area and called daily having them picked up so they appreciate Mr. Collins athletic attribute and his wife's civic leadership; and Mayor Parker presented a Proclamation to Mr. Collins commending and congratulating him on his multiple accomplishments; and proclaimed today as "William "Bill" Collins Day" in Houston, Texas. Council Members Sullivan, Rodriguez and Bradford absent.

Mr. Collins thanked all for the recognition and thanked Rice University for allowing him to train; thanked his team mates and his Dad who came from out of town and was present at 93 years of age; and asked his family and friends present to stand and be recognized. Council Members Sullivan, Rodriguez and Bradford absent.

Council Member Jones recognized many of Mr. Collins attributes and congratulated him on his recognition. Council Members Sullivan, Rodriguez and Bradford absent.

Council Member Lovell invited Ms. Betty Chapman to the podium and stated that the National Trust for Historic Preservation declared May as "National Historic Preservation Month" and present was Mr. Jonathan Poston the Southwest Regional Director from Ft. Worth and thanked him for being present; that Ms. Betty Chapman chaired the Houston Archeological and Historical Commission for four years and taught many about local history, etc., and Mayor Parker presented Ms. Chapman a Proclamation and proclaimed today as "Betty T. Chapman Day" in the City of Houston, Texas; and thanked her for all her work; and Council Member Lovell presented Ms. Chapman a gift from Historic Houston, a baseboard section from an old building with a plaque for her. Council Members Sullivan, Rodriguez, Bradford and Jones absent.

Ms. Chapman thanked all for the recognition and stated that she was overwhelmed and given far too much credit; that she could not have done anything without hundreds of people as committed as she to preservation; that their goal was to educate about Houston's past and she was honored to receive the recognition; and introduced her daughter and thanked her husband for all his support. Council Members Sullivan, Rodriguez, Bradford and Jones absent.

Council Member Gonzalez thanked Ms. Chapman for all her service to the city and historic preservation and all looked forward to her service in other areas as well. Council Members Sullivan, Rodriguez, Bradford and Jones absent.

Council Member Pennington stated that Ms. Chapman was an inspiration to his wife who was deeply involved in preservation and they appreciated what she had done. Council Members Sullivan, Rodriguez, Bradford and Jones absent.

Council Member Lovell stated today was Mayor Parker's birthday; and all wished her a happy birthday. Council Members Sullivan, Rodriguez, Bradford and Jones absent.

At 2:13 p.m. Mayor Parker called on Council Member Pennington who led all in the prayer and pledge. Council Member Jones absent.

At 2:15 p.m. the City Secretary called the roll. Council Member Clutterbuck absent. Council Member Adams absent on personal business. Council Member Hoang absent on city business. Council Member Jones absent.

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

Council Member Costello on a point of personal privilege stated that in honor of National Public Works Week, this week, he wanted to recognize the city's director, Mr. Dan Krueger, and relay his gratitude to all public Works Employees for their dedicated work to the city; that their service did not go unnoticed or without appreciation; and a Proclamation was presented to the director on behalf of the American Public Works Association and claiming this week "National Public Works Week" in the City of Houston; and thanked all who worked in that department.

Council Member Jones absent.

Council Member Rodriguez moved that the rules be suspended for the purpose of adding Mr. Bobby Tudor to the speakers list after Mr. Glen Rosenbaum, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Clutterbuck absent. Council Member Adams absent on personal business. Council Member Hoang absent on city business. Council Member Jones absent. MOTION 2011-0383 ADOPTED.

The City Secretary began calling the public speakers. Council Member Jones absent.

Mr. Glen Rosenbaum, 1001 Fannin #2500, Houston, Texas 77002 (713-728-2594) appeared and stated that he was a lawyer and board chair of the Houston Grand Opera and present in that capacity regarding Agenda Item 25 relating to the facilities of the Convention and Entertainment Department; that they were concerned as they just reviewed agreements but did not have ample time, their concerns were that the opera and ballet, resident companies in the Wortham Theatre Center; that it was built on city owned land entirely with contributed dollars; that it had been maintained well but would soon be requiring major expenditures of capital to be kept up and funding was their concern; that they began speaking to the city two and three years ago and was told there was not enough dollars to cover the Wortham, Convention Center, hotel, etc., and funds would go first to the convention center and they should raise their funding; that they paid for building the facility and when capital expenditures come they would like to be treated equally and all share the burden of raising contributing dollars, etc.

Mayor Parker thanked Mr. Rosenbaum for coming and for the great work he did, as a volunteer he had addressed the critical issue of getting needed dollars into facilities on a very tight budget; that they saw this as opportunity to leverage dollars received through the hotel occupancy taxes.

Council Member Rodriguez thanked Mr. Rosenbaum for coming and all he did; and said he should finish his statement; and Mr. Rosenbaum stated that he was asking whatever money was found be allocated equally and then they be required to raise funding equally; that they were asking for equality.

Council Member Jones thanked Mr. Rosenbaum for coming; and upon questions, Mr. Rosenbaum stated that he learned of the concept last week and saw the interlocal agreement and lease agreement about 12:45 today, about two hours ago and he would review it, there were many provisions they thought should be in this and was not; and Council Member Jones stated that she would love to speak with him about those concerns.

Mr. Bobby Tudor, who was previously added to the speakers list, appeared and stated that he was president of the Houston Symphony Society and on the executive committee for the Society for the Performing Arts and his concerns were similar to Mr. Rosenbaum's; that as the resident company in Jones Hall, the Houston Symphony, entered into a new lease with the city and they too were concerned that proposals in the agreement needed to be carefully considered as it related to the Symphony's current lease and to ongoing capital expenditure requirements placed on the Symphony to be a part of the fund raising; that they wanted to be able to execute requirements in a way consistent with their charter and desire to bring first rate performing arts; and also would request more time to consider the agreement and provide feedback. Council Member Noriega absent.

Council Member Stardig stated that Council had not had time to review the interlocal agreement either and would appreciate once they reviewed it they share their highlights or concerns with them so they would all be on the same page. Council Member Noriega absent.

Council Member Jones stated that she believed she heard him say what they reviewed may constitute a material change in something they negotiated and that Agenda Item 25 may materially affect that and she did not want the city to interfere with contracts or make material breeches and it was important to not receive information at the last minute; and Mr. Tudor stated that they were not alleging material breach at this point, they would just like more time to review and make sure it was consistent; and Council Member Jones stated that she did not say he said that, but she did look out for such and would like Council to be able to make informed decisions. Council Member Noriega absent.

Mr. Kevin Calvin, 5330 Griggs road #103-36, Houston, Texas 77021 (713-516-3462) appeared and stated that he was present regarding the KBR contract, they initially had the contract five years at \$12.5 million and another was on the table for \$12.5 million and it was not put out for bid and it looked like they were being given the contract and according to Section 254 of the Code anything over \$50,000 was put out for formal bid, etc., that he was a small contractor and had done well working in programs with Affirmative Action and changes brought about, but he did not see where KBR was reaching out to small contractors; that he called them twice monthly for a year looking for the contract and did not see how it could be taken as is.

Mr. Keith Moor, 4702 Old Spanish Trail, Houston, Texas 77021 (281-850-6063) had reserved time to speak but was not present when his name was called.

Mr. Ben Westcott, 1923 S. Boulevard, Houston, Texas 77098 (713-501-3204) appeared and stated that he was a construction attorney in Houston with the law firm of Andrews Myers and he too was speaking on Agenda Item 67; that it appeared from his limited research the \$12.5 million contract was basically being given to KBR and the general rule was the contract would be put out on the street, etc., but it appeared they were getting the \$12.5 contract and the agent providing the services for the contract would get a 4% fee and that was another \$500,000.00 and who really knew what the cost would be if it were put out for bid and he would be available for questions.

Mayor Parker stated that she appreciated him coming and she wanted to clear up some things; that there was no 4% markup charge and the item was bid, the city was operating under an interlocal agreement with the Harris County Department of Education and they had a number of interlocal agreements with local entities, they bid it out and got the lowest price and the city may choose to use their bid process and price and piggyback through the interlocal agreement and that was what had been done; and more detailed information was distributed to Council Members to counter misinformation out there.

Council Member Jones stated that she had more communication from people like Mr. Westcott than she had from people charged with trying to help them understand why this was the best value for taxpayer dollars and why they should vote for it; that she had heard things and if true concerned her, which was KBR tried to bid prior to the interlocal and they lost and KBR had problems in other cities and she would like to be informed before the vote tomorrow. Council Member Lovell absent.

Council Member Sullivan thanked Mayor Parker for her comments and stated that those were points he was going to make; that there was no mark up fees or compensation; that on a weekly basis they entered into contracts with other governmental entities, etc. for purchasing decisions and it actually countered what Council Member Jones said, it saved money to do that and that was why it was done and to say KBR was involved in problems in Beaumont was unfair and they had stepped forward to assist the city in the underwriting of the July 4th Celebration and had been great corporate citizens and he supported them. Council Members Stardig and Lovell absent.

Council Member Jones stated that her intent was to evaluate all information given and every week they did pass things and sometimes they paid more for things than they should and she wanted facts and clarification and she was not present to advocate for anyone, KBR or otherwise, and whatever Council did she wanted it to be fair. Council Members Stardig and Lovell absent.

Mr. David Pratt, P. O. Box 2911, Bellaire, Texas 77402 (281-642-7305) appeared and stated that he was present on behalf of LV Services, he was a contractor and present regarding Agenda Item 67 with KBR; that Choice Facility Partners was doing the HISD deal and they were doing the interlocal agreement and not KBR, they were just the facilitator, the cooperative, and Beaumont ISD had significant questions and they were audited, etc., he emailed each Council Member a package of questions and the biggest issue was they said it was a seven year contract, but they were only authorizing five now and an interlocal agreement was an exception to the bid process and KBR had a history of not competitively bidding the project and in this there was twenty other choice facility partners other than KBR who participate in interlocal agreements when they were invited so why use a contractor who had the highest price on many bids, there was a 4% fee paid by the contractor and they built that in. Council Member Johnson absent.

Mayor Parker stated that it was a one year contract with six renewal individual years which could be added on one year at a time if the contract was working and it had a 10% small business contract agreement and a 20% MWBE attached. Council Member Johnson absent.

Upon questions by Council Member Jones, Mayor Parker stated that in the city contract it did not show a markup and if it was an arrangement between individual contractors under the deal she was not aware; and Council Member Jones stated that she wanted to know the answer to that question and also she would like to know if the cost the contractor was having to pay to someone else was passed on and in the equation. Council Member Rodriguez absent. Council Members Johnson and Rodriguez absent.

Mr. Ralph Cooper, 17419 Jackson Pines Drive, Houston, Texas 77090 (617-504-2714) appeared and stated that he thanked the men and women who put their lives on the line daily and that was military personnel; that he was representing the Light Rail Lofts in Midtown Terrace, 105 newly constructed units for the men and women who have come back and ended up homeless and he would be available for any questions. Council Members Johnson and Rodriguez absent.

Mayor Parker stated that she appreciated Mr. Cooper and they felt Houston did lead the nation in dealing with vets and services for them. Council Members Johnson and Rodriguez absent.

Upon questions by Council Member Gonzalez, Mr. Cooper stated that about 3,500 homeless veterans in Houston and they only had about 500 units of real housing for them; that this was very important and on the national level the secretary of the VA declared an end to homelessness among veterans and this city was doing their part on trying to accomplish that goal; that it was permanent housing and they had temporary housing in Midtown Terrace Suites. Council Member Rodriguez absent.

Council Member Jones stated that this item came before the Housing committee and there was insufficient low to moderate housing generally and an insufficient amount for veterans; that this property provided a number of social services and was easily assessable to the rail line; that HUD was okay with the project, it was a good project and low and moderate income housing for veterans did need to be increased. Mayor Parker and Council Member Rodriguez absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Johnson stated that he appreciated Mr. Cooper coming and knew he was an expert when it came to housing and thanked him for being a part of seminars he had in District B in support of veteran's quality housing. Mayor Parker and Council Members Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Lucinda Freeman, 814 Omar, Houston, Texas 77009 (832-689-4437) appeared and stated that she just wrote a book on Houston historic day trips and was presenting it to Mayor Parker for her efforts in historic preservation; that she was trying to enhance awareness of a diverse group of people and tourism could be enhanced by focusing on heritage tours because their history was so unique and each chapter told a story of key history in Houston's first 100 years and then how to see it with concise directions. Council Members Rodriguez and Lovell absent.

Upon questions by Council Member Jones, Ms. Freeman stated that you could purchase her book at amazon.com, Barnes and Noble at West Gray, the Sam Houston Visitors Center, River Oaks Book Store who would have a book signing and all was available on her website [www.historichoustontourism.com](http://www.historichoustontourism.com); and Council Member Jones thanked Ms. Freeman for promoting Houston. Council Members Rodriguez and Lovell absent.

Mayor Parker stated that she also asked the gift shop downstairs to examine whether they would examine whether they should be stocking it as well. Council Members Rodriguez and Lovell absent.

Mr. Richard Franco, 6 Burrell #824, Houston, Texas 77022 (832-519-9529) appeared and stated that he thanked Council Member Jones and her staffer Ingrid; that he lived at Independence Hall, a home for the elderly and disabled, this was under HUD and the Housing Authority and his complaint was the abuse and mistreatment of the elderly and disabled; that he would ask someone look into the management practices of Ms. Quiones at Independence Hall, a lady was murdered and he complained about security and was blacklisted by management and wrote up three times since; and he also wanted to thank the men and women of HFD he had worked at Ben Taub and seen them in action; and was applauded by all HFD personnel present.. Council Members Rodriguez and Lovell absent.

Mayor Parker stated that other than presentations in the beginning of the meeting there was no expressions such as clapping, cheering or booing in the Chamber; and asked all to refrain. Council Members Rodriguez and Lovell absent.

Council Member Jones stated that they were working with Mr. Franco and would be doing a site visit; that they did have a new chairman of the Housing Authority and they were trying to make sure they were leaner, meaner and friendlier; and Mayor Parker stated that the Housing Authority did have a new director on the job maybe a month and she would ask they give him more time to make reforms, but hopefully they would be doing better. Council Member Lovell absent.

Council Member Gonzalez stated that he had visited with Mr. Franco and he brought a strong vision to the city and it was good Council Member Jones was involved as she was involved with her chairmanship and Carlos in his office had also spoke with him and they looked forward to being supportive. Council Member Lovell absent.

Ms. Kerry Sinegal, did not wish to give address and phone number, appeared and stated that she had been with GSD for seven years and she was one of the 14 laid off, but the only female who worked in mechanic and no other mechanic was laid off; that she wanted them to know as she did not see what was fair about that, she did not think they researched at all; that

she was told her position was deleted, but several guys were in the same position. Mayor Parker and Council Member Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Jerry Babbitt, 3307 Austin, Houston, Texas 77004 (832-392-7676) appeared and stated that he was with St. Joseph House and they had been present many times previously and he was speaking on mental recovery; that he and the clubhouse thanked Council Member Noriega for the Proclamation sent with Ms. Lewis and she had said people needed to hear their stories so they took about 50 to Austin for the rally and he was able to testify to the Appropriations Committee about the upcoming budget cuts; that many did not think the mentally ill could function, but because of pointers received from Council which was implemented they were moving forward at light speed and they appreciated their guidance; and they still had an 18 month old invitation open for Mayor Parker for a dinner in her honor. Mayor Parker and Council Member Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Zernessa Dyson, 5420 Sherman, Houston, Texas 77011 (713-523-6000) appeared and stated she was diagnosed as bipolar after working with Continental Airlines for 15 years; that she was in the air on 9/11 and her marriage was failing and from her understanding bipolar could be brought on from a traumatic event; that she did not stay on her medication as she thought she was intelligent, articulate and not bipolar, but she was; that she was in and out of HCPC several times because of her not staying on medication; that the mental health budget should not be cut, people such as her were very functional when on medication and those at St. Joseph House had supported her tremendously; and urged no cuts. Mayor Parker and Council Member Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Jones thanked Ms. Dyson for sharing and stated that the city did not cut funding from the state; and upon questions, Ms. Dyson stated that she thought it was up for MHMRA funding of medication; and Council Member Jones stated that MHMRA was under the county and she might want to speak with them or the legislature as the state dropped the money down.

Council Member Gonzalez thanked Ms. Dyson for having the courage to come forward and speak to all about her experience, it was important to put a face to mental illness as it impacted professionals and attorneys lost their practices; and he was glad she brought awareness to the issue.

Ms. Elizabeth Jacob, 1520 Oliver, Houston, Texas 77007 (832-553-6000) had reserved time to speak but was not present when her name was called. Council Member Noriega absent.

Mr. David Symonds, 6813 Northampton Way, Houston, Texas 77055 (713-446-2159) appeared and stated that he and his family owned two office warehouses on Northampton off Silber where they were building a median and it would negatively impact businesses in the area; that it prevented left turns off Silber and several 18 wheelers would have to drive through the residential neighborhood weekly to get to their shop along with others; that it was the longest median he could find which only allowed turns one way; that limiting access devalued their property and they wanted to work with residents and find a better situation. Council Member Noriega absent.

Upon questions by Council Member Stardig, Mr. Symonds stated that Antoine was a route, but it was two times as long and drivers took the quickest route; and Council Member Stardig stated that eighteen wheelers would not be going through Afton Village with small children and they had addressed the issue and she wanted her colleagues to understand this was a public safety issue and all were invited to a meeting and they were still talking, but unless they were willing to put 911 gates at the neighborhood and section him out they were keeping medians up. Council Members Sullivan, Rodriguez absent.

Upon questions by Mayor Parker, Council Member Stardig stated that they were trying to protect the streets and she had worked with the chief on 911 gates, but there seemed to be a lot of hesitancy so they were trying to come up with the least restrictive solution through Public Works. Council Members Sullivan and Rodriguez absent.

Council Member Pennington stated that he was looking at the picture but not completely understanding the issue; and upon questions, Council Member Stardig stated since Walmart had opened they had a number of eighteen wheelers reported in the neighborhood and Public Works recommended the medians be the deterrent or barrier and traffic counts were skyrocketing and Walmart had been receptive to working with them and she appreciated all working together, but the neighborhood wanted the 911 gates. Council Members Sullivan and Rodriguez absent.

Upon questions by Mayor Parker, Council Member Stardig stated that the 911 gates would be on an internal street the neighbors agreed to, Cold Stream, and with signage it would keep the eighteen wheelers out. Council Members Sullivan and Rodriguez absent.

Council Member Stardig moved the rules be suspended for the purpose of extending the time for questions of Mr. David Symonds, seconded by Council Member Jones. All voting aye. Nays none. Council Member Clutterbuck absent. Council Member Adams absent on personal business. Council Member Hoang absent on city business. Council Members Sullivan and Rodriguez absent. MOTION 2011-0384 ADOPTED.

Council Member Jones stated that if she had to choose between a neighborhood and someone who just came she would pick the neighborhood and was it the cost of the gates why it could not be done and if so what was the cost; and Council Member Stardig stated that funding was offered by an entity, she did not have it in writing yes, but a number of businesses were interested in protecting the neighborhood and being good neighbors so there would be a funding source to pursue; and Mayor Parker stated that dollars were always important but it was not the number one issue; that she had been involved in street closures and the reason there was only half a dozen street closures in 13 1/2 years was for five who liked it there was usually 50 who did not and this would require three street closures. Council Member Sullivan absent. Council Members Sullivan and Rodriguez absent.

Mr. Dan Riley, 6815 Shavelson, Houston, Texas 77055 (713-854-6468) appeared, presented Council Members with information and stated that he owned and operated two apartment complexes at Shavelson and Silber, the streets being discussed, it was his business but for 70 families it was their home and today he was present asking the city to look again at traffic plans for Silber Road; that he wanted transparency and someone to explain the process, after months of meetings and negotiations there was a rush to ban the simple medians and go back to a plan of raised medians, traffic diverters and removal of protected turn signals and technically it was unworkable as trucks and school busses would not be able to run regular routes and it damaged every business by impeding and impairing access and it would not accomplish the neighborhood traffic reduction desired; that until a few days ago all was moving in a direction agreed upon and then today raised medians were being installed and he and many others were disappointed as he had a series of emails which indicated all parties, businesses, Walmart, city, civic association and the Council Member were all okay with the plan with no median and gates in the neighborhood and now it was not happening and now he was trying to figure out what to do with a business severely limited and there would be more and not less traffic in the neighborhood with safety issues and devalued property. Council Members Sullivan and Rodriguez absent.

Mr. Peter Boecher, 3050 Post Oak Blvd. #1100, Houston, Texas 77056 (713-439-0027)



appeared and stated that he was with TBG Partners and was a land planning consultant and was retained by Mr. Symonds in the matter; that Mr. Symonds and Mr. Riley were both a part of the subdivision and the major concern on traffic was vehicles coming from the Katy Freeway going northbound on Silber could not make a left turn anywhere into the subdivision and must go further north and make a u-turn, Silber was not wide enough for certain vehicles to make a u-turn and he felt they would stay on the freeway and go to Antoine and they would filter through Afton Village; that there had been discussion of gates on the west side of Cold Stream and they thought they were there with the solution but apparently it was not the case and they hoped property owners would have another opportunity to work with the right city staff and get the best solution. Council Members Sullivan and Rodriguez absent.

Mr. Robert Deuster, 8615 Crescent Gate Lane, Houston, Texas 77024 (713-962-5627) appeared and stated that he and his brother owned property on the Westside of Silber and directly across from the Walmart; that currently it was leased for a used car lot and not something they were very proud of, but they had not had opportunity to do anything better because the environment and business in the neighborhood would not support it, but with Walmart there now there was the opportunity and they had high hopes, but with the median installed their hopes were dwindling and the facts showed it did nothing for anyone; and urged all reconsider the situation. Council Members Sullivan and Rodriguez absent.

Council Member Noriega stated that she was confused it sounded like trucks were involved with Walmart which had to be dealt with and they were going through the neighborhood and the solution limited the ability of other businesses to have people access them; and upon questions, Council Member Stardig stated it was not limiting them, typically they were not high traffic count locations but it had gone up; that this was what you wanted for economic development, but at the same time there were 250 single homes averaging over \$300,000 and there was a safety factor and they were limiting the flow to some degree with medians, it was an inconvenience and they did have another solution but because of liability issues they were struggling getting it moved forward with Public works and now Legal was looking for a solution and it was very transparent and the gentlemen were at the meeting, there was an NTMP process in place through Public Works; and Mayor Parker stated that part of the issue was they were talking about closing three streets to prevent cut through traffic and even if they put signs all up trucks tried it anyway and then was stuck at the 911 gates; and Council Member Noriega stated that if they could not control trucks in this situation they could not control them in any situation and she now had other concerns also. Council Members Johnson, Sullivan, Pennington, Rodriguez and Bradford absent.

Council Member Jones stated that now she was more concerned about the Heights Walmart. Council Members Johnson, Sullivan, Pennington, Rodriguez and Bradford 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, Sullivan, Pennington, Rodriguez and Bradford absent.

Ms. Rosa Valley, 3803 Lavender, Houston, Texas 77026 (713-680-8706) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Pennington, Rodriguez and Bradford absent.

Mr. Robert Schlieter, 1907 Freeman, Houston, Texas 77009 (713-562-5120) appeared while all members of HFD present stood to be recognized and stated that he was a 29 year veteran of HFD at Station 28 with rank of District Chief and was present speaking on behalf of citizens who would be affected if firefighters were laid off; that Houston was facing a budget crisis and HFD responded offering support and creativity in helping to reduce their part of the pie and a couple of ideas were accepted, but several workable ideas were rejected and they

were told the city's negotiating team was requiring permanent concessions to a temporary problem; that staff reductions would result in closure of fire stations and reductions of apparatus and it would have a citywide ripple effect and no part of the city would be spared and the longer response times would seriously affect the city's ISO rating and it would raise everyone's insurance; that firefighters were ineligible to receive social security and this was all they would have; that all needed them to respond and now they needed Council to support them. Council Member Johnson absent.

Council Member Noriega stated that the firefighter pension did get tangled up with the firefighter and the layoff issues was tangled with the contract; that firefighters were not a part of the social security system and as they worked with their pension there was a 6.2% to back out so it looked the same as employees who did pay social security; and a firefighter could not just transfer out somewhere else and had to start over in the academy with the new system and the ISO rating was the amount of money the public paid on their fire insurance and with less coverage and a longer response time the ISO rating would change and so would the money they had to pay. Council Member Johnson absent.

Council Member Pennington stated that he had a meeting with the union president and asked for suggestions for increased efficiencies and it was incredible to him they were not eligible for social security and Medicare; and they should be assured all appreciated what they did and these were very tough decisions. Council Member Johnson absent.

Mayor Parker stated that she would respectfully suggest the idea it was a lot to ask for a permanent sacrifice to a temporary problem there were 700 civilian employees of this city who were asked to make a permanent sacrifice. Council Member Johnson absent.

Council Member Jones stated that all did respect what they did and she saw where other cities were laying off firefighters and in New York City they were shutting down 25 fire stations and the economy was bad, but she was curious to know if firefighters were willing to take pay cuts to save jobs; and Mayor Parker stated that there was a meet and confer process or collective bargaining process going on at this time, but as far as she knew that had not been offered. Council Members Johnson, Sullivan and Lovell absent.

Mr. Fred Chambers, 1907 Freeman, Houston, Texas 77009 (832-704-1287) appeared while all members of HFD present stood to be recognized and stated that he was assigned to the Val Jahnke Training Facility as a cadet training officer and they molded young men and women into the best firefighters in the world; that he began in December 1979 and his strong desire to help helped to overcome adverse conditions and training today was much more intense and discussed what they underwent to become members of the finest; that they were responsible for more than 2 million citizens over 600 square miles they took limited resources of less than 100 emergency medical transport vehicles and less than 100 fire stations and make it happen and no one should take the chance and cut back on firefighters. Council Members Johnson and Sullivan absent.

Council Member Jones stated that she was looking for solutions and HPD deferred raises and she wondered if HFD would do the same, maybe take pay cuts; and upon questions, Mr. Chambers stated that he was only one of several thousand and could not answer that for all; and Mayor Parker stated that there was a negotiating team on behalf of the Administration and on behalf of the union currently meeting and as far as she knew the subject of a pay cut had never been discussed and the single issue right now was the request by the Administration that they go to a level vacation schedule so they could manage overtime, most of the rest of the world scheduled vacation and that was the sticking point. Council Members Johnson and Sullivan absent.

Council Member Gonzalez thanked Mr. Chambers for coming and upon questions, Mr. Chambers stated that firefighters did not get paid a lot of money they were the third largest fire department and fourth largest city in the United States and the last stats he saw showed they were about 146 on the pay scale. Council Members Johnson and Sullivan absent.

Council Member Stardig stated that she would ditto what her colleagues said and she would like to see predictability and a longer term than one or two years; that they were trying to budget and pay bills and public safety was the most important bill, number one for citizens and she would ask police and fire to help them market the city in a positive light so people would come and they would have a sound tax base to pay bills. Council Members Johnson, Sullivan and Jones absent.

