

City Council Chamber, City Hall, Tuesday, August 16, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 16, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Wanda Adams, Mike Sullivan, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega; C. O. "Brad" Bradford; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Xavier Herrera, Citizens Assistance Office and Ms. Marta Crinejo, Agenda Director, present. Council Members Jarvis Johnson, Ann Clutterbuck and Jolanda "Jo" Jones absent on personal business. Council Member Al Hoang absent on city business.

At 1:39 p.m. Mayor Parker called the meeting to order and stated that Council would begin presentations with Council Member Rodriguez. Council Member Rodriguez invited Council Member Sullivan and Mr. Steve Stewart to the podium and stated that they were to make a presentation to a good friend and District I business owner; that he was president and co-founder of Gulf Winds International, Inc., and recently named Maritime Person of the Year; Council Member Sullivan stated that Mr. Stewart was involved in many industry associations and he would be honored at a maritime dinner and extended best wishes for continued success; and Mayor Parker presented Mr. Stewart a Proclamation proclaiming August 20, 2011, as "Steve Stewart Day" in Houston, Texas. Council Members Stardig, Lovell and Bradford absent.

Council Members Noriega, Adams and Pennington congratulated Mr. Stewart for his recognition and thanked him for all his work. Council Members Stardig, Lovell and Bradford absent.

Mayor Parker stated that before the prayer and pledge she had a brief announcement, she wanted to recognize the passing of former Council Member Jean Kelley, her funeral services were to be held Friday and long time City of Houston employee, the face of Houston around the world, particularly in Asia, Ms. Helen Chang passed away today and her funeral arrangements had not yet been made; and she would ask all hold the Kelley and Chang families in their prayers. Council Members Rodriguez and Bradford absent.

At 1:56 p.m. Mayor Parker called on Council Member Adams who invited Matala Idi community liaison for her District D Office to lead all in prayer and Council Member Adams led all in the pledge. Council Members Rodriguez and Lovell absent.

At 1:59 p.m. the City Secretary called the roll. Council Members Johnson, Clutterbuck and Jones absent on personal business. Council Member Hoang absent on city business.

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

Council Member Adams on a point of Personal privilege stated that Council Member Jones was taking her son back to college today, but she continued speaking to young women of Alpha Kappa Alpha Sorority, Inc., and emerging young leaders at Attucks Middle School and after speaking to six and eighth grade girls about how city government functioned and her role; that she awarded four scholarships to four dynamic young girls out of the fifty who submitted essays she awarded those who had the tenacity to accept the challenge; and called on each and asked they stand to be recognize; that they would be presented their checks at this time. Council Members Stardig, Rodriguez and Lovell absent.

Council Member Costello moved that the rules be suspended for the purpose of hearing

Mr. Robert Bruce after Mr. Ed Browne, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson, Clutterbuck and Jones absent on personal business. Council Member Hoang absent on city business. Council Members Stardig, Rodriguez and Lovell absent. MOTION 2011-0628 ADOPTED.

Council Member Adams moved that the rules be suspended for the purpose of hearing Ms. Tomaro Bell after Pastor Michael Rutledge, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson, Clutterbuck and Jones absent on personal business. Council Member Hoang absent on city business. Council Members Stardig and Rodriguez absent. MOTION 2011-0629 ADOPTED.

At 2:03 p.m. the City Secretary began calling the public speakers. Council Member Rodriguez absent.

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared and stated Houston first, why not, it would help business, workers, everyone; that they had quite a contract with HOPE and the AFLCIO urged support of the contract as it would be good for city employees.

Pastor Kevin Price, 1215 Progresso Drive, Houston, Texas 77038 (832-883-4909) appeared and stated that he was Pastor of All God's Children Fellowship Church and was present on behalf of HOPE urging support of the upcoming contract.

Upon questions by Council Member Adams, Pastor Price stated that he was not an employee of the City of Houston; and Council Member Adams asked all HOPE members present to stand to be recognized and thanked them for their service.

Pastor Michael Rutledge, 1111 Baffin, Houston, Texas 77090 (832-248-4151) appeared and stated that he was Pastor of Mt. Ararat Baptist Church and present on behalf of HOPE encouraging Council to support the upcoming contract for city workers.

Ms. Tomaro Bell, 3248 Charleston, Houston, Texas 77021 (713-825-8449) appeared and stated that she was present regarding red light cameras; that she appreciated them trying to get cameras off, but her question was what happened to people with outstanding tickets if they were turned off; and Mayor Parker stated that the city did intend to try and collect all red light camera tickets by whatever means appropriate to do so; and upon other questions, Mayor Parker stated that she did not know if other tickets could be put on your credit; that they were in the process of reviewing all sorts of debts owed to the City of Houston, even your library fine could be on your credit report and she would assume most things could be reported to the Credit Bureau; and they recently filed suit against folks who had a multitude of red light tickets.

Council Member Lovell stated that since lights were turned back on in July there had been around 7,700 tickets given; and upon questions, Mayor Parker stated they did intend to collect.

Upon questions by Council Member Adams, Mayor Parker stated that the difference between a red light ticket and a ticket given by an officer was the one by the officer went on your permanent driving record and the camera ticket was like a parking ticket and you could have your car booted, you could be taken to court, credit reporting and they did intend to fully collect on all outstanding red light tickets. Council Member Sullivan absent.

Council Member Bradford moved the rules be suspended for the purpose of hearing Ms. Daintha Krieger at the top of the three minute speakers, seconded by Council Member Costello. All voting aye. Nays none. Council Members Johnson, Clutterbuck and Jones absent on personal business. Council Member Hoang absent on city business. Council Member Sullivan

absent. MOTION 2011-0630 ADOPTED.

Mr. Dean Corgey, 6615 Wanita Place, Houston, Texas 77007 (713-659-5152) appeared and stated that he was a seafarer and present supporting HOPE and requesting Council vote yes on their upcoming contract; that he had 32 years in bargaining experience and this was a good deal and a 98% yes ratification vote came from the union and that was an impressive vote. Council Members Adams and Sullivan absent.

Mayor Parker stated that she would point out they had successfully negotiated three contracts with the three employee unions, but HOPE had an overwhelming approval vote which said they understood their members and what they needed. Council Members Adams and Sullivan absent.

Ms. Wretha Thomas, 14227 Belfour Park Lane, Houston, Texas 77047 (no phone) appeared and stated that she was the president of the Support Personnel with HOPE and today was standing with them asking Council to support the contract; that without the workers this city would not move. Council Members Adams and Sullivan absent.

Mr. Robert Wofford, 2514 Lower Valley, Houston, Texas 77067 (832-286-6914) appeared and stated that he was a HOPE member and employees were hard workers; that they had overwhelming support of the upcoming contract; and urged that they vote in its favor. Council Member Sullivan absent.

Ms. Daintha Krieger, 1405 Hyde Park Boulevard, Houston, Texas 77006 (713-523-3089) appeared, presented information and stated that she had six surgeries from 2002 until 2011 and very ill; that she was approached by two officers telling her how dilapidated her property was and ticketing her with \$10,000 in fines; that they were all dismissed in May, but four were left from 2010 she did not know of and there were four warrants for her arrest, through the efforts of her and city staff they too were dissolved, but she understood more citations would be coming her way and she was seeking help to see that the harassment stopped. Council Member Sullivan absent.

Mayor Parker stated that as Ms. Krieger rightly pointed out the City Municipal Courts Office and the Mayor's Citizens Assistance Office had worked with her and all tickets were dismissed and there were no outstanding cases; that this originally stemmed from her having to submit a proof of occupancy permit; and Ms. Krieger stated that she scraped the money together and applied in January 2011 for her occupancy permit and had it and it was posted, and Mayor Parker stated that if the pictures she had were an indication of her property it was in fine shape and she would ask that she speak with Citizens Assistance at this time and see that all was resolved. Council Member Sullivan absent.

Ms. Lois Myers, 9701 Westview Drive, Houston, Texas 77055 (713-461-7447) appeared and stated that they appreciated efforts for the detention pond in TIRZ 17 as well as repairing the Bunker Hill Bridge it was all contingent on what the county would do and the bridge was a dam damming the water on the west side of the bridge and overflowing on the west side; and urge they do the pond and repair the bridge this year and swap out projects not needed like the Lumpkin Road project which was dry land and do that next year; that if the detention pond was not done this year they would be flooded out; that some projects they were saying were for drainage but they were really for mobility. Council Members Sullivan and Lovell absent.

Ms. Virginia Gregory, 9806 Westview, Houston, Texas 77055 (713-465-5814) appeared and stated that she was on the board for her association representing approximately 800 home owners and in September 2008 they put box culverts down to make the Bunker Hill Bridge and those culverts were a bad thing, when Ike came all debris floated down, dammed up and

flooded out homes; that six months later they flooded again in April; that they were to be in a 500 year floodplain and the question was how could they be that far off on numbers, what it came down to was when two small boxes were in the dirt with dirt and a bridge on top it could not take what it used to; that it had been a pier bridge and water flowed to the bayou but now it dammed up; that Briar Branch Creek was aka 140-01-00 on the Harris County Flood Control. Council Members Sullivan and Lovell absent.

Upon questions by Council Member Pennington, Ms. Gregory stated that the big problem was if Harris County restored Briar Branch Creek, 140-01-00 back to its historical survey from 1951 it was as good as it would get and the TIRZ was asking they make it deeper and wider, but it had limitations, you could not dig deeper because you would have retention and the object of the ditch was to move the water and they could not give up more easement because they had to have a certain amount of easement and the TIRZ was on a standoff saying unless Harris County gave them what they wanted they got no bridge and if TIRZ made an error in engineering and hydrology and put in an insufficient bridge which dammed up then it was their mistake and they had to eat it and she was respectfully asking the bridge be replaced and it should not be contingent on Harris County doing anything beyond their standards and they would be flooded out and she was requesting the city negotiate, not the TIRZ, on finding them relief. Council Members Sullivan and Lovell absent.

Mr. Laroy Hammer, 414 Hollow Drive, Houston, Texas 77024 (713-464-6033) appeared and stated that the W153 was one of the bigger problems in the whole drainage area and it was not just the amount of water being drained into it, but it brought up that many years ago someone in government permitted a commercial operation to build townhouses over 153; that there was 1,000 feet of 153 on the south side of Memorial completely filled in and that was over 12 million gallons of water it would have held; that he would recommend approaching TIRZ and their engineers and tell them to say that was why they could do nothing for five years; that they said they could add more drainage, but they could not take care of something on the south side for five years and that was not reasonable, they started approaching this in 2007. Council Members Sullivan and Lovell absent.

Mr. Jeff Harris, 1120 Springrock, Houston, Texas 77055 (713-464-8120) was not present when his name was called and his wife appeared in his place. Council Members Sullivan and Lovell absent.

Council Member Costello moved that the rules be suspended for the purpose of allowing Ms. Jeff Harris to speak in place of her husband, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson, Clutterbuck and Jones absent on personal business. Council Member Hoang absent on city business. Council Members Sullivan and Lovell absent. MOTION 2011-0631 ADOPTED.

Ms. Jeff Harris appeared and stated that she and her husband had the same concerns; that she was secretary of the Spring Branch West Super Neighborhood and a board member of MCDDC and they lived in Spring Branch and concerned with development, there was concrete and no place for water to go and the detention was needed; that there was a lot of individual agencies and bureaucracy but all depended on the City of Houston and other agencies involved to protect their interest; that their homes flooded and they let all know they would flood before the April 2008 event and it would happen again; that the detention was needed and should be as effective as possible. Council Members Sullivan and Lovell absent.

Mr. Ed Browne, 41 Rollingwood, Houston, Texas 77080 (713-365-9902) appeared and stated that after leaving Council previously he felt good, but then found out projects would be sequenced; that the detention pond would be done and then the interconnection between the bridge and lastly the bridge, evidently it was because there would be an enlarged conveyance

channel; that he contacted Mr. Art Story and Mr. Mike Talbot and it was explained there was no CIP on the W140 west of the bridge and yet that was the excuse they were using for why the bridge would be last because it had to handle the water but with no increase in size of the conveyance system no additional water would be able to get to Buffalo Bayou and it was no excuse; that they were asking all be tied together in one project and done concurrently or there would be flooding; that MCDDC membership voted to sue TIRZ 17 and they were trying hard not to do so. Council Members Sullivan and Lovell absent.

Mayor Parker stated that he said he had correspondence from Mr. Story and Mr. Talbot and if he would present it to her and there were questions she could have answered by tomorrow morning she would do her best to do so. Council Members Sullivan and Lovell absent.

Mr. Robert Bruce, 430 Hollow, Houston, Texas 77024 (713-465-9484) appeared and stated that he was present two weeks ago speaking of the TIRZ 17 drainage project which flooded their homes; that they had a meeting with all involved when they heard of that project and pointed out the obvious fact that putting two-thirds more drainage capacity into their little stream of water had to accumulate and cause flooding and no one could argue with it, it was inevitable and yet it happened and in April 2009 they flooded and it was apparent their homes were sacrificed to satisfy deep pocket developers and now they wanted to dump more of TIRZ 17 water into W153 and the projects for approval tomorrow would drain more and cause more homes to flood and everyone knew it and it had to be stopped; and urged that Council not approve the project as presented. Council Member Sullivan absent.

Council Member Pennington stated that he knew 22 of 23 homes flooded and he visited with Mr. Douglass about the Memorial Drive improvements and without adding Memorial Drive to the TIRZ boundaries the TIRZ could spend on money on drainage and he thought it would be an improvement to put Memorial Drive in and allow the TIRZ money to be spent. Council Members Sullivan, Rodriguez and Noriega absent.

Mayor Parker stated that if anyone wanted a copy of Mr. Brown's emails; that she was concerned that maybe the City and Harris County Flood Control were in different places, but it clearly stated that they were not aware of anyone at the City or Harris County Flood Control agreeing the bridge culverts as constructed had less capacity than the historic configuration so they were both in agreement. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Pennington stated that he would like to make a motion to hear from those present with TIRZ 17 in response to the questions raised; and Mayor Parker stated that if two more Council Members would come back into the Chamber he could make his motion. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Stardig stated that she did want a copy of what the Mayor had because it had been her concern for many years that all entities be on the same page; that she knew a lot of outreach had been done and they were trying to facilitate conversations so they all had good information and it be consistent, it was a complicated matter and she would support hearing from the TIRZ representative. Council Members Sullivan and Rodriguez absent.

Mayor Parker stated that there were not enough Council Members to formally suspend the rules, but would ask the indulgence of Council and with no objections Council Member Pennington stated that Mr. Fiederlein and Mr. Walters were present and which ever was appropriate to respond. Council Members Sullivan and Rodriguez absent.

A Spokesperson, who later identified himself as Mr. Pat Walters, stated they would agree with the Harris County Flood Control District and the City of Houston evaluation that the bridge

met all criteria and was reviewed and approved by the Corp of Engineers and the Harris County Flood Control District and the City of Houston and the bridge was designed to standards and approved and functioning properly; and Council Member Pennington stated that the point was it caused a restrictive flow and not that it was not designed according to standards; and Mr. Walters stated that the current structure of the bridge was designed to put water through as the old structure was and no more or no less because they could not impact downstream communities; that when they did their new detention project which must come first then they were working with other agencies to improve the channel and at that time the crossing structures at Witte and Bunker Hill would need to be modified, when the channel was changed you must modify the crossings; that on the plan amendment to take in the right of way down Memorial it would be a part of a larger project also including the City of Houston and in the Regional Drainage Study they also had the Talwood Project they called out which would be a suggested City of Houston project plus detention they hoped would be provided by the Harris County Flood Control district. Council Members Sullivan and Rodriguez absent.

Council Member Stardig stated that if they failed to move forward with this at this time it was her understanding it took quite a bit of time to identify property for the detention to support the needs of the area; and upon questions, Mr. Walters stated that the detention site located which they purchased an option agreement on would expire at the end of August so time was of the essence for the TIRZ to procure the vacant land found and to push forward as quickly as possible to provide the detention on the north side on 140-01; and Council Member Stardig stated that the availability of real estate for detention there was very limited and she would like to move forward and get the detention for the area. Council Members Sullivan and Rodriguez absent.

Mayor Parker stated that Council Members Stardig and Pennington were Council Members representing the affected area and it was her understanding the City, Flood Control District and Corp of Engineers said the old and new bridge had the same conveyance capacity. Council Members Sullivan and Rodriguez absent.

Upon questions by Council Member Costello, Mr. Walters stated he was the executive director for TIRZ 17; and upon questions, Mr. Walters stated that they were in conversations with the Harris County Flood Control District, it was their channel, and they would like to see a project to widen the channel ; that the detention pond and the bridge improvements were in the CIP and the Harris County Flood Control District was examining their proposal and their original drainage study to improve the channels. Council Members Sullivan and Rodriguez absent.

Mr. Isaiah Monroe, 3806 Ebbtide, Houston, Texas 77045 (713-837-0311) appeared and stated that he was an employee with 311 and he wanted to commend Mayor Parker for sitting at the table; that he was a member of the bargaining team and he thanked her and the legal staff for their efforts; and urged all to approve the agreed upon contract. Council Members Sullivan and Rodriguez absent.

Ms. Senna Bennett, 5900 Teague, Houston, Texas 77041 (832-360-0621) appeared and stated that she was a 21 year city employee and today present on behalf of the HOPE contract; that it would bring great change into their organization; and urged support by Council. Council Members Sullivan and Rodriguez absent.

Ms. Sheryl Chambers, 12327 Ormandy, Houston, Texas 77085 (832-618-8944) appeared and stated that she was an executive board member of HOPE and speaking on their behalf; that she was a district representative of Parks and Recreation and was honored to sit on the negotiation team; and today urged positive support from the Council. Council Members Sullivan and Rodriguez absent.

Ms. Gwen Alexander, P. O. Box 330068, Houston, Texas 77233 (832-887-6765) appeared and stated that she worked for Public Works and Engineering, Surplus and Salvage Section and with the city 10 years; that she sat on the negotiating team and they worked from very early to very late informing all of the contract; and urged a yes vote by Council. Council Members Sullivan and Rodriguez absent.

Ms. Carolyn Graham, Faison, 7323 Puerta Vallarta Drive, Houston, Texas 77083 (281-433-3421) appeared and stated that she was a HOPE member and a 5 year employee at the Houston Emergency Center as a 911 telecommunicator; and urged a yes vote on the upcoming contract. Council Members Sullivan and Rodriguez absent.

Mr. Vincent Lewis, 11900 Oakmoor Parkway #716, Houston, Texas 77051 (832-508-6334) appeared and stated that he was a 5 year employee with the Mowing Division; and urged a yes vote on the contract. Council Members Stardig and Rodriguez absent.

Upon questions by Mayor Parker, Mr. Lewis stated that it had been really hot, but all worked well together; that they took breaks and drank water, but with budget cuts some divisions did not get water from the warehouse anymore so they bought their own water; and Mayor Parker thanked him for the information and stated that she did not know that. Council Members Stardig, Pennington and Rodriguez absent.

Council Member Adams stated that those were very important questions; that she wanted to tell HOPE how very proud she was of each of them for standing firm in the contract; that she knew it was tough to not get a raise for the next two years, but she understood they were waiting because of not knowing where the economy would be in that time and she wanted to commend department directors who would be representing HOPE in the contract; that she was still a paying member of HOPE and proud to still be considered a member; and it said a lot of their membership for standing for all employees. Council Members Stardig, Pennington and Rodriguez absent.

Ms. Oralia Diaz, 8903 Santo Domingo, Houston, Texas 77017 (832-419-7465) appeared and stated that she was a recent retiree, small business owner and disability activist; that 85% of disabled adults between the ages of 18 and 62 were unemployed and 80% of the businesses only met minimal requirements for disability; that the position of the director for the Mayor's Office for People with Disabilities was vacant and who would be better than a qualified individual such as herself or many of her peers who understood the needs of the disabled to fill the role. Council Members Stardig, Pennington and Rodriguez absent.

Ms. Maria Palacios, 7307 Autumn Grove, Houston, Texas 77072 (832-419-8548) appeared and stated that she was present officially inviting Mayor Parker to be a part of the Second annual women with Disabilities Empowerment Fair; that empowerment was the key word, 80% of the disabled community was unemployed and did lack opportunity to show who they truly were; that they had strength and so much to give; and she was also inviting all of the city to attend; that Houston had no problem, they had empowerment, it would be October 15th at the Metropolitan Multi Service Center. Council Members Stardig and Rodriguez absent.

Council Member Noriega stated that she and Council Member Adams visited with Ms. Palacios at the event held in Congressman Green's area; and upon questions, Ms. Palacios stated that the fair was October 15th from 2:00 p.m. to 9:00 p.m. Council Members Stardig and Rodriguez absent.

Ms. Patricia Martin, 6060 Belarbor #33, Houston, Texas 77033 (832-266-0049) appeared and stated that she was visually impaired, legally blind; that she was asking action be taken against Mayor Parker in an organized attempt to violate her civil rights by the mutilation of her

eyes; and continued expressing her personal opinions until her time expired. Council Members Stardig, Rodriguez and Noriega absent.

Ms. Simanal Foster, 7522 Elbert, Houston, Texas 77028 (713-634-8377) had reserved time to speak but was not present when her name was called. Council Members Stardig, Rodriguez and Noriega absent.

Dr. Doris Price, 6419 Oakham, Houston, Texas 77085 (713-723-2888) appeared, presented information and stated that she was a resident of Windsor Village for almost 40 years and recently the civic club filed a complaint against her with Neighborhood Community Services; that she worked with Mr. Leonard Price and Mr. Darrell Hopson and they resolved the issue she thought, however, the civic club sent a police official to her home as they were continuing the complaint and her explanation of them solving the situation was not accepted; that she was targeted because she did not agree with the manner in which they conducted services; that other deteriorated properties had not had tickets; and today she was asking for help to review the latitude given to civic clubs. Council Members Rodriguez, Lovell and Noriega absent.

Upon questions by Council Member Adams, Dr. Price stated that at the back of her driveway was a car and you had to go there to the car to know the condition of the car; that Neighborhood Services came and they worked on a resolution; that they did not want to spend the money to repair and needed to get documents to sell it; and Council Member Adams stated that she would ask for the Mayor's leadership; and Mayor Parker stated that civic associations had no authority, homeowner associations did, and upon questions, Ms. Price stated that it was a civic club; and Mayor Parker stated that a civic club could certainly call the city and they were required to respond to complaints and it could be a neighbor was making multiple complaints to different entities, but would have to do follow-up; and Council Member Adams stated that a member of her staff would visit with her and see how to assist her; and Mayor Parker stated that they did not want different city departments working on the same issue; and Mr. Queva and Mr. Taylor with Department of Neighborhoods was present and would speak with her. Council Members Rodriguez, Lovell and Noriega absent.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Rodriguez, Lovell and Noriega absent.

Mr. Joe Marquez, 651 Sulphur, Houston, Texas 77034 (713-910-1419) had reserved time to speak but was not present when his name was called. Council Members Rodriguez, Lovell and Noriega absent.

Mr. Cleophus Webster, 1031 Richelieu, Houston, Texas 77018 (832-487-3591) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. William Beal, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Joyce Ballenger, 1008 Herkimer, Houston, Texas 77008 (713-436-4972) appeared and stated that she was present with a concern having to do with her decision when she voted

next and the question was for Mayor Parker; that she was at a Heights Association Meeting and the Mayor was there and when she walked in she was booed and that was rude, but as she kept talking she stated that she was firm on her decision of the red lights and some cheered for her and as they did her remark was, "I don't need validation."; and for the Mayor's character and her decision for voting she wanted clarity on why she said she needed no validation as she was cheered, but no comment was made by her when she was booed. Mayor Parker, Council Members Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Gonzales stated that the Mayor was in the back with monitors and hopefully she was listening and maybe she would step back in and answer or she could follow-up with her later. Mayor Parker, Council Members Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Keven Pever, 11839 S. Perry, Houston, Texas 77071 (713-729-8153) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Clyde Bryan, 10802 Pepper Lane, Houston, Texas 77079 (713-545-4878) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Adams, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Hattie Morgan, 2828 Collingsworth #46, Houston, Texas 77026 (832-405-6855) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Adams, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Yolanda Frank Broussard, 11835 Murr Way, Houston, Texas 77048 (832-364-8387) appeared and stated that she was requesting assistance with discrimination and racial profiling by HPD at the 1200 Travis location, she was turned away when she went to do a formal written complaint for harassment and retaliation by the County Attorney's Office and the taxing authorities; that she returned the next day to report the officer's actions to IAD and they viewed her documents. Council Members Adams, Rodriguez, Lovell and Bradford absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that it understood Ms. Broussard received an IAD packet from Internal Affairs and expressed interest in pursuing a police complaint; and upon questions, Ms. Broussard stated that was correct; that she was familiar with the process, however, she was being refused the opportunity to verify the authority and badge numbers of officers she encountered; that they took her complaint and turned it against the authorities somehow into a mental investigation against her which was discrimination; and Council Member Gonzalez stated that a sergeant who was present could give her information. Council Members Rodriguez, Lovell and Bradford absent.

Mr. Bryon Thomas, 11514 Sandstone Canyon Drive, Humble, Texas 77396 (713-799-7799) appeared and stated that he was wrongfully discharged as an inspector for Public Works, he worked 10-1/2 years and there was misrepresentation of the facts regarding his termination and he would appreciate someone on Council exploring the matter for him. Council Members Rodriguez, Costello, Lovell and Bradford absent. (NO QUORUM PRESENT)

Council Member Adams stated that Mr. Thomas had been a city employee about 11 years and now being terminated because falsification on his application of things which occurred in 1985, 1994 and 1996 so how could they now fire him; and Mayor Parker stated that he was not terminated for that, but for metal theft, a number of Public Works employees were terminated for the sale of metal from city job sites; and Mr. Thomas stated that during the Civil Service hearing it was found he did nothing and then they continued to the misrepresentation of information and

he had audio and it seemed his dismissal was predetermined; his not guilty came from the Assistant Deputy Director of Public Works and he had it on audio where the Commissioner said we will terminate him for failure to disclose; and Council Member Adams stated that she wanted to make sure all information being provided to council was accurate, true and just and she would come speak with him. Council Members Rodriguez, Costello and Lovell absent.

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) had reserved time to speak but was not present when his name was called. Council Members Rodriguez, Costello and Lovell absent.

Mr. Roger Gordon, no address (512-636-2540) had reserved time to speak but was not present when his name was called. Council Members Rodriguez, Costello and Lovell absent.

Mr. Clyde Bryan, 10802 Pepper Lane, Houston, Texas 77079 (713-545-4878) who was previously not present when called, appeared, presented information and stated that he was on the board at the West Houston Chamber of Commerce and he had been present a number of times trying to get copies of the Costello contracts; that the contracts were on his conflict of interest disclosure and they were told they would get them in a timely fashion, but it had now been five months; and he wanted to know the purpose of a conflict of interest of disclosure was if the city could not produce the contracts; that he gave two contract numbers now and was told they would be looked for; that he did not know how someone could be put on a drainage committee with contracts. Council Members Rodriguez, Costello and Lovell absent.

Upon questions by Council Member Stardig, Mayor Parker stated that they did not keep a record of subcontract positions and never had; that his request had gone to the City Controller who had no reason to not be fully compliant, but absent Council Member Costello filling out his own disclosure forms they would not even know he was a subcontractor on the projects; and Mr. Bryan stated that these were prime contracts, three were indicated on the report which were not given to them and they were still waiting on a sub contract; and Mayor Parker stated that the City Controller was the custodian of contracts and once again she would ask the Controller about the existence of the contracts, there was one which she and he had discussed and it was prior to Council Member Costello being elected to office and he had not received any and would not be allowed to receive any while he held the Council Office. Council Members Rodriguez, Costello and Noriega absent.

Upon further questions by Council Member Stardig, Mr. Heilman stated that he was advised all responsive records in the City of Houston's possession had been provided to the requester, if the requester had additional identifying information for contracts not provided they would research records and do their due diligence and if they did exist they would provide them to the requester; and Council Member Stardig stated that she wanted to request the integrity of the Council Body be kept whole and they move forward the business of the city and if someone from the department would sit with her and explain the contracts so she could feel comfortable, she wanted all questions eliminated; and Mayor Parker stated that it was the City Controller who had custody of the records and he was independently elected and his office indicated there were no more responsive documents; that each time Mr. Bryan came forward with more information they went back into the files and did seek to determine if there were any responsive documents and they would continue to do so. Council Members Rodriguez, Costello and Noriega absent.

Council Member Adams stated that she respected her colleagues and wanted clarity on this and she wanted to make sure this was true and accurate information because when information was passed around they assumed it true, but Controller Green could answer; and upon questions, Mayor Parker stated that she did not know who produced the document; and

Mr. Bryan stated that Council Member Costello was currently getting checks from the City of Houston on contracts. Council Members Rodriguez, Costello and Noriega absent.

Council Member Sullivan stated that on a point of order the bell had rung and there were not enough Council Members to extend; and Mayor Parker stated that she had not heard the bell. Council Members Rodriguez, Costello and Noriega absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Rodriguez, Costello and Noriega absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373, Houston, Texas (713-928-2871) appeared and stated that he was the official President of the United States; and continued expressing his personal opinions until his time expired. Council Members Adams, Rodriguez, Costello and Noriega absent. (NO QUORUM PRESENT)

At 3:44 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, August 17, 2011. Council Members Johnson, Clutterbuck and Jones absent on personal business. Council Member Hoang absent on city business. Council Members Adams, Rodriguez, Costello and Noriega absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 17, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega and C. O. "Brad" Bradford; Mr. David Feldman, City Attorney, Legal Department; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office, present. Council Members Anne Clutterbuck and Jolanda "Jo" Jones absent on personal business.

At 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:10 a.m. Mayor Parker called the meeting to order and stated that the first item of business was a public hearing. Council Members Stardig, Johnson and Sullivan absent.

HEARINGS

1. **PUBLIC HEARING** regarding the third amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER TEN (LAKE HOUSTON ZONE) - DISTRICT E – SULLIVAN** – was called. Council Members Stardig, Johnson and Sullivan absent.

Mr. Ralph DeLeon, Administration and Regulatory Affairs, stated that on June 9, 2011, the Board of Directors of the Lake Houston TIRZ approved amendments to the TIRZ Project Plan and Financing Plan and forwarded them to the City for consideration, that the public hearing was a statutorily required part of the City's review process, that each Council office had been given a copy of the proposed amended plan for the TIRZ and an official City statement had been distributed to each of them, that as explained in the body of the proposed amendment and as shown in Exhibit 1, the proposed amendment restates the goals and objectives of the original plan, including the design and construction of public infrastructure, streets, roadways, public utility systems, cultural and public facilities and parks, that in addition the proposed amendment provided for the enlargement of the zone by approximately 953 acres, that in closing City staff had worked with the Lake Houston Redevelopment Authority on the proposed amended plan and zone annexation and would shortly bring forth a recommendation for City Council to approve the actions. Council Members Stardig and Johnson absent.

Mayor Parker asked if anyone had signed up to speak, and the City Secretary stated that no one had signed up to speak at the hearing. Council Members Stardig and Johnson absent.

Council Member Sullivan stated that he wanted to thank the Economic Development Office, Ralph and his team, Tim Douglass, Andy Icken and others and Mayor Parker for letting them bring this forward for a public hearing, they appreciated the hard work, that he thought it was going to be a great service to the community and to the TIRZ. Council Member Johnson absent.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Adams. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. Council Members Johnson and Noriega absent. MOTION 2011-0632 ADOPTED.

Council Member Rodriguez moved to consider Item Numbers 2, 3, 4 and 5 out of order, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0633 ADOPTED.

Council Member Rodriguez moved to consider Item No. 13 after the consent agenda, seconded by Council Member Costello. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0634 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of **MS. ELIDA R. GONZALES** - Part-Time, to serve as **ADJUDICATION HEARING OFFICER**, for a two year term – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0635 ADOPTED.

Mayor Parker stated that they had just named a new Adjudication Hearing Officer, Ms. Gonzales, and asked that she come forward to be recognized.

Mayor Parker stated that they appreciated her willingness to serve and thanked her for her service to the City, and Members of Council thanked Judge Hartle for her leadership and thanked Ms. Gonzales for her service to the City.

Ms. Gonzales stated that she looked forward to working with Judge Hartle and the whole team.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **MILLER THEATER ADVISORY BOARD**:
 - Position 2 - **MR. GREGORY SCOTT MARSHALL**, reappointment, for a term to expire 4/24/2015
 - Position 3 - **DR. DANILLE K. TAYLOR**, appointment, for a term to expire 4/24/2015
 - Position 7 - **MR. COREY EDWARD DEVINE**, appointment, for an unexpired term ending 4/24/2013
 - Position 14- **MS. JANIS HANSEN MECKLENBURG**, appointment, for a term to expire 4/24/2015
 - Position 15- **MS. TERRYLIN G. NEALE**, reappointment, for a term to expire 4/24/2015
 - Position 17- **MR. DAVID BUSTILLOS**, reappointment, for a term to expire 4/24/2015
 - Position 19- **MS. MIRIAM MITCHELL MEYERS**, appointment, for a term to expire 4/24/2015

Position 21 - **MR. RODNEY E. NATHAN**, reappointment, for a term to expire
4/24/2015

– was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0636 ADOPTED.

Mayor Parker invited the newly appointed Members of the Miller Theater Advisory Board forward and asked that they introduce themselves, and Mayor Parker and Council Member Adams congratulated them and thanked them for their service to the City.

4. REQUEST from Mayor for confirmation of the appointment of the following to serve as Municipal Court Associate Judges, for two-year terms:

MS. CHERYL R. BIAS
MR. DAVID E. JENKINS
MR. ANDREW A. LEWIS
MR. HERMAN MARTINEZ
MS. BREE PERRIN
MR. DEVIN CAVANAUGH MCNULTY

– was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0637 ADOPTED.

Mayor Parker stated that they had just confirmed six Associate Municipal Court Judges and asked if any of them were present to please come forward.

Judge Hartle stated that this group went through an intense interview process with Judge Cassanova and Judge Marshall and then they referred these names to her, that they had a little bit bigger process in place and felt that they had some fine individuals.

Mayor Parker stated that she wanted to thank them for their willingness to serve in the Municipal Courts, that this was a big batch and they were not going to do this for a while, and Judge Hartle stated that she thought this would carry them through for a while.

Council Member Sullivan stated that with respect to the new positions were these new positions that were within the past budget or replacements, and Mayor Parker stated that yes, they had not put any new positions within the budget, they were existing Municipal Court positions, that what tended to happen was that attorneys came in and were appointed Part Time Associate Judges and they got to see how they worked and were moved up which freed up the Associate Judge positions.

5. REQUEST from Mayor for confirmation of the appointment of the following to the **LONG-RANGE FINANCIAL MANAGEMENT TASK FORCE** for the City of Houston:

MS. ANNE CLUTTERBUCK, Council Member representative
MR. C.O. "BRAD" BRADFORD, Council Member representative
MR. STEPHEN C. COSTELLO, Council Member representative
MR. MELVIN HUGHES, Houston Organization of Public Employees representative
MR. TERRY A. BRATTON, Houston Police Officers' Union representative
MS. CELESTE FATHEREE, Houston Professional Firefighters Association
representative
MS. BARBARA CHELETTE, Houston Municipal Employees Pension System
representative
MR. RALPH D. MARSH, Houston Police Officers' Pension System representative

MR. TODD CLARK, Houston Firefighters' Relief & Retirement Fund representative
MR. MICHAEL C. NICHOLS, Community Leader representative
MR. FLETCHER THORNE-THOMSEN, JR., Community Leader representative
MS. BARBARA J. PAIGE, Community Leader representative
MS. ANA LEE SANCHEZ JACOBS, Community Leader representative
MR. GENE DEWHURST, Community Leader representative
MS. CAROLYN LACYE, Administration representative

– was presented, moved by Council Member Gonzalez, seconded by Council Member Costello.

After discussion by Council Members, Mayor Parker stated that she had 5 of the appointees out of the 15 and Ms. Sanchez Jacobs was one of her appointees, that this was a Council motion, part of the budget process, all of those representatives of organizations those organizations chose their own nominee, that was part of what Council wished in the budget amendment, that five were her nominees and she selected them independently, Mr. Nichols, who would be the Chair, Mr. Thorne-Thomsen, Jr., Ms. Paige, Ms. Sanchez Jacobs and Mr. Dewhurst, that Mr. Nichols was present in the audience, that the City Controller also had an appointee on this board, that appointee was not confirmed by the City Council, that Mr. Chris Brown would be his appointee, that yes she appointed the Council Members that were on the board as well, that of the outside nominees there were some excellent suggestions, that she would say that all of the nominees had either extensive business or finance knowledge, that these were publicly posted meetings so that Council Members who were interested in knowing what was going on certainly had the ability to sit in on those meetings.

A vote was called on Item No. 5. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0638 ADOPTED.

Mayor Parker invited Mr. Nichols to the podium and stated that they had tasked the committee with doing a lot of work in a very short period of time, that they were going to be getting an overview of the entire financial structure of the City of Houston and where the problem areas were, with the expectation that they would come up with a series of options for them to consider, that those Council Members who brought this motion forward she to appreciated their interest and it was an excellent suggestion, that it was not quite the committee she would have chosen, but it was going to be a good committee and she appreciated Mr. Nichols stepping up.

Mr. Nichols stated that it was an honor to be asked to serve and he looked forward to serving as Chair of the diverse committee and his hope was that on January 31, 2012 they would come up with a menu of alternatives and options for the Mayor and City Council to make the final decisions, that they were not going to try to get to consensus, they were not really going to have recommendations, but they were going to be able to have some suggestions and hopefully the end result would be a stronger City of Houston financial picture, stronger structure and a sustainable future for the City for many years to come.

Upon questions by Council Members, Mr. Nichols stated that as he saw it at this point there were really three top priorities, an understanding and making suggestions on alternatives on the issues around the debt issues, including pension, the issues around revenue sources and the issues around City services, what could be done to make them operation efficient, those were the three areas.

After further questions by Council Members, Mayor Parker stated that she was given the flexibility of helping to guide the mission of the task force and she was concerned because of the makeup of the task force that if they required consensus or a prioritized list to come from

them that they would have difficulty getting there and it would be watered down so what she had asked Mike and what the charge was that the task force come up with a list of options with positives and negatives of each and then it would be up to the City Council to analyze what they had given them and decide from there how to move forward, that the task forces charge, as laid out by Council, was to do an overview of the financial situation of the City of Houston and to see if there were any long term problems that should be addressed, and in fact, unfunded liabilities, pension plans, benefit management, long term indebtedness and all other City financial obligations, it was a focus more on what their liabilities were than their revenues, although they had to have a thorough understanding of the revenues.

Mayor Parker stated again that she wanted to thank Mr. Nichols for serving, and Mr. Nichols stated that he looked forward to bringing back a good menu of alternatives and pros and cons in late January.

Mayor Parker recognized Council Member Rodriguez for a point of personal privilege.

Council Member Rodriguez stated that he wanted to explain what the t-shirts were on the Council Members chairs today, they had a conversation about diversity and he was really proud of his former employer the Houston Astros, that he was a former bat boy in his youth and continued to be an avid fan, that he wanted to announce an upcoming Astros game that celebrated Houston's Hispanic Community culture, that on Saturday, August 20, 2011, their Houston Astros would host "Los Astros" night at Minute Maid Park and for the first time in franchise history players would wear uniforms that featured the teams name in Spanish, "Los Astros", across the front of their jerseys, that the first 10,000 fans would receive the t-shirt as a commemoration and hopefully they would have a win that night, that he wanted to thank the Astros for celebrating diversity and bracing Latino culture and continuing to recognize the contributions to the Spanish Community, that the game would start at 6:05 p.m. and tickets start as low as \$7.00, please go out and support the Astros and continue to support diversity.

Council Member Adams moved to suspend the rules to consider Item No. 20 out of order after Item No. 13, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0639 ADOPTED.

13. RESOLUTION regarding the litigation of matters in dispute with **AUTOMATED TRAFFIC SOLUTIONS, INC** – was presented.

Council Member Lovell stated that it was her understanding that this was resolution was a nonbinding resolution, that if voted on today there would be no action that could or would be taken, that she knew there were some funds involved in this resolution or whatever conclusion to the resolution they came to, that she thought it was very prudent on their part that they have a discussion about those funds, that she knew that \$25 million had been put out there by ATS and had not heard anything from the administration but thought it was prudent for them to have some discussions about the funds before they vote on an ordinance change this Friday, which was prudent, so she was going to tag Item No. 13.

Mayor Parker stated that Item No. 13 had been tagged, that Council Members Sullivan and Adams were in the queue.

After discussion by Council Members, Council Member Lovell stated that she would remove her tag and ask a parliamentary procedure, that they had the resolution today, which would be tagged and guessed it would go to next week, and on Friday they were going to be voting on an ordinance change, which related to this same issue, but would effectively overturn an ordinance, if on Friday the vote was successful would the resolution then be pulled because

it was be sort of a moot point, why would they vote on a resolution when they had already taken action, and Mayor Parker stated that they were in essence two different items, and the fact that they had to work through the contract dispute they had with ATS was separate from whether they had an ordinance allowing the use of red light cameras, one was a contract dispute with an existing vendor and the other was the overall position of the City of Houston, that she saw them as distinct items, and Council Member Lovell stated that since they were two different items she would go ahead and remove her tag for the purposes of discussion.

Council Member Sullivan offered the following written motion to amend Item No. 13:

“I move to amend Agenda Item #13, to require for the addition of the following:

- a. All devices, equipment, cameras, software, and related apparatus known as “red light cameras” shall be moved immediately from all city rights of ways, traffic signals, posts, and poles and/or other public locations.”

Council Member Noriega asked if this needed to be tagged as well, and Mayor Parker stated that everything needed to be tagged.

After further discussion by Council Members, Mayor Parker stated that both Item No. 13 and Council Member Sullivan’s amendment had been tagged by Council Member Lovell.

20. ORDINANCE approving, authorizing and ratifying Meet and Confer Agreement between the City of Houston and the **HOUSTON ORGANIZATION of PUBLIC EMPLOYEES**, as the sole and exclusive Bargaining Agent for all Municipal Employees in the Bargaining Unit – was presented.

After questions and discussion by Council Members, Mayor Parker stated that Council Members were distributed the draft mission statement and draft presentation schedule for the long term financial review task force, that it showed that Mr. Kelly Dowe, Finance Director, was essentially staffing the task force, that they would get the entire budget picture and all of the presenters were listed, they had the ability to go beyond those presentations, they could turn over any rocks they wanted, they were not limited in any way to the questions they asked or where they went, that in essence they would be working from the City budget at the same time that Mr. Dow was putting it together for the City Council, that she did not say that the task force was not going to consider revenues, that in fact Mr. Nichols said that would be one of the major areas that he would look at, that what she said was that according to Council’s motion the focus was on the liability side rather than the revenue side, but they could not look at one without the other; that the other was the question about long term contracts, she would point out that Mr. Feldman, City Attorney, and Mr. Dowe had to negotiate three union contracts in the same year, that what they had done was try to stagger them, Fire had a three year contract, civilian employees had a four contract and HPD had a five year contract, so that they were not again put in a position of doing them all simultaneously, that was part of the rationale.

After further questions and discussion by Council Members, Mayor Parker stated that as to the annual automatic pay raise increase that was going forward if the revenues improved beyond a certain percent there was a 1% half year increase and then it was 3%, and Mr. Feldman stated no, that in the third year it was 2% with a provision for a trigger of an additional 1% for that year in the event the revenues exceeded more than 2% of the projected revenues, and Mayor Parker stated that in essence it was .0023% but there was a potential escalator in there, which frankly they tired to put in the other contracts and she really appreciated HOPE agreeing to that, that it meant that they had invested with economy with the City of Houston.

After further discussion by Council Members, a vote was called on Item No. 20. All voting

aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-702 ADOPTED.

Mayor Parker stated that they had a new contract with HOPE and thanked them for their support.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 44

MISCELLANEOUS – NUMBER 6 and 7

6. RECOMMENDATION from Fire Chief to approve the sale of Decommissioned Firefighting Bunker Gear and Fire Hose to the "Sister City" Tampico, Mexico – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0640 ADOPTED.
7. RECOMMENDATION from Director General Services Department for approval of supplemental allocation of funds in the amount of \$38,500.00 for Professional Architectural Services Contract with **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for the Acres Homes Multi-Service Center Rehabilitation - American Recovery and Reinvestment Act Fund - **DISTRICT B – JOHNSON** – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0641 ADOPTED.

ACCEPT WORK - NUMBER 10

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,531,648.73 and acceptance of work on contract with **NORTH HOUSTON POLE LINE, L.P.** for New Front Easement Reconnections - 0.010% under the original contract amount - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0642 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 and 12

11. **ACCESSIBILITY CHECK, AECC, INC, EFI GLOBAL, INC and TLC ENGINEERING** as Pre-Qualified Architectural and Engineering Contractors for New Construction and/or Rehabilitation of Multi-Family Properties for the Housing & Community Development Department – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0643 ADOPTED.
12. **AMEND MOTION #2011-395, 5/18/2011, TO INCREASE** the award amount from \$6,768,000.00 to \$10,268,000.00 for Fuel cards and related services for Various Departments, awarded to **COMDATA NETWORK, INC** - \$3,500,000.00 - Fleet Management Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0644 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 14 through 44

14. RESOLUTION authorizing the Director of the Department of Public Works & Engineering, and certain Deputy Directors of the Department of Public Works & Engineering, as signatories for contractual documents with the Texas Department of Rural Affairs Community Development Block Grant Disaster Recovery Entitlement Grant Program – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. RESOLUTION 2011-0024 ADOPTED.
16. ORDINANCE finding and determining that public convenience and necessity no longer required the continued use of a sanitary sewer easement; vacating and abandoning said easement to Texas Abercrombie Family Interests, Ltd., owner, in consideration of its dedication of a sanitary sewer easement, all within Tract 2A of the Obedience Smith Survey, A-696, Harris County, Texas, payment to the City of \$300.00, and other consideration; approving an easement conveyance **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0703 ADOPTED.
18. ORDINANCE approving and authorizing submission of an application for grant assistance from and contract with the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**, for the City's Air Pollution Control Program; declaring the City's eligibility for such grant; authorizing the Director of the Houston Department of Health and Human Services or his designee to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0704 ADOPTED.
19. ORDINANCE approving and authorizing submission of an application for grant assistance for the City's Immunization Program with the **DEPARTMENT OF STATE HEALTH SERVICES** to continue and expand immunization outreach and service delivery activities from such grant funds; declaring the City's eligibility for such grant; authorizing the Director of the Houston Department of Health & Human Services or his designee to act as the City's representative in the application process, with the authority to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0705 ADOPTED.
21. ORDINANCE amending Ordinance No. 2008-731 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **AON HEWITT ABSENCE MANAGEMENT, LLC Formerly known as DISABILITY MANAGEMENT ALTERNATIVES, LLC** for Third Party Administrative Services for the City's Long Term Disability Plan – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0706 ADOPTED.
24. ORDINANCE awarding contract to **JOHN BEAN TECHNOLOGIES CORPORATION (JBT AEROTECH SERVICES)** for Inter-Terminal Train System Operations and Maintenance Services for the Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$11,814,276.20 - Enterprise Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0707 ADOPTED.
25. ORDINANCE amending Ordinance No. 2010-0342 (Passed by City Council May 5, 2010) to increase the maximum contract amount to contract between the City of Houston and **SCOTT TECHNOLOGIES, INC d/b/a SCOTT HEALTH & SAFETY** for Fire Ground

Communication Equipment for the Houston Fire Department - \$108,969.92 - General Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0708 ADOPTED.

26. ORDINANCE amending License Agreement with **AMERICAN TOWERS, INC, Licensor**, and the City of Houston, Texas, Licensee, to allow for relocation of equipment on a communications tower located at 819 Battleground Road (a/k/a Independence Parkway), Deer Park, Texas, in connection with a new Public Safety Radio System – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0709 ADOPTED.
28. ORDINANCE consenting to the addition of 10.0285 acres of land to **PARKWAY UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0710 ADOPTED.
29. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston, the **CITY OF DALLAS, THE NORTH TEXAS MUNICIPAL WATER DISTRICT, THE TARRANT REGIONAL WATER DISTRICT**, and **THE TRINITY RIVER AUTHORITY OF TEXAS** to conduct a study to investigate the potential impacts of the invasive aquatic organisms known as zebra mussels in the Trinity River Basin – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0711 ADOPTED.
30. ORDINANCE approving and authorizing Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Cambridge Road Paving and Drainage from Holly Hall to Old Spanish Trail - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0712 ADOPTED.
31. ORDINANCE appropriating \$16,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Reconstruction and widening of Almeda Road Paving and Drainage from MacGregor to Old Spanish Trail - **DISTRICTS C - CLUTTERBUCK and D - ADAMS** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0713 ADOPTED.
32. ORDINANCE appropriating \$38,141.00 out of Street & Bridge Consolidated Construction Fund for Relocation of a Pipeline for the Ley Road Reconstruction Project; approving a Pipeline Adjustment Reimbursement Agreement with **MOBIL VANDERBILT-BEAUMONT PIPELINE COMPANY - DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0714 ADOPTED.
33. ORDINANCE appropriating \$1,997,100.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **AMANI ENGINEERING, INC** for Water Line Replacement in Glen Haven Estates Area, Shepherd Forest Area and Mangum Manor North Area; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG and C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0715 ADOPTED.

34. ORDINANCE appropriating \$2,139,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ISANI CONSULTANTS, L.P.** for Water Line Replacement in Farrington Place Area, Aldine Westfield Area and Shadydale Area; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - JOHNSON and H - GONZALEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0716 ADOPTED.
35. ORDINANCE appropriating \$1,679,714.00 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 Pump and Lift Station Renewal and Replacement for Howard Drive, Easthaven, Gulfway, Gulf Freeway #2, Post Oak Lane, Stablewood, Bayou Timber and Buckingham; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS E - SULLIVAN; G - PENNINGTON and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0717 ADOPTED.
36. ORDINANCE appropriating \$575,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ALAN PLUMMER AND ASSOCIATES, INC** for Work Order Engineering Services for Wastewater Utility Facilities Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0718 ADOPTED.
37. ORDINANCE appropriating \$1,121,755.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CONSTRUCTION AND MANAGEMENT PROFESSIONALS, LLC d/b/a PKV ENGINEERING** for the East Water Purification Plant; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0719 ADOPTED.
38. ORDINANCE appropriating \$978,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **URS CORPORATION** for West District and Upper Brays Wastewater Treatment Plant Service Areas Sanitary Sewer and Odor Control Systems Master Plan; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - PENNINGTON** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0720 ADOPTED.
39. ORDINANCE appropriating \$2,137,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** for Rehabilitation of Water Storage Tanks at various locations; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D -**

ADAMS; E - SULLIVAN; F - HOANG and G - PENNINGTON – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0721 ADOPTED.

40. ORDINANCE appropriating \$1,156,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** for Pump and Lift Station Repair and Replacement; 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; F - HOANG and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0722 ADOPTED.
41. ORDINANCE appropriating \$3,457,202.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.**, for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0723 ADOPTED.
42. ORDINANCE appropriating \$1,111,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Willowbend Area and Edgebrook; 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 Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK and E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0724 ADOPTED.
43. ORDINANCE appropriating \$1,762,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for On-Call Small Diameter Water Line Extensions; 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 Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0725 ADOPTED.
44. ORDINANCE No. 2011-690, passed first reading August 10, 2011
ORDINANCE granting to **GLOBAL WASTE SERVICES, LLC A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0690 PASSED SECOND READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS

FOLLOWS:

MISCELLANEOUS

8. RECOMMENDATION from Director Municipal Courts Department for payment to **COURTVIEW JUSTICE SOLUTIONS, INC (Formerly MAXIMUS, INC)** to approve payment to exercise a one year option to extend the term of the settlement and obtain a fourth year license to continue receiving support and use of the CourtView Integrated Case Management System while Municipal Courts Department transitions to the new Court System Management And Resource Technology \$350,000.00 - General Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Sullivan. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0645 ADOPTED.
9. RECOMMENDATION from Director Department Public Works & Engineering to accept the July 2011 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$6,655,398.90 for Revenue Bond Debt Service as recommended in the Report – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega.

Council Member Sullivan stated that in the finding section they listed the number of residential exemptions given on impact fees, but there was no mention of commercial and he did not know if there were or not any commercial or multi-family exemptions and would be interested to know that, and Mayor Parker stated that they would get him that information.

A vote was called on Item No. 9. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. MOTION 2011-0646 ADOPTED.

RESOLUTIONS AND ORDINANCES

15. ORDINANCE **ADDING ARTICLE XI, HIRE HOUSTON FIRST, TO CHAPTER 15, CONTRACTS, OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to local contracting preferences – was presented, and tagged by Council Members Noriega and Stardig.

After discussion by Council Members, Council Members Noriega and Stardig stated that they would release their tags for purpose of presenting amendments.

Council Member Bradford offered the following written motions to amend Item No. 15:

“I offer the following Amendment to alter the definition of *Principle Place of Business* within the proposed Hire Houston First Ordinance, Article XI, Chapter 15, Contracts, of the Code of Ordinances, Houston, Texas, Relating to Local Contracting Preferences:

Modify Section 15-176. Definitions.

Principal Place of Business means the business must be headquartered or have an established place or places of business in the incorporated limits of the city or local area, as applicable, wherein staff and equipment capable of completing at least 80% of the work required by any contract obtained from the City from which 20% or more of the entity's workforce are regularly based, and from which a substantial role of its operations is conducted. A location utilized solely as a post office box, mail drop or telephone

message center or any combination thereof, with no substantial work function, shall not be construed as a principal place of business.”

“I offer the following Amendment to alter the language of the proposed Hire Houston First Ordinance, Article XI, Chapter 15, Contracts, of the Code of Ordinances, Houston, Texas, Relating to Local Contracting Preferences sections 15-177 and 15-178::

Modify Section 15-177. Hire Houston First Program – Purchases of Personal Property.

(a) *Contracts of \$100,000 or more.* In purchasing any personal property that is not affixed to real property, if the city receives one or more bids from a bidder that is a city business and whose bid is within three percent of the lowest bid price received by the city from a bidder who is not a city business, and all other relevant criteria and legal requirements have been met, the city ~~shall~~ ~~may~~ enter into a contract with a value of \$100,000 or more with the bidder that is a city business, as defined in this article.

~~(1) The lowest bidder; or~~

~~(2) The bidder that is a city business, as defined in this article.~~

(b) *Contracts under \$100,000.* In purchasing any personal property that is not affixed to real property, if the city receives one or more bids from a bidder that is a city business and whose bid is within five percent of the lowest bid price received by the city from a bidder who is not a city business, and all other relevant criteria and legal requirements have been met, the city ~~shall~~ ~~may~~ enter into a contract for an expenditure of less than \$100,000 with the bidder that is a city business, as defined in this article.

~~(1) The lowest bidder; or~~

~~(2) The bidder that is a city business, as defined in this article.~~

Modify Section 15-178. Hire Houston First Program – Purchases of Services.

(a) In procuring services, including construction services, the contracting department ~~shall~~ ~~may~~ grant a preference to a local business. In no event shall a contract for services be granted to a local business that is not within:

(1) Five percent of the lowest bidder for contracts under \$100,000; or

(2) Three percent of the lowest bidder for contracts of \$100,000 or more.

(b) In procuring architectural, engineering or land surveying services under the Professional Services Procurement Act, Tex Gov't Code, Sec. 2254.004, the contracting department ~~shall~~ ~~may~~, when appropriate consider the status of a provider as a local business as part of the qualifications determination.” – **(TAGGED BY COUNCIL MEMBERS NORIEGA and STARDIG)**

Council Member Costello offered the following written motion to amend Item No. 15:

“I move to amend Agenda Item 15 as follows:

Section 15-178. Hire Houston First Program – Purchases of Services.

(b) In procuring architectural, engineering or land surveying services under the Professional Services Procurement Act, Tex Gov't Code, Sec. 2254.004, the contracting

department ~~will~~ may, when appropriate consider the status of a provider as a local business as part of the qualifications determination when specific knowledge of local conditions are deemed beneficial to a project. For purposes of this subsection, "principal place of business" means the business must be headquartered or have an established place or places of business in the incorporated limits of the city or the local area, as applicable, from which they certify that they have adequate full time staff, equipment and other resources to locally perform 80% or more of the work associated with the scope of services defined within a contact. A location utilized solely as a post office box, mail drop or telephone message center or any combination thereof, with no other substantial work function, shall not be construed as a principal place of business. – (TAGGED BY COUNCIL MEMBERS NORIEGA and STARDIG)

After further discussion by Council Members, Mayor Parker stated that Item No. 15 and both Council Members Bradford and Costello's written motions to amend Item No. 15 had been tagged by Council Members Noriega and Stardig.

17. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **LONE STAR FLIGHT MUSEUM, INC**, for certain premises at Ellington Airport - **DISTRICT E – SULLIVAN** – was presented.

After discussion by Council Member Sullivan, Mayor Parker stated that it was a great companion to Space Center Houston, that she called Mr. Joe Jaworski, the Mayor of Galveston, last week to tell him that she was really sorry to take this away from him, but she really was not, that they were happy that the Lone Star Flight Museum had decided to move a little further away from the coast and into the City of Houston.

A vote was called on Item No. 17. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0726 ADOPTED.

22. ORDINANCE enlarging the boundaries of Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone) - **DISTRICTS A - STARDIG and G – PENNINGTON** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0727 ADOPTED.

22a. ORDINANCE approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone); determining the portion of Tax Increment the City will pay from the area annexed into the Zone **DISTRICTS A - STARDIG and G - PENNINGTON** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0728 ADOPTED.

22b. ORDINANCE approving the issuance of Notes and Bonds by the Memorial City Redevelopment Authority - **DISTRICTS A - STARDIG and G - PENNINGTON** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0729 ADOPTED.

22c. ORDINANCE relating to the Fiscal Affairs of the Memorial City Redevelopment Authority on behalf of Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone); approving the Fiscal Year 2012 Operating Budget for the Authority and the Fiscal Years 2012-2016 Capital Improvements Budget for the Zone - **DISTRICTS A - STARDIG and G - PENNINGTON** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0730 ADOPTED.

23. ORDINANCE creating the State Cable TV Fund; establishing the sources and uses of the

funds therein for the support of Public, Educational and Governmental Access Channel Programming; appropriating and transferring \$1,096,000.00 to the fund from the Cable TV Fund Balance; appropriating any and all funds received into the fund for the purposes set out herein; approving the budget for the fund attached as Attachment A - \$3,390,624.00 - Cable TV Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0731 ADOPTED.

27. ORDINANCE appropriating \$100,000.00 out of General Improvement Consolidated Construction Fund, \$735,000.00 out of Public Library Consolidated Construction Fund, \$400,000.00 out of Parks Consolidated Construction Fund and \$962,000.00 out of Police Consolidated Construction Fund for Minor Construction, Repairs, Rehabilitations or Alterations of Various Facilities under the Job Order Contracting Program – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0732 ADOPTED.

MATTERS HELD - NUMBERS 45 through 49

45. ORDINANCE appropriating \$160,000.00 from the TIRZ Affordable Housing Fund (2409); approving and authorizing Development Agreement between the City and **CONGO, LLC dba CONTEMPO** for Development of eight Energy Efficient Affordable Single-Family Homes to be sold to qualified homebuyers - **DISTRICT B – JOHNSON – (This was Item 10 on Agenda of August 10, 2011, TAGGED BY COUNCIL MEMBERS ADAMS and JOHNSON)** – was presented. Council Members Adams and Sullivan voting no, balance voting aye. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0733 ADOPTED.
46. ORDINANCE appropriating \$90,000.00 from the TIRZ Affordable Housing Fund (2409); approving and authorizing Development Agreement between the City and **MASTERMARK DEVELOPERS, INC, dba SOLARIS HOMES** for the Development of two Energy Efficient Affordable Single-Family Homes to be sold to qualified homebuyers - **DISTRICT B – JOHNSON – (This was Item 11 on Agenda of August 10, 2011, TAGGED BY COUNCIL MEMBERS ADAMS and JOHNSON)** – was presented. Council Members Adams and Sullivan voting no, balance voting aye. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0734 ADOPTED.
47. ORDINANCE appropriating \$3,000,000.00 out of Fund 2409 (TIRZ Affordable Housing Fund) for payment of administrative expenses associated with the TIRZ Affordable Housing Program – **(This was Item 12 on Agenda of August 10, 2011, TAGGED BY COUNCIL MEMBERS JONES, COSTELLO and ADAMS)** – was presented. Council Member Sullivan voting no, balance voting aye. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0735 ADOPTED.
48. ORDINANCE approving Lease Agreement with the **NEAR NORTHWEST MANAGEMENT DISTRICT, AS TENANT**, for the Inwood Forest Clubhouse Building and Swimming Pool at 7603 Antoine Drive - **DISTRICT A - STARDIG – (This was Item 23 on Agenda of August 10, 2011, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0736 ADOPTED.
49. ORDINANCE appropriating \$920,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for Design of On-Call Small Diameter Water Line Extensions; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System

Consolidated Construction Fund – **(This was Item 33 on Agenda of August 10, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Jones absent on personal business. ORDINANCE 2011-0737 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Costello stated that yesterday he attended the groundbreaking for a new Joe V's Store in Acres Homes, Victory Drive and Shepherd, that Joe V's was a smaller store version that was in the HEB Family, that it was a discounted supermarket that provided fresh foods to underserved areas, which was something that he was passionate about, that the Joe V's business model was that they hired local people, that it was projected to create 160 jobs and they would be collecting applications from people who lived in the Acres Homes area; that he wanted to mention their softball team called Demoncrats, that he played on a softball team called Demoncrats, that Mayor Parker and Council Member Gonzalez had also played on that team, that they rarely won but they won last week and he told the guys that he would actually make the announcement. Council Members Stardig and Rodriguez absent.

Council Member Bradford stated that he wanted to commend the Houston Police Department, citizens and businesses in Midtown, Third Ward, University of Houston, Texas Southern University area, despite the fact they had some very serious incidents of crime recently in that geography they had worked diligently and several of the suspects had been apprehended already and HPD as usual was doing a very good job in working with the citizens and communicating what the department was doing to bring the other suspects to justice, as well as, departing information to the citizens and businesses what they could do to help improve the safety in their community, that several meetings had been held over the last period of time, that Mayor Parker and Council Members had attended as well, that he wanted to say thank you because the citizens looked for that type of leadership when they were afraid and many of them were simply afraid, that he would suggest that they move the information that citizens had access to to another level, to a friendly, easily accessible level, for citizens in their respective neighborhoods, that it was there now and had been but was in a very complicated complex format and most citizens could not cipher through the technology to determine what was happening in their neighborhoods, that he thought with the software being what it was today they could do and should do better to help citizens arm themselves with information that would help them prevent victimization of crime in their particular neighborhoods, that it was time that they looked more closely as to how they were organized from a volunteer standpoint and an HPD standpoint, that he knew there were a number of wonderful strategies in the department, from Citizens on Patrol, Ministers Against Crime and other groups, but there was no single entity in the department that organized volunteer effort on the part of those wishing to participate, that as they moved forward and the public resources continued to dwindle it would become even more imperative that citizens step forward in their respective neighborhoods and do what they could do to the extent that they could improve on their leadership they should do that, that he had speaking out for several months asking them to develop some type of program, he was not necessarily requesting a reserve Police Department or reserve Police Division, but thought there were a number of citizens that he had spoken to over the last several months who were less than thirty or forty years of age and some of the more mature senior citizens were willing to step forward and donate four hours a month of their time if they were to be some type of organized strategies and led and supported by HPD, that right now the Citizens on Patrol strategy required at least thirty hours a month and it also required a group effort, thirty hours were from the group, there were ministers in their neighborhood who could not organize a group of people to donate thirty hours per month collectively and they wanted to do something individually so again he would ask that they look inside the City, specifically HPD, and start working on getting information that citizens could use at the neighborhood level, that it would be nice if they started talking about crime per neighborhood. Council Members Stardig,

Pennington and Rodriguez absent.

Council Member Sullivan stated that he wanted to take a minute to thank a Solid Waste Employee, Terrance Tyler, who provided what he would call extraordinary service at the Kingwood Recycling Center this past weekend, that he was there on a regular basis manning one of the trucks that was there and worked with the constituents to make sure they put the proper item in the proper container; that he wanted to recognize Houston Police Department Lake Patrol Sergeant Tolan Harding for his efforts and that of his officers as they worked with the drought and low water levels at Lake Houston and doing what they could to keep it a safe lake; that he wanted to thank Director of Public Works, Dan Krueger, for responding positively to his request that he send one of this two airboats out to Lake Houston so that the Police Department could use it, that the Police Department had a number of vessels, they had jet skis, flat bottom boats and other things available to them but had never encountered a drought with water levels like this in the lake so there were a number of areas that they could not patrol that they wanted to do on a regular basis and they could not do it because they did not have an airboat, that Dan Krueger stepped forward and loaned one of his airboats to the Police Department and he appreciated his doing that; that this week there was a promotion ceremony at the Houston Police Department Training Academy, that there were a number of promotions made and he wanted to congratulate Matt Slinkert, who was formerly Chief of Staff for the Police Chief and had been elevated to Assistant Chief; that he wanted to compliment Chief McClelland to continue the tradition of recognizing citizens for their efforts in fighting crime at that ceremony; that he wanted to thank Steve Girardi, GSD, and his team for stepping forward and providing quick response to an air conditioning problem at Fire Station No. 105, that not only did they find out the system was inefficient, they find out the ducts were not wrapped, they had a mold problem up in the ceiling throughout the station and Steve and his team responded well and got them up and running with a portable unit, that he went over to Fire Station No. 63 at the airport right after that and while they were having air conditioning problems as well they also had portable units from GSD, so it looked like with the record heat they were having that GSD was out there doing what they could to keep their employees up and running. Council Members Stardig, Pennington and Rodriguez absent.

Council Member Lovell stated that tomorrow would be a meeting of the Development and Regulatory Affairs Committee in the Council Chamber at 10:00 a.m.; that on Monday, August 22, 2011, was the first day of the new academic year, that school would start, so she was asking everybody to watch out for students and observe all of the school zones and speed limits and make sure their students were safe. Council Members Stardig, Pennington and Rodriguez absent.

Council Member Johnson stated that he wanted to thank the entire Northeast Community, that last Friday they had a great and successful Back to School Blast, that it was his sixth and final Back to School Blast as a Council Member because he had vowed that he would continue to have his Back to School Blasts in the years following his departure from City Council, that it was a great success and they gave away over 1,000 backpacks, that he wanted to congratulate and thank North Forest Independent School District, they did a great job of coming out and collaborating with them as they helped the kids go back to school with the supplies they needed, that the State had stated that North Forest District would close after this year, but they were going to fight hard to make sure that they keep not only that school district alive but come up with a sound plan to make sure that those schools and students were meeting the academic rigors and requirements that were set forth by TEA, that he wanted to thank his staff for a very great job that they did, that he wanted to thank all of the sponsors; that he wanted to read a quote "when we lose some things it may be hard to understand but know that GOD takes away when he has something better", that he thought that was very fitting because about a month ago Kroger's left their community in the Acres Homes area and that Kroger closed down and was going to leave a void of not only a grocery store but a business in their community, but since

then they heard Council Member Costello mention that Joe V's was opening up on the corner of Victory and North Shepherd, that it had been a long time coming for HEB and Joe V's to do this, that he thought they had owned that property for about 12 years and had been in constant communication with the community about what they were going to do with that property, that since he had been on Council he had been in constant communication with HEB and had asked when were they going to open the store and what could they could do to help and HEB had always said the community was not ready, not enough roof tops, they needed to make sure they could get the community ready, the fact that they were opening up, and they changed their model a little bit, sent a message to him that the Acres Homes Community was back, new development was happening every day, he constantly pushed for development, better and more middle class development that could come into the community and attract a Joe V's, that he was certainly happy that they were going to have fresh produce, fresh food and a great anchor tenant, but he was more excited about the fact that jobs would be made available, that they had committed to 160 jobs, that potentially some of those would be high school and college students that otherwise would not have an opportunity of working, that HEB being an anchor tenant was going to attract other tenants to that area and that would bring more jobs and more opportunities, that he was going to ask the community to step up and support Joe V's, support HEB so they could keep these type of stores in their community; that he wanted to say to his daughter, who started school today, good luck, that he knew she was going to do well in the eighth grade and next year was high school. Council Members Sullivan and Pennington absent.

Council Member Gonzalez stated that he wanted to express condolences to the family, friends, colleagues and all those who knew Ms. Helen Chang, that she was a pioneer and trailblazer in the Asian American Community in Houston and well respected community leader, teacher, mother and City of Houston employee; that he wanted to congratulate Independence Heights Neighborhood Center, Northline Commons Mall and the many partners who made the 2011 Back to School Community Fair such a grand success this past Saturday, that hundreds of attendees and countless volunteers were key to a positive family atmosphere with free health screenings, giveaways and a great environment for the families of District H; that he wanted to express his sincere appreciation to the Houston Parks and Recreation Department, Richard Perez, Buddy Grantham and the Mayor's Office of Veterans Affairs, Stella Pereda and the Mayor's Office of Special Events and all distinguished guests and volunteers and partners and Mercedes Sanchez and the District H team for all of their hard work in making the absolute victory memorial unveiling event on Sunday a success, they saluted the greatest generation and thanked the World War II Veterans for their sacrifice effort and courage in leading their Nation to greatness, that he would like to encourage all to save the date as his office would be kicking off their first Annual District H Troop Drive on November 9, 2011; that on Friday, from 10:00 a.m. to 2:00 p.m., the Monte Beach Health Fair would be held at the Monte Beach Park Community Center at 915 Northwood; that healthy cooking could be hard not only to learn but also on the pocketbook, for \$5 to cover registration and materials they could learn how to cook healthy meals on a budget, join them on Saturdays through September 17, 2011 from 12:00 p.m. to 1:30 p.m. at Ripley House, 4410 Navigation, for cooking lessons, tips for improving their health and stretching their dollar at the grocery store, for more information they could call 713-304-9837; that on Sunday would be the next trap and neuter and release day for unknown cats in zip codes 77001 and 77023, that SNAP and BARC had partnered to help control the Ferrell cat population in the neighborhoods. Council Members Johnson, Sullivan and Pennington absent.

Council Member Noriega stated that she had occasion to talk with citizens several times about water breaks, that there had been articles in the paper and they had discussed this in the past but she just wanted to point out to their citizens that they were working round the clock to fix these, they had an enormous problem with their soil because when it dries out it moves, that the minute it rains it goes away, that the same thing happens with their pipes, that they were fixing somewhere between 100 and 150 breaks a day, they had over 600 on the list, that if they felt like something really needed attention call again, that they call 3-1-1 and give them the

address and they would put it in the queue, but she also wanted to assure the public that they were on this and working very hard to get it done, that she thought it was important that people understood that they were paying attention to this, that they had extra crews working on it and it was just a huge problem, that the other thing she wanted to mention was if they had a water break or water problem on the other side of the easement and it was their responsibility she would encourage them to take the paperwork after they had it fixed and send it into the Water Department and get an adjustment, they were able to help them a little bit with that, but they were all going to have to work on this together. Council Members Johnson, Sullivan and Pennington absent.

Council Member Adams that she was disturbed about a news story yesterday about the water leaks and preference, and presented a video of a water leak that she passed by on Tuesday when they were delivering air conditioners in the community, that as soon as they saw that she was in the neighborhood people were coming out and asking what they were going to do about the water leak, that she saw the water bubbling up out of the street by the fire hydrant and coming up under the sidewalk, that what disturbed her was that they had been reporting the water leak for three weeks, that she wanted to thank Gary Norman because immediately she called on the phone and forwarded the picture to Mr. Norman and within a couple of hours the water leak was repaired, that the water leak went all the way down Doolittle going up into Martin Luther King, that this was one of the low economic parts in South Park, that people thought that preference was happening in other areas, that she hoped that this was not the case because this should not have happened, three weeks was too long because the water pressure in these neighborhoods was low enough that they could not even turn on the water, that she was not pointing fingers but she wanted people to know that they were concerned as Council Members, but she wanted the community to know that this was happening all over the City of Houston, that she was wondering what would have happened if she did not see this, would it still be there today; that on Saturday her staff worked hard for a wonderful back to school event, that they were able to supply 800 backpacks to the community, they were able to serve many children that day and they had school supplies left over, that she wanted to thank all of the supporters, that they do something like this every year but this was the biggest; that she wanted to thank all of the people who donated air conditioners and she personally had been delivering the air conditioners. Council Members Sullivan, Pennington, Rodriguez and Lovell absent.

Council Member Hoang stated that his office participated in the Fourth Annual Back to School Fair in Sharpstown, in partnership with the community and corporate sponsors, that they helped distribute over 7,000 backpacks filled with supplies and school uniforms, that he wanted to thank all of the sponsors and Council Members Rodriguez and Bradford who were there participating in the event; that last Friday his office partnered with the Alief Community Association and Alief ISD to help replenish the districts clothing pantry, together they were able to collect nine large boxes full of clothes in time for school, that he wanted to thank all of the residents who donated gently used children's clothing; that he wanted to express his condolences to the Milton Winebrenner Family, Mr. Winebrenner, President of the Sharpstown Community Association passed away last week; that he wanted to extend his condolences to the family of Ms. Helen Chang, who passed away yesterday. Council Members Sullivan, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Stardig stated that on Saturday the Spring Branch Family Development Center had a very successful back to school health fair, that they had preliminary numbers and the Executive Director, Ricardo Barnes, had estimated an attendance of 5,000, with 3,000 backpacks given out and 2,000 boxed lunches, that she wanted to thank supporters and all who participated and wanted to thank Metro for sending a bus over for a schooling station; that there were many businesses beginning the process of starting in District A and economic development was extremely necessary during these times and she appreciated the businesses having confidence in Northwest Houston, that she attended the groundbreaking for the

American First National Bank yesterday at the corner of Blalock and Westview, also a Big Lots Store opening at Highway 290 and Hollister, that they had a lot of positive things happening in the district; that today they approved that the Near Northwest Management District be a tenant at the Inwood Golf Course Club House, that she thought it would be a great partnership for that community as well to make sure they reinvest into that property that they acquired for drainage and detention, the 200 plus acres; that for her colleague who made a comment that there may be preferential treatment on water breaks, she had to tell them that she had observed in her area so she did not know that there was that much preference, that the only place she saw grass growing was near the water breaks, the breaks in the lines, that she thought it was happening across the City, it was an unfortunate thing and encouraged all of the citizens to continue to call in and they needed them to help the City with that. Council Members Sullivan, Pennington, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that Council Member Stardig made an excellent point and that was that citizens needed to call in, that people would watch a water leak for a long time and apparently thought that the City magically knew that it was there, that there was a water leak mentioned earlier that actually was not called in until the 9th of August, that they did pull crews off if they had a higher priority water leak, but what made it a higher priority water leak was the size of the water leak and the number of houses affected. Council Members Johnson, Sullivan, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Adams stated that she wanted to thank Mayor Parker for letting Neighborhood Protection and Quality of Life be one of her top concerns, as well as public safety and she displayed that in the meeting yesterday at the Pilgrim Congregational Church; that she wanted to thank Solid Waste Management for attending the event on Saturday, Anti Gang, Mayor's Citizens Assistance, HPD, HFD and the City of Houston Immunization Health Department; that last Saturday she presented a proclamation to Deandre Sams and A Rocket and she wanted to thank them for being a partner with the air conditioner delivery; that she wanted to thank everyone who came out to the Pilgrim Church at 12:00 p.m. yesterday; that she wanted to thank Council Member Bradford for attending the townhall meeting at the South Central PIP last night and all who attended the meeting; that there would be a prayer walk at Yates this coming Sunday at 3:00 p.m. for those who live in the area; that she was a motivational speaker this past week, Monday, at Texas Southern University, that she wanted to welcome the new 1,200 freshman to Texas Southern University and all of the new incoming freshman for all of the universities in the City of Houston; that she wanted to give her condolences to Ms. Helen Chang's family; and read a scripture, "For I know the thoughts that I have towards you, the thoughts of peace to prosper you, to give you a future and hope". Council Members Johnson, Sullivan, Pennington, Lovell and Noriega absent.

Council Member Rodriguez stated that he wanted to send a very Happy Birthday message to his son Jake James Rodriguez, who would be two years old tomorrow. Council Members Johnson, Sullivan, Pennington, Lovell and Noriega absent.

There being no further business before Council, the City Council adjourned at 10:22 a.m. Council Members Clutterbuck and Jones absent on personal business. Council Members Johnson, Sullivan, Pennington, Lovell and Noriega absent.
DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary