

City Council Chamber, City Hall, Tuesday, July 12, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 12, 2011, Vice Mayor Pro Tem Edward Gonzalez presiding and with Council Members Brenda Stardig Jarvis Johnson, Ann Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, James G. Rodriguez, Stephen C. Costello, Sue Lovell and C. O. "Brad" Bradford, Jolanda "Jo" Jones; Mr. David Feldman, City Attorney; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance, Mr. Xavier Herrera Citizens Assistance Office; and Ms. Marta Crinejo, Agenda Director, present. Mayor Annise D. Parker absent on personal business. Council Member Melissa Noriega absent due to being ill.

At 1:38 p.m. Vice Mayor Pro Tem Gonzalez called the meeting to order and stated that Council would begin with presentations from Council Member Pennington; and Council Member Pennington invited Mr. Donald Perkins, his family members and Super Neighborhood Presidents who were present to the podium and stated that it was his pleasure to honor a city employee who he considered a special person, the planning leader of Neighborhood Planning Services a division of Neighborhood Planning Mr. Donald R. Perkins; that Mr. Perkins organized Super Neighborhoods and a number of Super Neighborhood Presidents were present; Super Neighborhood Presidents spoke on their becoming a Super Neighborhood with Mr. Perkins assistance and congratulated and thanked him for his assistance; and Council Member Pennington presented Mr. Perkins a Proclamation which Vice Mayor Pro Tem Gonzales stated was well deserved and read and proclaimed today "Mr. Donald Perkins Day" in Houston, Texas. Council Members Stardig, Adams, Sullivan, Rodriguez, Bradford and Jones absent.

Mr. Perkins thanked Council Member Pennington for awarding him with the Proclamation which meant much to him and stated that he loved being a public servant; that he had been with the city about 16 years and he had a passion for neighborhoods and the Super Neighborhood Program which did work. Council Members Stardig, Adams, Sullivan, Rodriguez, Bradford and Jones absent.

Council Members congratulated Mr. Perkins on his recognition and thanked him for all his service and good work. Council Members Adams, Bradford and Jones absent.

Vice Mayor Pro Tem Gonzalez stated that Council Members Sullivan and Rodriguez would present the next presentation; and Council Member Sullivan invited representatives of Southwest Airlines to the podium and stated that he remembered when they began and they were now a very successful and modern transportation partner at Hobby Airport; and Council Member Rodriguez stated that it was special to recognize a wonderful leader in the airline industry in Southwest Airlines; that they were celebrating 40 years of service; and they presented representatives a Proclamation recognizing their great partnership with the City of Houston, commending them on their 40 years and proclaimed today as "Southwest Airlines Day" in Houston, Texas. Council Members Adams, Bradford and Jones absent.

Representatives of Southwest Airlines thanked all on behalf of their 35,000 employees for their recognition. Council Member Jones absent.

Council Members congratulated all at Southwest Airlines and thanked them for their services to the City of Houston. Council Member Jones absent.

At 2:05 p.m. Vice Mayor Pro Tem Gonzalez called on Council Member Johnson who invited Pastor Robert Thomas, Jr. with Olivet Missionary Baptist Church to lead all in prayer and Council Member Johnson led all in the pledge. Council Members Sullivan, Lovell and Jones absent.

At 2:08 p.m. the City Secretary called the roll. Mayor Parker absent on personal business. Council Member Noriega absent due to being ill. Council Members Sullivan and Jones absent.

Council Members Lovell and Bradford moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor Parker absent on personal business. Council Member Noriega absent due to being ill. Council Member Pennington absent. Council Members Sullivan and Jones absent. MOTION ADOPTED.

At 2:09 p.m. the City Secretary began calling the public speakers. Council Members Johnson, Sullivan and Jones absent

Prophetic Lance Hardy, Jr., 5206 Ridgewest, Houston, Texas 77053 (832-352-2464) appeared displaying his Bible and stated that Jesus Christ was Lord and Savior of the world; that he brought his King James version of the Bible; that he would like his message relayed to Mayor Parker as he had lived in Houston 42 of his 44 years and the hill in Herman Park was called Hippie Hill and he was requesting it be called "I AM" which was to the higher power, Christ, and he would like someone to tell him why it should not be that if not and looked forward to hearing the answer. Council Members Johnson, Sullivan, Lovell and Jones absent

Ms. Tammie Khan, 1500 Binz, Houston, Texas 77044 (713-535-7211) appeared with the mascot and representative of the Children's Museum, presented gift bags to Council Members and stated that she was the executive director at the Children's Museum and they were now conducting the Dogs Days of Summer which was a lot of fun; that every day there was something new and Target Stores were underwriting every first Sunday of the month through the end of this year and urged all to get the word out and the first 150 in line every Thursday would be guaranteed their back to school shots free by Texas Children's hospital and there were 650 special service agencies who could refer their constituents to the museum at any time so they could participate; and thanked all for the HOT Funds which made the arts it Houston possible. Council Members Johnson and Sullivan absent

Council Members commended all at the museum and thanked them for their work and for sharing the information. Council Member Johnson absent

Mr. Alejandro Armando, 6829 Avenue T, Houston, Texas 77011 (713-926-4560) appeared and stated that he was present to report a problem he had at his house; that across the street at 6831 there were apartments and renters parked in front of his house and ran over his trash and broke the sidewalk and HPD said he should go to Council and ask for a sign or something. Council Member Johnson absent.

Vice Mayor Pro Tem Gonzalez stated that Sergeant Baltazar with HPD and Mr. Gonzalo Marquez with Solid Waste Management was present and could speak with him and find out his options. Council Member Johnson absent.

Upon questions by Council Member Jones, Mr. Armando stated that people were parking in front of his house and knocking his trash with their cars and running over the big trash; and Council Member Jones stated that Vice Mayor Pro Tem Gonzalez gave him good advise; and Vice Mayor Pro Tem Gonzales stated that they would let Mr. Marquez and Sergeant Baltazar work with him; and thanked Mr. Armando for coming. Council Member Johnson absent.

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) appeared and stated that Mr. Schirmbeck would follow him and he had headed up the Baytown red light camera protest and got them thrown out by vote in Baytown; that a finding was in Cleveland, Texas, red light cameras did not decrease accidents and in Baytown accidents had gone up

after the camera was put in and that mirrored the Stein Report and what the Houston Chronicle reported about Houston's cameras; that they were ineffective or useless and at the worst harmful to citizens and a study showed there was more of an effect on behavior if tickets were written by officers than received in the mail; that the people in Houston voted and Council certified that vote and they had the ability to place something on the Agenda and vote even though the Mayor had put cameras back in use; that they were voted out and he was urging they be put back on the ballot. Council Member Johnson absent.

Vice Mayor Pro Tem Gonzalez stated that it was his understanding there was still active litigation on the issue and they would have to limit what they said; and called on Mr. Heilman; and Mr. Heilman stated that the Vice Mayor Pro Tem was correct, the matter was in pending litigation and they would encourage little discussion on this end. Council Member Johnson absent.

Council Member Jones stated that if they did not agree with the action taken was he asking they advocate their First Amendment Right; and Mr. Heilman stated absolutely not. Council Members Johnson and Adams absent.

Upon questions by Council Member Lovell, Mr. Heilman stated that there was an election, but the Judge ruled it illegal and a remaining portion of the case was still pending in front of that Judge and it was proceeding through the judicial system which was why they were asking for limited discussion. Council Members Johnson, Clutterbuck, and Adams absent.

Upon questions by Council Member Bradford, Mr. Heilman stated that the Judge determined the election was invalid; that turning them on was an issue for the Administration to address after the ruling came down; and after further questions, Vice Mayor Pro Tem Gonzalez stated that it was his understanding they had another court date coming, possibly July 18th, there were pending issues; and Council Member Bradford stated that he would like to see if Mr. Heilman would answer his questions or simply defer and if he wanted to defer it was fine; and Mr. Heilman stated that what he would like to do would be to visit with the City Attorney and have him visit with him individually to address the issue. Council Members Johnson, Clutterbuck, Adams, Rodriguez and Costello absent.

Mr. Byron Schirmbeck, 4727 Blackstone, Baytown, Texas 77521 (281-728-7220) appeared and stated that he was the petition organizer for the vote on red light cameras in Baytown and there were some things he believed Council could do; that their contract did not say HPD had to issue a certain number of violations each month and the final say on whether a citation was written was by the reviewing officer at HPD and they could extend the yellow light timing which other cities had done and there was a 92% in red light violations by doing so by one second and it brought citations down so low they removed the camera program; that the Houston Chronicle was very pro camera, but an article stated accidents had dropped by 16% after the vote; and in Baytown they were vigorously defending their vote and had countersued the same camera company Houston. Council Members Stardig, Johnson, Adams, Rodriguez and Costello absent.

Council Member Jones discussed with Mr. Feldman whether pleadings filed in a lawsuit were public, the argument made and the Judge's order, etc. Council Members Stardig, Johnson, Adams, Hoang, Pennington, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Mr. Craig Stewart, 1269 W. 17<sup>th</sup>, Houston, Texas 77008 (281-736-6706) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Adams, Hoang, Pennington, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Mr. Anthony Sony, 8103 Windy Creek Drive, Houston, Texas 77040 (did not wish to give phone number) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Adams, Hoang, Pennington, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Mr. William Beal, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Adams, Hoang, Pennington, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Mr. Tim Campbell, 715 Valentine Way #N, Houston, Texas 77019 (713-739-7576) appeared and stated that the issue was public housing; that he wanted to ask Mayor Parker to fire O' Ryan Real Estate Services which managed most of the public housing properties; that yesterday his friend who was 92 years old passed away and she paid two times the rent he did, but she had a walker for years and lived on the third floor; that they had a wonderful facility, but management would leave people running the building on nights, weekends and during hurricanes who could decide on their own authority if an elevator went out on a weekend it was tough luck and she got stuck on the third floor 16 times the first two years he lived there, over the entire weekend and after Hurricane Ike; that O'Ryan was letting people make decisions and all the money given them to run the project went down the tube as it was run at the will of people who sometimes would rather not disturb maintenance; and urged O'Ryan Management be fired. Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Council Member Jones commended Mr. Campbell for coming and for all the hard work he did in the Fourth Ward and Allen Parkway; and stated that she would check into the issue. Council Members Stardig, Johnson, Adams, Sullivan, Hoang and Rodriguez absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez stated that there was fairly new leadership at the Housing Authority and referred Mr. Campbell to the Citizens Assistance Office who would see if assistance could be offered. Council Members Stardig, Johnson, Adams, Sullivan, Hoang and Rodriguez absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared, read off email addresses and stated that tomorrow the World Cup would be played and he expected every station to broadcast the game live because the games at Reliant had most people rooting for Mexico and it made no sense they should be proud and support the USA; and continued expressing his personal opinions until his time expired. Council Members Stardig, Johnson, Adams, Sullivan, Hoang and Rodriguez absent. (NO QUORUM PRESENT)

Rev. Joe Angel Lopez, 13334 Wells River Drive, Houston, Texas 77041 (832-891-2724) appeared and stated that he was supporting Council Member Jones on her red light camera concerns and yesterday he was at a convenience store at 6121 Irvington and he and his wife were almost murdered and he called 911 and had to wait two hours. Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Council Member Bradford stated that one of his staff persons would get with him for specifics, a 911 call should not take that long; and thanked him for bringing it to Council's attention. Council Members Stardig, Adams, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) had reserved time to speak but was not present when his name was called. Council Members Stardig, Adams, Sullivan, Hoang, Rodriguez and Lovell absent. (NO

QUORUM PRESENT)

Mr. Richard Arnold, 5118 Klein Brook, Houston, Texas 77066 (832-205-3340) appeared and stated that he was present previously with a question as to how could a manager not do their job for two years and then it cost him his job; that he met with Director Reed who could not answer the question and he met with Director Diaz who could also not answer his question; that nothing to date had been done for him or to hold management accountable and he would like to know if they would be. Council Members Stardig, Adams, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Council Member Johnson thanked Mr. Arnold for coming and stated that it was very disappointing, the evidence was clear the EPE he was given was not for the job he was in and he was fired in that position and should have had an EPE for the position; that he hoped his coming before Council was not hurtful to his future employment as he had demonstrated a good case and shown much restraint and was asking for a fair shake and it was important for all city departments to do what was right and just and he would continue to inquire and hoped he would not give up on the case. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Council Member Jones thanked Mr. Arnold for coming and helping Council Members see there was fault in the system; and stated she had been talking with HOPE about what was going on and people were fighting along side him. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Council Member Adams commended Mr. Arnold for his determination and will and stated that she did have an amendment to look at the EPE policy as he was not the only one and there was no justification for it; and upon questions, Mr. Arnold stated that he was a financial analyst four promoted from assistant accountant. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

At 2:55 p.m. Vice Mayor Pro Tem Gonzalez stated that City Council was recessed until 9:00 a.m., Wednesday, July 13, 2011. Mayor Parker absent on personal business. Council Member Noriega absent due to being ill. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

The Houston City Council reconvened at 9:00 a.m. Wednesday, July 13, 2011, Vice Mayor Pro Tem Edward Gonzalez presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office, present. Mayor Annise D. Parker absent on personal business.

At 8:17 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:09 a.m. Vice Mayor Pro Tem Gonzalez called the meeting to order and stated that the first item was a public hearing. Council Members Johnson, Adams, Sullivan and Hoang absent.

**HEARINGS - 9:00 A.M.**

1. **PUBLIC HEARING** regarding the proposed amendment of Chapter 40, Code of Ordinances to extend the provisions of the Civility Ordinance to an area within the **EAST DOWNTOWN MANAGEMENT DISTRICT - DISTRICT I – RODRIGUEZ** – was called.

The City Secretary stated that there were representatives from the Police Department that

would make remarks concerning the hearing. Council Members Johnson, Adams, Sullivan and Hoang absent.

Bernard Guerra, Community Store Front Sergeant out of South Central Division and Tony Nguyen, Lieutenant, South Central Division were present. Council Members Johnson, Adams, Sullivan and Hoang absent.

Vice Mayor Pro Tem Gonzalez asked if they had information to present before they went to the public speakers, and Sergeant Guerra stated that they had a survey that was taken the first three months of 2011, that it was pretty simple as far as a head count as to how many homeless were in the area they were talking about, Chartres, Congress, St. Emmanuel, around the Loaves and Fishes and the Star of Hope Women's Shelter, that in the first three months they did a head count to find out how many individuals were laying there and there were approximately 155 homeless individuals were counted, either laying or sitting down in the proposed area, that the majority had their personal belongings in the area, either hanging on fences or laying on the sidewalk. Council Members Sullivan, Rodriguez and Lovell absent.

Vice Mayor Pro Tem Gonzalez asked Sergeant Guerra if he could touch briefly on the purpose of the Civility Ordinance and why the data was important to them, and Sergeant Guerra stated that the Civility Ordinance would help the Police Department as a tool, they would be able to enforce the laying down on the sidewalk with their belongings, that basically what the Central Business District had was that from 7:00 a.m. to 11:00 p.m. no one could lay on the sidewalks with their belongings or block the sidewalk, that in addition to that there would be an Open Container Ordinance where they could not have an open container in that time frame so it would be just another tool that the Police Department could use; that he had the crime statistics for 2010 versus 2011, that for 2010 in that area there were 17 aggravated assaults, for 2011 there 19; auto thefts, 2010 there were 30 and in 2011, there were 30, theft from motor vehicles, 142 for 2010 and 98 for 2011, burglaries, 53 in 2010 and in 2011 there were 32, homicide one in 2010 and 2011, robberies, 14 in 2010 and 10 in 2011, sexual assaults one in 2010 and 2011, shoplifting, none in 2010 and one in 2011, theft, 70 in 2010 and 73 in 2011, one traffic death in 2010 and none in 2011, that the grand total of 2010 versus 2011 was a minus 19.45 as far as a reduction of crime that occurred. Council Members Sullivan, Pennington and Lovell absent.

Upon questions by Council Members, Sergeant Guerra stated that the majority of calls for service were for defecating, urinating and trash, they had church groups coming in and feeding and of course the homeless were throwing trash around, that homeowners were starting to move in, the area was predominately a warehouse district and a lot of the warehouses were being converted into lofts and townhomes and what happened was as residents moved in the homeless were still there and unfortunately it did not mix well and the residents were upset and rightfully so, that they were not trying to harm the homeless in any way, that Loaves and Fishes, which was on Congress, did a fantastic job as far as feeding the homeless, as well as the Star of Hope Woman's Shelter; that what they were finding out was that they had a level of homelessness and then they had individuals who preyed on homeless and used the homeless, that this would be a valuable tool for the Police Department to be able to use it, that at South Central they went on an outreach program where they went with the various groups, SEARCH, Lords of the Streets and Veterans Assistance, that they offer help to the homeless and ask if they wanted to get off of the streets; that he could not speak for the Houston Police Department, that as was said the Chief was the one that made the policy, but from a personal standpoint he thought more housing for the homeless would be one of the solutions, but they would not have to have it so restrictive because a lot of the homeless were on the streets because they did not like the rules that were in place; that if a homeless person was found to violate the Civility Ordinance, they initially give them a warning and tell them what they were doing wrong, and to move on, that if they could not move on, depending on what they were doing, that they do not put them in jail, they may be issued a citation. Council Members Stardig, Sullivan, Pennington

and Lovell absent.

After further discussion by Council Members, Council Member Jones stated that she would respectfully request that they have the Police Chief come to Council and that they have a public hearing, not on the agenda because they rush through the agenda and there was not a lot of time to talk about this issue, that in the future whenever they had these public hearings she would respectfully request that the person who could address the public policy to be present; and Council Member Noriega stated that she wanted to remind the administration, as well as Fire and Police, that the Public Safety Committee was always available to do a hearing, that this may be one where it would be helpful to have a joint hearing with Quality of Life, that she and the Chairman of the Quality of Life Committee had huddled and were available to pick this up as a larger issue in the next few weeks. Council Members Stardig, Sullivan, Pennington and Lovell absent.

Vice Mayor Pro Tem Gonzalez stated that at this point he was going to allow for the public who had already signed up to please speak on the issue.

Mr. Philip Boyko, 505 Bastrop, Ste. 310, Houston, Texas 77003 (713-626-2221) appeared and stated that he and his wife moved downtown from Bellaire in 2003 and moved into the Stanford, they knew what it was like, they had been downtown before, they knew they had the Star of Hope a block away so they were ready to live with the homeless and it was the civility part of the issue that he wanted to address, they had seen a lot of things happen that simply were not civil and if those things were not taken care of or if something was not being done, the Civility Ordinance allowed to be extended so that the officers could do their duty by actually being able to do something about it they were just not going to get people to live downtown, that he could see how people coming downtown for Dynamo and Astros games, etc., were going to go back to their bedroom communities and not going to speak well of what they saw downtown, that was on the northwest corner of the building, that he was on his balcony every weekend and had seen it all, that trash was a major issue, discarded food items, the noise was an issue, they could not open up their windows with people loitering on the sidewalk below because of the derogatory stuff they had to listen to, urination stains on their building, they do it on the stairwells of their building, lewd conduct on the sidewalk in front of their building, and he had a problem with people that he called "do gooder's", the Star of Hope and Loaves and Fishes did a great job, but people come down and trunks open up, food was dispensed, that element would never use the social services, they were just there because they knew that those people were coming downtown and they were going to be dispensing those type of things, that HPD had done a great job, but what brought him to Council was that they used to call HPD and people around their building who were loitering, where there were "no loitering" signs, would be removed, just told to move around, never stuck in a police car, that when they tried to have that done with people who were camping on the sidewalk across the street they were told by HPD that they could be charged with a crime because those people had the right to be there, and they did, without the extension of the Civility Ordinance they had the right to be there, that if the Civility Ordinance was not extended to that area they were simply going to have to live with it.

Ms. Elizabeth Ashton, 505 Bastrop, Ste. 207, Houston, Texas 77003 (713-222-2472) appeared and stated that she shared all of the concerns of three or four folks, that she lived at 505 Bastrop also and moved down there three years ago, but she also volunteered at the Beacon, run by Christ Cathedral, and knew a lot of these people, that they had already covered what were the basic problems with finding places for these folks, that the Beacon runs four days a week at great expense and effort, that whole area was kept clean, and policed and in house, that was sort of a pattern for the City, that she did not know if they could do that or not, but she was just saying that the people knew they had to come in and behave, they knew they could not throw things away, they knew they had three police officers on site at all times, that this was a problem that obviously was never going to go away and they could not just sit and close their

eyes. Council Members Johnson and Clutterbuck absent.

Mr. Hershel Donny, 505 Bastrop, Ste. 210, Houston, Texas 77003 (713-229-0282) appeared and stated that he had pictures and presented information for everybody, that he also lived at the Stanford, that the Civility Ordinance had already been mentioned, and would allow HPD to better manage the public sidewalks and public areas in need of, to keep the homeless from sitting, laying and camping on the public sidewalks and other areas, that he was very adamant that this ordinance was not intended to hurt the homeless but to discourage them from loitering, that it was intended to encourage them to seek necessary services available from the social agencies, that to note in the pictures that he was passing out that a picture was worth a thousand words, that they document the number of people sleeping, loitering and camping in the area, that also they would note that there were pictures of the well intended social agencies that come into the area with handouts and food and other things for the homeless, that these homeless were in the area because they knew they would be getting free food and things so there was no incentive for them to leave, that also note towards the back of the pages that there were some black and white pictures talking about trash, that they show the food items that were not consumed laying on the ground in a non hygienic fashion, that they were not disposed of, they were thrown on the ground, which was adding to the vermin, rats and mice problem in the area, that in the month of January 2011 at a safety security meeting the area where these pictures were taken more than 10,000 pounds of garbage was cleanup by EaDo and their maintenance team.

Council Member Rodriguez asked Mr. Donny to briefly describe for his colleagues what he sees on a daily basis at this building, and Mr. Donny stated that daily he saw the people, depending on where the sun was, standing and sitting underneath the trees, sleeping on the sidewalk next to the building, that he had actually watched toileting in the area that had to be cleaned up, they were laying in the grassy area in the Minute Maid Park area, they plug in their radios and cell phones to the light posts on Lot C of Minute Maid Park, they had been there sleeping in their pup tents with garbage around them, that he thought the homeless needed a place, that he paid property taxes to keep up his area nice and clean and keep their building nice as part of the assessment at the building, that the had a porter that cleaned up around the area, that everybody in the building was proud of what they had bought, they had all spent from \$250,000 and up on their building and were proud of where they lived, that they hoped that more and more people come to the area, that the homeless were part of the neighborhood and they needed to have the incentive to be a productive part of society.

Ms. Christy Hartman, 505 Bastrop, Ste. 207, Houston, Texas 77003 (713-446-2456) appeared and stated that she had been a resident of east downtown for 6 years, in close proximity to the Star of Hope Family Shelter, that she was one of many residents working with local authorities and shelter management for the past two years to have the Civility Ordinance passed and she was present to give testimony about why the EaDo situation was unique from others, that she wanted to talk about a severe child endangerment problem in Houston and how the EaDo Civility Ordinance could help, that she would focus on demographic facts and what she and her neighbors had witnessed, that the most shocking fact that she would like to bring to the Council's attention was the close proximity of two unusually concentrated populations and the danger that results, that the Star of Hope Family Shelter housed a large population of vulnerable women and children who loiter around the surrounding streets, that within a one mile radius of the family shelter there were 64 registered sex offenders, about half of which were located at the Star of Hope Men's Shelter, only a seven minute walk away, bottom line, Houston had a large concentration of vulnerable women and children right next to a large concentration of registered sex offenders, that the Civility Ordinance would not change this, but it would improve what was arguable a very dangerous situation, that in the past several years she and her neighbors had witnessed countless scenes of child endangerment, that for reasons she did not understand mother's would chose to remove their children from the superb playgrounds and

education programs located inside the shelter and spend their time on the shelters surroundings streets, that more often than she could count she had seen the dangers that unsupervised children were exposed to, that many times their mothers get into approaching vehicles or walk away with men presumably for the purposes of prostitution, that these unsupervised children were playing in and have crossed busy streets and construction areas, that these children had nowhere to relieve themselves and were forced to do so in public areas, areas concentrated with sex offenders, that these children were witnessing sex acts, drug use and violence on a daily basis, and under age girls were consistently approached for prostitution, that in May of this year at 2:00 p.m. on a Sunday, in broad daylight, she opened her garage door to see a couple engaged in oral sex in full view of a toddler, that she remembered the date so vividly because ironically it was Mother's Day, that the residents in her building had worked with local law enforcement regarding these crimes but the situation had not improved, that it was a fact that Houston had a large group of vulnerable women and children right next to a large group of registered sex offenders, that this volatile combination inevitably led to problems like the ones she had mentioned, that the Civility Ordinance would help to move this vulnerable population into the shelter where they could be properly cared for, that it would specifically help protect the children, they had a responsibility to do for them what they could not do for themselves, to please vote for the Civility Ordinance. Council Member Noriega absent.

Council Member Stardig stated that she wanted to thank Ms. Hartman for coming to Council and sharing with them first hand what she had witnessed and experienced, that she knew the Police Department had seen it and communicated all the time with Council Members about the issues, that she wanted to thank her for having the courage, and Ms. Hartman stated that all of the points that had been brought up were very valid, but this situation was unique because of the demographics of the population and these children needed improvement now. Council Member Noriega absent.

Vice Mayor Pro Tem Gonzalez asked if there was anyone else in the audience that wanted to speak and asked that they come to podium and stated their name for the record.

Mr. Jim Olive appeared and stated that he was on the board of the East Downtown Management District, that one of the things that he thought they neglected to notice was first, that the Chartres and Congress area, which was pointed out earlier, was a window to their neighborhood, that they had thousands of cars a day drive by the area that had an impression of their neighborhood, of all of the vagrants and homeless people who were there and that was what they saw of the neighborhood and was what potential developers and residents saw of their neighborhood, that they were not attracting developers and residents to their neighborhood because of that and if they were able to pass the Civility Ordinance and be able to get these people that obviously had issues into facilities that could help them with these issues and get them off of the street that way the neighborhood would attract developers and residents that could bring income into that neighborhood which would help with generating taxes and would help with improving housing and give funding to helping with the housing, that they asked what were they going to do with these people, pushing them into one neighborhood or another neighborhood, they had to generate funding for that and if they could generate funding for that through developing these neighborhoods and getting these people off of the street then they could have housing for them and address their problems and address these issues, that right now they were having to spend money out of their neighborhoods budget for the management district cleaning up trash that was left there, that as was said, they generated tons of trash in that one block each month that they had to pick up, the Police Department had to run calls there each month that cost them, that was what they needed to address, trying to improve their neighborhood through the Civility Ordinance by getting these people help and getting them off of the street.

After discussion and questions by Council Members, Mr. Olive stated that he believed that

passing the Civility Ordinance was certainly a step in the right direction, that they needed to look at the makeup of the homeless, a large portion of them were addicts and they needed treatment, and another portion of them were mental cases, and another portion were truly homeless who were down on their luck, that a lot of them were because they chose to be addicts and were not going to seek help, that they needed to address those problems and they could only do that with City services and facilities and those services required money and the only way they were going to get that money was to have a better tax base and the only way to get that tax base was to be able to improve those areas and attract developers and get residents into them and businesses into them and the Civility Ordinance would help them do that.

Mr. Joseph Omo Omuari appeared and stated that as far as the development, he thought the affected areas were overdeveloped already, that they did not need more development at this particular time, that he was glad that they wanted to improve the homeless, but obviously if they moved into the jungle do not expect not to meet animals, that if they moved into the forest occasionally they were going to meet a few bears, that the whole 20 year master plan of Houston that changed the whole area had one problem, that the fact was that Houston was geographically different and they could not put that particular master plan, that no disrespect or racism, but downtown Houston was not White people, family friendly, so if they expected to move downtown and expect the same community as Kingwood he was sorry they were not going to get the beautiful schools, they were not going to have the paved streets, it was not downtown Houston, that if they moved to New York they would have the same problem in New York, that downtown Houston was never a place where their children could grow in a stable environment, that they were trying to make it something that it was not, that it was a bad idea to make downtown Houston, the whole entire area, for rich people, people who had \$200,000 to live in, that it was great if they were single and did not have children, that for all expectations they were going to have a good place to rent, that it was going to be great for bachelors, but for a family, no, that he was sorry for the man who moved from Bellaire to be closer to the baseball game and his wife went along with it and gave up her house he was sorry that she did that, it was a very bad investment, that they had to eat their investment, that it was not going to be the environment that they wanted. Council Members Clutterbuck and Noriega absent.

Ms. Tina Araujo, East Downtown Management District, appeared and stated that she was the Consulting General Manager, that she wanted to address a little about the process because she thought there had been some questions about process, that the Public Safety and District Operations Committee of the Management District, which had been operating since 2007 had been trying to develop a strategy to address the issue of the charity groups that were coming into east downtown, that was how it all started, that she had a handout for Council Members to look at, that she was going to have to take it back because it was her only copy, that it showed the last month's report for trash pickup in east downtown and they would notice one line item that said over 7,000 pounds of trash, that was in the vicinity of Congress and Preston, that was one month, that the pictures that followed were what their crews pickup on a weekly basis, tons and tons of trash that were generated by these charity groups that were coming from outside of the City to skid row, which was what they considered Congress, if anybody did not know, Congress, Saint Emmanuel and Preston, they considered it skid row, that all of these charity groups had a good heart, but had a need to feed, and they had a need to bring clothes and they did not realize that one, these folks were homeless they did not have anywhere to take these clothes, so they throw them away, tons of clothes and shoes every week, two, they had been told by other social service groups that worked with the homeless that Project Access Bus, that rotates through downtown, east downtown, Third Ward and Mid Town, took them to places where they could eat up to seven times a day, that this was coming from agencies that work with them, that the reason they knew this was because in August 2009 they had two meetings in conjunction with HPD and the Star of Hope, that Edward Black, Director of Star of Hope was present, that he was the host of this meeting where they invited charity groups to come and

hear what was going on and to get a view of the multiplication effect that happens when dozens of groups, every week, especially on the weekends, come and leave food, that they were very concentrate with their crews, they had seven day a week pickup now of trash in this particular area, that some of these groups will down right say they would not pick up their trash, they just tell the crews to pick it up, so they would because they wanted to make sure they could try to manage it, that the Civility Ordinance was never designed as a panacea, Mr. Bob Eury would tell them that, of the downtown district, that it was not a panacea but it was a tool to assist in at least allowing the public sidewalks to be open to the public, that the ordinance was called "sitting and lying on public sidewalks", that she almost wished that was what was happening. Council Member Sullivan absent.

Upon questions by Council Members, Ms. Araujo stated the ordinance required that 100 residents sign the petition and they had 105 residents sign the petition, they were residents who lived in condominiums and apartment complexes and single family homes within the designated area, they also were required per the ordinance to have at least 20% of the property ownership sign a petition, they had over 30% of the property representatives sign the petition, that they followed all of the requirements of the ordinance to the letter, they wanted to make sure there was no possibility of any questions as to the validity of these petitions, they also coordinated with the Greater East End District, that they did not see it as a displacement, that there were a couple of geographic barriers that would prevent the movement to the East, one was the railroad line, that the individuals who needed the homeless services that were available were not going to gravitate to far from these services and even though the Greater East End did have an issue with homeless it was more of the long term camps that they find in the various nooks and crannies of the East End, that it was not really the same phenomena, that she thought that because the homeless were remaining on the sidewalk, not just sitting and laying, they were camping on the public sidewalks, so that prevented others who wanted to walk on the sidewalks from walking on them, from taking the kids to the game, from walking back and forth from their homes and walking their dogs, they heard from the residents; that she wanted to commend South Central, they had been outstanding in helping them with many issues, but in particular this issue and helping guide them and understanding the dynamics of what they were trying to address; that she understood the dignity of every individual personal and certainly did not think there was anything dignified with these individuals remaining on these sidewalks with filth and trash around them. Council Member Sullivan absent.

After discussion by Council Members, Council Member Bradford stated that he wanted to get on record, after having heard all that had been said about the issue at hand, "a big thanks to all of the various charity groups for what they tried to resolve the issue in the neighborhood"; and Council Member Adams stated that she would like to request a committee meeting of those committees that dealt with public safety as well as housing and the Neighborhood Protection and Quality of Life Committee to see how do they move forward to set the foundation. Council Member Noriega absent.

After further discussion by Council Members, Council Member Jones stated that she was looking at an inner office correspondence that was generated by the City Secretary's office, Anna Russell, dated November 5, 2010, that this went to whether the requirements had been met, that the petition must contain the signatures of property owners whose property represented 20% of the total land area to be designated and the signatures had to be at least 100 citizens residing within the proposed area and that they were over the age of 18, that the document said that they were not able to verify that the people who signed the petition were over age 18, that if that was what the ordinance required how were they able to move forward when the document said they could not verify it, and Vice Mayor Pro Tem Gonzalez asked Mr. Feldman to speak to the petition and address her point. Council Member Noriega absent.

Mr. Feldman stated that the civility ordinance did not provide for, or require, any

verification process, that he was aware that the issue was raised and he looked at the language on each of the documents executed by the petitioners and they specifically represented that the petitions were being submitted in accordance with the provisions of the ordinance, which in his view implicitly would provide that they meet the requirements of being over the age of 18, that there was no necessity that the City Secretary or any body else go out and verify whether or not, that the was the case, that he believed that the petitions implicitly made that representation, that the ordinance itself did not say anything about verifying the age, it simply said that a signatory had to be above the age of 18, and he did not know who prepared the form although it appeared that maybe the East End Downtown Management District prepared the petition form itself, that his view was that inasmuch as the petition contained language saying that the signature was being presented in accordance with the ordinance, then by implication the representation was that the individual was above the age of 18 and absent some extrinsic reason to question that there would be no basis for having to undergo a verification process that was not required by ordinance that the City Secretary would not be capable of performing, and Council Member Jones stated that she would pass the memo to Mr. Feldman. Council Member Noriega absent.

Council Member Rodriguez stated that Council Member Adams had made a request to have a committee hearing and he wanted it to be clear that it was to discuss Civility Ordinances in general, not this particular one, that he thought it would be germane to that committee, that they had the signature process that was followed and were conducting a public hearing, that he wanted to make sure that the City Attorney could state that on the record, that they would go ahead and still move forward with putting it on the agenda after the conclusion of the public hearing. Council Member Noriega absent.

Mr. Feldman stated that in his view the petition was valid. Council Member Noriega

After further discussion by Council Members, Council Member Adams stated that one of the concerns that one of the constituents brought up was the unorganized feeding of people and leaving garbage and trash behind, that Cathy Barton and Legal were working with her and the Neighborhood Protection and Quality of Life Committee to come up with an ordinance to have more to control that, that they were working on and they had to have it controlled. Council Members Johnson, Pennington, Rodriguez and Noriega absent.

After further discussion by Council Members, Council Member Bradford stated that clearly an issue had been brought to the forefront, that it was not so much to focus on the ability to verify one's age, but the signature petition that he was looking at, if it was the correct one, did not even have a box on there putting the signer on notice that there was a requirement that they should be 18 so maybe when they tweak the ordinance they could at least have a slot on the petition putting the signer on notice that they at least had to represent that they were 18 years of age or not. Council Members Johnson, Pennington, Rodriguez and Noriega absent.

Vice Mayor Pro Tem Gonzalez stated that he thought the concerns raised by Council Members Bradford and Jones were valid, that obviously this was still under review, so the administration would see if the City Attorney had any additional input on it. Council Members Johnson, Pennington, Rodriguez and Noriega absent.

Mr. Feldman stated that the fact was that there was no form that was promulgated by the City, the petitioners, under the current process, and he was not saying it was the best process, were left to their own devices to provide a petition, that what they should do was provide a form, and if they provide a form they could put a block in there saying "I am over the age of 18", and Vice Mayor Pro Tem Gonzalez stated that those were valid points and they would review the process. Council Members Johnson, Pennington, Rodriguez and Noriega absent.

After further discussion by Council Members, Council Member Rodriguez moved to close the public hearing, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker absent on personal business. Council Members Johnson, Pennington and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0555 ADOPTED.

## **MAYOR'S REPORT**

Council Member Rodriguez moved to suspend the rules to consider Item Numbers 2, 2-1 and 3 out of order at this time, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0556 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of the following to the **BUILDING AND STANDARDS COMMISSION:**

Panel 1:

- Position A1- **MR. WARD W. ARENDT**, for a term to expire 12/31/2012
- Position A2- **MS. MARY L. RAMOS**, for a term to expire 12/31/2011
- Position A3- **MR. JACKSON CHANG**, for a term to expire 12/31/2012
- Position A4- **MS. JENIFER RENÉ POOL**, for a term to expire 12/31/2011
- Position A5- **MR. MARK ALAN PARTHIE**, for a term to expire 12/31/2012

Panel 2:

- Position B1- **MR. WATTS T. MCKEE, JR.**, for a term to expire 12/31/2012
- Position B2- **MS. EILEEN SUBINSKY**, for a term to expire 12/31/2011
- Position B3- **MR. MARK O. MOLER**, for a term to expire 12/31/2012
- Position B4- **MR. MICHAEL E. CRAMER**, for a term to expire 12/31/2011
- Position B5- **MS. VIRGINIA LEE DUKE**, for a term to expire 12/31/2012

Alternates:

- Position 1 - **MR. MOISES MONTEZ**, for a term to expire 12/31/2012
- Position 2 - **MR. VICTOR L. CARDENAS, JR.**, for a term to expire 12/31/2011
- Position 3 - **MR. CHUCK (CHARLES) A. DAVIDSON**, for a term to expire 12/31/2012
- Position 4 - **MR. PETER EICHENLAUB**, for a term to expire 12/31/2011
- Position 5 - **MR. THOMAS E. BRENTS**, for a term to expire 12/31/2012
- Position 6 - **MR. DOUGLAS E. HAMMEL**, for a term to expire 12/31/2011
- Position 7 - **MR. JOE H. MORENO**, for a term to expire 12/31/2012
- Position 8 - **MR. JEFFREY E. COOMER**, for a term to expire 12/31/2011

- was presented, moved by Council Member Rodriguez, seconded by Council Member Bradford.

After discussion by Council Members, a vote was called on Item No. 2. Council Member Sullivan voting no, balance voting aye. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0557 ADOPTED.

Vice Mayor Pro Tem Gonzalez asked anyone in the audience, who was just appointed, to please stand and be recognized and thanked them for their service.

2-1. REQUEST from Mayor for confirmation of the appointment of the following to serve as **ADJUDICATION HEARING OFFICERS**, for two year terms:

- MR. DENNIS R. ALENIK** - Part-Time
- MR. JOHN C. ARANDA** - Full-Time

- was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0558 ADOPTED.

Vice Mayor Pro Tem Gonzalez asked anyone in the audience, who was just appointed, to please stand and be recognized and thanked them for their service.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS, also known as the FOURTH WARD TIRZ BOARD:**

- Position Three - **MS. MARIAN MICHELLE DAVENPORT**, appointment, for a term to expire 6/8/2013
- Position Four - **REVEREND OWEN B. BROWN**, reappointment, for a term to expire 6/8/2013
- Position Five - **MS. JACQUELINE BOSTIC**, reappointment, for a term to expire 6/8/2013, and to serve as Chair beginning 1/1/2012
- Position Six - **MR. ANTHONY W. HALL, III**, appointment, for a term to expire 6/8/2012
- Position Seven - **MR. JESSE SAENZ**, appointment, for a term to expire 6/8/2012

- was presented, moved by Council Member Noriega, seconded by Council Member Lovell. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0559 ADOPTED.

**CONSENT AGENDA NUMBERS 3-1 through 25**

**ACCEPT WORK** - NUMBERS 5 and 6

- 5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$2,236,794.84 and acceptance of work on contract with **THE GONZALEZ GROUP, LP** for the Forestry Complex Relocation - 11.07% over the original contract amount - **DISTRICT A - STARDIG** - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0560 ADOPTED.
- 6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$148,796.50 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for 12-inch Sanitary Sewer along Bastrop Street 1.77% over the original contract amount - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0561 ADOPTED.

**PROPERTY** - NUMBER 7

- 7. RECOMMENDATION from Director General Services Department that City Council declare surplus Parcel SY11-069, 6901 Brownwood - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0562 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 11A

8. **GT DISTRIBUTORS, INC** for Tactical Breaching Kits through the Interlocal Agreement for Cooperative Purchasing with BuyBoard for the Houston Police Department - \$122,430.00 - Grant Fund - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0563 ADOPTED.
9. **LEXISNEXIS RISK SOLUTIONS FL, INC** for Accurint® for Law Enforcement Investigative Services from the State of Texas Council of Competitive Government Contract for the Houston Police Department - \$61,200.00 - General Fund - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0564 ADOPTED.
10. **SOUTHERN IONICS INCORPORATED** for Chemical, Liquid Sodium Bisulfite for the Department of Public Works & Engineering - 5 Years - \$5,685,900.00 - Enterprise Fund - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0565 ADOPTED.
11. ORDINANCE appropriating \$218,035.00 out of Street & Bridge Consolidated Construction Fund for the purchase of Intelligent Transportation System Equipment for the Public Works and Engineering Department - **DISTRICTS A - STARDIG; C - CLUTTERBUCK and G - PENNINGTON** - was presented. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-0599 ADOPTED.
- 11a. **COHU, INC** - \$76,575.00 and **TWINCREST TECHNOLOGIES** - \$119,760.00 for Intelligent Transportation System Traffic Management Equipment through the Interlocal Agreements for Cooperative Purchasing with the Texas Department of Information Resources and the Houston-Galveston Area Council for the Department of Public Works & Engineering - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0566 ADOPTED.

**ORDINANCES** - NUMBERS 14 through 25

14. ORDINANCE appropriating \$4,250,000.00 out of Airports Improvement Fund as an additional appropriation and approving a supplemental allocation in the amount of \$5,000,000.00 for the contract between the City of Houston and **CH2M HILL, INC**, approved by Ordinance No. 2010-1038 for Professional On-Call Planning Consulting Services for the Houston Airport System (Project No. 677) - \$750,000.00 Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-0600 ADOPTED.
15. ORDINANCE approving and authorizing Sub-Grantee Award Agreement between **HARRIS COUNTY, TEXAS** and the City of Houston to accept FY2008 Port Security Grant Program funding for Radio System Antenna Sites - was presented. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-0601 ADOPTED.
16. ORDINANCE approving and authorizing Sub-Grantee Award Agreement between **HARRIS COUNTY, TEXAS** and the City of Houston to accept FY2009 Port Security Grant Program funding for Radio System Antenna Sites, Phase II - was presented. All voting

aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-0602 ADOPTED.

17. ORDINANCE approving and authorizing Sub-Grantee Award Agreement between **HARRIS COUNTY, TEXAS** and the City of Houston to accept FY2009 Port Security Grant Program funding for Port Area Responders Mobile Data Computers - was presented. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-0603 ADOPTED.
19. ORDINANCE approving and authorizing agreement between **HOUSTON INDEPENDENT SCHOOL DISTRICT** and the City of Houston to manage and produce a Back to School Festival - had been pulled from the Agenda by the Administration, and was not considered.
21. ORDINANCE approving and authorizing Performance Based Loan Agreement between the City of Houston and **TRAVIS STREET PLAZA, LP, as owner, and CANTWELL-ANDERSON, INC, as borrower**, to provide \$3,828,598 of Federal "HOME" Funds to assist with the construction of the Travis Street Plaza Apartments, a 192-unit single resident occupancy facility at 4500 Travis Street in Houston, Texas - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-0604 ADOPTED.
22. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 406** and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 321** for Treated Water Supply - was presented. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-0605 ADOPTED.
24. ORDINANCE No. 2011-586, passed first reading July 6, 2011  
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 **SECOND READING** - was presented. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-0586 PASSED SECOND READING IN FULL.
25. ORDINANCE No. 2011-587, passed first reading July 6, 2011  
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 **SECOND READING** - was presented. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-0587 PASSED SECOND READING IN FULL.

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

**MISCELLANEOUS**

- 3-1. RECOMMENDATION from the City Controller for payment of \$3,643,510.98 to the **INTERNAL REVENUE SERVICE** for Arbitrage Rebate Liability on Combined Utility System First Lien Revenue and Refunding Bonds, Series 2006 and Series 2006A -

Enterprise Fund - was presented, moved by Council Member Lovell, seconded by Council Member Rodriguez. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0567 ADOPTED.

4. RECOMMENDATION from Director Planning & Development Department to designate an Honorary Street Marker for **MS. HAZEL MAE TATE** located at the intersection of Memel Street and West Huntington Street - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Jones.

### **ORDINANCES**

12. ORDINANCE appropriating \$12,069,827.00 out of Airports Improvement Fund; amending Manual Purchase Order No. SPR-SRD-040511-001 to **COMFORT SYSTEMS USA, SOUTH CENTRAL, INC** for Construction of Chilled Water Lines at George Bush Intercontinental Airport (ratified by Ordinance No. 2011-588) to increase the maximum spending authority to \$17,068,827.00 and to incorporate the construction addendum thereto as on file in the Houston Airport System **DISTRICT B - JOHNSON** – was presented, and tagged by Council Members Johnson and Hoang.
13. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **SUMMIT SEAFOOD SUPPLY, INC** for certain premises at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ** – was presented, and tagged by Council Member Hoang.
18. ORDINANCE approving and authorizing contract between the City and the **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for the enhancement of Protocol Services and mutual coordination efforts in the promotion of tourism and the solicitation of Convention business - \$420,000.00 - General Fund – was presented, and tagged by Council Members Jones, Clutterbuck and Hoang.
20. ORDINANCE approving and authorizing License Agreement between the City of Houston and **SMG** as manager of Reliant Park, for the use of Reliant Park Facilities by the Department of Health and Human Services as site to conduct the Fifth Annual Hip Hop for HIV Awareness Campaign and providing \$68,607.92 of Federal Grant Funds for such event - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-0606 ADOPTED.
23. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath one tract of land containing 6.5040 acres commonly known as 18310 Market Street Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality – was presented, and tagged by Council Member Sullivan.

Council Member Sullivan stated that there had been some recent publicity about groundwater contamination at the San Jacinto River within probably a half a mile with the location, which he was familiar with since it was in the east end of Harris County and would ask that Public Works get in touch with him to answer some questions, and Vice Mayor Pro Tem Gonzalez stated that the point was taken and they would make a note on that.

### **MATTERS HELD** - NUMBERS 26 through 29

26. MOTION by Council Member Lovell/Seconded by Council Member Gonzalez to adopt the recommendation from the Director Department of Public Works & Engineering for approval of the Municipal Drainage Utility System Appeal Process – (**This was Item 2-1 on**

**Agenda of July 6, 2011, TAGGED BY COUNCIL MEMBERS SULLIVAN, JONES and BRADFORD** – was presented, and tagged by Council Member Clutterbuck.

27. 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** – **(This was Item 3 on Agenda of July 6, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented, moved by Council Member Lovell, seconded by Council Member Rodriguez. Council Member Jones voting no, balance voting aye. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0568 ADOPTED.
28. 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 – **(This was Item 19 on Agenda of July 6, 2011, TAGGED BY COUNCIL MEMBER JONES)** - was presented. All voting aye. Nays none. Mayor Parker absent on personal business. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-0607ADOPTED.
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 29 on Agenda of July 6, 2011, POSTPONED BY MOTION #2011-552)** - was presented. All voting aye. Nays none. Mayor Parker absent on personal business. Council Member Costello absent. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-0608 ADOPTED.

The City Secretary stated that Item No. 30 was the supplemental notice on the agenda.

30. ORDINANCE amending Ordinance No. 2011-577, relating to an Interlocal Agreement between the City of Houston, Texas, and **HOUSTON INDEPENDENT SCHOOL DISTRICT**, for the development and use of a tract of land near 1011 Taft Street, Houston, Texas, for field and related facilities - **DISTRICTS D - ADAMS and I – RODRIGUEZ** – was presented, and tagged by Council Member Jones. (Note: A motion was adopted, 2011-0569, to override the tag on Item No. 30.)

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Adams stated that last week the City of Houston hosted the Church of God and Christ Church Conference, that nearly over 50,000 people were in the City of Houston land she presented a proclamation to honor evangelist Joyce Rodgers; that on July 9, 2011 she participated with the ABC Dental back to school campaign, that ABC would be issuing over 6,000 pre packaged school supplies and backpacks for the students in grades K through 5, that she wanted to thank them for being a District D partner, that on Saturday the ABC family would be hosting another drive in District D at 5505 West Orem Drive, that last Saturday they had a health fair at Saint Francis of Assi Church; that on July 16, 2011 the Southside Health Fair would begin at 11:00 a.m. at the Greater Grace Outreach Church at 4401 Almeda Genoa Road;

that on August 13, 2011 would mark Sunnyside's Health Fair and Back to School Event, that it was sponsored by District D, the City of Houston Parks Department, Memorial Hermann Hospital and the Dynamo Street Team, that the Houston Dynamo and the Food Bank would also be in attendance, that it would be at the Sunnyside Park; that she and Council Member Rodriguez did the dedication and ribbon cutting for the new Dynamo Soccer Fields off of Airport Boulevard, that it was a wonderful soccer field in District D, that Council Member Rodriguez was able to secure funding for the Youth Soccer Program for the Dynamo. Council Members Costello, Lovell, Bradford and Jones absent.

Council Member Clutterbuck stated that she wanted to welcome four individuals in the audience today, Claire Bowman, a student at SMU, David Anderson and Ben Dana, that they were interning this summer in Congressman John Culberson's office, that they were accompanied by Chelsea Sanders, they were on a tour to check areas of governance and other parts of Houston, that they welcomed to the Council Chamber and the City of Houston, that she wanted to thank them for their volunteer service. Council Members Costello, Bradford and Jones absent.

Council Member Rodriguez moved to override the tag on Item No. 30, seconded by Council Member Lovell. All voting aye. Nays none. Mayor Parker absent on personal business. Council Members Costello, Bradford and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. MOTION 2011-0569 ADOPTED.

30. ORDINANCE amending Ordinance No. 2011-577, relating to an Interlocal Agreement between the City of Houston, Texas, and **HOUSTON INDEPENDENT SCHOOL DISTRICT**, for the development and use of a tract of land near 1011 Taft Street, Houston, Texas, for field and related facilities - **DISTRICTS D - ADAMS and I - RODRIGUEZ** - was again before the City Council. All voting aye. Nays none. Mayor Parker absent on personal business. Council Members Costello, Bradford and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. ORDINANCE 2011-609 ADOPTED.

Council Member Stardig stated that she wanted to recognize an outstanding City employee, that this Saturday she attended his retirement celebration, that City of Houston Firefighter Joe Phillips entered the Houston Fire Department on August 1, 1962 as a firefighter trainee, that for over 48 years EO Joe Phillips was an active and dedicated member of the Houston Fire Department and retired on March 31, 2011; that Council offices and City Departments would continue to work with the Prohibited Yard Parking Ordinance, there were concerns and they wanted to continue to fine tune that particular ordinance; that on Saturday, July 30, 2011, there would be a groundbreaking ceremony for the IH-610 and US 290 Interchange, that the event would mark the start of construction of the new interchange and the first major construction contract for the US 290 Program, which entailed reconstruction of US 290 and the Hempstead Tollway covered a corridor that was approximately 38 miles, that they appreciated TxDOT's support on that. Council Members Johnson, Adams, Rodriguez, Costello, Bradford and Jones absent.

Council Member Pennington stated that yesterday he attended the AIA Board Meeting at the invitation of Fernando Brave, who served on the Architectural and Historical Commission, they wanted to become more active in expressing their ideas on City matters; that tomorrow he would attend the conference "Building Cities Building Futures", which would be discussing using sustainable infrastructure as a catalyst for economic competitiveness, that it was a national conference. Council Members Stardig, Johnson, Clutterbuck, Adams, Hoang, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Sullivan stated there was groundbreaking yesterday for the new Kingwood Community Center, that he wanted to thank colleagues for approving that contract a

couple of months ago, that Directors Joe Turner, Parks and Recreation, and Scott Minnix, General Services, assisted in the groundbreaking, that he wanted to thank representatives from Congressman Ted Poe, Senator Tommy Williams, State Representative Dan Hughberty and Humble ISD Trustee Robert Senton for attending, that he wanted to thank Andy Icken for insuring that funding was secured for the new facility; that an issue that he brought up a while back with Mayor Parker regarding the parking in the yard ordinance was that he had at least one village in his community that filled out all of the forms and they were denied the prohibition against parking in yards because they could not prove that it was actually a problem yet and this community proactively wanted to say they wanted to prohibit parking in yards before it got started and was told no, that when he asked the Mayor about it there was no movement, that he appreciated Council Member Stardig taking a look at it and thought that if that happened in his district it might have happened in another district as well, that he usually would not ask for something like this to be brought up in committee but thought when the signatures were collected it showed support of the community and if that was what they wanted it weighed in his decision, that he appreciated any help that she could give him in that area. Council Members Clutterbuck, Adams, Hoang, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that tomorrow, July 14, 2011, at 9:00 a.m. they would be doing a groundbreaking of A Caring Safe Place on their second facility called "Lydia's Place", which would feature 15 apartments for HIV and AIDS affected men at 2417 Glasgow, that it had been funded by the City of Houston Housing and Community Development Department, as well as personal foundation money; that on July 16, 2011, Saturday, the Afro American Sheriff Department League would host it's annual picnic and recruiting blitz, from 12:00 p.m. to 6:00 p.m. at the Northeast Harris County Community Center at 10918 1/2 Bentley; that he would be chairing the 21st Annual Houston International Jazz Festival, August 5 through 7, 2011; that he would be hosting a Back to School Blast, August 12, 2011, at Tidwell Park; that he wanted to congratulate Larry Don Johnson, who happened to be his father, he was inducted yesterday into the Texas Hall of Fame for Radio Broadcasters, that he wanted to congratulate him for all of the work he had done throughout the years; that it was brought to his attention yesterday that they would be closing down North Forest Independent School District, that he had a lot of concern in regards to closing of schools in the North Forest area and many of the constituents who had been calling had a lot of concerns, there would be a meeting convened on Saturday to discuss this, that they were working with the North Forest Independent School District, the Board and TEA. Council Members Clutterbuck, Adams, Sullivan, Hoang, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez stated that over the weekend the District H team, the Houston Fire Department and over 30 volunteers installed smoke detectors in the Eastex and Jensen area, their fire safety walk covered 400 homes and they installed over 150 smoke detectors, that he wanted to acknowledge the hard work of Sheena Childs and Mercedes Sanchez of the District H team leading up to the event, he also wanted to thank the Luz Del Mundo Church, who were key partners in the effort, as well as community leaders and the Houston Fire Department for their dedication to community safety and CenterPoint Energy who donated the smoke detectors; that yesterday they acknowledged the work of their first responders in partnership with the community as they held their Fourth Annual Fireman's Appreciation Dinner in Independence Heights; that he wanted to congratulate a good friend, Claude Cummings on his election as the new Vice President of CDW, Communication Workers of America, District 6, that he wanted to congratulate his friend Steve Flores, who would become the new president of Local 6222. Council Members Johnson, Clutterbuck, Adams, Sullivan, Hoang, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:06 a.m.

Mayor Parker absent on personal business. Council Members Clutterbuck, Adams, Sullivan, Hoang, Rodriguez, Costello, Lovell, 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