

City Council Chamber, City Hall, Wednesday, July 6, 2011

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, July 6, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Wanda Adams, Mike Sullivan, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David Feldman, City Attorney; Mr. Xavier Herrera, Citizens Assistance Office; Ms. Marta Crinejo, Agenda Director and Ms. Stella Ortega, Agenda Office, present. Council Member Ann Clutterbuck absent due to being ill. Council Member Al Hoang absent on personal business.

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

At 9:06 a.m. Mayor Parker called the meeting to order and requested the City Secretary to call the roll. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Johnson, Sullivan and Lovell absent.

Council Members Jones and Costello moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Johnson, Sullivan and Lovell absent. MOTION ADOPTED.

Mayor Parker requested a motion to move the Monthly Operations and Financial Report to the top of the agenda.

Council Member Costello moved to consider the Financial Report prior to the agenda, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Johnson, Sullivan and Lovell absent. MOTION 2011-0537 ADOPTED.

At 9:08 a.m. Mayor Parker called on Council Member Lovell who led all in the prayer and the pledge of allegiance. Council Member Sullivan absent.

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

Mayor Parker recognized Mr. Ronald Green, City Controller and Mr. Kelly Dowe, Director of Finance for the Monthly Finance and Operations Report. Council Members Sullivan and Lovell absent.

Mr. Green and Mr. Dowe reviewed the Monthly Operations and Finance Report, a copy of which is on file in the City Secretary's office for review. Council Members Sullivan and Lovell absent.

Council Member Gonzalez asked if the higher collections on the ambulance fees was a result of the increased fees or actual collection percentage that they were collecting and the moving violations at Municipal Courts, it seemed like they had been trending downward for a while, had they looked into that anymore, he was just concerned if that was a reflection of the changes to the police officers arrival time at the court.

Mr. Dowe stated that on the ambulance fees it was a result of both, they had absolutely put a lot more focus on their relationship with their vendor who did the collections, improving the

flow to and from the vendors so that they understood where they had issues and exchanging data back and forth, that they were seeing a definite improvement in collection rates, but the fees also played a part in the higher recoveries; that the Municipal Courts Fines and forfeits had trended slightly lower this year, it was something that she knew the Judge continued to work with the City employees to fine tune that program, but it had not been a drastic decrease, but was something that they had to keep an eye on and were working on, and Council Member Gonzalez asked what was the latest on the termination pay, and Mr. Dowe stated that the termination pay they had budgeted in FY2012 so they were seeing a slight uptick in some people who had taken retirement in FY2011 and were not waiting for the termination date of July 1, 2011, but everything that they had seen so far had said that the departments would be able to absorb that within the existing budget and then they should have a report shortly on the payout of termination pay for FY2012, which as he mentioned in Council last week, they anticipated to be slightly lower than they had budgeted. Council Members Sullivan and Lovell absent.

Council Member Costello moved to accept the Monthly Operations and Financial Report, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. MOTION 2011-0538 ADOPTED.

#### **MAYOR'S REPORT** - Julia Ideson Renovation Update

Mayor Parker stated that the Mayor's Report was requested last week, that it was an opportunity to brag a little bit about the Julie Ideson Building and what was happening over there and for those Council Members who had not had an opportunity to tour the building she strongly recommended it, that it was a jewel and always had been but now that jewel had been significantly polished. Council Members Sullivan and Lovell absent.

Ms. Margaret Lawler, Executive Director Julia Ideson Library Preservation Partners, represented Ms. Phoebe Tudor, Chairman of the Board, who was out of town, and reviewed a slide presentation titled "Houston Public Library Julia Ideson Building Library Renovation", a copy of which is on file in the City Secretary's office for review. Council Member Sullivan absent.

Mayor Parker and Members of Council thanked Ms. Lawler for the update and to all of the library staff who were present in the audience Mayor Parker thanked them for their work. Council Members Johnson, Adams, Sullivan and Lovell absent.

Mayor Parker stated that they would move to the consent agenda and then move to the public session. Council Members Adams, Sullivan and Lovell absent.

#### **CONSENT AGENDA NUMBERS 1 through 23**

#### **MISCELLANEOUS** - NUMBERS 1 through 2-1

1. CONFIRMATION of the appointment of **MR. DOUGLAS ELLIOTT** to Position 11 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two-year term – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Adams, Sullivan and Lovell absent. MOTION 2011-0539 ADOPTED.
2. RECOMMENDATION from Director Finance Department to approve the Fiscal Year 2012-2016 Capital Improvement Plan and establish a charge of \$75.00 plus postage for the adopted CIP documents (\$5.00 plus postage for CD version) – was presented, moved by

Council Member Gonzalez, seconded by Council Member Costello. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Adams, Sullivan and Lovell absent. MOTION 2011-0540 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 4 through 8

4. **HOUSTON FREIGHTLINER, INC** - \$87,500.00 and **VAC-CON, INC** - \$245,151.98 for Sewer Cleaning Truck through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Airport System - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. MOTION 2011-0541 ADOPTED.
5. **ALLSTATES COATINGS COMPANY (Option #2)** for Paint, Airfield Marking for the Houston Airport System - 5 Years - \$1,683,027.75 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. MOTION 2011-0542 ADOPTED.
6. **EVERBRIDGE, INC** for Emergency Notification System, Implementation and Training from the General Services Administration Schedule 70 contract through the Cooperative Purchasing Program for the Houston Airport System - \$134,500.00 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. MOTION 2011-0543 ADOPTED.
7. **STANBIO LABORATORY** for Hemoglobin Analyzers and Microvette Test Strips for the Houston Department of Health & Human Services - \$606,250.00 - Grant Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. MOTION 2011-0544 ADOPTED.
8. **PUMPS & EQUIPMENT OF TEXAS, INC** to Repair Two 48” Fairbanks Morse Pumps for Department of Public Works & Engineering - \$262,884.00 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. MOTION 2011-0545 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 11 through 23

11. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **ENTERPRISE JET CENTER, INC** for certain premises at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ** – was presented. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. ORDINANCE 2011-0580 ADOPTED.
14. ORDINANCE approving and authorizing Grant Agreement between the City of Houston and **THE OFFICE OF NATIONAL DRUG CONTROL POLICY** for the FY2011 High Intensity Drug Trafficking Area Grant; declaring the City’s eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City’s representative in the application process, to accept such grant funds, and to apply for and accept all

subsequent awards, if any, pertaining to the program - \$1,713,318.00 - Grant Fund – was presented. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. ORDINANCE 2011-0581 ADOPTED.

16. ORDINANCE approving amendment to the Economic Development Agreement between the City of Houston, Texas, and **INDEPENDENT ARTS COLLABORATIVE** approved by Ordinance No. 2011-546 - **DISTRICT D - ADAMS** – was presented. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. ORDINANCE 2011-0582 ADOPTED.
18. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath one tract of land containing 20.6397 acres commonly known as 9800 Clinton Drive, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT I - RODRIGUEZ** – was presented. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. ORDINANCE 2011-0583 ADOPTED.
20. ORDINANCE appropriating \$27,306.00 out of Public Health Consolidated Construction Fund as an additional appropriation to the contract between the City of Houston and **JOHNSON CONTROLS, INC** (Approved by Ordinance No. 2008-122) for Heating Ventilation and Air Conditioning Repairs and Preventative Maintenance for the Department of Health & Human Services - **DISTRICT D - ADAMS** – was presented. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. ORDINANCE 2011-0584 ADOPTED.
21. ORDINANCE appropriating \$450,000.00 out of Public Health Consolidated Construction Fund as an additional appropriation to the New Health Department Laboratory under an existing Design/Build Contract with **GILBANE BUILDING COMPANY** (Approved by Ordinance No. 2010-479); providing funding for testing laboratory services and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT D - ADAMS** – was presented. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. ORDINANCE 2011-0585 ADOPTED.
22. ORDINANCE granting to **ROBERT E. JENKO, INC d/b/a RELIABLE PIPE CLEANING, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **FIRST READING** – was presented. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. ORDINANCE 2011-0586 PASSED FIRST READING IN FULL.
23. ORDINANCE granting to **THE DUMPSTER GUYS, 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 - **FIRST READING** – was presented. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Lovell absent. ORDINANCE 2011-0587 PASSED FIRST READING IN FULL.

At 9:38 a.m. Mayor Parker stated that they would move to the public session. Council Members Sullivan and Lovell absent.

Mr. Ronak Patel, 3214 Pleasant Cove Ct., Houston, Texas 77059 (832-721-6780) appeared and presented information and stated that he was a researcher for the Texas Campaign for the Environment, that he was present to talk about the 20 year contract that they were doing with Waste Management for the Recycling Program, that while they were pleased that the City was demonstrating such a strong commitment to recycling they believed any long term contract should be part of the more open and competitive process, they would support the City in efforts to engage the other stakeholders, such as taxpayers, neighborhood associations, environmental advocates and front line City employees in the process of crafting a long term recycling plan, and for negotiating a long term recycling contract as a part of that plan, that they firmly believed that any long term recycling contract should be part of an open Request for Proposal process so that other interested businesses would have the opportunity to compete for Houston's recyclables, that a market based competition would certainly result in a better deal for Houston's taxpayers and create a cost effective recycling plan for the huge City, that this administration had shown demonstrable success in promoting a sustainable, economic growth and green jobs and they fully supported their tireless efforts in their recycling programs and their effort to extend that recycling program to every community in Houston, that they commend the Solid Waste Management Department for executing this expansion while simultaneously saving money for their taxpayers, however a 20 year contract had to be looked at in a fundamentally different manner from a 3 to 5 year extension, that they would fully support the administration if they continued with a small 3 to 5 year extension and submitted a 20 year contract to a full open proposal request. Mayor Parker and Council Members Sullivan, Lovell and Jones absent.

Upon questions by Council Member Adams, Mr. Patel stated that he was in his fourth year at UT Austin; that he did not know if Houston had a Manufacturing Recycling Center, that if he was correct the City of Houston owned the land that the facility was located on and Abitibi-Consolidated Corporation was the one that was going into bankruptcy and Waste Management was actually coming in to take over that facility, so the contract was actually a 20 year extension on an already existing contract for the land, and Council Member Adams stated that it was a little bit more detailed than that, so if he could find out exactly what the information was she thought that he would find it informative because it was something that they needed to commend Director Harry Hayes on, that she thought that his organization would find it eye opening and see how Director Hayes would actually save the City of Houston millions of dollars because of it, and Mr. Patel stated that if he was correct the contract itself had a payout with recyclable bins, which would be sent out to all of the communities and they were going to be paid back with those bins, that he agreed that the contract itself was a very exciting contract and had a lot of positives and had a great amount of support from a lot of people, however he still believed that they should still at least look into other contracts as well and allow the public to comment on the contract. Council Members Stardig, Lovell and Noriega absent.

Mayor Parker stated that she appreciated his remarks, that she believed that the director had negotiated an outstanding contract, but she also believed that if they had such a great contract it could stand up to public scrutiny so she was going to ask City Council to delay it for a period so that they could make sure that everybody was comfortable with it. Council Members Stardig, Lovell and Noriega absent.

Council Member Bradford moved to suspend the rules to hear from State Representative Borris Miles after Mr. Kevin Dancy, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Stardig, Lovell and Noriega absent. MOTION 2011-0546 ADOPTED.

Mr. Matt Delnick, 3411 Richmond, Ste. 700, Houston, Texas 77046 (713-965-0005) had

signed to speak was not present when his name was called. Council Members Stardig, Lovell and Noriega absent.

Mr. Zac Trahan, 1801 Driscoll, Houston, Texas 77019 (713-295-9447) appeared and stated that he was with the Texas Campaign for Environment, as well, to talk about the Waste Management Recycling contracts, that to address to some of the questions and comments, so far in Houston they had two MRF facilities, the one that they were most familiar with was owned by Waste Management now and was owned by Abitibi, but another was just opened in 2010 by a company called Greenstar, that Greenstar had expressed interest in bidding for this contract, the long term contract, if it were to go to an RFP process, that there was another recycling company that had opened an MRF in the Austin area and they could build and operate an MRF in the Houston area, that also had expressed interest in bidding on a long term contract, so again they fully supported a lot of the creative ideas that were in the contract that the Solid Waste staff had worked hard to repair, but they really thought that if it was going to be a 20 year deal it needed to go through an open, competitive, RFP process, that was the way to get the best deal for the City of Houston, they did not want a good deal, they wanted the best deal and market competition was the way to get that and they did it routinely in Houston on all kinds of other long term contracts, so again they fully supported the City in it's efforts to extend short term contracts, that they had right now a short term contract that they had been extending one year at a time and that contract would be up in 2012, but that did give them time to have an open RFP process, see what other offers were out there, that if they could get this deal just through closed door negotiations and it was such a good deal for the City imagine what kind of a deal they could get if they were competing against each other to give Houston the best deal possible for their tax payers, that the City of Austin just went through this process last year where they had this recycling contract that they were losing money on, it was a bad deal for tax payers and they had to figure out how to fix that and make a long term deal that would earn money for the City, that they went through an RFP process and ended up splitting the recycling contract between two different recycling companies that did single stream recycling in the Austin area, that if that happened for Houston in the future that would be terrific, that the point was that the market competition was the way to get the best deal and that was what they were here to support, that he wanted to thank Mayor Parker for wanting to delay this further to allow more public comment and more scrutiny. Council Members Johnson, Costello and Noriega absent.

After discussion by Council Members, Mayor Parker stated that at the request of the administration Council Member Gonzalez was going to offer a motion to refer the item back, which would be a thirty day stand down on it. Council Members Johnson, Rodriguez, Costello, Lovell and Noriega absent.

Mr. Dan Crociata, 3411 Richmond, Ste. 700, Houston, Texas 77046 (713-550-5561) appeared and stated that he was speaking in opposition to Item Numbers 34 and 35 amending the contract between the City of Houston and Abitibi for the purchase of comingled recycled material and the release agreement with Champion Recycling Corporation for operation of a waste processing plant, that he was the CFO of Greenstar Recycling, one of the largest recyclers in America, headquartered in Houston, that Greenstar was a strong advocate of recycling and they believed that the ordinance was detrimental to the growth of the City's recycling program, why would the City commit to more than 20 years with it's current recycling vendor without negotiating with other recycling service providers, that passing the ordinance would alienate their other recycling partners, that it would cost the City financially by continuing with a program that was not competitively priced resulting in recycling carts and services still only provided to a small number of residents in the City, that Greenstar had been working to do business with the City of Houston since they located their headquarters in Houston in 2007, they invested \$7 million to create the first single stream recycling facility when none of their competitors had done so for the past two decades, that they made the investment because they believed the Solid Waste Department when they told them that if they built it the City would send some of their recycling tons to them for processing, that despite delivering on their promise at

their grand opening in December 2010 Greenstar was still not receiving any business from the City of Houston, that to be clear, both vendors mentioned in Item Numbers 34 and 35, were owned by Waste Management, the amendment provides for 15,000 carts in exchange for a 20 year contract extension and reduced leasing fees, that this offer was not as attractive for the City as previous Greenstar proposals, they offered to purchase approximately 500,000 recycling carts for the entire City program in exchange for a competitively priced long term recycling agreement, they had also offered to provide dual or single stream recycling services at a better price than they were currently receiving, that Greenstar had acted in good faith as partners in supporting the City's recycling and environmental efforts, that they had also helped other cities across Texas increase their recycling rates, that for example the City of Dallas increased their recycling rates by 300%, also 300% in San Antonio and 70% in Austin, that they wanted to do the same thing in Houston, that although Greenstar had invested heavily to support recycling in Houston in partnership with the City they had received nothing in return, please do not move forward with these ordinances without giving them a chance to do business together. Mayor Parker, Pennington, Rodriguez, Costello, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon questions by Council Members, Mr. Crociata stated that the Greenstar facility was located on Brittmore Avenue, on the northwest side of Houston; that they were not in the hauling business, they partnered with haulers, that at this time there were no recyclables being diverted to their facility. Council Members Pennington and Rodriguez absent.