Mr. James Aston, 1907 Freeman, Houston, Texas 77009 (281-615-5926) appeared while all members of HFD present stood to be recognized and stated that he was a firefighter/paramedic at Station 58; that his dream was to become a Houston firefighter and in Class 34 and it was the most stressful experience in his life, he consumed himself with studying and almost lost his family, then he failed by three points and had to resign; that he wanted back and supported his family while going through paramedic school and Galena Park and West University Fire Departments and finally he was rehired by HFD and in class in July; that their personal safety was dependent on their numbers and after graduation he became a paramedic intern and after finishing three weeks ago he learned all might be shattered because of a recession; that they all dedicated their lives and ran into burning buildings and cared for people in their most vulnerable moments and they needed HFD as much as the citizens did; and urged reconsideration of firefighter layoffs. Council Members Johnson and Sullivan absent.

Council Member Noriega stated that he touched on several things she would revisit; that firefighters were not about just fighting fires, they were a provider of many emergency medical services; and a firefighter would tell you his purpose was to protect property and save lives and they did run toward danger and it was clearly one of the most important services provided; that negotiations were going on and then things stopped and she would say to all at the table that it got really hard if you were negotiating trying to get what you needed and the need to win sometimes got in there and she would encourage the negotiating teams to try and do the best for everyone and try and bridge what she thought was not a very large gap. Council Members Johnson and Sullivan absent.

Council Member Bradford thanked all firefighters for their services and stated that it would be a sad day to lose the training and experience they had acquired and a discussion about laying off safety personnel should be the very last option and they still had not heard from the Chief on what the proposed layoffs would do; that there were proposals up and they had not heard about them as yet and the hard core reality was all employees were important, but the services were very different in prioritization; that the city failed to plan for the financial obligation they agreed to years ago and it was wrong to say they wanted to change the deal now and he would not support it at this time and why waste money on their training to lay them off. Council Members Johnson and Sullivan absent.

Mr. Reginald Roberts, 3812 Maple Drive, Conroe, Texas 77302 (281-739-1329) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan and Rodriguez absent.

Mr. John Cieslewicz, 1250 DuBarry, Houston, Texas 77018 (713-683-0703) appeared, presented information and stated that he was addressing the blocking of a swale that removed storm water from his and his neighbors back yards; that ordinance 1101.1 stated a nuisance should not be created and it was as the city was blocking the drainage without any compensation and it was happening all over the city; that also document 345640, page 2 stated

disposing of communal wastes (storm water) along easements thus dedicating them and there were three other swales in his immediate area in Oak Forest, Section One which were identical to the one he spoke of and common sense would say the developer put them in to drain and therefore dedicated them. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Mayor Parker stated that he had been present a few times and she knew he was frustrated, but they were going to have to agree to disagree; that she would look at the document he presented; and Mr. Norman was present and she would make sure Legal looked at what he presented and gave her a response which she would share with him. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Ms. Maria Bonario, no address (713-643-1703) appeared and stated that she lived in Glenbrook Valley 25 years now and she and her husband originally signed the petition for historical statutes but the ordinance changed and they decided to sign the retraction; that they now heard from Planning the level of support was well below the 51% needed for historic neighborhoods, but they were still having to abide by the ordinance until they were voted by Council; that she wanted an updated kitchen and would like things to go back to normal and urged a vote be done. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Mayor Parker stated that anything done on the inside of the house was her business, the ordinance only applied to the outside. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Mr. Khallid Greene, 3903 Almeda, Houston, Texas 77004 (832-245-7642) appeared, presented information and stated that he took pleasure in being the captain of the Inner-City Emergency Response Team and was inviting all to join them this Sunday as they kicked off National Hurricane Preparedness Week; that the program would start Friday while he and a few other first responders would walk from Galveston Sunday to bring awareness. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Upon questions by Council Member Gonzalez, Mr. Greene stated that Preparedness Week was a week of activities and it was about preparing yourself and your family and with budget cuts they were able to do some things their selves and they bought different things they needed; and a list would go out letting all know what was needed to be prepared. Council Members Johnson, Sullivan, Rodriguez and Lovell absent.

Council Member Jones thanked Mr. Greene for coming and stated that she commended them for walking from Galveston; that they had a committee meeting on disaster preparedness and law enforcement agencies, etc., had a meeting and first responders most times would be your neighbor; that she would thank In-Cert as they were ordinary citizens who taught CPR and got to know people and check on them, etc., and they were very important; and Mr. Greene stated that Sunday they would be at the U of H campus and start to walk to the Third Ward Committee, but he and others would start the walk to Galveston and procedures would be taught along the way. Council Members Stardig, Johnson, Sullivan, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Bradford, Mr. Greene stated that they trained about 500 people between 2004 and now and it was a big plus during Hurricane Ike. Council Members Johnson, Sullivan, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Ms. Betty Avary, 11546 Wickhollow, Houston, Texas 77043 (281-300-5544) appeared, presented information and stated that she was present regarding the health, safety and welfare of residents on Wickchester within the Westwick Subdivision; that traffic from the adjacent office

park was inappropriately being allowed to cut through and was measured by the city up to 471 cars per hour and over 6,200 cars per day; that they still had vacant land and the problem would worsen as the property developed; that they worked many years with the city on a solution and was dismayed with the early removal of testing devices which were working; the office park was getting accustomed to the change and it was working; that with their full period of testing they thought it would have become a non-issue for the office park; that Section 42-150 in the City Code stated single family residential collector streets were required to have 25 foot setbacks and local streets were required to have 20 foot setbacks and only the smallest streets categorized as residential streets may have 10 foot setbacks and Wickchester in their neighborhood had 10 foot setbacks and according to Section 42-192 unrestricted reserve, the apartments and offices, must be accessed by a 60 foot street width and Wickchester within the subdivision had only 24 feet of width; and requested the city stop the traffic. Council Members Johnson, Sullivan, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Council Member Stardig stated Ms. Avary did a great job in laying out the aerial picture and described traffic, street turns, dealerships, office parks, etc., and that there had been odds between businesses and the neighborhood for years; and the NTMP process pulled back the temporary barrier. Council Members Johnson, Sullivan, Pennington, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Avary stated that they felt the testing period was too short, it was the way they always went so they broke the law and went on through, but with time they would have become accustomed and they would like the full 90 days and if the barrier was longer it would have kept them from going through. Council Members Johnson, Sullivan, Pennington, Rodriguez, and Noriega absent. (NO QUORUM PRESENT)

Upon further questions by Council Member Jones, Mayor Parker stated that Public Works was concerned with the number going around the barricade into oncoming traffic for a distance before they could come back in; and in addition it changed the traffic pattern getting onto the feeder of I-10 so there was more merging traffic and they felt the city had created an unsafe position so they were back at the drawing board. Council Members Johnson, Sullivan, Pennington, Rodriguez, and Noriega absent. (NO QUORUM PRESENT)

Mr. Rony Klein, 11726 Wickhollow, Houston, Texas 77043 (281-870-8158) appeared and stated that he lived in the same subdivision as Ms. Avary for 22 years and it was a quiet and nice area, but once Katy was made into a one way street and buildings were put in traffic expanded to 6,000 cars a day and there were many safety issues and a couple of pets were killed; and urged they give the barrier a longer chance, because some did not follow the law and the barrier should not have been removed. Mayor Parker, Council Members Johnson, Sullivan, Rodriguez, and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Costello stated that he was very familiar with the location and did feel for people living there; that he understood the issue of diverting traffic to the frontage road but there did need to be a solution and he would ask that as Council Member Stardig continued to discuss the issues he would like to be a party to it as he did frequent the area quite a bit and understood the challenges and would like to participate in the solution; and Council Member Stardig stated that she appreciated it; that they were having more meetings and if he and Council Member Jones and Pennington would like to be involved she thought a solution would be found. Council Members Johnson, Sullivan, Rodriguez, and Noriega absent.

Council Member Gonzalez thanked Council Member Stardig for her work and stated that an average of 200 vehicles were driving the wrong way with the barrier and felt that was why the barrier was removed; that a meeting would be scheduled soon and they were looking for a

comprehensive plan. Council Members Johnson, Sullivan, Rodriguez, and Noriega absent.

Council Member Jones stated that she presumed their streets were taken because of doing away with Old Katy; and upon questions, Mayor Parker stated that the feeder road was TxDOT and the easiest would be to have it back; and Council Member Stardig stated that all was up for discussion, there were a lot of motivated landlords in the area and she would negotiate anything to save the city money. Council Members Johnson, Sullivan, Rodriguez, and Noriega absent.

Mr. Mark Smith, P. O. Box 896, Bellaire, Texas 77402 (713-867-5998) appeared and stated that METRO was spending about \$3.5 billion and they had secret plans to raise fares as high as they wanted and at this time more rail could not be afforded. Council Members Stardig, Johnson, Sullivan, Rodriguez, and Noriega absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he needed more time; that he wanted his national crime victim case addressed; that he was the U. S. President; and continued expressing his personal opinions until his time expired. Council Members Stardig, Johnson, Sullivan, Rodriguez, and Noriega absent. (NO QUORUM PRESENT)

Pastor Reginald Predom, P. O. Box 23632, Houston, Texas 77028 (832-881-7265) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Rodriguez, and Noriega absent. (NO QUORUM PRESENT)

Mr. Joe Albaza, 8022 Glen Dell, Houston, Texas 77061 (713-644-1298) appeared and stated that he was a resident of Glenbrook Valley and would like their heritage preserved, but preservation needed process, people had to come together and representatives had to do their part also, but now there was no progress in Glenbrook Valley; and urged something be done in bringing this to a vote and give them due process. Council Members Stardig, Johnson, Sullivan, Rodriguez, and Noriega absent. (NO QUORUM PRESENT)

At 4:32 p.m. Vice Mayor Pro Tem Gonzalez stated that City Council was recessed until 9:00 a.m., Wednesday, May 18, 2011. Council Member Clutterbuck absent. Council Member Adams absent on personal business. Council Member Hoang absent on city business. Council Members Stardig, Johnson, Sullivan, Rodriguez, and Noriega absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, May 18, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, 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; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office, present. Council Member Wanda Adams absent on personal business.

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

At 9:15 a.m. Mayor Parker called the meeting to order. Council Member Bradford absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 61**

### **MISCELLANEOUS** - NUMBERS 1 through 4

1. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **HOUSTON READ COMMISSION**:

Position Three - **MS. AMBER MACKSEY**, for a term to expire January 1, 2014  
Position Six - **MR. PIERCE G. M. BUSH**, for a term to expire January 1, 2014  
Position Eleven - **MR. T. RAY PURSER**, for an unexpired term ending January 1, 2013

- was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0385 ADOPTED.

3. Omitted

4. RECOMMENDATION from Director Housing & Community Development Department for approval of Pre-Qualified Contractors for Single-Family Home Repair Program Disaster Recovery for Housing & Community Development Department - was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0386 ADOPTED.

Mayor Parker stated that she did not think they had any of the new Members of the Read Commission present, that she knew that some of the staff members were present and asked that they stand and be recognized, that she appreciated the work that they did on behalf of everyone who needed better access to literacy in Houston, that she wanted to thank them for the birthday cake yesterday.

#### **ACCEPT WORK** - NUMBERS 7 through 13

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,437,551.70 and acceptance of work on contract with **BRH-GARVER CONSTRUCTION, L.P.**, for Kirby Drive Storm Sewer Relief Project - Segment 4A 3.31% under the original contract amount - **DISTRICT C - CLUTTERBUCK** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0387 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$26,938,759.27 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for Almeda Sims Sludge Processing Facility Improvements 3.93% over the original contract amount - **DISTRICT D - ADAMS** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0388 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,260,265.35 and acceptance of work on contract with **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Walnut Bend - 2.70% under the original contract amount - **DISTRICT G - PENNINGTON** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0389 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,328,352.66 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in Easthaven and Park Place 2.66% under the original contract amount - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0390 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,124,186.17 and acceptance of work on contract with **WESTERN SUMMIT CONSTRUCTORS, INC** for Improvements to High Service Pump Station No. 3 and Yard Piping at East Water Purification Plant 3 - 2.63% under the original contract amount - **DISTRICT E - SULLIVAN** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0391 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,239,223.50 and acceptance of work on contract with **WESTERN SUMMIT CONSTRUCTORS, INC** for Chlorine Facilities Improvements and PLC Replacements at East Water Purification Plant - 3.55% over the original contract amount - **DISTRICT E - SULLIVAN** - was presented, moved by Council Member Gonzalez, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0392 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 through 18

14. **ORR SAFETY CORPORATION** for Scott Air Paks and Replacement Parts for Fire Department \$3,000,000.00 - General Fund - 2 Years with one-year option - was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0393 ADOPTED.
15. ORDINANCE appropriating \$1,285,600.00 out of Water & Sewer System Consolidated Construction Fund for Emergency Repair of the 84" Sanitary Sewer Line at the Upper Braes Wastewater Treatment Plant for Public Works & Engineering Department - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0349 ADOPTED.
- 15A. **REPIPE CONSTRUCTION, LTD.** for Emergency Repair of the 84" Sanitary Sewer Line at the Upper Braes Wastewater Treatment Plant for Public Works & Engineering Department **DISTRICT G - PENNINGTON** - was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0394 ADOPTED.
17. **AMEND MOTION #2010-200, 4/7/10, TO INCREASE** award amount from \$4,768,000.00 to \$6,768,000.00 for Purchase of Fuel Cards and related services from the Texas Facilities Commission formerly known as the Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments, awarded to **COMDATA CORPORATION/TRANSMONTAIGNE PRODUCT SERVICES, INC** \$2,000,000.00 - Central Services Revolving Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0395 ADOPTED.



18. **CONTRACT RESOURCE GROUP, LLC** for Office Furniture from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Various Departments - \$11,051.52 - General, Enterprise, Houston Emergency Center, Stormwater and Grant Funds - was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0396 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 23 through 61

23. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such Bonds and matters incident thereto; awarding the sale of the Bonds; authorizing the defeasance, final payment, and discharge of Certain Combined Utility System Commercial Paper Notes; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for Certain Escrowed Securities; Authorizing Bond Insurance, Escrow Verification and Engagement of an Escrow Agent, a Co-Bond Counsel Agreement, and a Special Disclosure Co-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 Adams absent on personal business. ORDINANCE 2011-0350 ADOPTED.
24. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of excess, fee-owned Commonwealth Street right-of-way, located in the Obedience Smith Survey, A-696; abandoning the parcel to BGW Properties, Ltd., owner, in consideration of its payment to the City of \$46,371.00 and other consideration; approving a Special Warranty Deed - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0351 ADOPTED.
26. ORDINANCE approving and authorizing second amendment to lease agreement (Contract Nos. 55522 and 4600006554) between **L. S. DECKER INVESTMENTS, INC, as landlord**, and the City of Houston, Texas, as tenant, for space at 1702 Seamist Drive, Houston, Texas, for use as offices for Public Works & Engineering Department - **DISTRICT A - STARDIG** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0352 ADOPTED.
27. ORDINANCE approving first amendment to lease agreement with **MCDONALD'S CORPORATION**, as tenant, for space at 808 Dallas Avenue for the Houston Police Department **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0353 ADOPTED.
28. ORDINANCE appropriating \$763,125.00 out of Parks Consolidated Construction Fund; amending Ordinance 2008-0455 to increase the maximum contract amount and approving third amendment to Professional Landscape Architectural Task Order Contract between the City of Houston and **CLARK CONDON ASSOCIATES, INC** for the Parks & Recreation Department - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0354 ADOPTED.

31. ORDINANCE approving and authorizing contract between the City of Houston and **INNOVATIVE EMERGENCY MANAGEMENT, INC** for Regional Catastrophic Preparedness Planning Services for the Mayor's Office of Public Safety and Homeland Security; providing a maximum contract amount - \$166,025.76 - Grant Fund - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0355 ADOPTED.
32. ORDINANCE approving and authorizing agreement between the City of Houston and **COMCAST OF HOUSTON, LLC** for Cable Television Services for the Houston Airport System; providing a maximum contract amount - 5 Years - \$563,287.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0356 ADOPTED.
34. ORDINANCE awarding construction contract to the **GONZALEZ GROUP, LP** for Glenbrook Park; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for construction management, air monitoring services, engineering testing, and contingencies relating to construction of facilities financed out of Federal Grant Fund - \$1,434,580.00 CDBG Funds - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0357 ADOPTED.
36. ORDINANCE consenting to the creation of **FIVE CORNERS IMPROVEMENT DISTRICT, Formerly known as HARRIS COUNTY IMPROVEMENT DISTRICT NO. 10B**, and inclusion of certain land within the district - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0358 ADOPTED.
37. ORDINANCE consenting to the addition of 168.524 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 133**; for inclusion in its district - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0359 ADOPTED.
38. ORDINANCE consenting to the creation of **HARRIS MUNICIPAL UTILITY DISTRICT NO. 200**, of Harris County, Texas - had been pulled from the Agenda by the Administration, and was not considered.
39. ORDINANCE consenting to the addition of 10.9633 acres of land to **NORTHAMPTON MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0360 ADOPTED.
40. ORDINANCE consenting to the addition of 12.35 acres of land to **NORTHAMPTON MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0361 ADOPTED.
41. ORDINANCE consenting to the addition of 1.015 acres of land to **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0362 ADOPTED.
42. ORDINANCE appropriating \$486,400.00 out of Street & Bridge Consolidated Construction Fund; appropriating \$33,600.00 out of Water & Sewer System Consolidated Construction

Fund; approving and authorizing agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** for the W129-00-00 Conveyance Improvements, San Felipe and Westheimer Bridges; providing funding for CIP Cost Recovery and contingencies relating to construction financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - PENNINGTON** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0363 ADOPTED.

43. ORDINANCE appropriating \$4,200.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Rehabilitation and replacement of Aldine Westfield Bridge at HCFCD Ditch; providing funding for CIP Cost Recovery relating to construction financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0364 ADOPTED.
44. ORDINANCE appropriating \$500,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Environmental Services Contract between the City of Houston and **QUADRANT CONSULTANTS, INC** pursuant to the National Environmental Policy Act Requirements - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0365 ADOPTED.
45. ORDINANCE de-appropriating \$200,000.00 out of Street & Bridge Consolidated Construction Fund (Approved by Ordinance No. 2007-0028) and appropriating \$488,750.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **COBB, FENDLEY & ASSOCIATES, INC** for Technical Assistance for Interagency Project Reviews; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; D - ADAMS; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0366 ADOPTED.
46. ORDINANCE appropriating \$500,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ZARINKELK ENGINEERING SERVICES, INC** for Generic City Wide Asphalt Overlay Project; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0367 ADOPTED.
47. ORDINANCE appropriating \$631,574.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ATKINS NORTH AMERICA, INC d/b/a ATKINS** for Telephone Road Reconstruction from Lockwood Drive to Lawndale Street and Martin Luther King Boulevard Reconstruction from IH-610S to Bellfort Street; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS D - ADAMS and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0368 ADOPTED.
49. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and

Inspection Services contract between the City of Houston and **AECOM TECHNICAL SERVICES, INC** for Various Water Facilities Projects - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0369 ADOPTED.

51. ORDINANCE appropriating \$724,000.00 out of Street & Bridge Consolidated Construction Fund awarding contract to **ROZCO CONTRACTING, INC** for Repairs of White Oak Drive at Little White Oak Bayou; 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0370 ADOPTED.
52. ORDINANCE appropriating \$1,713,450.00 out of Metro Projects Construction Fund awarding construction contract to **STATEWIDE TRAFFIC SIGNAL COMPANY** for Traffic Signal Construction; 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 contingencies, CIP Cost Recovery and engineering testing relating to construction of facilities financed by the Metro Projects Construction Fund - **DISTRICTS B - JOHNSON; D - ADAMS; F - HOANG; H - GONZALES and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0371 ADOPTED.
53. ORDINANCE appropriating \$949,487.00 out of Metro Projects Construction Fund and \$62,513.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **MAR-CON SERVICES, LLC** for Gulf Bank Paving from Vogel Creek to West Montgomery Road; 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Metro Projects Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG and B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0372 ADOPTED.
55. ORDINANCE appropriating \$1,897,084.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **TEXAS REEXCAVATION, L.C.** for Wastewater Collection System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0373 ADOPTED.
56. ORDINANCE appropriating \$687,749.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in support of rehabilitation; 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 (4277-49) - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0374 ADOPTED.

57. ORDINANCE appropriating \$557,722.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in support of rehabilitation; 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 (4277-54) - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0375 ADOPTED.
58. ORDINANCE appropriating \$3,290,737.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LTD.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4258-45) - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0376 ADOPTED.
59. ORDINANCE appropriating \$2,200,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances Package #9; 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, and CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0377 ADOPTED.
60. ORDINANCE No. 2011-341, passed first reading May 11, 2011  
ORDINANCE granting to **USAGAIN ENVIRONMENTAL, LLC, A Texas Limited Liability Company**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0341 PASSED SECOND READING IN FULL.
61. ORDINANCE No. 2011-348, passed first reading May 11, 2011  
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 - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0348 PASSED SECOND READING IN FULL.

**FOLLOWS:**

**MISCELLANEOUS**

2. RECOMMENDATION from Director Houston Airport System for approval of membership fees in the Airports Council International for the Calendar Year 2011 - \$135,457.00 - Enterprise Fund **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ** - was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0397 ADOPTED.

**ACCEPT WORK**

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,992,039.18 and acceptance of work on contract with **PACE SERVICES, L.P.**, for Lancaster Area Drainage Improvements - 7.47% under the original contract amount - **DISTRICT I – RODRIGUEZ** – was presented, and tagged by Council Member Jones.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,334,081.49 and acceptance of work on contract with **PACE SERVICES, L.P.**, for Kirby Drive Relief Storm Sewer - Phase 2 - 5.40% under the original contract amount - **DISTRICT G - PENNINGTON** – was presented, and tagged by Council Member Jones.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,535,519.05 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Neighborhood Street Reconstruction Project 458 - 2.21% under the original contract amount - **DISTRICTS C - CLUTTERBUCK and G - PENNINGTON** - was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0398 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

16. **HANSEN INFORMATION TECHNOLOGY** for Purchase of Water and Drainage Utility Customer Information System Billing Software and Maintenance from General Services Administration Advantage Contract through the Cooperative Purchasing Program for Department of Public Works & Engineering - \$2,821,158.00 - Enterprise Fund – was presented, and tagged by Council Member Bradford.

Mayor Parker stated that Item No. 16 was not taggable and asked if there was a question that they could answer, that she believed it was discussed at the agenda briefing, and Council Member Bradford stated that he would remove his tag on Item No. 16.

After discussion by Council Members, Mayor Parker stated that this was a long term process and they wanted to report regularly back to Council, that this had an impact on the drainage fee and a number of other things, that they had data cleanup and data conversion work that needed to be done, that they had the Oversight Committee, there were going to be a lot of eyes on this, they wanted to take their time to do it right and definitely wanted to make sure that Council Members were fully informed.

After discussion Item No. 16 was moved by Council Member Lovell, seconded by Council

Member Gonzalez. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0399 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

19. RESOLUTION supporting and approving the proposed development for affordable rental housing for homeless veterans of Light Rail Lofts at Midtown Terrace, located at 4600 Main Street in the City of Houston, Texas, for the purpose of authorizing the allocation of 2011 Housing Tax Credits to such development - **DISTRICT D – ADAMS** - was presented.

Council Member Jones stated that this item came to the Housing Committee and she was favorable to it, that she got a request from a constituent yesterday who was the President of the Museum Business Alliance and they had not had the opportunity to speak with the developer of the project, that there was a meeting tonight where the developer, Tim Cantwell, would go and let the community know what they were going to do, that for tax credit deals they had to actually meet with the community, so they were going to do that, that she was asked to tag it by the constituent group, that she had spoken with Mr. Ralph Cooper, who was present yesterday, that she was in support of this and wanted to let him know that it was not going to affect anything because as it turned out the resolution was already late, that she had also spoken with Mr. Cantwell, both of whom were present this morning in the audience, but thought they had left, that she had spoken with the Housing Department and HUD, so it was not going to change anything substantively except that it was going to allow the community to know what was going on, so she was tagging the item.

Mayor Parker stated that Item No. 19 was tagged by Council Member Jones.

20. ORDINANCE **AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to warrants – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0378 ADOPTED.
21. ORDINANCE **AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the abatement of junked vehicles - was presented, and tagged by Council Member Bradford. (Note: Council Member Bradford released his tag on Item No. 21 later in the meeting.)
22. ORDINANCE **ADDING ARTICLE XIX TO CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to fire inspections for child-care homes; containing findings and other provisions relating to the foregoing subject; providing a penalty; providing for severability - was presented, and tagged by Council Members Jones and Johnson.
25. ORDINANCE relating to the consolidation of some of the functions of the Convention and Entertainment Facilities Department and the Houston Convention Center Hotel Corporation; approving and authorizing third amendment to Articles of Incorporation of the Houston Convention Center Hotel Corporation; approving and authorizing Lease Agreement and an Interlocal Agreement between the City and the **HOUSTON CONVENTION CENTER HOTEL CORPORATION** - was presented, and tagged by Council Members Rodriguez, Jones, Johnson, Hoang, Stardig and Clutterbuck.
29. ORDINANCE making a general appropriation of certain revenues of the City in support of annual budgets for Fiscal Year 2011; authorizing certain transfers; amending Ordinance No. 2010-507; amending the adopted budget for Fiscal Year 2011 – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0379 ADOPTED.

30. ORDINANCE altering and establishing prima facie speed limits in certain zones in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing a repealer; containing a savings clause; providing for severability; declaring certain conduct to be unlawful and providing a penalty – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0380 ADOPTED.
33. ORDINANCE amending Ordinance No. 2006-1094 to increase the maximum contract amount for contract between the City of Houston and **ARAMARK SPORTS AND ENTERTAINMENT SERVICES, INC (now known as ARAMARK SPORTS AND ENTERTAINMENT SERVICES, LLC)**, for Cleaning and Janitorial Services for Special Events for the Convention & Entertainment Facilities Department - \$1,943,227.00 - Enterprise Fund - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented, and tagged by Council Member Johnson.
35. ORDINANCE deappropriating \$108,000.00 appropriated out of Reimbursement of Equipment/ Projects Fund (“The Fund”) by Ordinance No. 2009-0811 for Contract No. 4600009903 between the City of Houston and **MANHATTAN CONSTRUCTION COMPANY**; and re-appropriating the same amount out of the Fund for Reimbursement for work to be completed directly by the Public Works & Engineering Department for the Houston Permitting Center – was presented, and tagged by Council Member Jones.
48. ORDINANCE appropriating \$100,000.00 out of Water & Sewer System Consolidated Construction Fund, \$50,000.00 out of Drainage Improvement C Paper Series F Fund, and \$50,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Environmental Services Contract between the City of Houston and **HVJ ASSOCIATES, INC** for Asbestos and Lead related Consulting Services for City Buildings – was presented, and tagged by Council Member Jones.
50. ORDINANCE appropriating \$222,769.00 out of Drainage Improvement Commercial Paper Series F Fund and \$445,531.00 out of Contribution for Capital Projects Fund; awarding contract to **ARANDA BROTHERS CONSTRUCTION, GP** for Elgin Street and Glenbrook Valley 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 Improvement Commercial Paper Series F Fund and the Contribution for Capital Projects Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Costello absent. ORDINANCE 2011-0381 ADOPTED.
54. ORDINANCE appropriating \$966,815.00 out of Woodlands Regional Participation Fund and \$192,785.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **CONRAD CONSTRUCTION CO., LTD.** for Reconstruction of Cambridge Road from Holly Hall to IH 610; 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 Woodlands Regional Participation Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0382 ADOPTED.



**NON CONSENT AGENDA** - NUMBERS 62 through 63A

**MISCELLANEOUS**

62. MOTION to set a date not less than seven days from May 18, 2011, to receive nominations for Positions 11 and 13 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two-year term – was presented.

Council Member Gonzalez moved to set Wednesday, June 1, 2011, to receive nominations for Positions 11 and 13 of the Houston Archaeological and Historical Commission Board of Directors, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0400 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

63. ORDINANCE appropriating \$195,534.00 out of Equipment Acquisition Consolidated Fund for Purchase of Utility Vehicles for the Houston Fire Department – was presented.

After discussion by Council Member Sullivan, a vote was called on Item No. 63. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0383 ADOPTED.

- 63a. **AMEND MOTION #2011-247, 3/30/11, TO PURCHASE** nine additional Utility Vehicles for the Houston Fire Department for a total increase of \$350,973.00, awarded to **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET - REQUIRES THREE MOTIONS** – was presented.

Council Member Gonzalez moved to suspend the rules for the purpose of reconsidering Motion #2011-247, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0401 ADOPTED.

Council Member Gonzalez moved that Motion #2011-247 be brought back to Council for reconsideration, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0402 ADOPTED.

Council Member Gonzalez moved to amend Motion #2011-247, passed and adopted, March 30, 2011, TO PURCHASE nine additional Utility Vehicles for the Houston Fire Department for a total increase of \$350,973.00, awarded to Caldwell Automotive Partners, LLC d/b/a Caldwell County Chevrolet, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0403 ADOPTED.

**MATTERS HELD** - NUMBERS 64 through 70A

64. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$393,016.59 and acceptance of work on contract with **TJ & T ENTERPRISES, INC** for Safe Sidewalk Program D5 - 6.14% under the original contract amount **DISTRICT F - HOANG – (This was Item 7 on Agenda of May 11, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0404 ADOPTED.

65. RECOMMENDATION from Director Department of Public Works & Engineering for

approval of final contract amount of \$904,134.34 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Dora Street Sanitary Sewer Replacement - 0.87% under the original contract amount - **DISTRICT C - CLUTTERBUCK – (This was Item 9 on Agenda of May 11, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. Council Member Jones voting no, balance voting aye. Council Member Adams absent on personal business. MOTION 2011-0405 ADOPTED.

66. RECOMMENDATION from Purchasing Agent to **AMEND MOTION #2007-588, 6/13/07, TO INCREASE** spending authority from \$7,200,000.00 to \$9,000,000.00 for Chemical, Liquid Polymer Flocculent for Department of Public Works & Engineering, awarded to **POLYDYNE, INC** Enterprise Fund – **(This was Item 18 on Agenda of May 11, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented, moved by Council Member Pennington, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0406 ADOPTED.
67. RECOMMENDATION from Purchasing Agent to award to **KELLOGG, BROWN AND ROOT, LLC** for On-Call Maintenance and Repair Services through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the Department of Public Works & Engineering - 1 Year with six one-year options \$12,500,000.00 - Enterprise Fund – **(This was Item 20 on Agenda of May 11, 2011, TAGGED BY COUNCIL MEMBERS NORIEGA and JONES)** – was presented, moved by Council Member Sullivan, seconded by Council Member Pennington. Council Members Jones and Noriega voting no, balance voting aye. Council Member Adams absent on personal business. MOTION 2011-0407 ADOPTED.
68. ORDINANCE changing the status of a certain area located within the municipal boundaries of the City of Houston in Harris County, Texas previously annexed for general purposes to limited purposes annexation status - **DISTRICT E - SULLIVAN – (This was Item 28 on Agenda of May 11, 2011, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented.

After discussion by Council Member Sullivan a vote was called on Item No. 68. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0384 ADOPTED.

- 68a. ORDINANCE approving and authorizing a Channel Area Industrial District Agreement between the City of Houston and the **COASTAL WATER AUTHORITY - DISTRICT E - SULLIVAN** – **(This was Item 28a on Agenda of May 11, 2011, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0385 ADOPTED.
- 68b. ORDINANCE approving and authorizing first amendment to Channel Area Industrial District Agreement between the City of Houston and **VOPAK TERMINAL DEER PARK INC and VOPAK LOGISTICS SERVICES USA INC, A Delaware Corporation - DISTRICT E – SULLIVAN** – **(This was Item 28b on Agenda of May 11, 2011, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0386 ADOPTED.
69. ORDINANCE appropriating \$301,372.00 out of Public Health Consolidated Construction Fund, \$200,000.00 out of Fire Consolidated Construction Fund, and \$53,000.00 out of Parks Consolidated Construction Fund for minor construction, repairs, rehabilitations or alterations of various facilities under the Job Order Contracting Program – **(This was Item 31 on Agenda of May 11, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was

presented. Council Member Jones voting no, balance voting aye. Council Member Adams absent on personal business. ORDINANCE 2011-0387 ADOPTED.

70. MOTION to select the redistricting plan to be included as Exhibit A in the ordinance – **(This was Item 41 on Agenda of May 11, 2011, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and NORIEGA)** - was before Council.

Mayor Parker stated that she would request a motion to adopt the plan submitted by the administration as the revised Council Redistricting Plan, moved by Council Member Lovell, seconded by Council Member Rodriguez. Council Member Clutterbuck voting no, balance voting aye. Council Member Adams absent on personal business. MOTION 2011-0408 ADOPTED.

- 70a. ORDINANCE approving and adopting a redistricting plan for the City of Houston, including the creation of two New City Council Districts to be designated as Council Districts J and K; establishing the boundaries of all single member districts from which district council members are elected – **(This was Item 41 on Agenda of May 11, 2011, TAGGED BY COUNCIL MEMBERS NORIEGA and CLUTTERBUCK)** – was presented.

After discussion by Council Members, Mayor Parker stated that she wanted to thank the Advisory Committee that sat with her and helped her through the process.

A vote was called on Item No. 70a. Council Member Clutterbuck voting no, balance voting aye. Council Member Adams absent on personal business. ORDINANCE 2011-0388 ADOPTED.

The City Secretary stated that Council Member Bradford previously released his tag on Item No. 21.

21. ORDINANCE **AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the abatement of junked vehicles – was again before Council. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0389 ADOPTED.

### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Bradford stated that he was asking citizens to join them for the Houston Police Department Memorial service to be held Friday, May 20, 2011, at 7:00 p.m. at 2400 Memorial Drive at the HPD Memorial site, that it was to show respect and honor for those who lost their lives providing services to the citizens of Houston, also to show respect and honor for the surviving family members of those officers, HPD personnel and other area law enforcement officers, that it was an annual event but none the less safety services personnel, in his view, were special type of personnel in that the training was over a long period of time, that it was difficult, they make personal family sacrifices and at the end of the day it was those memories of how they did what they did trying to make a difference for the greater good of all.

Mayor Parker stated that they should note that there was a new name on that list this year that would be added.

Council Member Sullivan stated that he wanted to recognize the good work that City Attorney David Feldman did, and others, and the Mayor, on the redistricting; that as to Item Numbers 68, 68a and 68b, these were all economic development items that would add about \$50 million in investment along the Houston Ship Channel, and as important, also put about \$4 million into the General Fund for the fiscal year, that it was surplus land that Coastal Water Authority owned and they were able to negotiate with Coastal Water Authority to get it done and

sell, that everybody won, they put money into the General Fund, the private sector won, investment, construction and new jobs would come to the Port, which was really important, that he wanted to thank Mr. Bob Christy, that he was no longer with the City but was one of the worker bees on the project and did a lot of the monotonous work on the property side, that he also wanted to thank Tim Douglass for his work on the industrial corporation side of the transaction; that he saw Greg Dagastini come into the Chamber, who was with Comcast, that they needed to give Comcast a plug for their Comcast Cares Day, which was a couple of Saturday's ago, that hundreds, if not thousands, of employees from Comcast volunteered throughout the City, that he wanted to thank Comcast and their employees for stepping forward and doing the volunteer work that they did; that with the passing of the redistricting maps it had been a true honor and a true pleasure to serve the southbelt, that he would lose that area in the redistricting process, but they had been strong supporters of his and supporters of what the City had done, that they had held a number of townhall meetings in the southbelt area, they started a flooding meeting to try to bring together the Harris County Flood Control District, El Franco Lee's office, City Public Works and the U. S. Corp of Engineers, that he hoped that would continue, not to compete with the Rebuild Houston initiative, but to continue the dialog between the multiple agencies, that they come together in that kind of forgotten part of the City of Houston and County, that they were committed to working with Council Member Adams office on the transition, that he had instructed his staff to start talking to Council Member Adams staff about projects in the area, who some of the players were, the organizations and groups, that he wanted to publicly say that they would be working very hard to make sure that area was served through the last day of his service on Council and would help Council Member Adams in every respect. Council Members Costello, Gonzalez and Jones absent.

Council Member Lovell stated that she wanted to say congratulations to Mr. Jim Crane, who signed an agreement to buy the Houston Astros, that she wanted to say thank you to Mr. Drayton McLane, who bought the Houston Astros in 1992 and during his ownership the Astros made the playoffs six times in a nine stretch, they won the National Pennant in 2005 and brought the World Series to Texas for the first time; that she wanted to say congratulations to the Mayor, her team and the Houston Fire Department, for reaching an agreement which they do not now have to layoff any of the firefighters, that she knew the team worked very hard and this was a priority for the Mayor, that none of them wanted to face a time when they had to let firefighters go, that she wanted to congratulate HFD on their efforts. Council Members Sullivan, Gonzalez, Rodriguez, Costello and Jones absent.

Council Member Johnson stated that he wanted to thank all of them who played in the Brock Park Golf Tournament, that he wanted to thank the Mayor for coming out, that it was a great turnout and he wanted to thank all of the volunteers and all of the players who came out; that they had the State of the District for District B last week and he wanted to thank all who attended, that he wanted to thank Prairie View A&M for putting together a couple of corridor studies where they looked at corridors in District B that they thought certainly could be developed and offer the most attractiveness for developers, that the community really embraced it and understood what they were trying to do because he believed that if they wanted to move in a particular direction they at least had to start looking in that direction and they were starting to give the rest of the City of Houston and developers the understanding that District B was a destination district where they could build great housing, have great schools, but they first must make that investment, that he wanted to thank his staff for being a part of it; that on Friday would be District B Sixth Annual Senior Citizen Prom, that this year's theme was Mardi Gras and senior citizens from all over the district would be coming out, that it would be at the Fifth Ward Baptist Church, the Carl Walker, Jr. Multi Purpose Center, that he wanted to thank all of the sponsors, that he wanted to acknowledge Ms. Emily Barrie, the Senior Citizen Coordinator in the City of Houston, who was doing a fabulous job; that he would be hosting the 21st Annual International Jazz Festival, August 5 through 7, 2011. Council Members Sullivan, Rodriguez, Costello and Jones absent.

Council Member Gonzalez stated that he wanted to thank Council Member Bradford for reminding everyone of Police Week, that a lot of activities had taken place and a lot of children had been visiting the Houston Police Academy to take part in different exhibitions and demonstrations, that he wanted to thank their law enforcement professionals and if they saw a police officer to make sure and thank them for their service to their communities and City; that the Near Northside Healthy Community Partnership would be hosting its Second Annual Dia de la Mujer Latina Health Fiesta on Saturday, May 21, 2011, 9:00 a.m. to 2:00 p.m. at Marshall Middle School; that on Saturday, May 21, 2011 at the High School for Law Enforcement and Criminal Justice, 4701 Dixon Street, they would partner with Youth Genesis Consulting to co-host the Good, Bad and Ugly, an upcoming teen evolution youth conference, that the conference was intended to raise awareness on the many issues that faced their youth and parents today, obesity, bullying, college entrance, civic responsibility and much more in a fun and positive environment; that he wanted to thank the Greater Heights Relay for Life Planning Committee for their terrific work in recruiting over 400 participants, 42 teams and raising thus far \$73,000 this past weekend for the American Cancer Society. Council Members Sullivan, Rodriguez, Costello, Lovell and Bradford absent.

Council Member Clutterbuck stated that yesterday was the monthly meeting of the Houston Galveston Area Council, the 13 County Council of Government that the City of Houston belonged to, that she wanted to review what they accomplished, that she and the Mayor served on that important organization that disbursed hundreds of millions of dollars every year to their region and their advocacy tried to make sure that they got their equitable share and also saw that the entire region remained strong and safe and healthy, that they declared May National Bike Month, voted on a number of things related to their regional 9-1-1 System, as well as implementing a number of contracts that helped them with regional purchasing at a cheaper price for the tax payers, they worked on expanding the Regional Transportation Program that involved getting consultants for weather evacuations and things like that, that she had brought back a recycle guide that was for the entire region, that they could contact the Houston Galveston Area Council for a copy, that it provided a very detailed list of both the recycling basics, how one would go about recycling, but also where they could drive up and drop off if they did not happen to have curbside recycling. Council Members Sullivan, Rodriguez, Costello, Lovell, Noriega and Bradford absent.

Council Member Stardig stated that yes she was going to miss a large part of her district as well, that she had a number of constituents and neighborhoods that they had already done a lot of work in her first term as well, that a lot of that was Jaycee Park, that she was proud of that neighborhood and all that they had done and accomplished, along with Ella Square, where they took down the apartments for that neighborhood that had been waiting for many years and the Antoine Corridor, which she would continue to focus on regardless of what part of it was in her district or not, that it did impact her residents, that she wanted her good neighbors to understand that they could still call on her if they would like and for whoever would take the new District C if they would like to have a conversation to please feel free to meet with her; that she wanted to send out an invitation to all Houstonians to join her, the Mayor's Office of Special Events and the Parks and Recreation Department at the Summer Movie Night Series to take place every Friday night in June at Agnes Moffett Park at Hammerly and Beltway 8, that there would be a different movie presented every night, along with a Farmers Market and various activities throughout the park, that she wanted to thank all of the sponsors of the event that helped make the series possible, that if they went to District A website they would see the flyer, that she thought that her team had done a fantastic job, along with special events and the other departments. Council Members Sullivan, Rodriguez, Costello, Lovell, Noriega and Bradford absent.

Council Member Pennington stated that he wanted to thank Council Member Hoang for his

memento from China, even though tomorrow was his birthday he was giving them gifts, that they hoped he had a great trip; that last Saturday morning Council Member Costello and his staff organized and brought the materials, rakes, spears and stuff, for Saving the Green Park cleanup at Walter Rasmus Park on Jeanetta Road, that their office participated with that and had a large number of volunteers, that it was a good turnout and good event; that last Friday he attended a luncheon sponsored by the Houston West Chamber of Commerce honoring local school teachers; that last Thursday he attended the Metro Long Range Planning Open House at the Upper Kirby District on Richmond, that the purpose was to get input from the public, that there were a large number of similar events that were being held throughout the City and he encouraged everyone to try to give their input; that he chaired the first meeting of the Flooding and Drainage Committee this week; that last night he attended the Briar Forest Super Neighborhood, there was a presentation by Public Works and the Flood Control District on the planning that was going on the Buffalo Bayou Water Shed, of which they had a task force on that, that he thought it was very encouraging that they had a kind of comprehensive or holistic approach to flood control where they were going to work some mitigation measures in, that he thought that the Flood Control District was an active participant, that the City needed about 100 acre of storage in order to facilitate three local drainage projects that they could not construct until they got the detention in; that the residents were also interested in derelict apartments out there, and one particular strip shopping center that had been a problem on Dairy Ashford Road, that they had a meeting with Neighborhood Protection this afternoon with a bunch of the residents in his office; that Friday he would be attending the Police Memorial Ceremony; that he wanted to commend the Public Works Department, there was a large water leak near Dairy Ashford and Memorial and Public Works promptly sent a crew to repair the leak, unfortunately the water had to be turned off in homes while the leak was being repaired but the work was done promptly and he wanted to thank the Public Works staff. Council Members Johnson, Sullivan, Rodriguez, Costello, Lovell, Noriega and Bradford absent.

Council Member Jones stated that last week, on Friday, her office, in partnership with Victor Pratt, held a Criminal Background Job Help Seminar at the Beulah Shepherd Building at Roy Molonson's property and it was a really big turnout; that on Saturday she went to the Astros Game and presented a proclamation, on behalf of the Mayor, to proclaim that day, Houston's Veterans Day; that she wanted to congratulate her staffer, Jack Valinski and Council Member Pennington, that evidently their alumni association had a periodical called Humanitas and they featured Jack; that on Saturday she attended the Black Firefighters Annual Picnic, in Alexander Deussen County Park; that she wanted to congratulate her cousin, Loyce Means, Jr., who was the second man in her family to graduate from college, that he graduated from the University of Houston on Saturday; that there would be a Housing and Community Development Committee meeting tomorrow, Thursday, May 19, 2011 at 2:00 p.m. in the City Hall Chamber. Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that on Saturday, May 21, 2011, was the first ever Iron Man in the Houston area, that it would be in the Woodlands and Council Member Costello was going to be swimming, biking and running in it, that it was a phenomenal test of body strength, agility and determination, that it was a 2.4 mile swim, followed by a 112 mile bike ride, followed by a 26.2 mile run, all in the same day, that she wanted to congratulate and wish Council Member Costello the very best. Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Council Member Jones stated that she and Council Member Costello were both athletes and she tried to get him to sign up with Bill Collins, who would train him to be a world's record holder, but he said he was not a sprinter, that he told her that his target was about twelve hours, that she wanted to wish Council Member Costello good luck, that she was certain he would reach his time. Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello, Lovell,

Noriega and Bradford absent. (NO QUORUM PRESENT)

Mayor Parker stated that she wanted to remind them about the Police Memorial on Friday; that if they were not watching Council Member Costello compete, the Art Car Parade was this weekend along Allen Parkway, that it was a little bit later and thought they had missed the good weather weekend last weekend, that she hoped they would come out to see that. Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 10:30 a.m. Council Member Adams absent on personal business. Council Members Stardig, Johnson, Sullivan, Rodriguez, Costello, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary