

City Council Chamber, City Hall, Tuesday, June 7, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 7, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig Jarvis Johnson, Ann Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega and C. O. "Brad" Bradford Jolanda "Jo" Jones; Ms. Carolyn Hanahan, 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.

At 1:58 p.m. Mayor Parker called on Council Member Costello who led all in the prayer and pledge. Council Members Johnson, Hoang, Pennington, Bradford and Jones absent.

At 1:59 p.m. the City Secretary called the roll. Council Members Johnson, Hoang, Pennington, Bradford and Jones absent.

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

At 2:00 p.m. the City Secretary began calling the public speakers. Council Members Johnson, Hoang, Pennington, Bradford and Jones absent.

Ms. Ann Macaluso, 803 Kipling, Houston, Texas 77006 (281-444-1613) had reserved time to speak but was not present when her name was called. Council Members Johnson, Hoang, Pennington, Bradford and Jones absent.

Mr. Justin Destot, 1716 Lubbock, Houston, Texas 77007 (713-816-5263) had reserved time to speak but was not present when his name was called. Council Members Johnson, Hoang, Pennington, Bradford and Jones absent.

Ms. Lisa Trout, 5823 Willowbend Boulevard, Houston, Texas 77096 (832-202-8151) had reserved time to speak but was not present when her name was called. Council Members Johnson, Hoang, Pennington, Bradford and Jones absent.

Mr. Thomas Morrow, 16003 Craighurst Drive, Houston, Texas 77059 (832-641-9014) appeared and stated that he was a resident of Clear Lake City, a member of the board for the Clear Lake Communities and the Clear Lake Super Neighborhood Council and chair of the Drainage Committee for Clear Lake Super Neighborhood Council and present regarding the drainage fee for Clear Lake residents; that Mr. Iken said the only property having drainage fee were those with drainage service, but they did not receive drainage with the city, but by the Clear Lake Water Authority and they should be exempt from the fees. Council Members Stardig, Johnson, Adams, Sullivan, Lovell and Jones absent.

Mayor Parker stated that she apologized that they received the bill, there was never an intention to bill residents in Clear Lake and were in discussion with the Clear Lake Water Authority; that property was calculated and it was not the intention to have Public Works mail those, however, the Clear Lake Water Authority was negotiating with the city as they needed to prove what they were spending on drainage; that residents had already paid to the water authority. Council Members Stardig, Johnson, Adams, Lovell and Jones absent.

Council Member Sullivan thanked Mr. Morrow for coming and stated that he had been in a meeting with those in Clear Lake City and was glad he came today to be heard. Council Members Johnson, Adams, Lovell and Jones absent.

Upon questions by Council Member Stardig, Mayor Parker stated that about 13,000 residents had received the billing; that they should have never been mailed and there had been one formal meeting with the Clear Lake Water Authority and she hoped to be able to send the final..., there was a former MUD Royal Oaks who they were also in negotiations with. Council Members Johnson, Adams, Lovell and Jones absent.

Council Member Rodriguez Moved the rules be suspended for the purpose of extending the time for discussion of the Clear Lake City Water Authority, seconded by Council Member Sullivan. All voting aye. Nays none. Council Members Johnson, Adams, Lovell and Jones absent. MOTION 2011-0437 ADOPTED.

Council Member Sullivan stated that he would like to be involved in the process; and Mayor Parker stated that it was a surprise to find they had received bills and then that not all of them had. Council Members Johnson, Adams, Lovell and Jones absent.

Upon questions by Council Member Pennington, Mayor Parker stated that they were still in discussion with Royal Oaks and they too were a unique circumstance, but she did not think they had been billed and would do a follow-up and let him know. Council Members Adams, Lovell and Jones absent.

Ms. Leslie Alvarez-Phillips, 14906 Waybridge, Houston, Texas 77062 (281-448-0360) appeared and stated that she was president of the Clear Lake Super Neighborhood Council and general manager of the Clear Lake City Association and also present on the drainage fee; that they recently held a town meeting with 300 attending and all present agreed the fee was misrepresented and they were misled and some did not understand that their drainage was not by the City of Houston; that Mayor Parker had stated the unique position of their area was understood and the city would work directly with the Clear Lake Water Authority, there was no way this could be explained in a good way and they remained opposed to fees on their property; and upon questions, Mayor Parker stated that the form they had protesting fees did not need to be sent back. Council Members Johnson, Adams and Jones absent.

Council Member Sullivan stated that he called for support of the issue and wanted to publicly say he asked from his chair many times before the election about the fee applying to them as they were in a unique situation, but was told yes it would apply and he disseminated it and the damage was done; that he was also being told they would get to it, but he did want to clear that up. Council Members Johnson, Adams, Hoang and Jones absent.

Mr. Griff Griffin, 5327 Windingway Drive, Houston, Texas 77091 (713-503-8064) appeared and stated that he was president of the concerned citizens of Houston and he too was present on the drainage fee, it was called the \$5.00 myth, he was being told that he said to vote on the fee, and he said yes it was needed , but he thought it was about \$5.00; that he had offered the proposal on the 311 hotline and the Mayor and Council got behind it and it was successful and he had a proposal on the drainage fee; that if they charged \$9.00 across the board for residents and \$18.00 for business and then next year add \$1.00 to each. Council Members Johnson, Adams and Jones absent.

Mayor Parker stated that was an interesting suggestion; and thanked Mr. Griffin for coming. Council Members Johnson, Adams and Jones absent.

Mr. David Nolder, 5538 Pinemont Drive, Houston, Texas 77092 (281-384-1854) appeared and stated that he was also present on the drainage fee, it was landlocked and not served by any drainage or curbs and yet he would need to pay about \$275.00; that his water was soaked in, it went no where; that he got no city service and had no drainage. Council Members

Johnson, Lovell and Jones absent.

Upon questions by Council Member Gonzalez, Mr. Nolder stated that someone called him today and gave him a number to call; that he raised goats, but he was given no exemption for agricultural, he was being charged for his house; and Mayor Parker stated that he did not pay a drainage fee that was open space it would apply to the impervious surface, but adjustments were being made at this time and he may be able to adjust his bill and should call the number he was given. Council Members Johnson, Lovell, Noriega and Jones absent.

Council Member Adams moved the rules by suspended for the purpose of adding Ms. Mari Gianukos to the list of speakers after Mr. Secundino Vasquez, seconded by Council Member Sullivan. All voting aye. Nays none. Council Members Johnson, Lovell, Noriega and Jones absent. MOTION 2011-0438 ADOPTED.

Mr. Bill Elkin, P. O. Box 2288, Houston, Texas 77252-2288 (281-345-8007) appeared and stated that he was the executive director of the Houston Retired Police Officers Association and present with concerns of the re-enrollment of insurance; that it was organized disorganization; that they first received a postcard looking like junk mail and there was too much emphasis placed on the computer when many did not use a computer and some went to meetings to find they were cancelled; that he received many calls and emails about not being able to enroll in a choice of plans and defaulted into a higher plan and some had to pay half their pension for health insurance and did the health assessment apply to retirees. Council Members Johnson, Lovell and Jones absent.

Council Member Sullivan thanked Mr. Elkin for coming and stated that he had heard half a pension for insurance also; and upon questions, Mayor Parker stated that rates were raised significantly under the old plan for retirees under 65, but this should have dropped it significantly; that this was another situation where they were doing a lot of work with fewer people daily and they would be seeing changes in HR benefits; that retirees were not handled as well as they should have been; and Mr. Elkin stated that he commended Ms. Jeri Walker and Ms. Margaret Batiste they continued to send someone to meetings and allow some things to be resolved; that two months had now gone by and it seemed better, but some may have given up while others may be resolved. Council Members Johnson, Pennington and Jones absent.

Council Member Noriega stated that she was sorry to all those who had problems with this; that it sounded as if it were being resolved; and upon questions, Mr. Elkin stated that a problem was the mode of communication. Council Members Johnson, Pennington and Jones absent.

Council Member Sullivan moved the rules be suspended for the purpose of extending the time for questions of Mr. Bill Elkin, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Johnson, Pennington and Jones absent. MOTION 2011-0439 ADOPTED.

Upon further questions by Council Member Noriega, Mr. Elkin stated that he thought it could be resolved with vocal communication. Council Members Johnson, Pennington and Jones absent.

Upon questions by Council Member Noriega, Mayor Parker stated that absolutely someone could work with Mr. Elkin, she was under the impression they were doing individual meetings, but if it required individual phone calls it could be done; and Council Member Noriega stated that she would like Mr. Elkin to have something clear today. Council Members Johnson, Pennington and Jones absent.

Council Member Stardig thanked Mr. Elkin for coming and stated that what he was saying was true and the mail out was less than perfect and there were issues and she appreciated him coming and sharing concerns and she would be happy to chip in on phone calls, etc., whatever was needed in resolving this in a timely manner. Council Members Johnson, Pennington and Jones absent.

Council Member Gonzalez thanked Mr. Elkin and retirees for being present; and upon questions, Mr. Elkin stated that one example was someone was defaulted into another plan and given a bill of \$1,600; and Council Member Gonzalez stated that they wanted to make sure all were corrected, the intent was affordable options. Council Members Johnson, Pennington and Jones absent.

Council Member Bradford thanked Mr. Elkin for his work and the work of his organization; and stated that the process was quick and for retirees was even worse; that the city extended the enrolment process for retirees; and upon questions, Mr. Elkin stated that some were able to resolve this, but they were initially charged for the defaulted change to open access, but Health Benefits said it would be refunded. Council Members Johnson, Pennington and Jones absent.

Mayor Parker stated that if Mr. Elkin could wait Ms. Walker was on her way over and there was a conference room and Ms. Barreras would organize them; that she understood it had been worked through and they were trying to contact retirees, but they could work this while he was present. Council Members Johnson, Pennington and Jones absent.

Ms. Nadine Huff, 2505 5th, Galena Park, Texas 77547 (713-551-7333) appeared and stated that she was in Fleet Maintenance and just notified her current position would be eliminated and she would no longer be employed; that she had more than 20 years of service and only 10 months to retire and June 30 she needed surgery because of breast cancer; that she would lose all health benefits; that based on the layoff ordinance it was to be on the last 3 EPEs and she had perfect attendance for years and currently had 73 points and in June would have 74, but still could not retire until after March 31, 2011 and one point was keeping her from retirement; that she had no sick day in over 20 years and still returned to work after her chemo therapy; that she needed any position at least until march 31st; and she needed help. Council Members Stardig, Johnson, Sullivan, Pennington, Noriega, Bradford and Jones absent.

Upon questions by Council Member Adams, Ms. Huff stated that she was with Fleet Maintenance and they did know she was diagnosed with cancer; and Council Member Adams stated that she did not know the city policy on that, but she knew her personally and this was a personal concern to her; that she was sure someone was watching today and could see what opportunities were available; that Public Works had a job fair yesterday and she hoped someone would get with her and she would make a call and see what could be done, no promises but she would do her best. Council Members Stardig, Johnson, Sullivan, Noriega, Bradford and Jones absent.

Mayor Parker stated that she asked City Legal for advise and would ask Ms. Huff to visit with Citizens Assistance who was present and they would make sure she was reconnected to HR; that her notice was a result of fleet consolidation which began before the budget process; that the savings from Fleet consolidation had to do with reduction in head count, but any laid off had priority for replacement in the City and she appreciated her coming, she could not imagine what she was going through and appreciated her courage in dealing with it and Ms. Barreras would connect her with HR and start the process, she was instructing HR to sit with her and see what could be done. Council Members Stardig, Johnson, Lovell, Noriega, Bradford and Jones absent.

Mr. Dale York, 8855 Gulf Freeway, Houston, Texas 77017 (281-995-5995) appeared and

stated that this was his second time present regarding horse manure; that it was his understanding all thought it was fine for him to get if there was no cost; that Republic agreed to let another company take over for them and they would not require what Republic wanted to bring it to him; that he was willing to do what he could. Council Members Stardig, Johnson, Adams, Rodriguez, Noriega, Bradford and Jones absent.

Upon questions by Mayor Parker, Mr. York stated that another company would pick it up for him just as Republic did at the same rate; and Mayor Parker stated that Republic would only pick it up and deliver to him if the city would indemnify them, but if he could get it there should be no problem; and Mr. York stated that he had another company who could pick it up and Republic said they were willing to back out and let the other company do it; that she thought this could be worked out, let her see if she could get the right person to come work with him. Council Members Stardig, Johnson, Adams, Rodriguez, Noriega, Bradford and Jones absent.

Mr. Tracy Washington, 9465 Clearwood, Houston, Texas 77075 (713-649-8834) appeared and stated that he was present on behalf of Mr. York, but it seemed they had this so he would keep it short. Council Members Johnson, Adams, Rodriguez, Noriega, Bradford and Jones absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Council Members Johnson, Rodriguez, Noriega, Bradford and Jones absent.

Mr. Michael Garrett, 7806 Chaseway Drive, Missouri City, Texas 77489 (281-438-9665) appeared and stated that he was vice president of Houston Council for the Blind and was representing the disability community at large who was disturbed and concerned about cuts to departments which directly affected them, such as the multi service center and the Mayor's Office for Disabilities; that to them it felt there was no regard of their feelings; that their population was growing and help was buried under layers of governmental bureaucracy and would like staff restored and in the future when major changes were contemplated for the disability that the information be disseminated. Council Members Johnson, Hoang, Rodriguez and Noriega absent.

Mayor Parker thanked Mr. Garrett for coming and stated that they had not buried the Office under layers of bureaucracy, but they were under the Neighborhood Services Division and shared a space with Citizens Assistance, etc., and thought it had been clearly communicated to the disability community, but all functions were transferred and they were looking for the appropriate person to head it, however, she could not maintain a staff of three any longer. Council Members Johnson, Hoang, Rodriguez and Noriega absent.

Upon questions by Council Member Jones, Mr. Garrett stated that he understood the center would only have four on staff from nine and would like it back to nine; and upon further questions by Council Member Jones, Mayor Parker stated that the Director of Neighborhood Services was to make sure all services were delivered, but she needed to appoint someone from her staff to take over the responsibilities, her understanding was Ms. Flowers was meeting with the Commission Thursday to lay out her plan and would meet with any Council Members who wanted; and Council Member Jones stated that she would like to know what would be done and would feel better if someone with SME Subject Matter Expertise were there; and Mayor Parker stated that there was an intent to do that and she would ask Ms. Flowers to visit with her. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Stardig stated that she would like to be included in conversations with Ms. Flowers and the commission; and upon questions, Mr. Garrett stated that there was a gap in communication and projects they had in the hopper for years such as audible pedestrian

signals, etc., and regarding communication anytime they did something with people with disabilities there was the Mayor's Office of Disabilities and the Houston Center for Independent Living was more than willing to bring people together; and Mayor Parker stated that Ms. Flowers was out there and commission meetings were public and they would make sure her office received the information. Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Pastor Frank Barnes, 2811 Almeda Plaza, Houston, Texas 77045 (713-645-9174) appeared and stated that he was with Vision Baptist Church and present on behalf of Ms. Beulah Johnson, an 82 year old stroke victim; that the city hired a contractor to replace sewer and water lines on her street and in the process her waterline was broken; that for the last 50 years her bill was not over \$50.00 and she had not missed bills, but February she received a \$350.00 bill and it was investigated and a leak was found on her side of the meter; that the contractor, SER, was questioned and they said it would take about two weeks to fix, but the next person who came said it was not them and said they should call the city and have the bill waived, but now she had a higher bill and was afraid her water would be turned off. Council Members Johnson, Hoang, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that Mr. Norman was present and would work with him; and upon questions, Mr. Barnes stated that repairs would be about \$800.00 and she did not have that and no one in the city had said they would contact the contractor; and Mayor Parker stated that her note from Public Works stated that they did not believe it was the contractor, but Mr. Norman would speak with him. Council Members Stardig, Johnson, Hoang, Pennington and Lovell absent.

Council Member Jones stated that Public Works paid approximately \$5.6 million and if the city did something to cause a break on her side why would the citizen have to pay even if it was on her side; and Mr. Barnes stated that three or four people had been out and she ate from the food pantry and Meals on Wheels she had no money; and Council Member Jones stated that she did not see why the city would just not fix it; and Mayor Parker stated that there had to be evidence it was broken by the city or contractor and she had asked Mr. Norman to investigate, but it did not mean they would fix the leak. Council Members Stardig, Johnson, Adams, Hoang and Lovell absent.

Motion by Council Member Clutterbuck the rules be suspended for the purpose of extending the time for questions of Pastor Frank Barnes, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Stardig, Johnson, Adams, Hoang and Lovell absent. MOTION 2011-0440 ADOPTED.

Council Member Adams stated that she thanked Pastor Barnes for being her voice and she would ask Mr. Norman to look at the time the contractor was there; that adjustments were made to her bill and penalties released and agreed to pay \$100.00 toward her bill for six months, but this started from June to December and her question was when was the contractor out there, how did it jump so many gallons in 30 days; that her staff was present and they would connect him to ARA also. Council Members Stardig, Johnson, Adams, Hoang, Lovell and Jones absent.

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

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Adams, Hoang, Lovell and Jones absent.

Mr. Richard Latter, 5330 North Freeway, Houston, Texas 77022 (832-272-5874) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Adams, Hoang, Lovell and Jones absent.

Mr. Joshua Bullard, 3328 Mc Gowen, Houston, Texas 77004 (832-258-7511) appeared and stated that he was appointed spokesperson for the Blue Ridge Civic Club in Sunnyside and he wanted to thank the Mayor and Council Members Adams and Jones for establishing safe sidewalks in Blue Ridge; that they had a tremendous drainage problem and they were grateful the drainage fee passed and were supporters, but he would inform all that Scott, Reed, Bellfort at Scott had very bad drainage; and he would like in the minutes that they were asking \$2 million from Renew Houston per year from 1956 when they were annexed; that \$110 million be for reconstruction of Sunnyside. Council Members Stardig, Johnson, Adams, Hoang, Lovell and Jones absent.

Mr. Stephen Stovall, 8007 Colgate, Houston, Texas 77061 (713-644-1412) appeared and stated that today 60 people gathered at City Hall wanting a vote on historic districts, it had been pending for one year; that he was a homeowner in Glenbrook Valley and was present before asking, but the Mayor said other matters were too important, but since some Agenda items were making protected landmarks, etc., and they had waited 365 days and still in limbo; that the Planning Director made her report three months ago and all that remained was for Mayor Parker to place the item on the Agenda and they were still subject to all historic rules when they were not and urged all Council Members to join in wanting an up or down vote. Council Members Stardig, Johnson, Adams, Hoang and Lovell absent.

Ms. Leticia Ablaza, 8022 Glendale, Houston, Texas 77061 (713-644-1332) appeared and stated that she was a resident of Glenbrook Valley and present trying to remind all it was 365 days of waiting for a resolution and still subject to historic designation; that they needed action and to be able to move forward; and urged it be brought to a vote. Council Members Stardig, Johnson, Adams, Hoang and Lovell absent.

Miss Zoe Ablaza, 8022 Glendale, Houston, Texas 77061 (713-644-1332) appeared and stated that she had been present previously addressing Glenbrook Valley; that they were told their neighborhood was not a priority which she could understand, but if it was not that important why still make sure they were enforcing the restrictions. Council Members Stardig, Johnson, Adams, Hoang and Lovell absent.

Upon questions by Council Member Jones, Miss Ablaza stated that she was 15 and going into the 10th grade; and Council Member Jones stated that she made perfect sense and was pleased and inspired that she had come and she did not understand either. Council Members Stardig, Johnson, Adams, Hoang and Lovell absent.

Ms. Maria Vasquez, 8003 Arletta, Houston, Texas 77061 (713-480-5314) appeared and stated that she was present asking for a vote on the pending historic designation of Glenbrook Valley, the majority was not in favor; that they began an addition last year and it was incomplete and with the pending designation they were still being treated as if they were historic and they wanted their addition removed; and urged a vote. Mayor Parker, Council Members Stardig, Johnson, Adams, Hoang and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Jones stated to the Administration how long could this be kept in limbo and why were they; and Vice Mayor Pro Tem stated that the Mayor had stepped away and they would relay the question to her; and Council Member Jones stated that she would respectfully ask for an answer today at the horseshoe. Mayor Parker, Council Members Stardig, Johnson, Adams, Hoang and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Pennington, Ms. Vasquez stated that she was against it and was asking for a vote. Mayor Parker, Council Members Stardig, Johnson, Adams, Hoang and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Carmen Villareal, 8003 Arletta, Houston, Texas 77061 (713-644-6639) appeared and stated through an interpreter that she lived in Glenbrook Valley and again was asking for a vote on their situation; that it affected her as her daughter just stated; she was trying to add footage to her home and was unable to finish; and urged a vote. Council Members Stardig, Johnson, Adams, Hoang and Lovell absent.

Ms. Shannon Cunningham, 407 E. 5th, Houston, Texas 77007 (713-282-2625) appeared, presented information and stated that she presented the map of the pending historic district and showed the lack of support and the overwhelming opposition; that it had been 365 days now as a pending district; that in July it would be a year since Randy Pace left the room to redraw lines and come up with a district, but they did not have votes and how long did they have to wait. Council Members Johnson, Hoang and Lovell absent.

Upon questions by Council Member Jones, Mayor Parker stated that Randy Pace was the former Preservation Officer for the City of Houston, he had retired; that she did not know if the story was true on Randy Pace, but it was her intention to get this done after the budget process; and Council Member Jones stated that they could not do what they wanted with their private property and thought there should be some timeframe so all could move on she understood it just needed a vote; and Mayor Parker stated that she would get it when she could reasonably devote attention of staff to the issue and this was not the highest priority; and Council Member Jones stated was she missing something, she thought it only needed to be typed to the Agenda. Council Members Johnson, Hoang, Rodriguez and Lovell absent.

Ms. Jerrie McGahan, 1643 Arlington, Houston, Texas 77008 (713-890-2535) appeared and stated that she was someone caught in the middle in Heights East; that a year ago her family put a home on the market to pay for medical cost and now had their third offer of \$25,000 less than what vacant lots had sold for; that she had been here over and over and all had waited a year and she was urging it be placed on the Agenda with a no vote and get the Heights out of this; that her family was unnecessarily hurt and it was too late for them, but all needed to move on and a house should not be more important than people. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Bradford stated that she did an excellent job making her point and others had also; that due process was seriously breeched and a community should not be suffering serious property right restrictions for 365 days when all that was needed was for Mayor Parker to place it on the Agenda for a vote and he did intend to vote no, this was willfully wrong and he apologized. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Calvin Simper, 1410 Thornton, Houston, Texas 77018 (713-868-5192) appeared, presented information and stated that his information would show a historic district did not make value go up; that he presented two comparable houses for sale and it showed one in the historic east had more footage and a garage and was selling for less and HCAD agreed by this that his house was not as valuable and reduced his by thousands. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Clutterbuck stated that this was an issue many were concerned about

and she understood they voted down Heights East and it was her belief when voting no the district would go away and she asked the City Attorney to give an opinion and also an opinion of getting an item on the Agenda without being done by the Mayor; and Council Member Gonzalez stated that he understood when they voted it was on the recommendation by the Planning Director; and Council Member Clutterbuck stated that for predictability it would be nice to have guidelines for reviewing and voting; that vote was challenging for many and contrary to what the Administration wanted and she believed it showed they wanted it brought forward quickly or done away with entirely. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Rodriguez, Costello, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she too thought they should have a cap and it seemed when you thought something was over it was not and it seemed someone got to keep this going as long as they wanted; that she would have not voted for something never ending and would like the ordinance looked at and fixed and would respectfully request it be revised and make it work. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Kathleen Powell, 1224 Columbia, Houston, Texas 77008 (713-862-5335) appeared and stated that they had a rally today as it had been a year on this designation; that in June they passed the moratorium and July received the draft and continued providing dates up to date; that there was a way to get it on the Agenda and if the Mayor would not do it then it was up to Council and for new districts there was a 180 day district, but they excluded this for pending districts; that Mayor Parker stated that she was waiting on the budget but weekly they voted on items that were not budget; that people needed their property rights back; and urged a vote. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Pennington thanked Ms. Powell for coming and stated that she presented her case well; and upon questions, Ms. Powell stated that Mr. Simper owned property on Harvard and it was reduced by over \$60,000; that they were told the historic stuff would not cost, but it would as apparently all design guidelines would go out for bid; that they could do conservation districts, there were options; and urged Council place it on the Agenda. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck asked the City Attorney to explain getting items on the Agenda; and Ms. Hanahan stated that the Mayor was the one who approved items on the Agenda and Ms. Crinejo may have something to add as she was Agenda Director; and Council Member Clutterbuck stated that she understood there was a method in the City Charter which allowed Council to place an item with a majority vote. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Vice Mayor Pro Tem Gonzalez stated that he did believe Council Member Clutterbuck was correct and while they heard from other speakers this could be researched. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Secundino Vasquez, 8410 Glen Valley, Houston, Texas 77061 (713-504-0879) appeared and stated through an interpreter that he lived in Glenbrook Valley and he was again present, his fifth time, regarding the historic designation and urging a no vote as the majority did not want it. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Hoang,

Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Bradford, Ms. Hanahan stated that she answered Council Member Clutterbuck's question to the best of her ability; that several Council Members believe otherwise and her staff was looking for her; and Council Member Bradford stated that he would request an answer based on the Charter, to have citizens waiting with property rights restrictions for over a year it was simply wrong; and upon further questions, Ms. Hanahan stated that she was happy to prepare a memo for all Council Members; and Vice Mayor Pro Tem Gonzalez stated that he believed there was a way for Council Members to place an item on the Agenda, he believed it was a minimum of three to call the meeting and then pass by super majority and the Administration was aware of requests to get this on the Agenda. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Council Member Clutterbuck stated that she asked for the information on another procedure today and as a courtesy asked before she mentioned it on the mike and it was being researched. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Vice Mayor Pro Tem Gonzalez stated that he had not heard of anything going out for bid, but would put a request through to Planning; and Council Member Jones stated that she would rather spend money on parks, etc., and Vice Mayor Pro Tem Gonzalez stated that it may be through a special fund. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Mari Gianukos, who was previously added to the speakers list, appeared and stated that today they were present on designation and the Bill of Rights said no person should be deprived without due process of law and this process was flawed from the start; that the vote was in march, Ms. Gafrick said keep the district and Council said no why go back, there was nothing else for Planning to do; and urged a vote. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that some believed in historic preservation, but she thought when she voted no it meant no, and she was surprised to find it did not and it was just sent back; but if there was a loophole she wanted it closed and she wanted a maximum time set for keeping people's property in limbo and she wanted to know how to get an item on the Agenda as she wanted this over. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. James Hawkins, 802 39th, Houston, Texas 77022 (713-691-3192) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Bridget Boyd, 714 E. 39th, Houston, Texas 77022 (832-338-1488) appeared and stated that she was representing the Independent Heights community; that Saturday many found out the park would be closing and they got 300 signatures; that many children only had a park for their recreation, it was their Disney World and their water park; that they were now out of school and they had no where to go, it was their meeting place and they could take cuts from

other areas. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she had no part in it and believed as she did; that she heard earlier the city may be paying for an RFP for historic districts and no one came to Council Members about where to cut funds; that when parks, community centers, libraries, etc., were closed the youth, seniors and poor were the ones being penalized; that community centers had help there and her mother made sure she went to centers and parks and made sure she had structure, the programs mattered and this may be the first time for her to vote no on a budget; that children did mischievous things, but police would say it was criminal and people would be paying for that one way or the other while they went into the system and prevention was needed, it was not a child's fault which family they were born into and it was a city's obligation to help all, the poor paid taxes also and some Council Members would do all they could to keep them open. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez stated that directors were given discretion where to cut budgets and he disagreed with closing the center at Independence Heights, they had no library, etc., and it was difficult for children and he was working with the director to find other options. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

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

Mr. Richard Watkins, 2106 Dunstan, Houston, Texas 77005 (713-203-4034) appeared and stated that he lived in South Hampton, Council Member Clutterbuck's district, he was present as a concerned citizen to address an injustice some were aware of, the events of March 11th at George Bush Airport involving a senior at West Point; that evening Cadet King was approached and attacked by members of the entourage of Ms Patti LaBelle, a celebrity and singer; the video did not go with the report by police; HPD officers on the scene were much more interested with taking photos with Ms. LaBelle rather than the public safety; that he was not charged but seriously injured. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Watkins for coming and bringing this to everyone's attention; that she saw the video on line and was disgusted; that she was grateful to the citizen who went to his rescue and she was concerned with his status with the military; and upon questions, Mr. Watkins stated that he drafted a letter to the superintendent to the Military Academy, but they had made a statement and he had to stay private for a year and his football career was over when he was a starting player; that he was dismissed from the academy after review which was based entirely on false information and he would ask Council Member Bradford since he was a Police Chief and officer what he believed actions would be, what constituted good police work; and Vice Mayor Pro Tem Gonzalez stated that at this time it was for his comments; and Mr. Watkins stated that he would ask the three individuals be prosecuted, it was a gross injustice. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones thanked Mr. Watkins for coming and stated that she too learned of this on the news and she made a request to find out more; that when officers did not do their jobs correctly it could ruin lives and an officers report was very important; that she advocated for a long time to keep recorders running because they showed what happened; that the city had no authority over the District Attorney but relating to the HPD aspect of it she would like to know what was being done; and Vice Mayor Pro Tem Gonzalez stated that action was pending and there was probably an internal investigation as well, but he did not have the exact state of each process at this time though it was being handled through Legal. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he demanded action against the Mafia and the City Secretary sabotaged his case on the Speakers List; and continued expressing his personal opinions until his time expired. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell, Noriega, Bradford and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

The City Secretary stated that she altered his speech subject as he was being disrespectful to the deceased. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell, Noriega, Bradford and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Joe Ablaza, 8022 Glendale, Houston, Texas 77061 (713-644-1298) appeared and stated that he was a resident of Glenbrook Valley and they had waited long enough for due process; that the ordinance called for 180 day action or it be exempted, but they were now into 365 days; that all information was delivered for a vote and he was urging it be done. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell, Noriega and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. David Barron, 407 Arlington, Houston, Texas 77007 (713-504-0933) appeared and stated that he lived in Houston Heights South and present asking that this be brought to the Agenda, the Mayor was playing politics and there was clearly a way to bring it for vote and urged they do so as it had been a whole year. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Barron and all who came today on historic preservation; that they did want to do things by the rules and Council Member Jones asked about procedures and as she read there were two rules governing; that Council Rule 18 provided for motion to reconsider and after 90 days of an item being voted on a motion to reconsider could be made by a member who voted on the prevailing side; and regarding pending districts, Article 7 Section 3 permitted a special meeting being called with a written letter to the City Secretary by three Council Members and it required proper posting of 72 hours and 8 Council Members would have to show up and then the vote and she looked forward to seeing an affirmation to that. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell, Noriega and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones restated what Council Member Clutterbuck stated on calling a meeting; and upon questions, Council Member Clutterbuck stated that the majority vote would prevail. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell, Noriega and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Gonzalez stated that the question was posed to Legal and they needed verification and clarification from Legal and the Mayor was aware of their desire to place the item on the Agenda; and Council Member Jones stated that she had said for months she wanted this voted on. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell, Noriega and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Rhonda Barron, 407 Arlington, Houston, Texas 77007 (713-230-7927) appeared and stated that she lived in the Heights South and the Mayor appeared to be a dictator in this; that in their search to figure out how to place this on the Agenda she would ask they go in depth so she could not screw them; that she was playing politics with their property rights; and again urged all be triple checked so it would not backfire, but place it on the Agenda and get it completed. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell, Noriega and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

At 4:43 p.m. Vice Mayor Pro Tem Gonzalez stated that City Council was recessed until 9:00 a.m., Wednesday, June 8, 2011. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell, Noriega and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, June 8, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Ms. Lynette Fons, First Assistant City Attorney, Legal Department; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office, present.

At 8:22 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:16 a.m. Mayor Parker called the meeting to order and called on Council Member Stardig for a point of personal privilege. Council Members Adams, Sullivan, Costello and Lovell absent.

Council Member Stardig stated that she wanted to introduce a group of students attending the Council meeting today from Spring Branch ISD, that they were taking a tour with Houston Greeters as part of a Career Day visit to City Hall and asked that they stand and be recognized. Council Members Adams, Sullivan, Costello and Lovell absent.

Mayor Parker stated that she wanted to thank them for coming and thank you to the Houston Greeters, that they appreciate the work that they did. Council Members Adams, Sullivan, Costello and Lovell absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 47**

#### **MISCELLANEOUS** - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment of **MR. WILLIAM T. GRIFFIN**, to Position Nine of the **HOUSTON READ COMMISSION**, for a term to expire January 1, 2014 – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Sullivan and Lovell absent. MOTION 2011-0441 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of **MR. WILLIAM P. HADDOCK**, to Position Four, of the **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE)**, for a term to expire December 7, 2011 – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Sullivan and Lovell absent. MOTION 2011-0442 ADOPTED.

**ACCEPT WORK** - NUMBERS 3 through 5

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,005,961.84 and acceptance of work on contract with **TOTAL CONTRACTING LIMITED** for On-Call Drainage Construction Contract (Work Order) - 0.30% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Sullivan and Lovell absent. MOTION 2011-0443 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$588,166.39 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.**, for On-Call Water Line and Sanitary Sewer Extensions - 1.97% under the original contract amount – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Sullivan and Lovell absent. MOTION 2011-0444 ADOPTED.

**PROPERTY** - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from James W. Gartrell, Jr., on behalf of Faulk Properties Ltd., (Carolyn Faulk, President), for sale of Ledbetter Street, from Byrd Avenue north to its terminus, and Hogue Street, from Fairlawn Avenue south to its terminus, both in the Fairlawn Place Addition, Parcels SY11-060A and SY11-060B - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. Council Members Adams, Sullivan and Lovell absent. MOTION 2011-0445 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 12A

7. **CUSTOM LOGIC DESIGN INC** for Upgrade to the Dispatch System Software and Support Services for Houston Fire Department - \$97,600.00 - Houston Emergency Center Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Sullivan and Lovell absent. MOTION 2011-0446 ADOPTED.
8. **CIBOLO SPRAYERS, INC** for Repair and Maintenance of Chemical Spray Trucks for Parks & Recreation Department - \$45,000.00 - General Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Sullivan and Lovell absent. MOTION 2011-0447 ADOPTED.
10. **AMEND MOTION #2008-312, 5/7/08, TO INCREASE** spending authority from \$1,128,984.00 to \$1,411,230.00 for Thermoplastic Pavement Marking Materials for

Department of Public Works & Engineering, awarding to **FLINT TRADING, INC** - \$282,246.00 - Dedicated Drainage & Street Renewal Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Sullivan and Lovell absent. MOTION 2011-0448 ADOPTED.

11. **HD SUPPLY WATERWORKS** for Fire Hydrant Repair Parts for Department of Public Works & Engineering - 49 months - \$364,060.00 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams, Sullivan and Lovell absent. MOTION 2011-0449 ADOPTED.
12. ORDINANCE appropriating \$785,000.00 out of General Improvement Consolidated Construction Fund and awarding Design/Build Contract between the City of Houston and **BALFOUR BEATTY CONSTRUCTION, LLC (f/k/a SPAWMAXWELL COMPANY, LLC)** for City Hall Annex and City Hall Renovations; providing funding for Security and Information Technology Data Services for the project and for the Civic Art Program and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Adams, Sullivan and Lovell absent.
- 12a. **CONTRACT RESOURCE GROUP, LLC** for Furniture through the Texas Facilities Commission fka the Texas Building and Procurement Commission's Contract relative to City Hall Annex Renovations - \$64,779.00 – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Adams, Sullivan and Lovell absent.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 13 through 47

13. RESOLUTION amending Resolution No. 98-7 and Resolution No. 2005-16 relating to the designation of the Arthur B. Cohn House as a landmark and protected landmark within the City of Houston - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. RESOLUTION 2011-0013 ADOPTED.
14. ORDINANCE **AMENDING SECTION 10-155 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Habitability Standards; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0436 ADOPTED.
16. ORDINANCE amending Ordinance Nos. 2007-558, 2009-0526, 2009-0775, and 2009-0689 (original ordinances) to revise the maximum contract amount; authorizing first amendments to contracts with **ALPHA EYECARE ASSOCIATES, PLLC, EYE CARE EXPRESS LAB, INC, LONE STAR LEGAL AID AND TEXAS DENTAL PROFESSIONALS CORPORATION**; and second amendments to contracts with **AVIA PARTNERS, INC, DENT-O-CARE P.A., HEIGHTS HEARING AIDS, L.L.C.** and **MPJ AUDIOLOGY CONSULTANT, LLC** to extend the terms of the contracts for elderly services - \$37,328,709.51 - Grant Fund – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0437 ADOPTED.
19. ORDINANCE approving and authorizing Interlocal Funding Agreement between the City of Houston and the **HOUSTON GALVESTON AREA COUNCIL** for one Livable Centers

Planning Study - \$72,100.00 - General Fund - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0438 ADOPTED.

21. ORDINANCE approving and authorizing sublease agreement between **ALL-STAR PARKING, INC.**, a Texas Corporation, as landlord, and the City of Houston, Texas, as tenant for two commercial parking lots located at 2233 Polk Street and 2233 Lamar Street, Houston, Harris County, Texas - 3 years maximum contract - \$228,000.00 - Civic Center Facility Revenue Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
22. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS COALITION OF COASTAL TEXAS, INC**, providing up to \$362,422.00 in Housing Opportunities for Persons With AIDS Funds for the administration of a Tenant-Based Rental Assistance and Short-Term Rent, Mortgage, and Utility Assistance Program, including supportive services – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0439 ADOPTED.
23. ORDINANCE approving and authorizing third amendment to the **TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (“TDHCA”)** Community Development Program Contract No. 70090001 between the City of Houston and **TDHCA**, an Agency of the State of Texas, for Hurricane Ike/Dolly Funding under the Consolidated Security Disaster Assistance and Continuing Appropriations Act of 2009 Community Development Block Grant - Disaster Recovery – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0440 ADOPTED.
24. ORDINANCE approving and authorizing Interlocal Agreement between the City and the **MENTAL HEALTH MENTAL RETARDATION AUTHORITY OF HARRIS COUNTY** for the Chronic Consumer Stabilization Initiative Program - \$134,118.00 - General Fund – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0441 ADOPTED.
25. ORDINANCE awarding contract to **DSW HOMES LLC** for the Housing and Community Development Single Family Reconstruction Program - Disaster Recovery (Group 1); providing maximum contract amount - \$502,089.50 - Grant Fund – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0442 ADOPTED.
27. ORDINANCE approving and authorizing first amendment to contract between the City and **APPLIED BIOSYSTEMS, LLC** for Purchase, Implementation, Validation, and Employee Training for the use of Automated Robotics for Forensic DNA Analysis for the Houston Police Department Crime Lab - \$87,730.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0443 ADOPTED.
28. ORDINANCE approving and authorizing amendment to contract between the City of Houston and **G4S SECURE SOLUTIONS (USA) INC (Formerly THE WACKENHUT CORPORATION)** (Ordinance No. 2009-572) for Security Guard Services for the City of Houston – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0444 ADOPTED.
29. ORDINANCE approving and authorizing first amendment to construction contract (Approved by Ordinance No. 2010-0622) between the City of Houston and **O'DONNELL/SNIDER CONSTRUCTION, LP** for Wortham Theater Hot Water Piping

Replacement - \$31,350.00 Enterprise Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0445 ADOPTED.

30. ORDINANCE consenting to the addition of 0.875 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0446 ADOPTED.
32. ORDINANCE appropriating \$686,888.00 out of Street & Bridge Consolidated Construction Fund, and \$201,612.00 out of Drainage Improvement Commercial Paper Series F Fund as appropriation to an Interlocal Agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** (Approved by Ordinance No. 2007-0722); providing funding for contingencies and CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Drainage Improvement Commercial Paper Series F Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0447 ADOPTED.
33. ORDINANCE appropriating \$415,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES, L.P.** for Neighborhood Street Reconstruction Project 465 (Approved by Ordinance No. 2009-1386); providing funding for CIP Cost Recovery relating to construction of facilities by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0448 ADOPTED.
34. ORDINANCE appropriating \$6,000.00 out of Street & Bridge Consolidated Construction Fund and \$6,000.00 out of Drainage Improvement Commercial Paper Series Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **UNITED ENGINEERS, INC** for Storm Sewer and Paving Projects – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0449 ADOPTED.
35. ORDINANCE appropriating \$326,153.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **URS CORPORATION** for West Alabama Paving; Wesleyan to Shepherd Drive (Approved by Ordinance No. 2009-0334); approving and authorizing an amendment to the contract; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK and D - ADAMS** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0450 ADOPTED.
36. ORDINANCE appropriating \$37,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing first amendment to contract between the City of Houston and **TRANSYSTEMS CORPORATION** for Manchester and Japhet Paving Project (Approved by Ordinance No. 2009-1387); providing funding for CIP Cost Recovery relating to construction financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0451 ADOPTED.
37. ORDINANCE appropriating \$684,900.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services

Contract between the City of Houston and **SANDER ENGINEERING CORPORATION** for Water Line Replacement in Commerce Area; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICTS D - ADAMS and H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0452 ADOPTED.

38. ORDINANCE appropriating \$1,275,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KALLURI GROUP, INC** for the Northeast Water Purification Plant Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT E – SULLIVAN** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0453 ADOPTED.
39. ORDINANCE appropriating \$806,300.00 out of Miscellaneous Capital Projects / Acquisition CP Series E Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **AIA ENGINEERS, LTD.** for Streetscape Enhancements along rail lines (North Main); providing funding for contingencies relating to construction of facilities financed by the Miscellaneous Capital Projects / Acquisition CP Series E Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0454 ADOPTED.
40. ORDINANCE appropriating \$3,625,974.00 out of Metro Projects Construction Fund and \$304,926.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for West Bellfort Paving and Drainage from South Wilcrest to South Kirkwood; 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 Metro Projects Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0455 ADOPTED.
41. ORDINANCE appropriating \$888,900.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Project; 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 Street & Bridge Consolidated Construction Fund - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0456 ADOPTED.
42. ORDINANCE No. 2011-424, passed first reading June 1, 2011  
ORDINANCE granting to **A-VAC SEPTIC SERVICE, LLC, A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0424 PASSED SECOND READING IN FULL.

43. ORDINANCE No. 2011-425, passed first reading June 1, 2011  
ORDINANCE granting to **BAY AREA VACUUM SERVICES, LLC, A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0425 PASSED SECOND READING IN FULL.
44. ORDINANCE No. 2011-426, passed first reading June 1, 2011  
ORDINANCE granting to **ELTON CHILDS d/b/a A-AFFORDABLE VACUUM SERVICE, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0426 PASSED SECOND READING IN FULL.
45. ORDINANCE No. 2011-427, passed first reading June 1, 2011  
ORDINANCE granting to **MILSTEAD ENVIRONMENTAL, LLC, A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0427 PASSED SECOND READING IN FULL.
46. ORDINANCE No. 2011-428, passed first reading June 1, 2011  
ORDINANCE granting to **PEDRO CISNEROS d/b/a METRO GREASE TRAP, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0428 PASSED SECOND READING IN FULL.
47. ORDINANCE No. 2011-429, passed first reading June 1, 2011  
ORDINANCE granting to **WASTEWATER TRANSPORT SERVICES, LLC, A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Adams and Lovell absent. ORDINANCE 2011-0429 PASSED SECOND READING IN FULL.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**ACCEPT WORK**

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,722,706.82 and acceptance of work on contract

with **PACE SERVICES, L.P.** for Edloe Storm Drainage Improvements Project Segment 2 - 1.77% under the original contract amount - **DISTRICT C – CLUTTERBUCK** - was presented, and tagged by Council Member Jones. Council Member Adams absent.

### **PURCHASING AND TABULATION OF BIDS**

9. **VERIZON WIRELESS** for Verizon Data (Air Card) Plan through the City's Master Agreement with the Texas Department of Information Resources for the Houston Police Department - 1 year \$1,042,825.50 - General Fund - was presented, and tagged by Council Member Jones. Council Member Adams absent.

### **RESOLUTIONS AND ORDINANCES**

15. ORDINANCE authorizing the issuance of City of Houston, Texas Airport System Subordinate Lien Revenue Bonds in one or more series as may be further designated and described herein and providing for the payment thereof; authorizing the Mayor, the City Controller and/or certain other designated City Officials to approve the amount, interest rates, prices, and terms thereof, to determine the Outstanding Bonds or other obligations to be refunded and/or defeased and to approve certain other procedures, provisions and agreements relating thereto; authorizing the refunding and/or defeasance of Certain Outstanding Airport System Bonds and other obligations relating to Special Facilities Bonds; approving the sale of the Bonds and authorizing the execution and delivery of a Bond Purchase Agreement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, one or more Escrow Agreements, and other agreements relating to the Bonds or the security of the same; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; authorizing an Official to declare intent to reimburse; approving a form of Agreement with Bond Insurer and Debt Service Reserve Fund Policy Agreement; and making certain findings and other declarations necessary and incidental to the issuance of the bonds; and declaring an emergency – was presented, and tagged by Council Members Noriega, Jones and Gonzalez. Council Members Adams and Rodriguez absent.
17. ORDINANCE appropriating \$43,907,904.02 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Alameda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), and Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), for affordable housing, administrative expenses, payment of project costs, payments to Houston Independent School District, Spring Independent School District, Houston Housing Finance Corporation, and certain redevelopment authorities as provided herein – was presented, and tagged by Council Member Costello. Council Member Adams absent.

18. ORDINANCE appropriating \$59,280,370.16 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Alameda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone), Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone), and Reinvestment Zone Number Twenty-Two, City of Houston Texas (Leland Woods Zone), for payment of affordable housing costs, payment of administrative expenses, payment of project costs, payment to Houston Housing Finance Corporation, and payments to certain redevelopment authorities as provided herein – was presented, and tagged by Council Member Costello. Council Member Adams absent.
20. ORDINANCE appropriating \$125,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing an Interlocal Funding Agreement between the City of Houston and the **HOUSTON GALVESTON AREA COUNCIL** for the creation of a Regional Plan for Sustainable Development - \$20,000.00 - General Fund – was presented, and tagged by Council Member Jones. Council Member Adams absent.
26. ORDINANCE approving and authorizing Interlocal Purchasing Agreement between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY** for Cooperative Purchasing and other matters related to the procurement of goods and services – was presented. Council Member Adams absent.

After discussion by Council Member Sullivan, Mayor Parker stated that as Council Members knew they had joint purchasing agreements with the State and looked for others as well, that it was nice to use a little volume buying with Metro. Council Member Adams absent.

A vote was called on Item No. 26. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2011-0457 ADOPTED.

31. ORDINANCE appropriating \$1,576,000.00 out of Metro Projects Construction Fund as appropriation to the Interlocal Contract between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of a Joint Bikeway Project (Approved by Ordinance Nos. 1995-1290, 1997-0935, and 2007-1276); providing funding for CIP Cost Recovery relating to construction financed by the Metro Projects Construction Fund - **DISTRICTS D – ADAMS; H - GONZALEZ and I - RODRIGUEZ** – was presented, and tagged by Council Member Costello. Council Member Adams absent.

**MATTERS HELD** - NUMBERS 48 through 52

48. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,055,237.00 and acceptance of work on contract with **TOTAL CONTRACTING, LTD.**, for Reconstruction of Parker Road from Airline to Hardy Toll Road - 0.92% under the original contract amount - **DISTRICT H – GONZALEZ – (This was Item 7 on Agenda of June 1, 2011, TAGGED BY COUNCIL MEMBER GONZALEZ)** – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Adams absent. MOTION 2011-0450 ADOPTED.
49. ORDINANCE approving and authorizing the sale of 0.9984 acres of land located at 3602 Center Street in Block 328 of the Houston Heights Addition, Houston, Harris County, Texas, to **ADMIRAL LINEN SERVICE, INC** for \$2,010,000.00 and other consideration to the City of Houston, Texas; approving a special warranty deed; approving a lease agreement between **ADMIRAL LINEN SERVICE, INC**, as lessor, and the City, as lessee - **DISTRICT H – GONZALEZ – (This was Item 21 on Agenda of June 1, 2011, TAGGED BY COUNCIL MEMBERS JONES, GONZALEZ and NORIEGA)** - was presented. Council Member Adams absent.

After discussion by Council Member Gonzalez, Mayor Parker stated that she wanted to thank Council Member Gonzalez for his work on this initiative. Council Member Adams absent.

A vote was called on Item No. 49. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2011-0459 ADOPTED.

50. ORDINANCE approving and authorizing the 2011 Meet and Confer Agreement between the City of Houston and the **HOUSTON POLICE OFFICERS' PENSION SYSTEM – (This was Item 26 on Agenda of June 1, 2011, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. Council Member Adams absent.

After questions by Council Members, Mayor Parker stated that while it was true that if they were to go out and borrow pension obligation bonds they would pay a much lower rate of interest, they were actually paying themselves, that this interest was going to an entity that they had to fund anyway and over time it would have the impact of reducing future payments because they were paying in that interest, that she had clearly stated throughout the process that it was a deferral of payments, not a savings, it was a deferral but it was paying themselves and in that sense it was a positive long term; that they had an obligation to fund all three of their pensions and they had little control over what those annual payments were, that as they were aware many of them around the table had been talking about the need for comprehensive pension reform to lower the amount of money that went into the pensions, the required payment for this year had been reduced by, she believed, \$17 million by the pension, that they had agreed to accept less and that payment moved into the future, that they still had to pay their obligations, the pension was still underfunded and in agreeing to take less for this year and roll that payment into the future they were going to add interest to the payment, but again all of that money would be flowing into that pension regardless; that Council Members Pennington and Clutterbuck had both voluntarily gotten involved in these pension issues over the last year, that they had the ability to negotiate with Municipal Pension and the Police Pension, they did not have the ability to negotiate with the Fire Pension, that she did offer a limited piece of legislation this year in Austin, she asked for the ability to negotiate with the Fire Pension, could not get a single Legislator, of either party, to carry that legislation, for permissive bargaining, that she knew that pensions had been presented at the Fiscal Affairs Committee in the past, she was sure the Chairman would be happy to entertain Craig Mason and others who could come in and talk about how they got where they were; that she agreed that it needed to be revisited, the issue was that they had the ability to negotiate with the Police Pension and their Municipal Pension and they successfully did that in this instance, but if they did not agree there was no

mechanism to compel anybody to make changes, it defaulted to Austin, and it was difficult to negotiate and force a major change if they did not have any hook.

A vote was called on Item No. 50. Council Member Clutterbuck voting no, balance voting aye. ORDINANCE 2011-460 ADOPTED.

51. ORDINANCE awarding contract to **ARAMARK CORRECTIONAL SERVICES, LLC** for Jail Food Services; providing a maximum contract amount - 3 Years with two one-year options \$3,182,165.89 - General Fund – **(This was Item 31 on Agenda of June 1, 2011, TAGGED BY COUNCIL MEMBERS JONES, JOHNSON, ADAMS and RODRIGUEZ)** - was presented.

After discussion by Council Members, Mayor Parker stated that she agreed that this had been a mess, the Police Department, she thought, bungled the original contract process, subsequent to Council's concern it was turned over to the Legal Department and completely rebid, they did start fresh in this process and it came out with the same result in that Aramark was awarded the bid, but they did do a restart on this. Council Member Noriega absent.

Council Member Rodriguez stated the thing that concerned him was that they had a similar issue with HPD during a towing contract, it was a towing and storage lot and there were some MWBE issues on that as well, so he would like to maybe work with the administration and have HPD work with their committee and try to get some best practices and do a better job on their MWBE issues. Council Member Noriega absent.

Mayor Parker stated that she was sure that the office of Business Opportunity would be glad to sit with Council Member Rodriguez as well, that they were going to be much more involved in the front end of contracts going forward. Council Member Noriega absent.

After further discussion by Council Members, Mayor Parker stated that she wanted to remind everyone that this was for the provision of food at the jail and the initial rounds of bids Selrico did have the low bid offer, but the Police Department subsequently said that they failed to consider the fact that Aramark paid in for the use of the kitchen and that was an added value in the fact that Aramark uses the commercial kitchen for the provision of other services and they pay a premium for each meal they outsource from there so they reevaluated the bids with the additional Aramark payment and Aramark subsequently won the bid on the second round when that new revenue was considered, that after discussion at Council they sent it to the Legal Department and said no, this needed to be based on the provision of food to prisoners and it was based on price and best value and any additional money that would come in through the use of the commercial kitchen was not to be the basis for the bid, that the Legal Department then controlled the bid and they rebid and Aramark was the low bidder. Council Member Noriega absent.

After further discussion and questions by Council Members, as to the value of the use of the kitchen, Mayor Parker asked Ms. Fons, Legal Department, to confirm if they had specific questions and Ms. Fons stated that it was her understanding that it may have still been in the bid process, but it was disclosed that it was, that it was not one of the factors considered ultimately, that it had four different categories that were considered. Council Member Noriega absent.

After further questions and discussion by Council Members, Council Member Gonzalez moved to postpone Item No. 51 for one week, seconded by Council Member Stardig. Council Member Noriega absent.

After further questions and discussion by Council Members, Ms. Fons stated that as she

understood it some of the promises that may have been made by the one company were kind of on spec and so they may not have been able to do some of the things currently that had been promised, that as she appreciated it she thought some of the discussion about financial stability was not entirely on the size of a bank account, but also how highly leveraged a company might be, so she thought giving Legal the opportunity, if they had not done that already, to advise what some of the components were of the cost or financial strength would perhaps benefit the Council. Council Member Noriega absent.

After further discussion by Council Members, Mayor Parker stated that if in fact Council Members were interested in more information and wanted a week to sort through all of the charges and counter charges that had been flying they could take a week to do that, that Council Member Gonzalez was correct, it was not possible to substitute one vendor for another at the Council table, if there was any sentiment in that direction they could vote it down and they could start the process over again, that it seemed to her prudent to take the time to sort it out, but she just wanted them to know that they could vote it down, vote it up or they could delay it, they could not substitute at the Council table. Council Member Noriega absent.

After further questions and discussion by Council Members, Ms. Fons stated that as to the insurance issue, all of the City contracts that they had had a pay or play provision, that as far as contributing back to the City she was not able to address that today, but the insurance issue was standard, and Council Member Lovell stated that she wanted to know, out of these two companies, if either of these companies, actually now, gave insurance benefits to their employees, and Ms. Fons stated that she would have to find that information for her. Council Member Noriega absent.

After further questions and discussion by Council Members, Council Member Bradford asked if they were allowed to utilize information to make decisions, as a voting entity, that was not part of the bid package or the evaluating process, were they allowed to go outside of what was in the documents here, and Ms. Fons stated that she believed it needed to be what was in the package, and Council Member Bradford stated that he concurred with her, and asked if there was not anything else that they could legally consider as a decision making body that was not in the policies, like some of the questions that Council Member Lovell asked, indicating that she wanted information to help make her decision, that probably would be outside the guidelines, would it not, and Ms. Fons stated that she believed it would, and Council Member Bradford stated that he would concur with her. Council Member Noriega absent.

Council Member Gonzalez stated that if the delay was not helpful to colleagues then he would withdraw his motion for the delay, and Council Member Stardig stated that she would withdraw her second. Council Member Noriega absent.

Mayor Parker stated that to be clear what was before them was awarding a contract to Aramark Correctional Services for providing food at the jail, that they could vote it up, and if it was voted down it would not go to the other bidder, it would reset the clock for the third time to rebid, that she would tell them that they would bring an emergency extension of the current Aramark contract to make sure they had services in place, that she did not know if they would be paying a premium for that, and she did not know the answer for that. Council Member Noriega absent.

A roll call vote was called on Item No. 51.

ROLL CALL VOTE:

Mayor Parker voting aye	Council Member Gonzalez voting no
Council Member Stardig voting no	Council Member Rodriguez voting no
Council Member Johnson voting no	Council Member Costello voting no

Council Member Clutterbuck voting no  
Council Member Adams voting no  
Council Member Sullivan voting no  
Council Member Hoang voting no  
Council Member Pennington voting no

Council Member Lovell voting aye  
Council Member Noriega absent.  
Council Member Bradford voting no  
Council Member Jones voting no  
ORDINANCE 2011-0461 FAILED

Mayor Parker stated that the item failed and it would be rebid for the third time. Council Member Noriega absent.

52. ORDINANCE awarding three Job Order Contracts (JOC) between the City of Houston and **HORIZON INTERNATIONAL GROUP, LLC, J. E. DUNN CONSTRUCTION COMPANY,** and **WEATHERPROOFING TECHNOLOGIES, INC** for the General Services Department JOC Program, contingent on contractor's submission of all required contract documents; providing a maximum contract amount - 5 Years - \$10,000,000.00 maximum contract amount per contract – **(This was Item 34 on Agenda of June 1, 2011, TAGGED BY COUNCIL MEMBER JONES)** - was presented. All aye. Nays no. Council Member Noriega absent. ORDINANCE 2011-0462 ADOPTED.

#### **Item received during the meeting.**

21. ORDINANCE approving and authorizing sublease agreement between **ALL-STAR PARKING, INC.**, a Texas Corporation, as landlord, and the City of Houston, Texas, as tenant for two commercial parking lots located at 2233 Polk Street and 2233 Lamar Street, Houston, Harris County, Texas - 3 years maximum contract - \$228,000.00 - Civic Center Facility Revenue Fund – was presented. All voting aye. Nays one. Council Member Noriega absent. ORDINANCE 2011-0458 ADOPTED.

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

Council Member Sullivan stated that he would be hosting a District E 2011 Hurricane Preparedness Townhall meeting tonight at the Garden Room of the Bayou Building at the University of Houston Clear Lake, 6:00 p.m. to 7:30 p.m.; that he wanted to talk about the drainage fee and where they were on that, that he had been vociferous in his opposition to it from the beginning, both as a referendum item and as they moved through to the implementation ordinance phase, that they continued to see significant changes, the administration told the voters that there would be no exemptions, that everybody would pay, but they ended up exempting churches and schools, which he fought for and was glad that they did that, that the \$5 fee was heavily advertised as the average homeowner cost, that had since changed and they were now looking at \$8.25, they were told that the average lot size was a certain size and now they were finding out that it was a larger size, that the public was told that Clear Lake would have to pay and now they were being exempted, which once again he thought was the right thing to do, it was what he fought for, that the media reported today that they would likely be short \$10 million to \$12 million and that they would just borrow the money to cover that shortfall in the first year and that was certainly something that he would never support, that the public was never told that was a possibility either, that they were going to raise \$125 million and that was all there was to it, that he honestly believed today that Prop 1, Rebuild Houston, had changed so much that it was nothing like the public voted on, just like the names had changed so much, that in summary the \$5 fee was now \$8.25, they had gone from no exemptions to exempting churches and schools, that Clear Lake would have to pay but now they were being told that they would not have to pay, that once again he would say that was the right thing to do, they never even discussed borrowing money for any shortfalls but now that they hear that was a possibility, and it was his opinion that if it happened in the first year then certainly it would happen in years after that, that he just wanted to say that he was disappointed that this referendum had changed so much that frankly in his opinion it in no way reflected what

they were actually dealing with today, or what the voters voted on when they had a chance to vote yes or not. Mayor Parker and Council Members Hoang, Pennington, Noriega and Jones absent. Mayor Pro Tem Gonzalez presiding.

Council Member Lovell stated that she wanted to offer congratulations to two young men in her neighborhood who graduated from high school, Michael Ryan Silvas, her neighbor, who graduated from Lamar, and Christian Deal who graduated from the Houston Learning Academy. Mayor Parker and Council Members Hoang, Pennington, Noriega and Jones absent. Mayor Pro Tem Gonzalez presiding.

Council Member Johnson stated that the NAMC, National Association of Minority Contractors would be hosting it's Fifth Annual Gala and Awards Ceremony on Friday, June 10, 2011 at the Downtown Aquarium, 410 Bagby; that Saint Monica's Food Pantry would host it's Third Annual Golf Tournament at Longwood Golf Club, 13300 Longwood Trace, Cypress, Texas; that the Greater Houston Builders Association would host it's 19th Annual New Home and Remodeling Show, June 11, at the Reliant Center; that he was the Co-Chair for the 21st Annual Houston International Jazz Festival, August 5 through 7, 2011, August 5, 2011 at the House of Blues and on Saturday and Sunday a two day musical magic at Discovery Green, and on Sunday the Mayor's Scholarship Jazz Brunch at the Wortham Theater. Council Members Clutterbuck, Hoang, Pennington, Lovell, Noriega and Bradford absent.

#### **Items received during the meeting**

12. ORDINANCE appropriating \$785,000.00 out of General Improvement Consolidated Construction Fund and awarding Design/Build Contract between the City of Houston and **BALFOUR BEATTY CONSTRUCTION, LLC (f/k/a SPAWMAXWELL COMPANY, LLC)** for City Hall Annex and City Hall Renovations; providing funding for Security and Information Technology Data Services for the project and for the Civic Art Program and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund – was presented. Council Members Hoang, Pennington, Lovell, Noriega and Bradford absent.

Upon questions by Council Members, Mayor Parker stated that they were complying with ADA in the building currently, that there were no planned changes that would make the Council Chamber non ADA compliant; that because it was a historic building there were some options with the ADA, that currently their building was compliant for the public access to the Council Chamber, that if they wanted more information they could tag the item and she would have it hashed out. Council Members Hoang, Pennington, Rodriguez and Noriega absent.

Ms. Fons, Legal Department, stated that the Mayor stated correctly, there were some different hoops the had to jump through basically but the arrangements would be ADA complaint to the extent required under the law. Council Members Johnson, Hoang, Pennington, Rodriguez and Noriega absent.

After further discussion a vote was called on Item No. 12. All voting aye. Nays none. Council Members Johnson, Pennington, Hoang, Rodriguez and Noriega absent. ORDINANCE 2011-0463 ADOPTED.

- 12a. **CONTRACT RESOURCE GROUP, LLC** for Furniture through the Texas Facilities Commission fka the Texas Building and Procurement Commission's Contract relative to City Hall Annex Renovations - \$64,779.00 - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson, Hoang, Pennington, Rodriguez and Noriega absent. MOTION 2011-0451 ADOPTED.

Council Member Gonzalez stated that they joined Saint Patrick's church for their annual summer festival, that he was especially proud of the continued success of the festival as Saint Patrick was their home church; that he wanted to congratulate the Alamo Tamale Company which broke ground on their new business plaza on Berry Road this week located in District H; that students from the East End Mentoring Program would be at City Hall on Thursday and he was looking forward to meeting with their future leaders and exposing them to their local government; that this Saturday at Moody Park, 3725 Fulton, would be the Pepsi Sabados de Verano Concert Series starting at 4:00 p.m., that it was completely free of charge and a fun activity in District H; that they were getting ready for the second annual Independence Heights Juneteenth Parade on Saturday, June 25, 2011 at 10:00 a.m. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell, Noriega and Jones absent.

Council Member Adams stated that the Freedom Over Texas was on July 4, 2011; that last night they had a meeting with the Cherryhurst Community concerning Cherryhurst Park and she wanted to thank all of the leaders who came out and the staff who came out, that they would send some suggestions to her office on what they could do, that she would forward them to the Mayor; that on Item No. 26 she wanted to thank Calvin Wells, Purchasing, and Mr. Terrance Fontaine, Metro, for signing an Interlocal Purchasing Agreement; that on Friday would be the Second Annual Movie Night at the Miller Outdoor Theater beginning at 8:00 p.m., that she wanted to thank all of the sponsors; that she wanted to say congratulations to all of the graduates from District D high schools and also the Yates Lions for allowing her to participate in their graduation on Sunday, that Yates had received over \$2.1 million in scholarships to attend college, that Officer Hicks daughter, who was a graduate of Yates High School, received \$268,000 in scholarships; that there would be a community festival at Wortham High School on Saturday, 9215 Scott Street; that she wanted to say congratulations to Suzette Caldwell who received Author of the Year and Pastor Kirbyjon Caldwell and the Windsor Village Family, that this Sunday they would be celebrating her award and she would be there on behalf of the Mayor to present her with a proclamation in honor of her great achievement; and save the date for the Gridiron Challenge, a host of NFL Professional Football players to do celebrity flag football on June 25, 2011 at 5202 Griggs Road at the Texans Y.M.C.A., that she would be a coach of the flag football team and she wanted to thank them for inviting her to participate. Council Members Johnson, Hoang, Pennington, Gonzalez and Noriega absent.

Council Member Clutterbuck stated that she wanted to agree with her colleagues and express that she shared the extreme frustration of many who voted in favor of Prop One based on a number of factual representations and now understandably felt misled, that she concurred with Council Member Sullivan's statements, that she knew that a number of people in District C shared his sentiments and frustration, that over the last several months, she had asked for the background data on the actual amount of assessments that they had sent out, the total number of households, how they could determine what the representative sample, or what the average actually was and to have a better understanding of exactly how they were going to fulfill the mandate of the public on Proposition One and she had yet to receive any of that data, that she still got very well intentioned responses from the people in Public Works, as well as Mr. Icken, that the data was in the process of being compiled, but she learned from the Chronicle last night, and then from the Mayor's memo that she received this morning, that the calculation was more than what was previously represented, that she was hoping that they would be able to see that data that had been provided to public news sources and it was her urging to the Mayor that they hold possibly a committee of the whole to discuss this, that there were a number of significant issues that remained with regard to Prop One, where they went from here, what amount of assessment would be required to comply with the \$125 million level that was established in Proposition One, as well as a format for going forward, that it was her sincere hope that they would have a transparency and a lot of discussion and an opportunity for the public to participate so that they could salvage this because their problems with flooding and

drainage remained, the public understood the problems with flooding and drainage and she thought that they were willing to spend a certain amount extra, but the public was smart and they needed to know what was required to fulfill the mandate and she thought all of them would benefit by having more information and she looked forward to having a public airing of that, that it would be nice to have it at the Council table and not strictly in the news media; that she wanted to thank the fine and outstanding people with Super Neighborhood No. 36, Westbury Garden, the Police Storefront, Veronica in the Mayor's office, the Management District of Braes Oaks and number of others who honored her last night with a wonderful celebration; that she wanted to add her congratulations to Rice student Anthony Rendon who had been a guest of honor at the City Council, that for the remainder of her pop off she would like to defer to their in house professional sports announcer Council Member Lovell for a proper announcement of Mr. Rendon. Council Members Johnson, Hoang, Pennington, Rodriguez and Noriega absent.

Council Member Lovell stated that just to practice in case she was offered the opportunity to be an announcer for the Astros, "stepping up to the plate for the Washington Nationals in the number 6 slot, from the City of opportunity, Houston, Texas, who had a great collegiate career at Rice University, Anthony Rendon. Council Members Johnson, Hoang, Pennington, Rodriguez and Noriega absent.

Council Member Stardig stated that she too had to weigh in on the fact that one of the questions that she had from the very beginning about the process of Rebuild and Prop One was that they did not give their citizens enough credit, if they had given them all of the factors and all of the information and the calculator screen, that she had asked for on their website from the very beginning, they could have figured it all out on their own, they would not have been based on a typical or an average, but she thought the average was misleading from the beginning because she questioned the average, but they were not given all of the information, that they depended on the experts for an average or a typical, that regardless of that if they had been given that calculator screen and the rates and let people who wanted to calculate on their own they would not have had to depend on what the advertised typical or average rate would be, that once again when she asks the departments or the administration for those type of things it was not to grandstand, they were here to provide information to their citizens and constituents to make sure they make informed decisions, so if Public Works would show more respect to her and her colleagues at Council, that they did understand what the need of their citizens were, that just because they had one or two colleagues who were attorneys or engineers that did not mean they were the only go to person, they needed to all be represented at the table and heard and she did make that request from early on, that they needed to move forward in a positive manner and with great confidence, that she regretted that she had to remind everyone of this, but she really wanted the departments to understand that it was something that was important and they would not have been at this point; that last Wednesday there was a house fire in her district and she wanted to thank the men and women of the Houston Fire Department who responded to the fire and put out the fire preventing any injuries; that they kicked off their movie night series last Friday and she was very proud that they had a great turnout and she wanted to thank all of the good neighbors who joined them; that it was Corrie Rae's birthday this week, her Chief of Staff, so they would be celebrating that as well. Council Members Johnson, Sullivan, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Jones stated that she to was chagrined about the drainage fees, that was why four of them together went around because they just wanted questions answered because they knew that if it played out like this that it was going to be problematic, that they appreciated that there was flooding and they needed to address it, that information at the beginning was when it was pertinent and relevant, not after they got down the road and then realize it was not going to hash out, that she did not know if the calls and the contact to her office were representative or an accurate sample of what was going on, but it had been overwhelming, that she thought she had seen one bill that was less than \$5 and all the rest of them were

significantly over \$8, that she did not understand how the experts they had looking at it did not have these answers and now they had the answers, that if the average bill should be \$8 then why were the bills not \$8, that something somewhere was lost and she thought they needed to get to the bottom of that, that she thought they should give the people what they voted for which was \$5 and she respectfully did not believe that explaining it afterwards and saying it was only \$8, to her did not cure the problem; that she wanted to congratulate the Mayor who won an award at the Human Rights Campaign; that she wanted to congratulate Marquis Phillips, the son of her Chief of Staff, Mechelle Phillips, who graduated from Bellaire High School this weekend, that he was going to go to Southern Illinois University, while in high school was a regional qualifier wrestler. Council Members Johnson, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Costello stated that it was always easy to criticize a program rather than create one, and with all due respect to his colleagues, this was truly an incredible program called "Rebuild Houston", and he would tell them why, that first of all he was going to tell them that he did not believe they misled the voters, they said back in September, long before the vote, what the drainage fee would be, they gave an example, that he guessed that because he was an engineer he went ahead and used the numbers to calculate what his fee would be, and he tended to disagree that they misled the public, but here was the program and what everybody seemed to be concentrating on was the drainage fee, that the program had four sources of money, it was a dedicated funding source and the drainage fee only raises between 35% and 40% of the total fund over the life of the program, that here was what was so significant that they needed to know and remember and the public needed to understand, yesterday at their Budget and Fiscal Affairs Committee meeting there was a presentation by the Finance Department of their CIP for 2012 through 2016, and for those of the Council Members who spent the time to look at the document that was presented he wanted to point out several key features that he thought were significantly important, a substantial number of the street and drainage projects showed funding from the new dedicated drainage and funding source or Fund 2310, which was a street and drainage program, it was not a drainage program, it was a street and drainage program, that for many of those projects after next year there would be no funding available and Fund 2310, the dedicated funding source, now had money to fund those projects to the tune of \$815 million over the next four years throughout the entire City and in every district, that money would not have been there without the passage of Proposition One and the creation of Rebuild Houston, that projects throughout the City and in every district from the original CIP that the Mayor had said they would honor new projects and an undedicated amount of \$40 million for future projects pending the completion of the 10 year plan that was directed by an amendment to their Drainage Ordinance to have Public Works develop, that further the CIP presentation included a chart that showed the Debt Service, and would show them graphically, that showed the Debt Service of the General Fund that would be declining over the next 5 years, not because they were prudent but because Proposition One was passed and the voters said they wanted a "pay as you go" program, they were going to be converting \$2.6 billion of debt to "pay as you go", they were weaning 70% of their debt on the General Fund to "pay as you go", so he challenged his colleagues that rather than to criticize this particular program to sit down and work with them and develop something that they could say was acceptable, that he truly believed it was a great program for all of them to be proud of as they moved forward, that the other thing they would ask Public Works to do was to get the stuff done in a very short period of time and obviously as they develop a program that was going to be impacting over 600,000, whether individuals or business owners, they were going to have glitches along the way, so he challenged them to sit down and work with them to do that; that he wanted to remind his colleagues of the Budget Workshop meetings they were having and wanted to thank all of the department heads who participated so far. Council Members Johnson, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Bradford stated that clearly there was a campaign built around fixing their

flooding problem by paying only \$5 a month and that was a real strong component of the campaign, that he believed that transparency, openness and honesty was important, that some of them stood forward from day one and said clearly that they were not opposed to a strategy or plan to fix their much needed to be dealt with flooding problem in Houston, Texas, that he was not opposed to a drainage fee, but citizens needed to know up front who was going to pay and what it was going to cost them, that was the beef he had with the campaign as it advanced forward, that where they were today, in his view, was 100% preventable, many of them asked questions months ago that remained unaddressed today, that for them to go from July when the referendum was presented by citizens they had four months before the vote to do what they did two months after the vote, before they put a draft ordinance out, to say today that they expected people to pay a 65% increase in what was campaigned on, going from \$5 to \$8.25, that he had not seen a single one for \$5, that he had seen \$8, \$18 and \$37, that he was not saying that was bad, he was saying that people needed to know the facts, that they could easily have advised people what they were voting on, that he supported a strategy, plan and a fee to do with their drainage and flooding problem in Houston because it was not going to go away, they must fix it, that he was concerned now that they had allowed participants that were legally exempt, like the Royal Oaks and Clear Lake Communities, those were rightfully exempt, but those people voted in the process, that it should have not been on the ballot in their community, what was the legal implication of legally exempt communities, that thousands of people voted in the process, that he thought it tainted the process when it should not have been on the ballot in their community, that somebody testified yesterday at the public session that there were 13,000 homes, he thought, in the Clear Lake Community that were served by the Clear Lake Water Authority, if that was the case then if they figured at least one or two per household was enough to alter the voting process, that in Royal Oaks they did not know about that community yet, so he was concerned from a legal stand point, citizens who were allowed to vote in the process when they were legally exempt, and not exempt like churches and schools, should not have, in his view, been given that as an issue on their ballot in Clear Lake and Royal Oaks because they were rightfully so being exempt, that he commended Mayor Parker and her administration for stepping up and saying that in Clear Lake there was a mistake, they were legally exempt, that was the right thing to do, but where do they go from here, that he thought some of his colleagues had said it, it was time to have a public meeting in the Council Chamber with a discussion of where do they go from this point. Council Members Johnson, Pennington, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that she assumed that Council Member Sullivan would answer, but she wanted to get it out, that the folks in Clear Lake were not exempt, it was just that they paid the Clear Lake Water Authority and the Clear Lake Water Authority had the responsibility for providing the drainage services and their negotiations were with the Clear Lake Water Authority, that the people in Clear Lake had already paid, so they were paying into the drainage fee just like everybody else, she wanted to be clear about that. Council Members Johnson, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Sullivan stated that Council Member Bradford's number of 13,000 connections was being verified from Public Works right now, so Public Works and Clear Lake Water Authority were sharing information, that in addition to them they should be mindful of multi family because they had a tremendous number of apartment projects down there, that he was constantly surprised how many multi family projects there were in the Clear Lake City area, plus the retail, commercial and office, that this was something that changed after the election, he asked whether or not Johnson Space Center, which there were 34 buildings there that he was aware of plus research and testing facilities, would be charged the fee and was told no, that after early voting starting he was told that yes Johnson Space Center would have to pay the drainage fee, that he was not saying that Mayor Parker had mislead them, he was just reciting what he saw now as changes and material facts that he thought the public should have been notified about, that he was asking questions early and was given bad information, that he would

have been happier to have received no information than to receive bad or inaccurate information, and as far as the calculator on the website, that was a great idea but he did not think it would have caught all of the other problems that had since come up, that as this point and he hoped she would indulge him on this, he may have made a misstatement, and Council Member Bradford was at the townhall meeting at Clear Lake with hundreds of people there, that he told them they could put on their calendar a year and a half from now to petition to bring it back up and get it on the ballot, but he had since heard, and needed the Legal Department or the Mayor to explain the process to him, that was not the case because there was a 30 day window post election that some action had to be taken if in fact the public wanted to put it back on the ballot, that based on his hearing that he now believed that there was no chance for the other side, the opponents of Prop One, to get it on the ballot, that based on the response he may have to issue a press release to his constituents explaining his mistake. Council Members Johnson, Hoang, Pennington, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that as to Johnson Space Center, it actually changed because the federal government changed their policy and said that local entities had to pay, that entities of the federal government had to pay local drainage fees, it was not anything that they did, it was a decision in Washington; that as to the ballot, it was an area that was probably going to be litigated as it was being dealt with in the Red Light Camera issue and whether they could use a Charter Amendment to overturn an action of Council, that the Drainage Ordinance that they were currently operating on was an action of City Council, a required action because of the Charter amendment, a required action, but an action of City Council and they had 30 days to repeal an action of Council, so it was not just whether they could do something in the Charter to change something in the Charter, it was whether they had the ability to do undo something that Council had done, that the issue may be murky and she did not know if they had a definitive answer yet and that was one of the issues that in the Red Light Camera litigation was being discussed. Council Members Johnson, Hoang, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Bradford stated that Council Member Clutterbuck raised this issue during the Red Light Camera discussion and the City Attorney ruled against and Council Member Clutterbuck offered that no it was permissible to go ahead and go forward, so if the City was to reverse it's position he would say they were doing wishy washy legal rendition if they were to do that so he thought they should stick to the precedent. Council Members Johnson, Hoang, Pennington, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that she had said that it was actually being litigated so it was not a matter of the City Attorney ruling one way or another, it was a subject that had come up in the Red Light Camera litigation. Council Members Johnson, Hoang, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Adams stated that June is her birthday month and every year she had an opportunity to pick a nonprofit organization to give money back to so this year she picked the Optimum Lifestyle, which provides education to the kids in the South Union Community about recycling and protecting the environment, that tomorrow night she would have her Extreme Green Birthday Bash at the home of the Extreme Makeover Home of the Johnson Family in the South Union Community at 3613 Good Hope; that on the drainage fee she was all about making sure they were transparent, everybody knew where she stood along with the other Council Members prior to this, the implementation of the ordinance and where they were, that she appreciated what they were doing with Clear Lake and the water authority, that she would like something detailed in writing on how that was going to work, that if Clear Lake was opted out from paying the designation and if something came up in the CIP as major how would this reflect Clear Lake in this particular issue. Council Members Johnson, Hoang, Pennington, Rodriguez, Costello, Lovell, and Noriega absent.

Mayor Parker stated that Clear Lake was not exempt from the drainage fee, it was that they got their water and drainage services through the Clear Lake Water Authority and they already paid into the Clear Lake Water Authority, she thought 26 cents ad valorem taxation value, so they actually paid a pretty hefty drainage premium, that the issue was that their negotiations were not with them, it was with the Clear Lake Water Authority to make sure they were putting sufficient money into drainage projects, and they had, as she indicted yesterday, productive discussions with them and had begun to coordinate projects, so they would be paying their fair share and it would appear, in terms of future CIP lists, as work that was being done as part of their overall master plan, that they were working on an interlocal agreement that it was an agreement in principle, but they had not finalized the interlocal agreement to specify, that their goal was that they do an equivalent amount of projects top what they would collect and that those projects tie into their overall plan. Council Members Johnson, Hoang, Pennington, Rodriguez, Costello, Lovell, and Noriega absent.

Council Member Stardig stated that she had to respond to her colleague, there was not an us and them, they were responsible for what went forward because of something that was campaigned on, that yes there were going to be some comments and review of what was presented and going forward she was going to be cautious and watchful of the process, that she knew they had an oversight committee that would also be doing the same, but they had projects that they needed done in their districts and that they trusted that there was a process going to be in place, but Public Works she questioned and would continue to question, that with this coming to light it just made her unsettled and made her want to continue to be included very close in the process going forward. Council Members Johnson, Hoang, Pennington, Rodriguez, Costello, Lovell, and Noriega absent.

Council Member Jones stated that the one bill she saw that was less than \$5, which went to the integrity of whatever mechanism they had to determine what was impervious and what was not, she believed was 35 cents, that it said there were no improvements on the land and there was a house there, that she thought it spoke for itself, that was something else she was concerned about as they tired to figure out what to do with this since people were promised \$5 or whatever, was that they had a dedicated fund for seniors and poor people as the bills go in and before they worked it out were they going to deplete the fund paying the high fees that were not in line with what was campaigned for; that she wanted to wish her grandmother a Happy Birthday, that she turned 92 years on June 7, 2011. Mayor Parker and Council Members Stardig, Johnson, Adams, Hoang, Pennington, Rodriguez, Costello, Lovell, and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Bradford stated that some of them tried the best they could to prevent them from getting where they were today concerning Prop One, they knew that \$5, the math, simply did not work, it did not add up with the properties in Houston, Texas, but no one with the proper authority would entertain an intelligent discussion concerning why were their concerns what they were and dig into it, that it was unconscionable now to say their people made a mistake, who got fired, who was being held accountable for missing leading the Mayor, Council and the citizens of Houston, Texas, that it did not take that much of mathematical anything to see and understand that the \$5 figure was simply wrong, that he would encourage his colleagues on Council to ask more questions, get more involved and understand that the department directors were accountable to the Mayor, that all Council Members could do was ask questions at the table and their vote should reflect whether they had gotten information that satisfied Council Members and their constituents or not, that Council had a habit of not doing that, they had a habit of routinely voting a certain way, blindly in some cases, and then after it did not go the way they thought it might go there was a lot of firebrand discussion at the Council table, that they should let their votes start reflecting what their constituents were saying to them, that he wanted to go on record saying "having been a department director he thought

department directors should be accountable to the Mayor and not Council because he thought the system worked best that way and the Mayor was responsible for appointing department directors and they vote and confirm, but he thought it was best that department directors have clear unequivocal chain of command and through the Mayor it worked best that way and they could disagree and voice votes but he did not concur with department directors being accountable to Council Members, it just did not work that way". Council Member Bradford read an article from the Houston Chronicle titled "Controller issues warning on Mayor's budget" and stated that they could get hit with very catastrophic type events this summer so he was going to re-urge the administration to consider his recommendation to utilize a holiday weekend schedule to save approximately \$24 million in lieu of dangerously drawing down the reserve further, also he was going to re-urge the recommendation that they reduce pay grades, 26 mid point and above, by 5% in lieu of layoffs and further furloughs, that he thought all plausible ideas should be considered during this critical budget time that they were confronted with and that was not happening. Council Members Stardig, Johnson, Adams, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Lovell, and Noriega absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he resented Council Member Costello's tone a minute ago, that he basically admonished him for his opinion, that it was a condescending tone and he did not appreciate it, that what he was concerned about was the process and the facts, that he bites his tongue at Council a lot when he disagreed but he absolutely would never tell someone in Council that they were wrong or that they did not get it or that it was a lot easier to be part of a problem or critic than it was to be part of the process, that if Council Member Costello was present he would still say it, that he was hesitant to say anything in his absence but he could not walk away from the table without expressing his displeasure with his comments, that he thought they needed to be concerned about process and facts and that was what was behind all of his comments, that he had nothing to gain by trying to get the truth about Prop One out, but he did want the truth out; that the comments about litigation earlier, Mayor Parker had said that they were litigating that right now, could she give him a little explanation about what she was talking about, was it respect to Red Light Cameras or Prop One. Council Members Stardig, Johnson, Adams, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Lovell, and Noriega absent. (NO QUORUM PRESENT)

Mayor Parker stated that it was an issue that had been part of the Red Light Cameras, that she did not know what the outcome was going to be and did not know whether it was an issue that was going to be resolved through the Red Light Cameras, that she would respectfully say that it needed to be addressed by the City Attorney, that she was just pointing out that some of these issues were unsettled, it was not that they were going to change their answer, it was possible that the courts may change the answer. Council Members Stardig, Johnson, Adams, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Lovell, and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones stated that whatever their position was, whether they could do a ballot after 30 days not, whatever the City's position was in one issue it should be consistent in every other issue, that if that was what Council Member Sullivan stated then she absolutely agreed. Council Members Stardig, Johnson, Adams, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Lovell, and Noriega absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:41 a.m. Council Members Stardig, Johnson, Adams, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Lovell, and Noriega 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