Council Member Gonzalez moved to suspend the rules to move Ms. Sylvia Gonzales to the top of the two minute section, that he believed that she and Mr. Mata were speaking about the same item, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Pennington and Rodriguez absent. MOTION 2011-0547 ADOPTED.

Mr. Charles X. White, 8607 MLK, Houston, Texas 77033 (713-292-3346) appeared and stated that he wanted to add his voice to an ongoing issue in southeast Texas which was Southern Crushed Concrete and the general overview of environmental air quality, that as they knew the Houston Chronicle published an article not to long ago that put Sunnyside at the top of the chart with air quality that needed to be improved, that it had been a long road to get to this point and hopefully the Mayor would continue to work with them to make sure that the community was protected, that when former State Representative Al Edwards started with Reverend Dancy's church a long time and brought in TSU, Council Member Adams and now State Representative Boris Miles and Council Member Jones, that they surely hoped that Mayor Parker continued to work with them in the community to keep Southern Crushed Concrete out of the picture. Council Members Adams, Rodriguez and Lovell absent.

Mr. Johnny Mata, 2121 Fountainview, Houston, Texas 77057 (832-723-3110) appeared and stated that he wanted to address the Council on behalf of Council Member Jones, who he understood had ruffled some feathers in regards to her being a voice for some of the disenfranchised people in the City, that they felt that there was a borderline between free speech and also representation of their constituents, that she had been one who had spoken up when there were problems with the firefighters, whether it was Glenbrook Valley or anything else, especially the young lady that was attacked in Cleveland, Texas, that he would urge them to consider their actions that may be forthcoming, examine their consciences, many of them may have skeletons in their closet. Council Members Adams and Rodriguez absent.

Council Member Jones stated that she wanted to thank Mr. Mata. Council Members Adams and Rodriguez absent.

Ms. Sylvia Gonzales, 10102 Elm Knoll Trail, Houston, Texas 77064 (832-283-5752)

appeared and stated that she was present on behalf of Yolanda Jones, a friend of hers, and a community leader who was a friend of LULAC, all of the Hispanic Organizations and the underprivileged, that she had known Yolanda for the past 10 to 12 years, that she had always marched with them for immigration rights, that she had marched with them at the SEIU marches for Janitors for Justice and was there to apologize at the dedication for Eloy Escobar, that she was there to apologize for the City of Houston, that she could identify with her because she speaks from her mind and was not afraid to speak out and be vocal and represented all of the underprivileged. Council Members Adams and Rodriguez absent.

Council Member Jones stated that she wanted to thank Ms. Gonzales. Council Members Adams and Rodriguez absent.

Ms. Bessie Swindle, 4103 Madden Ln., Houston, Texas 77047 (713-208-0359) appeared and stated that she brought them greetings from the Southeast Coalition of Civic Clubs, that they had a meeting Saturday with the attorneys of the City of Houston and they found out that the City had won two appeals against Southern Crushed and they had decided to go forward with the case, that she wanted to thank the City of Houston for backing up the citizens, that she had a map that was published in the Chronicle that showed Sunnyside had one of the highest rates of emphysema, that she had enough for all of the Council Members, that she wanted to say that Southern Crushed had not been a good neighbor for over 10 years and if it had not been for the City stepping up to the plate to help the citizens in Sunnyside she did not know where they would be, they had done all of kind of testing and it was not good for the citizens in Sunnyside, that Southern Crushed had a total of about 10 plants in minority areas, they place them in areas where people did not have the money or did not have the knowledge to fight them, that she was very grateful to Council Members and grateful for the Mayor to step up to the plate that former Mayor Bill White and former Council Member Ada Edwards started, they were truly part to be a part of this and anything else that they could do to help they were going to do it because the majority of the seniors in Sunnyside had gardens and they both knew that when they pick up those vegetables out of that garden they were not going to wash or rinse it off but one time. Council Members Gonzalez and Rodriguez absent.

Mayor Parker stated that she appreciated everything that Ms. Swindle did for the City day in and day out, that she was one who was always fighting for her neighborhood and she wanted to assure her that the City of Houston was going to continue to stand with the neighborhood in the fight with Southern Crushed Concrete. Council Members Gonzalez and Rodriguez absent.

Council Member Lovell stated that it had been a long journey and she thought it may be coming to an end, that she had spoken with Tom Jason, Metro, and it was her understanding that Metro was going to purchase the property so that the problem was going to go away, that she understood they were in the condemnation process right now and the court proceedings, that she was going to have Mr. Jason verify that this was indeed happening, that it was not a secret, it had been out there, that she thought it was very good news, and Ms. Swindle asked who was going to move the concrete because there were about three piles that had been there for quite some time and she noticed that they brought in some new piles, and Council Member Lovell stated that she did not know, that Mr. Jason was on his way, that she did not know what the contract said, but her assumption was that somebody was going to move it. Council Members Gonzalez and Rodriguez absent.

Council Member Adams asked Ms. Swindle that if Southern Crushed Concrete agreed to come in and just crush the concrete where it was and move the trucks out what was the reply from the community when that compromise was brought forth on Saturday, and Ms. Swindle stated that the community did not trust Southern Crushed because they had fought them for years and they never lived up to what they said, secondly, they felt like no, no rock crusher because they truck it in so let them truck it back out, that if they agreed to truck it out they could do it, but they just did not want that rock crusher there, that rock crusher was the one that was



going to put the pollution in the air and they did not want that. Council Members Gonzalez and Rodriguez absent.

Council Member Adams asked Mr. Feldman if that could be part of the communication, for them to just come and with whatever means they brought it in if they could come in and remove it the same way via trucks without having to have the actual concrete crusher there, and Mr. Feldman stated that they had heard the community. Council Members Gonzalez and Rodriguez absent.

Mr. Charles Hebert, Jr., 3834 Hickok, Houston, Texas 77047 (713-738-1221) appeared and stated that he was a concerned citizen and resident of the Sunnyside area for some 47 years, that he appeared to voice his discontent for Southern Crushed Concrete seeking approval to build yet another concrete crushing facility in their community, that it was his understanding currently that there were about 9 of these type facilities in the minority areas, four of which were somewhere within their area in the southeast community, that such facilities significantly compromise the quality of life in their community as they release into the air pollution and other contaminants into the air they breathe, that their community would oppose their request with their last breath, that he took time to write a poem about Southern Crushed Concrete and would like for the record to reflect it, "O Southern Crushed Concrete, here they come again to contaminate and pollute the air we breathe, O Southern Crushed Concrete, find another place to build your plant and allow our community to maintain an environmentally friendly breath of fresh air and leave us be, O Southern Crushed Concrete, please abandon your ill fated desire so our future generations will live and not expire". Council Members Sullivan, Pennington, Gonzalez and Rodriguez absent.

Ms. Tiffany Rattler, 8401 Canyon, Houston, Texas 77051 (713-498-0046) had signed up to speak, but was not present when her name was called. Council Members Sullivan, Pennington, Gonzalez, Rodriguez and Lovell absent.

Mr. Rodney Jones, 7905 Brandon Dr., Houston, Texas 77051 (713-582-1342) appeared and stated that the Sunnyside Civic Club wanted to express it's appreciation and gratitude to the City of Houston and Harris County authorities for successfully representing the interest of the community versus Southern Crushed Concrete, however it had been brought to their attention that Southern Crushed Concrete had filed an appeal or in the process of filing an appeal against the court's decision, that the question was brought to the stake holders whether they would be interested in meeting with the company to determine if there could be a compromise between the community and Southern Crushed, that he would use two short rationales for an answer, one, over ten years ago when Southern Crushed applied for a permit to put an additional concrete facility on the perimeter of Sunnyside Place Subdivision, adjacent to Sunnyside Park and diagonally across the street from an elementary school, because of the efforts of the stake holders over a period of years the community was successful in blocking the facility at that site, but Southern Crushed simply moved their operations to the present location where they were now attempting to get permitted, that this location was only less than a half mile away from the original location, that it would have the same effect on the community, two, they were very much concerned also about the cumulative effect that all of the industrial facilities in the area were having on the environment, air quality and drainage and the health of the people in the area, that recently the Houston Chronicle gave an analysis of State Health Records and found that Sunnyside had the second highest rate of hospitalization for Asthma related conditions in a contiguous area. Council Members Sullivan, Pennington, Gonzalez, Rodriguez and Lovell absent.

Ms. Frankie Cade, 3727 Wintrop, Houston, Texas 77047 (713-734-0347) appeared and stated that was present on a medical standpoint, how many of them had ever had a runny nose, COPD, depended on oxygen tanks, always dry eyes, always having swollen eyes, always course, always having antihistamines to give to their children, that this was what was happening

to them in Sunnyside, that she was a nurse and was a concerned citizen and they would not compromise anymore, that she had been in the neighborhood 44 years and she had seen people with everything from COPD to now having to carry around oxygen nasal tanks, they did not want Southern Crushed Concrete, they were delighted to hear that they were going to move on. Council Members Sullivan, Pennington, Gonzalez, Rodriguez and Lovell absent.

Council Member Stardig stated that she appreciated whoever brought the asthma tracking chart because she thought there was an awareness factor, that they needed to be responsible citizens and making sure they kept the air quality in their City as clean as possible. Council Members Sullivan, Pennington, Gonzalez, Rodriguez and Lovell absent.

Mr. Travis McGee, 4800 Pedeson, Houston, Texas 77033 (832-488-7709) appeared and stated that he was the Civic Club President for Sunnyside Gardens, Bayou Estates and Vice President for the Sunnyside South Park Super Neighborhood, that on behalf of the area they did not want the crushed concrete plant in their area at all, that he thought it was about time they came up with some type of zoning efforts so that any and everything could not continue to come to minority neighborhoods and minority neighborhoods only, that they were in total opposition of this, they did not want it in their area. Council Members Sullivan, Pennington, Gonzalez, Rodriguez and Lovell absent.

Mr. L. E. Chamberlain, 6411 Dayridge Ln., Houston, Texas 77048 (713-598-0203) had signed up to speak, but was not present when his name was called. Council Members Sullivan, Pennington, Gonzalez, Rodriguez and Lovell absent.

Mr. Kevin Dancy, 2819 Meiko, Houston, Texas 77045 (713-715-8658) appeared and stated that in his first capacity he was present on behalf of Congressman Al Green of the Ninth Congressional District of Texas, that he currently served as the District Manager of Policy and offered a letter as a verbal statement to be offered into the record, "I strongly believe that the adverse effects of this proposed Southern Crushed Concrete facility, on Bellfort and Texas Highway 288, are not in the best interest of the community, after reviewing the documentation provided to my Congressional office and listening to the concerns of our constituents, I must fully support the members of the Southeast Coalition of Civic Clubs who protest the placement of this concrete crushing facility in their community, I kindly ask that you give serious consideration to their position as you review their request asking for your continued support to this effort and respond appropriately"; that in his second capacity he rose on behalf of the thousand members who attended Saint James Missionary Baptist Church, the church that was referenced earlier where Pastor Joe Eddie Dancy was the Pastor, that this church was located within a one mile radius of this facility and they had serious consternation and reservation about this complex, that while it had not grown vertically, it had grown horizontally, so while they were speaking and giving them verbal assurances they still had some type of hesitation because actions spoke louder than words and they wanted the Mayor to continue this fight and represent them correctly. Council Members Sullivan, Pennington, Gonzalez and Rodriguez absent.

Council Member Adams stated that she wanted to thank Mr. Dancy for being present and for attending the meeting on Saturday on behalf of the Congressman, that she would ask that he hand Ms. Carolyn a copy of the letter so that she could give it to their attorneys as well. Council Members Sullivan, Pennington, Gonzalez and Rodriguez absent.

Council Member Lovell stated that she stood corrected, that Metro was purchasing the Southern Crushed Concrete property that was near the Palm Center, that it was not this facility unfortunately, she wished it was in Sunnyside, that she wanted to stand corrected on that information and add her voice to support his endeavors. Council Members Sullivan, Pennington, Gonzalez and Rodriguez absent.

Mayor Parker stated that the Legal Department was going to continue the fight on behalf

of the neighborhoods. Council Members Sullivan, Pennington, Gonzalez and Rodriguez absent.

State Representative Borris Miles, 5302 Almeda, Houston, Texas 77004 (832-423-6522) appeared and stated that he was present because the citizens of Sunnyside and Crestmont Community had made it clear that they did not want the facility in their neighborhood and today he stood in full support with the citizens of his community against Southern Crushed Concrete and the removal of their Southern Crushed facility in their community, that the community came out by the busloads when the first fight started and the permitting was started in 2003, that they came out to the Texas Commission on Environmental Quality not once, but twice, they came out again when their voices needed to be heard loudly when they brought it to court, that for both of those instances the City of Houston, on behalf of the citizens, won twice against Southern Crushed Concrete, that it had come to them that in District 146 they had five Southern Crushed Concrete facilities, in one State Representative District that housed 175,000 people, that they had 3 super field sites and had been contaminated by hazardous waste identified by the Environmental Protection Agency as a candidate for cleanup, but at the risk of human health and environment, that the multiple hazardous generators were in their community, that it was clear and blatant environmental racism, that the neighborhoods were always burdened by facilities such as this one, that Southern Crushed Concrete had systematically placed their operations in communities that were deemed economically and socially disadvantaged, in communities that they felt that residents would not speak up or did not have the financial backing to fight against them in court, that in this particular instance they were wrong because the people of Sunnyside and Crestmont would fight them to the end on this particular incident, on this issue, that businesses would not invest in their community and economic possibilities were limited to neighborhoods that became impoverished by companies like Southern Crushed Concrete and the vicious cycle continues, that for these reasons there was no compromise for the people of Sunnyside and Southcrest, no compromise at all, they could not allow Southern Crushed Concrete to continue to oppress their community, that for 15 years the citizens of the community had been fighting long and hard to take Southern Crushed Concrete away from their community, that they would continue to fight and as the State Representative he would continue to stand with them at the State House, the Texas Supreme Court, of which they request that they push this on to, that he would urge that they heed their request and take it to the Texas Supreme Court to once again represent them and fight to protect their communities, that as the leadership of the City it was their job and oath to protect within the boundaries, that to do anything less than what they were asking was an injustice, that there would be no compromise with Southern Crushed Concrete. Sullivan and Rodriguez absent.

Upon questions by Council Members, Representative Miles stated that he thought the City of Houston had done a great job in communicating with the Harris County Delegation in making sure that not just this issue, but all issues at the State level had been addressed, their presence at the State House this session was very prevalent, that he thought the City was doing a great job in communicating with the State delegation, that when they had five of these facilities in one district that was not the whole City sharing the burden. Council Members Sullivan and Rodriguez.

Council Member Adams moved to suspend the rules to extend the time for questions of Representative Borris Miles, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Sullivan and Rodriguez absent. MOTION 2011-0548 ADOPTED.

After further discussion by Council Members, Mayor Parker stated that she wanted to thank Representative Miles for personally coming to Council and being a part of the effort, that they would continue to work with him. Council Members Stardig, Sullivan, Rodriguez, Noriega and Jones absent.

Ms. Yolanda Frank, 11835 Murrway, Houston, Texas 77048 (832-364-8387) had signed up to speak, but was not present when her name was called. Council Members Stardig, Sullivan, Rodriguez, Noriega and Jones absent.

Mr. Steven Biggs, 3100 Cleburne, Houston, Texas 77004 (832-541-2773) had signed up to speak, but was not present when his name was called. Council Members Stardig, Sullivan, Rodriguez, Noriega and Jones absent.

Mr. Jerry Wade, 737 Green Meadow Ln., Houston, Texas 77076 (713-699-1842) had signed up to speak, but was not present when his name was called. Council Members Stardig, Sullivan, Rodriguez, Noriega and Jones absent.

Mr. Roosevelt Smith, 8410 Cabot, Houston, Texas 77078 (713-402-9404) appeared and stated that he was present on behalf of his driver's license, that he was in an accident with an HPD officer and they were suing him for the property of the police car but he did not think he was at fault and they suspended his drivers license indefinitely until the police car was paid for, that he was wondering if they could intervene in some way and assist him so that he could get his driver's license back. Council Members Stardig, Adams, Sullivan, Rodriguez, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Mayor Parker asked if the City or his insurance company was suing him, and Mr. Smith stated that it was the City of Houston, and Mayor Parker stated that she would have to ask that Mr. Smith visit with someone from the Legal Department on that issue, that they were not going to be able to engage him in the Council Chamber if he was already involved in litigation, but if someone could follow up with Mr. Smith. Council Members Stardig, Adams, Sullivan, Rodriguez, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Ms. Erica Osberry, 9806 Kerry Glen Ln., Houston, Texas 77078 (713-584-7988) appeared and stated that she resided in City Council District B, which was represented by Council Member Jarvis Johnson, that she also served as Vice President of the Community Development Committee at a local church in City Council District D, which was represented by Council Member Wanda Adams, that she began her tenure with the City of Houston in April 1985 and had proudly served for over 19 years, that she was informed by the pension office that she needed 7 points, which was equivalent to 3 1/2 years before she would be eligible to retire, that around February 2011, Deputy Director Victor Ayers informed her that the Solid Waste Department still needed someone to do her job therefore they had a position for her, however on May 5, 2011 he gave her a layoff notification stating that effective July 1, 2011 she would be laid off from her position of Financial Analyst 4, that in September 2010, after submitting the recommendations for increasing efficiency for the Employee Suggestion Program she was reassigned to the Maintenance Division as a Drive Cam Driver Risk Management Program Manager, that during the fleet consolidation all maintenance employees were converted to the Fleet Management Department except for her, that consequently all maintenance employees were eligible to apply and given preference for the available positions in the Fleet Management Department, that Kim Burley, Chief of Staff, Fleet Department, informed her that she was not eligible to interview with the Fleet Management Department because the management at Solid Waste informed her that they had a position for her and only the employees who were subject to be laid off could interview, therefore she contacted the Human Resources Department, Omar Reid, and he informed her, after his research, that she would be interviewed by Fleet, however by that time Fleet had already completed their interviews with all of her co-workers, that she interviewed over a month ago on May 19, 2011 but she had not been notified by Fleet of the outcome, that she felt she was blocked from applying and interviewing with Fleet due to retaliation for when she submitted recommendations on improving efficiencies to Mayor Parker, that after the Mayor's office received the recommendations the Solid Waste Department Director, Harry Hayes, was contacted by the Mayor about the efficiencies and the retaliation began, that it had proven to be a mistake to submit recommendations for improving efficiencies

to Mayor Parker because even after she hand delivered and sent a certified letter informing Mayor Parker about the retaliation she received no response from the Mayor's office, that she was just trying to assist the City's budget deficit by offering suggestions on improving ways to save money. Council Members Stardig, Sullivan, Rodriguez, Lovell and Noriega absent.

Mayor Parker asked Ms. Osberry if she had been in contact with Human Resources recently, that she understood that she had been in contact with Mr. Reid, and asked if she was grieving or protesting her layoff notice through the normal channels in the City, and Ms. Osberry stated that the way the Solid Waste Management Department did the layoff they eliminated her position so it was not eligible to be grieved, that she could not even appeal the decision, and Mayor Parker stated that she would ask for somebody in HR to come to the Council Chamber before Ms. Osberry left.

After discussion by Council Members, Mayor Parker stated that she was trying to get somebody from HR to talk to Ms. Osberry, and Council Member Jones stated that she definitely wanted to know what happens with Ms. Osberry. Council Members Stardig, Johnson, Adams, Rodriguez, Lovell and Noriega absent.

Ms. Kimberly Walker, 8610 MLK, Houston, Texas 77033 (713-734-4580) had signed up to speak, but was not present when her name was called. Council Members Stardig, Johnson, Adams, Rodriguez, Lovell and Noriega absent.

Ms. Mary Cunigan, 7914 Lawler, Houston, Texas 77051 (832-888-1983) had signed up to speak, but was not present when her name was called. Council Members Stardig, Johnson, Adams, Rodriguez, Lovell and Noriega absent.

Mr. William Beal, No Address, No Phone, had signed up to speak, but was not present when his name was called. Council Members Stardig, Johnson, Adams, Rodriguez, Lovell and Noriega absent.

Mr. Steven Williams, No Address, No Phone, had signed up to speak, but was not present when his name was called. Council Members Stardig, Johnson, Adams, Rodriguez, Lovell and Noriega absent.

Mr. John Cieslewicz, 1250 Dubarry, Houston, Texas 77018 (713-683-0703) had signed up to speak, but was not present when his name was called. Council Members Stardig, Johnson, Adams, Rodriguez, Lovell and Noriega absent.

Ms. Yolanda Navarro, 3009 Navigation, Houston, Texas 77003 (713-924-4162) appeared and stated that she was present on behalf of their colleague Jolanda Jones, that she had known Jolanda for many years, they had served on the LARA Board together, that both of them were people, especially her, who would always stand up for the rights of the neighborhoods, communities and for individual rights, that she called Council Member Jones about the issue of the Cleveland rape victim and from one day to another she was there to help and support them and to be at a press conference when it was important for women to stand together against the victimization of an eleven year old child and their family, that the mother presently was at Memorial Hospital because she had a brain tumor and was having an operation, but prior to that she said she wanted to meet Jolanda because she wanted to thank her for the help and the fact that she stood up for that family, that she believed they could fill the Council Chamber with many people to stand there and tell them how much Jolanda had done for communities, how she stands up, that it was not an easy thing to do, that they all knew it as people who had been elected and were public servants, that as a friend she thought it was very important that they as City Council Members had the wisdom to do the right thing and affirm the service that Jolanda Jones had done for the City and the citizens, that she represented everyone. Council Members Johnson, Adams and Sullivan absent.

Council Member Jones stated that she wanted to thank Ms. Navarro, that she was right, they served for four years on the LARA Board, that it seemed like it was the same thing, questioning how they did stuff, that she was honored to serve and was thankful for their service on the LARA Board, that they had grown to be very good friends and would continue to help whenever she called, even if it was on a weekend, to go and stand for the rights of the little girl in Cleveland, even though it was not in Houston because she believed that injustice anywhere was an affront to justice everywhere, that if it could happen to a little girl in Cleveland, Texas, it could happen to a little girl in Houston, Texas, that she believed to be silent was validating for the wrong behavior. Mayor Parker and Council Members Adams and Sullivan absent. Vice Mayor Pro Tem Gonzalez presiding

Rev. Joe Angel Lopez, 13334 Wells River Dr., Houston, Texas 77041 (832-891-2724) had signed up to speak, but was not present when his name was called. Mayor Parker and Council Members Adams and Sullivan absent. Vice Mayor Pro Tem Gonzalez presiding

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he was being attacked, that he was President of the U.S. and continued expressing his personal opinions until his time expired. Mayor Parker and Council Members Adams and Sullivan absent. Vice Mayor Pro Tem Gonzalez presiding

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (832-258-7511) appeared and stated that he was the spoke person for the Blue Ridge Civic Club, that he was also the draft author of the 2005-245 of the Code of City Ordinances that made it unlawful to smoke at all Metro Bus Stops that were covered, Metro Rail Stations and Park N Rides, which saved the lives of hundreds of thousands of people in the City of Houston, that he was present to tell City Council that the people of Sunnyside deserved clean air to breathe, that this neighborhood had been neglected since 1956 since it was maliciously annexed, that it was time for Council Member Rodriguez to get actively involved in this, that he wanted the people of Sunnyside to receive clean air, especially in Blue Ridge. Mayor Parker and Council Members Adams and Sullivan absent. Vice Mayor Pro Tem Gonzalez presiding

At 10:56 a.m. the City Council continued with the agenda. Council Member Adams absent.

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

**MISCELLANEOUS**

- 2-1. RECOMMENDATION from the Director Department of Public Works & Engineering for approval of the Municipal Drainage Utility System Appeal Process – was presented. Council Member Adams absent.

After discussion by Council Members, Mr. Feldman stated that citizens were first entitled to go through the verification process and if they disagreed with the determination made by Public Works in the verification process then they were able to appeal that to a hearing examiner, so there were two steps in the process, they had two avenues of recourse to follow.

After further discussion by Council Members, Mayor Parker stated that Item No. 2-1 had been tagged by Council Members Sullivan, Jones and Bradford. Council Members Adams and Noriega absent.

**ACCEPT WORK**

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,812,129.96 and acceptance of work on contract with **R. J. CONSTRUCTION COMPANY, INC** for Drainage Improvements at Grade Separations, Package III - 7.80% under the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** - was presented, and tagged by Council Member Jones. Council Member Adams absent.

### **RESOLUTIONS AND ORDINANCES**

9. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:

Edward Weil House	308 Avondale Street	<b><u>DISTRICT D - ADAMS</u></b>
Henry W. Stude House	14 Remington Lane	<b><u>DISTRICT C - CLUTTERBUCK</u></b>
Sterne Building	300 Main Street	<b><u>DISTRICT I - RODRIGUEZ</u></b>
Stuart Building	304 Main Street	<b><u>DISTRICT I - RODRIGUEZ</u></b>
Last Concert Café Complex	1403 Nance Street	<b><u>DISTRICT H - GONZALEZ</u></b>

- was presented. Council Member Sullivan voting no, balance voting aye. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. RESOLUTION 2011-0019 ADOPTED.

10. RESOLUTION designating certain properties within the City of Houston as landmarks:

C. B. & Roberta Delhomme House	2232 Looscan Lane	<b><u>DISTRICT G - PENNINGTON</u></b>
Egbert & Fay Spencer House	2440 Inwood Drive	<b><u>DISTRICT G - PENNINGTON</u></b>
George D. Stevens House	2404 Brentwood Drive	<b><u>DISTRICT G - PENNINGTON</u></b>
Cook Paint & Varnish Company Building	2500 Summer Street	<b><u>DISTRICT H - GONZALEZ</u></b>
Raymond & Daisy Powell House	3640 Piping Rock	<b><u>DISTRICT G - PENNINGTON</u></b>

- was presented. Council Member Sullivan voting no, balance voting aye. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. RESOLUTION 2011-0020 ADOPTED.

12. ORDINANCE appropriating \$5,000,000.00 out of Airports Improvement Fund and approving and ratifying the issuance of an emergency purchase order to **COMFORT SYSTEMS USA, SOUTH CENTRAL, INC** for Emergency Construction of Bypass Chiller Water Lines at George Bush Intercontinental Airport/Houston (Project No. 622) - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. ORDINANCE 2011-588 ADOPTED.

13. ORDINANCE approving and authorizing first amended and restated agreement between the City of Houston and **HARRIS COUNTY HEALTHCARE ALLIANCE** for the provision of Telephone Healthcare Assessment and Triage for Non-Emergency 9-1-1 Callers; establishing a maximum contract amount - 5 Years - \$1,137,389.00 - Contractor Responsibility Fund - was presented. Council Member Adams absent.

Council Member Stardig asked if they could have more statistics included and a breakdown in the backup of these type of proposals it would make it a lot easier on them, that the alternative transportation that they were proposing was going to reduce the cost from \$1,000 per trip to \$160 trip and those type of statistics made it easier for her to make a decision to

support rather than throwing \$1 million at a program that they did not have substantial data on, that she understood that the frequent flyer had been an issue for all of them for quite some time and knew they were working hard to address that issue. Council Member Adams absent.

A vote was called on Item No. 13. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. ORDINANCE 2011-589 ADOPTED.

15. ORDINANCE relating to the Retail Gas Utility Rates of CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Entex and as CenterPoint Energy Texas Gas; approving an interim rate adjustment subject to refund and otherwise maintaining current rates in effect until changed – was presented. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Adams and Noriega absent. ORDINANCE 2011-590 ADOPTED.
17. ORDINANCE appropriating \$15,082,898.36 out of Tax Increment Funds for Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Ten, City of Houston, (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), and Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), for administrative expenses, payment of project costs, reimbursement for unexpended project costs, payment to **HUMBLE INDEPENDENT SCHOOL DISTRICT**, and payments to certain redevelopment authorities as provided herein – was presented. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. ORDINANCE 2011-591 ADOPTED.
19. ORDINANCE amending Ordinance No. 2010-0502 (Passed on June 23, 2010) to increase the maximum contract amount for contract between the City of Houston and **AT&T MOBILITY NATIONAL ACCOUNTS, LLC (Formerly NEW CINGULAR WIRELESS NATIONAL ACCOUNTS, LLC)** and **GTE MOBILNET OF SOUTH TEXAS LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS** by San Antonio MTA, L.P., its General Partner, by Verizon Wireless Texas, LLC, its General Partner and **SAN ANTONIO MTA, LP, d/b/a VERIZON WIRELESS**, by Verizon Wireless Texas, LLC, its General Partner, for Wireless Voice and Data Telecommunications Equipment and Services for Various Departments - \$1,000,000.00 - Central Service Revolving Fund – was presented, and tagged by Council Member Jones. Council Member Adams absent.

#### NON CONSENT AGENDA - NUMBER 24

#### MISCELLANEOUS

24. SELECT AND CONFIRM the appointment of **MR. R. MAVERICK WELSH, III** or **MS. KIMBERLY F. WEILL** to Position 13 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two-year term – was presented. Council Member Adams absent.

Council Member Pennington stated that he would withdraw the nomination of Ms. Kimberly F. Weill for Position 13 of the Houston Archaeological and Historical Commission Board of Directors, that she was highly qualified and lived in a landmark house but would like to withdraw her nomination at this time and present it at some other time for consideration by the Mayor and City Council. Council Member Adams absent.

Mayor Parker stated that she thought Ms. Weill would be an excellent candidate and she would give her strong consideration for one of her appointments. Council Member Adams



absent.

Council Member Lovell moved to confirm the appointment of Mr. R. Maverick Welsh to Position 13 of the Houston Archaeological and Historical Commission Board of Directors for a two year term, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. MOTION 2011-0549 ADOPTED.

**MATTERS HELD** - NUMBERS 25 through 35

25. ORDINANCE approving and authorizing contract between the City and the **GREATER HOUSTON CONVENTION & VISITORS BUREAU** for the promotion of tourism and the solicitation of Convention business - 3 Years – **(This was Item 8 on the Agenda of June 29, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. ORDINANCE 2011-592 ADOPTED.
26. ORDINANCE appropriating \$400,000.00 from the TIRZ Affordable Housing Fund (2409); approving and authorizing Grant Agreement between the City of Houston and **JACKSON HINDS GARDENS, INC** (“Owner”) to assist owner to restructure its senior loan and thus continue the development and operation of a 111-unit single room occupancy complex to house very-low income residents - **DISTRICT H - GONZALEZ** – **(This was Item 10 on Agenda of June 29, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. ORDINANCE 2011-593 ADOPTED.
27. ORDINANCE awarding contract to **FCC ENVIRONMENTAL, LLC**, for Parts Immersion Cleaning Services for Various Departments; providing a maximum contract amount - 3 Years with 2 one year options - \$782,969.25 - General, Enterprise and Fleet Management Funds – **(This was Item 13 on Agenda of June 29, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Member Jones voting no, balance voting aye. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. ORDINANCE 2011-594 ADOPTED.
28. WRITTEN Motion by Council Member Costello to amend Item 28A below to amend Section 4 of the ordinance to reduce the maximum contract amount from \$20 million to \$13.5 million – was presented. Council Member Adams absent.

After a lengthy discussion by Council Members, Mayor Parker stated the current cap on the contracts was below the \$13.5 million so that clearly showed the limits of the contract more than what was a place holder of \$20 million, that it was not in any way necessary to sever the two, Item Numbers 28 and 28a, that it was just cleaner to do that, that the bidder that the administration had selected and the bidder that Council Members were also discussing were both below that amount, that it would have no impact and they were not in further negotiations with these bidders to change the contract, they were simply providing specific answers to a range of questions that Council Members had, that it was the preference of Council not to pass this it was immaterial, this simply specified that they were not actually going to be spending \$20 million they were going to be spending less than \$13.5 million on the contract.

After further discussion by Council Members, Council Member Noriega moved to postpone Item No. 28 for two weeks, seconded by Council Member Bradford. All voting aye. Nays

none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Adams and Rodriguez absent. MOTION 2011-0550 ADOPTED.

28a. ORDINANCE awarding contract to **SPRINT SOLUTIONS, INC** for Next Generation Wireless Devices and Services for the Information Technology Department; providing a maximum contract amount - 3 Years with two one-year options - \$20,000,000.00 - Central Service Revolving Fund – **(This was Item 14 on Agenda of June 29, 2011, TAGGED BY COUNCIL MEMBERS STARDIG; CLUTTERBUCK; ADAMS; SULLIVAN; HOANG; PENNINGTON; HOANG; RODRIGUEZ; COSTELLO, LOVELL, NORIEGA, BRADFORD and JONES)** – was presented. Council Members Adams and Rodriguez absent.

Council Member Noriega moved to postpone Item No. 28a for two weeks, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. MOTION 2011-0551 ADOPTED.

Council Member Sullivan stated that he wanted to make a personal comment about best and final, it was not an evil thing, they used best and final a lot to their advantage, that one in particular where they had great success was renegotiating the Waste Water and Water Operation Contract in Kingwood and by doing that they ended up saving \$8 million over five years because they sat the two parties down and had best and final negotiations, that it was not unheard of in the private sector either to use that negotiation strategy, that he supported the City Attorney's administration moving forward in this effort and appreciated their efforts over the last several weeks in this area trying to get them to a good deal, whatever it may be, at the end of the day. Council Member Adams absent.

Mayor Parker stated that it was after the presentation to Council Committee, that in fact Council Member Sullivan came to her personally, as did some other Council Members, to say they were looking at bids that were a year old, this was a technology contract, and that was what prompted them to go back and do another round of bidding, same theory that they expressed earlier with the Solid Waste Contract, that they were going to go out and push to see if they could put some competition in there and do a better job for the citizens; Mayor Parker stated that the items had been delayed for two weeks. Council Member Adams absent.

29. ORDINANCE consenting to the addition of 30.831 acres of land to **NORTHPOINTE WATER CONTROL AND IMPROVEMENT DISTRICT**, for inclusion in its district – **(This was Item 27 on Agenda of June 29, 2011, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Members Adams and Costello absent.

After discussion Council Member Sullivan moved to postpone Item No. 29 for one week, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Adams and Costello absent. MOTION 2011-0552 ADOPTED.

30. ORDINANCE consenting to the addition of 7.9326 acres of land to **PORTER MUNICIPAL UTILITY**, for inclusion in its district – **(This was Item 28 on Agenda of June 29, 2011, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Adams and Costello absent. ORDINANCE 2011-595 ADOPTED.

31. ORDINANCE appropriating \$858,400.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Engineering Services Contract

between the City of Houston and **HALFF ASSOCIATES, INC** for Pleasantville and Glendale Area Drainage and Paving (Sub-Project I); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - **DISTRICT B - JOHNSON – (This was Item 31 on Agenda of June 29, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Members Adams and Costello absent. ORDINANCE 2011-596 ADOPTED.

32. ORDINANCE appropriating \$1,977,940.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ARCADIS U.S., INC** for Rehabilitation of Grit Removal Systems at Southwest and Upper Braes Wastewater Treatment Plants and New Grit Removal System and Bar Screen Repair / Replacement at Almeda Sims Wastewater Treatment Plant; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and G - PENNINGTON – (This was Item 36 on Agenda of June 29, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Member Jones voting no, balance voting aye. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. ORDINANCE 2011-597 ADOPTED.
33. ORDINANCE appropriating \$1,438,700.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **CAAN CONSTRUCTION SERVICES, INC** for a 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 C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - HOANG; G - PENNINGTON; H - GONZALEZ and I – RODRIGUEZ – (This was Item 40 on Agenda of June 29, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. ORDINANCE 2011-598 ADOPTED.
34. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **ABITIBI-CONSOLIDATED CORPORATION** (Approved by Ordinance No. 2005-0736) for the purchase of Comingled Recyclable Materials – **(This was Item 52 on Agenda of June 29, 2011, POSTPONED BY MOTION #2011-534)** – was presented. Council Member Adams absent.

Council Member Gonzalez moved to refer Item No. 34 back to the administration, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. MOTION 2011-0553 ADOPTED.

35. ORDINANCE approving and authorizing second amendment to Lease Agreement between the City of Houston and **CHAMPION RECYCLING CORPORATION** (Approved by Ordinance Nos. 92-0391 and 98-0361) for the construction and operation of a Waste Paper Processing Plant – **(This was Item 53 on Agenda of June 29, 2011, POSTPONED BY MOTION #2011-535)** – was presented. Council Member Adams absent.

Council Member Gonzalez moved to refer Item No. 35 back to the administration,

seconded by Council Member Lovell. All voting aye. Nays none. Council Member Clutterbuck absent due to being ill. Council Member Hoang absent on personal business. Council Member Adams absent. MOTION 2011-0554 ADOPTED.

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

Council Member Stardig stated that she hoped everyone had a great Fourth of July, that she attended a parade in Long Point Woods, that she attended the Freedom Over Texas Concert and Show, that it was a fantastic event thanks to Susan Christian and all of their sponsors; that she wanted to remind everyone that the HPD Citywide Positive Interaction Program meeting was on Tuesday, July 12, 2011, that Senior Police Officer John Garza, HPD Narcotics, would present a presentation entitled "How do the Mexican Drug Cartels Affect Houston", that she knew that Officer Garza was very involved and kept abreast of all those issues. Council Members Johnson, Adams, Costello and Bradford absent.

Mayor Parker stated that she wanted to thank Council Member Stardig for her comments about the Freedom Over Texas, that she wanted to join her tanks to the Office of Special Events, Susan Christian and her crew, that it was a wonderful evening, and Council Member Stardig stated that she wanted to give kudos to Chief Garrison and all of the HFD guys and gals that were on call and ready to protect the citizens, that there were no incidents that she was aware of, that she wanted to thank Mayor Parker for taking the lead and being brave enough to step out there despite some of the concerns, and Mayor Parker stated that they did do special efforts in the Sixth Ward, which was adjacent to the fireworks, they had extra no parking areas so the fire trucks could maneuver and had fire truck stations. Council Members Johnson, Adams, Costello and Bradford absent.

Council Member Pennington stated that he wanted to congratulate Susan Christian and her team, as well as the sponsors and Mayor Parker for her leadership for Freedom Over Texas, that attended the Nottingham and Briar Park poolside events, which were well attended; that last Thursday he was honored to be part of the ceremony along with Parks Director Joe Turner and John Breeding at a ceremony whereby Marathon Oil announced that they had severed their two operations, refining from up stream activities, that they made a commitment to the Parks Department for \$450,000 to upgrade Grady Park, that it would be paid in \$150,000 increments, that thanks to John Breeding they had done some preliminary planning to bring that park to standards, that as they knew Marathon Oil was a strong community partner having contributed, of course, to keeping the community centers and the parks open earlier, along with Conoco Phillips, that he wanted to thank Christina Menero of his staff to worked on this, that the contact with Marathon Oil was a result of their outreach to talk to major employers in the City; that Wednesday he and Council Member Stardig and some of the other staffers attended the TIRZ 17 Regional Drainage Study public meeting, that it was the area around Gessner and I-10, both on the north and south sides of the freeway, that the comprehensive study had been performed by Lockwood, Andrews and Newnam, that he thought there were a lot of answers to the flooding problems, the proposal was to spend \$50 million of TIRZ money for detention and for drainage, that he had asked the community leaders to give further comments but he thought it was a great start, that there was additional work that needed to be done by the City in certain areas that were not covered by the TIRZ, that the City of Bunker Hill and Hedwick Village were involved and the Harris County Flood Control District was involved, that he was very pleased with the work that had been done. Council Members Johnson, Adams, Rodriguez, Costello and Bradford absent.

Council Member Jones stated that she had a staffer go to the TIRZ 17 meeting; that she wanted to wish a happy belated Fourth of July to everyone; that yesterday she learned some history about Venezuela's independence, that it seemed like all of this countries had the same issues; that she attended at the Wortham her sorority's, Alpha Kappa Alpha, Debutante Ball, that it was a girls introduction into the world, that she wanted to congratulate the young women

who were introduced to society, that Controller Green and his wife, Judge Hilary Green were the Masters of Ceremonies. Council Members Johnson, Adams, Rodriguez, Lovell, Costello and Bradford absent.

Council Member Sullivan stated that this coming Friday was the launch of the last space shuttle, that they were proud for the entire Space Program, but sad for the fact that the Space Shuttle Program would official wind down and the last shuttle would be taken out of service and retired, that he would like to renew the call for the City of Houston to show their support for NASA, Johnson Space Center and the entire Aero Space Community in the Clear Lake area, that they could end up with up to 2,000 homes on the market in the area, that he knew that Mayor Parker had been supportive and he appreciated that, that as they saw this part of their journey come to an end he thought it was time for them to renew their efforts and come together and have a very specific plan for how they could help stabilize the area economically with respect to jobs and development. Council Members Johnson, Adams, Rodriguez, Costello, Bradford and Jones absent.

Mayor Parker stated that it was an extremely high priority and she would make sure that he was looped in on activities at Ellington, that clearly their first task had been focused on Washington, and what they were planning on doing and working with the NASA administration as they sorted those things out, but like him she was extremely concerned at the impact on the Clear Lake area with the ending of the Shuttle Program and not yet firmed up, that they say there was going to be a new launch vehicle but they did not know the details and they could lose a lot of jobs over there, that she was happy to work with him, that on the order of lifting up NASA, again the special honorees of their Fourth of July Celebration were the employees of NASA and they had Astronaut Scott Kelley out there and his family, that they would continue to support their friends there. Council Members Johnson, Adams, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that he wanted to announce some firefighters that were retiring, Elliott Anderson, Captain at Station 72, retiring after 30 years and 7 months of service; Captain Joe Ladino, Station 94B, retiring after 32 years and 1 month of service and Johnny Reno, Captain. Station 103C, retiring after 37 years and 5 months of service, that he wanted to thank District Chief George Macateer for letting him do a ride along with him last week so he could educate him about EMS and fire operations; that he wanted to thank HPD Sergeant George Bennett in the Clear Lake Sub Station for letting him join him for his shift over the weekend; that he wanted to thank Mayor Parker for coming to Kingwood for the Fourth of July Parade and members of HPD who were there, and Public Works employees who provided street sweeping machines and all the guys who went out and put up the barricades and cones. Council Members Johnson, Adams, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to add her congratulations to Susan Christian and her entire team in the Mayor's Office of Special Events for the success of Freedom Over Texas, that there were a lot of people who worked very hard to put on this show; that among the eleven properties that Council approved as landmarks and protected landmarks was the Last Concert Café Complex in the Warehouse District on the northeast side of downtown, it was established in 1949 and had become a legendary restaurant and music venue, that the Last Concert was the first women owned café in post WWII; that she wanted to thank Houston Independent School District Trustees who voted to fund the renovation of the Art Deco Era Settegast Estate Building, which would be part of the Carnegie Vanguard High School for Gifted and Talented Students. Council Members Johnson, Adams, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that on Monday they celebrated Independence Day and he wanted once more to pay tribute to the brave men and women who had made sacrifices in

order to secure that each and everyone of them may live in freedom; that the annual Lindale Park Fourth of July Parade was a great success and he wanted to thank the Lindale Park Civic Club for the hard work on the preparation and execution of the parade; that on Saturday starting at 8:00 a.m. the District H team and the Houston Fire Department would be collaborating on a mass smoke detector installation in the Eastex and Jensen area, that they hoped to canvass 500 homes on Saturday and would be working in the neighborhood directly surrounding Berry Elementary School; that the Freedom Over Texas was a great success and he wanted to point out that they all collaborated with the community, especially the Old Sixth Ward Community to make sure they did all their due diligence in their safety plans and he wanted to thank HFD and HPD, they all worked diligently as Monday approached to make sure that they had everything covered, that he wanted to thank the administration and Susan Christian for their hard work. Council Members Johnson, Adams, Sullivan, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:41 a.m. Council Member Hoang absent on personal business. Council Members Johnson, Adams, Sullivan, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary