

City Council Chamber, City Hall, Tuesday, August 23, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 23, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Ann Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega; C. O. "Brad" Bradford, Jolanda "Jo" Jones; Mr. David Feldman, City Attorney; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Mr. Xavier Herrera, Citizens Assistance Office and Ms. Marta Crinejo, Agenda Director, present. Council Member Oliver Pennington absent on personal business.

At 1:40 p.m. Mayor Parker called the meeting to order and invited members of the 75th Mission Command Training Division to the podium and Major General Jimmie Jaye Wells introduced himself and others with him and stated that he was an American soldier and proud to represent the Ellington Military Community; that he just took over the command about four weeks ago and wanted to recognize the Mayor and Council for supporting military personnel and veterans and presented a commemorative photo of Ellington with the 75th Division out front and a 75th belt buckle for the Mayor and Council and a Commander's Award for public service to Mayor Parker. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker and Council Members Noriega, Stardig, Adams and Gonzalez commended the 75th Division and Mr. Buddy Grantham with the City of Houston for all they did for the city, military personnel and veterans. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker invited all present with the 2011 Back-to-School Festival to the podium and stated that this was the first time the City of Houston did a coordinated citywide Back-to-School Festival and it was overwhelmingly successful, but that was also bad news as it meant there were many with significant needs; that many great corporate sponsors came together to make this possible and they planned for 25,000 youth and served 30,000 and turned more away; that she thanked the Shell Oil Foundation who was the presenting sponsor and all title sponsors and presented Proclamations to each for their great help. Council Members Clutterbuck, Sullivan, Hoang, Rodriguez, Costello, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker, Council Members Adams, Noriega and Hoang thanked and commended all for making the event so successful. Council Members Johnson, Sullivan, Hoang, Rodriguez, Costello, Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Stardig invited all present with Rebuilding Together-Houston to the podium and stated that they had made great contributions in District A, they worked to preserve affordable homeownership and revitalized neighborhoods and in partnership with Sears Holding they were able to assist Mr. and Mrs. Glass with renovations to their home and the Heroes at Home Program provided support to military service members, veterans and their families through joint efforts with various non profit organizations like Rebuilding Houston; and Mayor Parker presented a Proclamation to the organization and proclaimed today as "Rebuilding Together-Houston Day" in Houston, Texas. Council Members Johnson, Sullivan, Hoang, Rodriguez, Costello, Lovell and Jones absent. (NO QUORUM PRESENT)

Mr. Fred Williams, co chair of Rebuilding Together Houston, stated that this had grown from one organization in Houston to 200 affiliates across the country with Houston being the largest; that last year they rebuilt over 10,000 homes across the country with over 10% in the Houston community and they partnered with Sears Holdings and volunteers and repaired two homes in Council Member Stardig's district. Council Members Johnson, Sullivan, Hoang,

Rodriguez, Costello and Jones absent.

Council Member Adams and Lovell thanked and saluted all with Rebuilding Together Houston and Sears, all volunteers and Mr. Conklin with the City of Houston for the work they did. Council Members Sullivan, Hoang, Rodriguez and Costello absent.

At 2:14 p.m. Mayor Parker called on Council Member Hoang who led all in the prayer and pledge. Council Members Rodriguez and Sullivan absent.

At 2:15 p.m. the City Secretary called the roll. Council Member Pennington absent on personal business.

Council Members Gonzalez and Bradford moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Pennington absent on personal business. MOTION ADOPTED.

Council Member Gonzalez moved that the rules be suspended for the purpose of hearing Mr. Melvin Hughes before Mr. Charles Ingram and Mr. Daniel Box after Mr. Ingram, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Lovell absent. MOTION 2011-0649 ADOPTED.

At 2:17 p.m. the City Secretary began calling the public speakers. Council Members Hoang and Lovell absent.

Ms. Victoria Baldasso, 6131 Stoney Brook Drive, Houston, Texas 77036 (713-550-7899) appeared and stated that she was present regarding red light cameras, they were invasion of privacy, and she was ticketed four times already and they should consider the people. Council Members Sullivan, Hoang and Lovell absent.

Pastor James Nash, 8309 Brandon, Houston, Texas 77051 (713-725-1664) appeared and stated that many would love to be sitting as Mayor and Council Members and they were there because of the people; that red light cameras should not be a dividing point.

Mr. George Hittner, 7681 E. Gray Road, Scottsdale, Arizona 85260 (480-480-7000) appeared and stated that he was present to make an offer ATS thought best for all concerned regarding the red light camera issue; that ATS never walked away from a bargaining table, the city Attorney informed him the Mayor decided to turn them off and he requested a settlement demand be sent by ATS which they had no prior plans to do; that he also said it was essential they include one sentence that the demand was final and non negotiable because Council needed to make a choice to turn cameras off and pay their demand or leave them on and avoid further liability to ATS and that was when they rescinded it and it was manipulative and untrue; that this would send a message to people that any contract with the city was not worth paper written on; that they told Council not to put the item on the Agenda or they would be where they now were.

Council Member Lovell stated that Mr. Hittner could continue using some of her time; and Mr. Hittner stated that their offer was to forgive the past and let them earn their money, the election was illegal but they would forgive millions in damages if they let them do their job and ATS would promise to leave on December 31, 2013 six months earlier than required and it would avoid liability, the public would be safer and the program would be funded by those failing to obey the law. Upon questions by Council Member Lovell, Mr. Hittner stated that since the Mayor had the cameras turned off 9,000 tickets were approved by HPD and they were offering the cameras be turned off December 2013 and there would be no damages needing to be paid to ATS.

Council Member Jones stated that if the city Attorney did what he said he did she had no knowledge of it and she believed all should be done in the open; that Council Members were held accountable by the people on things they had no clue of and that was problematic; and again asked all at the Council Table be privy to what was being done.

Council Member Clutterbuck stated that she thanked Mr. Hittner for appearing and making an excellent presentation which highlighted difficult issues including the trust people would have entering contracts with the city. Council Member Costello absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of extending the time for questions of Mr. George Hittner, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Costello absent. MOTION 2011-0650 ADOPTED.

Council Member Clutterbuck stated that it was important for people to have faith in contracts with the city and it was her hope they have a serious discussion about his proposal in the next hours; and it was her opinion it not go on the ballot, but she was alone and she hoped they would not continue to misstep; and Mr. Hittner stated that it was no secret six years ago he and Council Member Clutterbuck went for the same Council position and whether she agreed with him or not she had been principled and he would not have rather lost to anyone else, she understood political conviction.

Council Member Hoang stated that the City of Houston and his company went through mediation with no agreement; and upon questions, Mr. Hittner stated that he could not respond to his question as to what the penalty was they wanted to assess against the city if they did not accept the offer because of rules in Texas governing mediation; that if taken to court it could reach \$25 million and that did not include interest and attorney fees and that was as of today; that the Judge ruled the election illegal. Council Member Adams absent.

Council Member Hoang moved the rules be suspended for the purpose of extending the time for questions of Mr. George Hittner, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Adams absent. MOTION 2011-0651 ADOPTED.

Upon questions by Council Member Hoang, Mr. Hittner stated that it was damages under the contract, actual damages, no punitive damages. Council Member Adams absent.

Upon questions by Council Member Bradford, Mr. Hittner stated that the offer by ATS included a recognition of the will of the people; that the job of Council was to obey and carry out the law and there had been unbelievable dialogue with everyone, but he was never asked to come and present before Council and they did not cause the fight and did all they were asked and obligated to do. Council Member Adams absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Mr. George Hittner, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Adams absent. MOTION 2011-0652 ADOPTED.

Upon questions by Council Member Noriega, Mr. Hittner stated that they would wipe the slate clean, the millions of dollars accumulated in damages as a result of the election, attorney fees and cameras off would go to zero, but let them continue with their contract until December 31, 2013. Council Member Adams absent.

Upon questions by Council Member Jones, Mr. Hittner stated that he believed the vote on the ordinance tomorrow would be illegal if it was to eradicate a legally binding contract; that in the letter the City Attorney asked for he asked for a sentence with a take it or leave it offer, a final offer and it was by different avenues, a meeting in his office and by telephone and they had not intended to send the letter as cameras were on and they wanted nothing else. Council Members Stardig, Adams and Noriega absent.

Upon questions by Council Member Jones, Mr. Feldman stated that he was not telling the truth, this was a matter of litigation and she had before her an adversary who just told her he would seek \$25 million from the city. Council Members Stardig, Adams and Noriega absent.

Council Member Hoang stated that he said the body had to follow the law and he believed voting to repeal the ordinance was following the law and he believed he was sending the wrong message out about his company; that he was offended and as a city they could not let a company bully them. Council Members Adams and Sullivan absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Mr. George Hittner, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Members Adams and Sullivan absent. MOTION 2011-0653 ADOPTED.

Upon questions by Council Member Rodriguez, Mr. Feldman stated that there was an adversary before them who was saying they owed \$25 million in damages which was a pure fantasy. Council Members Adams and Sullivan absent.

Mayor Parker stated that she thought it safe to say it was the city's contention on the day she ordered cameras turned off and they notified the camera company it would be November 15, 2010 and they triggered the cancellation provisions in the contract and followed what was in that contract; and Mr. Feldman stated that was correct. Council Members Adams and Sullivan absent.

Upon questions by Council Member Lovell, Mr. Feldman stated that the ruling of the trial court was the election was illegal and that was why they had courts of appeals; that they sought permission to appeal because Judge Hughes's order was not a final judgment, he had not disposed of all issues in the case and under federal rules of procedure the only way they could appeal at that time was to first seek permission of the district Court to appeal and he denied permission presumably for the reason he wanted to try and bring the case to a final conclusion as quickly as possible and then upon final judgment as a matter of right they could appeal on the merits; and Mr. Hittner stated that ATS consulted with Council Members when they received the demand from the City Attorney and he was happy to give her the names because he called him a liar and took personal offense to that. Council Members Adams and Sullivan absent.

Council Member Bradford stated that for the purpose of the record the council as a body had to make sure they established policy and the legal strategy fit around that policy and that they did not try and establish a policy which fit around the legal strategy; that he thought in the contract there was a proviso where a director would give in writing notice of termination and that director was Chief of Police; and upon questions, Mr. Feldman stated that yes the director had given a written notice to ATS of termination for convenience. Council Members Adams and Sullivan absent.

Council Member Jones stated that tomorrow as it related to this, she did not believe Judge Hughes could tell Council what to do at the Council Table and the ordinance would be separate and apart from anything Judge Hughes did for the record. Council Members Adams, Sullivan and Lovell absent. MOTION 2011-0654 FAILED.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Mr. George Hittner, but the motion died for lack of a second. Council Member Pennington absent on personal business. Council Members Clutterbuck, Adams, Sullivan and Lovell absent. MOTION 2011-0655 ADOPTED.

Mr. Mike Deleonardis, 7314 Lugary, Houston, Texas 77036 (713-271-7547) appeared and stated that proponents of the cameras used a morality play of safety and it was inclusive; that Bob Stein was manipulating the study with different types of statistical analysis and the study started as Rice funded, but it was paid for by a grant from the city through the Houston Police Department and he would say that was a conflict of interest. Council Members Johnson, Clutterbuck, Adams, Sullivan and Noriega absent.

Ms. Leticia Ablaza, 8022 Glendale, Houston, Texas 77061 (did not give phone number) appeared and stated that Mayor Parker at the LULAC Meeting called red light cameras a distraction, but the distraction was the will of the people was not being upheld. Mayor Parker, Council Members Johnson, Clutterbuck, Adams, Sullivan and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Timothy Cheng, 19331 Dickson Park, Spring, Texas 77373 (832-859-3053) appeared, as others stood in support, and stated that he was present regarding layoffs and was asking for them to be rehired; that he worked for the city 16 years and he was asking for justice, to rehire them back. Mayor Parker, Council Members Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Porter Stubblefield II, 14226 Laffite, Cypress, Texas 77429 (832-465-3481) appeared and stated that he was disgusted with the way people were being treated at 1400 Lubbock; that he witnessed total lack of respect August 19, 2011, described taking shoes off, going through metal detectors, being crammed together, etc., and then attorneys told him officers were not to arrive until 1:00 p.m. even though they were scheduled to be there for the 9:00 a.m. docket. Council Members Adams, Rodriguez, Lovell and Noriega absent.

Council Member Jones stated that she would re-urge if police could come at 1:00 p.m. then citizens should be able to come at 1:00 p.m. and warrants not be for their arrests; and upon questions, Mr. Stubblefield stated that people who were there on time were oppressed by authority, wasted their time, lost pay from work and with no result but a reset and it was unacceptable in his opinion and he hoped they were looking into this; and Council Member Jones stated that no one has said anything to her because they were pretending it did not exist, but for as much as they talk about how it ran sufficiently she knew many there had problems, she apologized and would work with him and see if something could be figured out. Council Members Adams, Rodriguez, Lovell and Noriega absent.

Upon questions by Council Member Bradford, Mr. Stubblefield stated that when he reported to the courts he was expecting a trial; that he hired a traffic lawyer to take care of it and he had postponed it until it got to the point of a trial by jury; and Council Member Bradford stated that many worked hard over there to bring about changes, but it was still a work in progress and he would commit to making calls to see what Judge Hartle could do, she was trying to fine tune this and trying not to pull officers from the street until necessary. Council Members Stardig, Adams, Rodriguez, Lovell and Noriega absent.

Mr. Donald Lee, 4214 Sondick, Houston, Texas 77020 (713-206-8779) appeared and stated that he was a resident of Fifth Ward and was to speak on trees, but many were cut now due to calls of 311 and he thanked them for their response, but there were still problems as many properties were abandoned and behind taxes; that he cut the property for nine years to no

avail and it was overpowering to him and an eyesore and danger to youth; that Neighborhood Protection was doing things, but the lingering process of property going to auction, etc., was a slow process; and urged Council to look into such situations. Council Members Stardig, Adams, Rodriguez and Lovell absent.

Council Member Noriega commended Mr. Lee for his work and investment in his community. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Council Member Jones thanked Mr. Lee for coming and stated that acquiring property from delinquent tax payers took a long time, but on the cutting of lawns it cost a lot for abandoned properties and it was problematic. Council Members Stardig, Adams, Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Johnson thanked Mr. Lee for coming and for being civic minded and keeping up his neighborhood; that in his district he created an idea called sweat equity which was if you maintained property next door to you then you should receive sweat equity and if the property was ever tax delinquent or taken by the county they should have first right of refusal and that would give incentive to people; that they had to set precedent and create a stronger ordinance to hold absentee landlords accountable. Council Members Stardig, Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Adams moved the rules be suspended for the purpose of hearing Ms. Tomaro Bell at the top of the previous speakers, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Members Stardig, Sullivan, Rodriguez, Lovell and Noriega absent. MOTION 2011-0655 ADOPTED.

Dr. Kevin Simms, 2524 Yorktown, Houston, Texas 77056 (713-703-8525) appeared, presented information and stated that he was supposed to be on the Agenda last week, but somehow was removed; that Mayor Parker already decided to turn the cameras off, but Council and her leadership was so corrupted it was not funny; that something was wrong having a CEO who watched porno and kept his job and some METRO contracts were bogus and illegal and would be pointed out; that the Mayor did not put Houston first as contracts were awarded to companies in other cities; and ATS did have a legitimate contract; and he may not win the Mayoral election, but November 8th she would be relieved of her duties. Council Members Stardig, Adams, Sullivan, 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 Stardig, Adams, Sullivan, Rodriguez, Lovell and Noriega absent.

Mr. Melvin Hughes (did not give address or phone number) appeared, as others stood in support, and stated that he was present with two issues; that they shook hands and HOPE believed what they did would make a big difference, but the next day had a problem; that in Neighborhood Protection things were done disrespectfully and it had no integrity to it; that the employees worked for her and made her look good, many low income areas needed Neighborhood Protection and now 41 employees were losing their job and they sat at the table and talked about change and today they needed to think of their decisions and not toss them out over budget problems, they accepted the budget problems and painful volunteering their time and they were already struggling with bills, etc.; and Ms. Flowers, director was one of the most powerful positions and because you have the power you needed to respond to other leaders and they should be held accountable. Council Members Stardig, Lovell and Noriega absent.

Council Member Jones thanked Mr. Hughes for coming; that they had long talks on the collective bargaining with HOPE and HOPE agreed to no pay raises, they were always the first to step up and bite the bullet in a time of economic crisis, they did collective bargaining mostly for respect; that tomorrow they were being asked to vote for Ms. Flowers as director and she had not heard one nice thing about her from the community or state representatives and she was not clear how they could be voting for someone the people did not like; and she apologized to HOPE, they negotiated the contract and then found 41 to be laid off and it was wrong. Council Member Johnson absent.

Mayor Parker stated that Mr. Hughes had her cell phone number; and upon questions, Mr. Hughes stated that he did and she had never failed to speak with him when needed; that they had a face to face meeting on this issue; and Mayor Parker stated that 16 people had been laid off, a number had to pass a required certification and they were told if they passed they would have their jobs and they were given time to pass and the facts needed to be clear; and Mr. Hughes stated there were some who had certification and they were not given opportunity to come back; and Mayor Parker stated that the issue was permanent layoffs and those who were given notice they would be laid off if required certification was not received. Council Member Johnson absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Mr. Melvin Hughes, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Johnson absent. MOTION 2011-0656 ADOPTED.

Upon questions by Council Member Gonzalez, Mr. Hughes stated that the employees were having to pay for their certification and it was about \$300.00; and Council Member Gonzalez stated that he was told it was \$500.00; and Mr. Hughes stated that it was a process and totaled around \$500.00; that they had 45 days to be certified and if not they were out of a job; and Council Member Gonzalez stated that he would like to know from Ms. Flowers or the Administration was why the city did not pick up the cost if it was required for employment; and Mr. Hughes stated that when you did a layoff you had a plan and they requested through the HR Director and it still had not made it and they met with Ms. Flowers and it was on the way, but still had not made it here and if it was done right you did not have to hide anything, just send it over; that they should at least respect them enough to tell them the truth. Council Members Johnson and Jones absent.

Council Member Hoang stated that he wanted the governmental body to seek the welfare of the citizens; the integrity of the body was to keep promises and all of HOPE went to them and there was collective bargaining and they reached an agreement and he was shocked 41 had been laid off and his compassion went to them and if his office could assist them it would; and he could not believe they laid off so many when it was safety to citizens and not notified Council Members. Council Members Johnson and Jones absent.

Council Member Hoang moved the rules be suspended for the purpose of extending the time for questions of Mr. Melvin Hughes, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Members Johnson and Jones absent. MOTION 2011-0657 ADOPTED.

Council Member Hoang stated that they could not say one thing and then turn their backs it was wrong; and Mayor Parker stated that they had done exactly what they said they would do and there were not 41 employees laid off and the information was shared with Council Members earlier and she knew representatives of HOPE met with Mr. Reid last week as they did with her to discuss this issue. Council Member Johnson absent.

Council Member Sullivan stated that he appreciated the work municipal employees did and it was not a hard vote for him to vote for the contract, the meet and confer, because clearly it was cooperative and he appreciated everyone's efforts, but he was impressed with Ms. Flowers; that she drove to Kingwood and met with them and she was talented enough to make everyone happy and looked forward to voting for her tomorrow. Council Member Johnson absent.

Mayor Parker stated that to be clear anyone receiving a layoff notice still had their 45 days on the payroll and the notice was actually as of September 30th. Council Member Johnson absent.

Council Member Bradford thanked Mr. Hughes for what he and HOPE did and stated that it was fair to say layoff decisions were made in large part before Ms. Flowers got into a leadership position; that he had positive comments on Ms. Flowers and he heard the important roll inspectors performed and hoped during the next budget cycle they could drill down further on the core services issue, he would rather see reductions in other areas. Council Member Johnson absent.

Council Member Bradford moved the rules be suspended for the purpose of extending the time for questions of Mr. Melvin Hughes, seconded by Council Member Jones. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Members Johnson and Lovell absent. MOTION 2011-0658 ADOPTED.

Council Member Bradford stated he had great concern when he heard city employees in some departments were required to pay for their training and certification requirements, it was super problematic as many did not make the high end salaries; that the city paid for firefighters and police officers to receive training and certifications and for lawyers to do their continued legal training yearly and they had an obligation to not have employees on a lower pay grade paying for their own certification. Council Members Johnson, Adams, Sullivan, Hoang and Lovell absent.

Upon questions by Mayor Parker, Mr. Hughes stated that they asked about the employees not paying and Ms. Flowers stated that she would see about one getting it returned as he had used his rent money; and Mayor Parker stated that would be inappropriate, if there was a policy to reimburse then it was for everyone; that in the Controller's Office it was her policy to reimburse for required education and training and in general that was her policy in the City of Houston so maybe there was a disconnect there and she would check the situation. Council Members Johnson, Adams, Sullivan, Hoang and Lovell absent.

Upon questions by Council Member Jones, Mayor Parker stated that she asked Mr. Reid to come over for questions, she could not answer her questions at this time. Council Members Johnson, Sullivan, Hoang and Lovell absent.

Mr. Charles Ingram, 5503 Mountwood, Houston, Texas 77091 (713-471-7689) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang and Lovell absent.

Mr. Daniel Box, 323 Mosse Drive, Huffman, Texas 77532 (832-794-9896) appeared, as others stood in support, and stated that he was a HOPE member and building inspector for the city; that he had to be certified within a six month period for his duties and he paid for the test and then was reimbursed when he passed it; that now they were given 45 days to complete everything or be laid off and he understood the Mayor's position of they were not laid off yet, but the deal was they were not given enough time so basically they gave out a document which would lay them off and some laid off did have certification and 20 years experience. Council



Members Johnson, Sullivan and Rodriguez absent.

Upon questions by Council Member Jones, Mr. Box stated that when they were originally hired the certification was not mandatory and they worked for years with it being optional, but with the reorganization of Neighborhood Protection it was now mandatory for all code enforcement inspectors to be certified; and Council Member Jones stated that 45 days did not seem fair and most just wanted the process fair; and Mayor Parker stated that there were 47 people identified in Neighborhood Protection inspection needing to be certified or laid off and 17 were laid off and 30 were asked to get their certification and they were given 45 days to do it and 20 of those have already received their certifications and it was the expectation of the department and those remaining 10 would receive their certification; that the question she asked was whether in fact once they received certification would they be reimbursed which she thought was appropriate and generally the city policy; and Council Member Jones stated that her request was to give people a fair chance and did they have to be stuck at the 45 days; and Mr. Box stated that then there was the question of those already certified with excellent EPEs and years of experience and laid off; and Council Member Jones stated that she wanted an answer to that also and was Ms. Flowers on her way; and Mayor Parker stated that Ms. Flowers and Mr. Reid were in back whenever Council was ready. Council Members Johnson, Adams and Sullivan absent.

Council Member Bradford moved the rules be suspended for the purpose of extending the time for questions of Mr. Daniel Box, seconded by Council Member Jones. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Members Johnson, Adams and Sullivan absent. MOTION 2011-0659 ADOPTED.

Council Member Bradford stated that it seemed issues Mr. Box and Mr. Hughes were discussing, there was an LMC component, Labor Management Component of the contract and those issues should have been discussed there; and upon questions, Mr. Box stated that the contract was ratified a week or two ago and it would take time to sit with the LMCC, but everyone's time was running and right now all they could do was come to Council and let someone know the ball was dropped; that they were told in July layoffs were over and the Mayor sent an email saying they were done and they were sitting in good faith negotiating a contract and specifically asked if there were any more layoffs and told at the time none were scheduled and yet they were finding the layoffs were scheduled during the time they were negotiating; that Mr. Feldman they believed negotiated with integrity, they did not think he knew of the layoffs in Neighborhood Protection, but Omar Reid knew and his answer to them was he forgot to tell them and you could forget some things from the store, etc., but you did not forget to tell a union you would be having possibly 41 members laid off; and Council Member Bradford stated that the LMC Committee was a good tool to be used and here in Council it would not be solved. Mayor Parker, Council Members Stardig, Johnson, Adams and Sullivan absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Hoang moved the rules be suspended for the purpose of allowing Ms. Flowers and Mr. Omar Reid to answer questions, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Members Stardig, Johnson, Adams and Sullivan absent. MOTION 2011-0660 ADOPTED.

Mayor Parker stated to Mr. Reid and Ms. Flowers that she knew they both met with representatives of HOPE; and upon questions, Mr. Reid stated that he and Ms. Flowers met with them last week and the week before on this particular issue and the complete layoff plan was emailed last week on Wednesday at 10:01 a.m. to the executive director of HOPE and also Ms. Cormier, who he was not sure of her position; this was a budgetary layoff imposed upon Neighborhood Protection. Council Members Stardig, Johnson, Sullivan and Costello absent.

Mayor Parker stated to Ms. Flowers it was her understanding there were 47 given notice of possible layoff and 17 actually laid off and 30 asked to get required certification; and Ms. Flowers stated that was correct; that 20 had already received it and the 10 remaining had until October 1st to receive it. Council Members Stardig, Johnson, Sullivan and Costello absent.

Upon questions by Council Member Jones, Ms. Flowers stated that everyone providing code enforcement functions had to have certification and so did their supervisors; that if you received a conditional layoff and received your certification you were guaranteed your position. Council Members Stardig, Johnson, Sullivan and Costello absent.

Upon questions by Council Member Jones, Mr. Reid stated that the 45 days was a contractual requirement; and Mayor Parker stated that the 45 day lay off notice was the same as the old contract; and Mr. Reid stated that it was in the HOPE contract; and Council Member Jones stated that two unrelated things were tied together, the 45 days went to termination or layoffs, but they looped in the certification in it; and Mr. Reid stated that they provided an additional 45 days for certification; that 45 days was what Ms. Flowers gave them to get the certification; that if it took longer to be certified they would not have their job; and Ms. Flowers stated that they should note they had actually been working on the certification for three months and they had an additional 45 days from the day they were laid off to do their certifications; and Mr. Reid stated that he did not have the exact date for the first time HOPE learned of the layoffs but they could get it for her. Council Members Stardig, Johnson, Sullivan and Costello absent.

Mayor Parker stated to Ms. Flowers she knew she had presented to Council Member Adams committee and perhaps she could explain the reorganization going on; and Ms. Flowers stated that Neighborhood Protection was comprised of several different classifications, they had more than 70 people with the same classification which was community service inspector and in addition had 17 people who had classifications called contract compliance and the layoff ordinance required people to follow a specific guideline, you were in Tier I, Tier II and the like and the layoff ordinance was not applicable because of the functions required, the people who provided the function would be laid off because the ordinance required them to be so they created a plan calling for new classification which was code enforcement officer which was a state certified position; and explained the plan of reorganization of Neighborhood Protection which included the reasoning for certification. Council Members Johnson and Sullivan absent.

Council Member Adams stated that it was not a voluntary demotion some took and had signed for, but really a reclassification; and upon questions, Ms. Flowers explained that it went back to the pool of people who had the same classification. Council Members Johnson and Sullivan absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Ms. Flowers, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Members Johnson and Sullivan absent. MOTION 2011-0661 ADOPTED.

Ms. Flowers further stated that the proposal was to create another classification of abatement specialists and unfortunately the verbiage left a lot to be desired and they would work with HR to make sure it was resolved; and Council Member Adams stated that she was sure those who signed the voluntary demotion would love the form changed to reclassification and felt it should be as it was a negative reflection; and Mr. Reid stated that voluntary demotions happened all the time across the city for employees to stay on the payroll, but in this case she was correct it was more so for reclassification so they would look at the issue. Council Members Johnson and Sullivan absent.

Upon questions by Council Member Hoang, Ms. Flowers stated that she had to cut 20% of

their budget which totaled about \$1 million and about 17 positions; that she sent out 47 notices and as a point of clarity in the 47 number there were 17 laid off the others were a conditional layoff based on a certification and of the remaining balance 20 already obtained certification and they were waiting on the balance to finish to know whether they passed or not; and Council Member Hoang stated that the evaluation seemed to be subjective and not an evaluation. Council Members Johnson and Sullivan absent.

Council Member Hoang moved the rules be suspended for the purpose of extending the time for questions of Ms. Flowers and Mr. Reid, seconded by Council Member Jones. No motion number was given as a vote was not called. Council Members Johnson and Sullivan absent.

Council Member Gonzalez stated that 45 days for certification seemed a little unreasonable; and upon questions, Mr. Reid stated that the communication to HOPE should have been better and he would take responsibility for that; that they met many times on contract negotiations and now in retrospect he could have done a better job in communicating; and Ms. Flowers stated that prior to the call for mandatory certification 50% of the staff was already certified and when Council approved the new code enforcement classification it became mandatory everyone needed to get certification; that the state was brought in for training; and Mr. Reid stated that the ordinance was passed June 22nd and it would have started in June; and Ms. Flowers stated that training was established in May; that she was willing to work with HR on a case by case basis as requests were made and having certification was a difference maker, it was her goal to demonstrate to the community they were serious about code enforcement and redeveloping communities, they were raising the bar; and Council Member Gonzalez stated that he hoped there would be better communication with employees; and Mr. Reid stated that he spoke with Melvin Hughes, the president of HOPE, today and asked for weekly meetings so they could improve communication. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Stardig moved the rules be suspended for the purpose of extending the time for questions of Ms. Flowers and Mr. Reid, seconded by Council Member Jones; and inasmuch as 10 Members of Council were not present questions continued by consent. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Clutterbuck stated that Mr. Reid said voluntary demotion happened all the time across the city so people could keep their jobs; and upon questions, Mr. Reid stated that there were voluntary demotions in lieu of layoff which were apart of the ordinance passed and sometimes it meant there would also be a salary adjustment with that demotion; that the purpose of a voluntary demotion without salary adjustment may be to move someone out of an incorrect classification as in this case. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Jones stated that these were additional questions to the ones asked previously and not yet answered; and upon questions, Ms. Flowers stated that she did not speak of the layoffs at Council Member Adams committee meeting; and Mr. Reid stated that yes they were a part of the original plan as a result of the budget situation; and Mayor Parker stated that yes, they were a part of the original set of layoffs, but they were delayed because of the delay of the formation of the department, because so many departments were brought together some layoffs crossed divisions; and Mr. Reid stated that he took credit for that already, but would again, HOPE was not informed of those layoffs; and Council Member Jones stated that she would be looking for the document which showed Council Members they were informed that if the ordinance was passed in June there would be mandatory certification and employees would have to pay for it; that Ms. Flowers made reference to an ordinance which passed in June and caused it to go from voluntary to mandatory and she wanted to know where Council

Members were told that because it would be significant to her in voting for something or not; and Mr. Reid stated that they voted on a master classification ordinance which had an update of job classifications on it; and Council Member Jones stated that was not her question; and Mayor Parker stated that yes, it was the answer and she could ask it again but would be given the same answer. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Ms. Flowers and Mr. Reid, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Members Johnson, Sullivan, Hoang and Rodriguez absent. MOTION 2011-0662 ADOPTED

Upon further questions by Council Member Jones, Mr. Reid stated that he was not in the room, but generally when employees were given an opportunity to sign a voluntary demotion it was in lieu of layoff so generally that was what would take place; and Council Member Jones stated that she wanted to know who actually relayed the information because she would submit to them if you said sign or be laid off it was not voluntary and wanted to know from that person; and Ms. Flowers stated that there was an interview process on who to lay off, a panel of interviewers and every applicant went through the interview process; that they were all aware they would be going into an interview; and Council Member Jones stated that she would like that notice provided to her also; and Ms. Flowers stated okay. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Upon questions by Council Member Gonzalez, Ms. Flowers stated that employees knew their employment was at stake. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Mayor Parker stated that she had no other Council Members in the cue and thanked Ms. Flowers and Mr. Reid for coming. Mayor Parker stated that they were upgrading and professionalizing the department and it would provide a much higher level of service to citizens. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Ms. Margarette Aplin, 2079 SW Castinet Lane, Port St. Lucie, Florida 34953 (772-240-2114) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Mr. James Moore, did not wish to give address or phone number, had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Mr. Emmitt Walker, did not give address or phone number, appeared, as others stood in support, and stated that he had been employed by the city since 1993 and in Neighborhood Protection since 1995; that he received outstanding work performance and he had trained others; that his question was on Ordinance Section 14-141 on who should be laid off as in it wording was that employees would be laid off by a combination of merit rating and seniority as provided in the ordinance. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Upon questions by Council Member Jones, Mr. Walker stated that he did go to an interview and it was approximately 30 minutes; that they had been told they had to interview for their jobs they were currently doing and that they had to pass a basic code enforcement test which he took in 1999 and passed; that they were told they would interview for several open positions, he did not know if he did not do well he would lose his job; that they were given nothing in writing about interviewing for their jobs, he was not asked about loyalty in the interview, he was asked about the codes and whether he had public speaking; that he had been

an inspector for 16 years and he did speak at civic club meetings he was required to go to; that he was never told he had to take public speaking, but he had in college. Council Members Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Adams stated that she worked with Mr. Walker for eight of his sixteen years and his work was outstanding and she complimented him on all he did, going into dangerous buildings, etc., he had his certification in 1999 when the city paid for it, but it lapsed; that no one ever said his certification had expired and he should renew; that the reason for him being laid off was his position was being terminated, his title was community service inspector and it was a letter given to him on his position; and Council Member Adams stated that they would see what would happen from here and she would have open dialogue with HOPE as well as with the leadership; that Director Reid did state there was a lack of communication among HOPE leadership and from his statement she saw a lot of things could have been done better. Council Members Johnson, Sullivan, Rodriguez, Noriega and Jones absent.

Ms. Andrea Jackson, did not give address or phone number, had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Rodriguez, Noriega and Jones absent.

Ms. Maria Abraham, did not give address or phone number, had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Rodriguez, Noriega, Lovell and Jones absent.

Mr. Anthony Freddie, 7919 Southmeadow, Houston, Texas 77071 (713-539-8978) appeared, as others stood in support, and stated that he was present not as a community service inspector, but as an individual who served many communities with many issues making sure constituents were served; that his duties were to make sure community projects ran well and he represented the city in many facets; that as of September 30th his tenure with the city would discontinue and he had a number of questions not as a public servant, but as a citizen; that he represented each Council Member's district and what would be done now that the workforce from Neighborhood Protection was cut drastically for youth going to school and passing dangerous buildings and weeded lots and for seniors asking for needed help. Council Members Johnson, Sullivan, Rodriguez and Noriega absent.

Upon questions by Council Member Jones, Mr. Freddie stated that if you were a community service inspector, chief inspector or senior inspector in Neighborhood Protection before the reorganization it was not mandatory to have a certification. Mayor Parker, Council Members Johnson, Sullivan, Rodriguez and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Jones stated that she would pose the question to the Administration whether Ms. Flowers had certification; and Mayor Parker stated that yes she did have certification and stepped back out of the Chamber; and Council Member Jones asked if all supervisors had to have certification; and asked those present from Neighborhood Protection to show by raising hands whether they were asked about loyalty, etc. Mayor Parker, Council Members Johnson, Sullivan, Rodriguez and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Bradford, Mr. Freddie stated that as of September 30th he would no longer be with the City of Houston; and Council Member Bradford stated that he did not have a personal working relationship with many who were laid off and did not know of their performance, but he certainly knew of the quality of work of Mr. Freddie and his exemplary service he provided for years and he wondered how such an exemplary employee could be targeted for layoff and others he knew had less than stellar performance were not; that he was

concerned with this and he wanted to know why HOPE did not stand as an organization and support his proposal to reduce by 5% the pay grade of personnel making \$65,000.00 and above; that they could have saved employees jobs standing together and in the future they should stand together, to him that was still a plausible thing to do; and Mr. Freddie stated that he had 17 years of perfect attendance and that was his character and when you talk of an employee being brought in to take over a role then you had to question what they were really doing with the fabric of their community, was it about saving and building communities, about strengthening the communities; that as of today he had 29 years and six months with the City of Houston. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Kinnear Kern, 1499 San Felipe, Houston, Texas 77027 (713-403-8888) appeared, as others stood in support, and stated that she was the dispute resolution manager at HOPE and was present about following the layoff ordinance; that some had packets which included the community inspector classification; that their database indicated there were over 60 community service inspectors and from what Ms. Flowers said several were moved into other positions based on the reorganization so they had 26 left and she was not sure why they were on two pages as she had not seen that before, but they had color coded the classifications to show which employees were given conditional layoff and in yellow which were laid off unconditionally; and gave a brief overview of the intricacies of the layoff ordinance which included being divided into four tiers based on EPEs and highest performers being in Tier IV and then seniority kicking in and the ones unconditionally laid off with no option to come back were all Tier IV employees, they were all the highest performance employees and some lower tier employees were given option to come back; that one tier IV employee, a very high performer and hired in 1982 was not given option to come back and their concern was it gave the option to pick and choose which employees they wanted laid off; that also some laid off had licenses already, why were they not given option to come back; that some employees were moved around before the layoff and again giving the department the option to pick and choose whoever they wanted to keep; that they wanted the ordinance to be fair for all and this did not allow high performers to come back; and Mr. Reid did send the layoff plan last week. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Rodriguez and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated to the Administration or to Ms. Flowers she wanted in writing why the highest performing employees, Tier IV, were unconditionally laid off; and upon questions, Ms. Kern stated that she was a lawyer and they were hearing some supervisors were not licensed and they wanted it in writing and also wanted in writing voluntary demotion forms to see exactly which community inspectors were moved into other positions prior to the layoff; that some said offices were being remodeled and new office staff was being hired while these employees were laid off; that the concern was the spirit and intent of the ordinance was not being followed and instead it was a departmental pick and choose; and Council Member Jones stated that she had no explanation, but all questions she asked would be sent in writing to whoever was responsible for answering and she would get back to her the received answers; that at a minimum they owed employees, especially stellar/exemplary employees fairness in the process. Council Members Johnson, Adams, Sullivan, Gonzalez, Rodriguez and Noriega absent.

Mr. Isaiah Monroe, 3806 Ebbtide, Houston, Texas 77045 (281-795-9526) appeared, as others stood in support, and stated that he was present to make a charge; that he understood it was Council's wish to do the will of the citizens and he was charging them to think whether or not citizens they represented would will the unjust treatment of employees of Neighborhood Protection; that he worked 311 and Neighborhood Protection calls came mainly out of the low income areas and they needed their inspectors; and the citizens laid it on the backs of Council to look into the pattern and make sure it would not happen again and to make decisions for

constituents and the service of their areas and not for what was on a resume. Council Members Stardig, Johnson, Adams, Sullivan, Gonzalez, Rodriguez, Noriega and Jones absent. (NO QUORUM PRESENT)

Ms. Gail Dixon, 8434 Tilgham, Houston, Texas 77029 (713-673-3933) appeared, with others standing in support, and stated that Neighborhood Protection had served their Pleasantville Area and she wondered if since they were laying so many off did those at the top take any cuts to help save the little man; that she also wanted to know if the city would be cutting taxes for homeowners because all the cuts would affect their communities. Council Members Stardig, Johnson, Adams, Sullivan, Gonzalez, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones stated that she would like to try and get an answer for Ms. Dixon on whether any upper management in Neighborhood Protection took pay cuts and whether homeowner taxes would be cut to help them accommodate needs for what they would be missing from the city and were the taxes paying the salaries. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

Mr. Harvey Yancy, 7520 Cood Road, Houston, Texas 77072 (504-701-4244) appeared and stated that he was of the Big Easy Ambassador's Social Aid and Pleasure Club and he represented a group from New Orleans who had been in Houston since Hurricane Katrina; that in New Orleans there was a tradition called Second Lining and last year they did a Second Line for the five year of Katrina on Richmond Avenue and the City of Houston helped pay for and produce the event; that this year they did not qualify for the same assistance, the security, cleanup, insurance liabilities and they could not afford it either and the event was in jeopardy of not happening; that Miller Theater at Hermann Park opened their doors to them, but the Advisory Board cut of \$1,500.00 and they were pushed from being a neighborhood parade to a more corporate parade and they just walked the street with one band and he did not think the cost should be as extreme and would like it more affordable. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

Upon questions by Mayor Parker, Mr. Yancy stated that he was classified as a neighborhood parade last year and they were moved up; that last year they had about 1,700 show up; and Mayor Parker stated that it sounded like a neighborhood parade to her. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Adams stated that Mr. Herrera had been calling Miller Outdoor Theater on his behalf and she called and because of the interactions he received the \$1,500.00 fee reduced; that was the fee for Miller for lighting, security, etc., and they said it could not be waived; and Mr. Yancy stated that it would have been more expensive to just keep it on the street as it traditionally should be and they really did not need all that at Miller; and Council Member Adams stated that they would have to get more direction from the Administration; and Mayor Parker stated that they just overhauled Special Events and parade ordinances and she was not inclined to change them, but she assumed Mr. Herrera interacted with Special Events to the appropriate classification for what he wanted; and upon questions, Mr. Yancy stated that he was moved up based on a number of people, but it was not as much spectation as it was participation so that many in the street was a factor; and asked that a meeting be set for Mr. Yancy and Special Events; that they would not underwrite his parade but wanted to be sure he was classified appropriately. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

Upon questions by Council Member Jones, Mr. Yancy stated that an email from the Mayor's Office of Special Events said they had to move from the street. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

Ms. Paula Harrison, 14410 Brunswick Point Lane, Houston, Texas 77047 (713-549-2585) appeared, presented information and stated that she was present regarding housing in Houston; that she spent time in Seattle and Chicago and they implemented housing where it was not discriminatory in favor of minorities; that White people needed it also and in the downtown area; and continued expressing her personal opinions until her time expired. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Ms. Tomaro Bell, 3248 Charleston, Houston, Texas 77021 (713-825-8449) appeared and stated that she was Super Neighborhood vice chair and met a week ago with Mayor Parker and some questions she brought up, but she had not known 41 people had the potential to be laid off; that they had 63 community inspectors and if 41 had potential to be laid off it was more than 20% and a major concern and Mayor Parker knew that was what they had to go to first with a problem. Council Members Stardig, Johnson, Sullivan, Rodriguez, Lovell and Noriega absent.

Upon questions by Council Member Gonzalez, Ms. Bell stated that she had asked about service and now heard those with experience were being let go; that this department had been ravaged and savaged in the past and she felt Mayor Parker would make sure it got to be what it should be and today was hearing all she feared. Council Members Stardig, Johnson, Sullivan, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that Ms. Bell and she had spoke of this and she wanted to be clear there were not 41 people laid off, there were 17 and 30 given conditional layoffs and if they could not get their certification someone would fill their spot and 20 had already made their certification and 10 in play; that she did not know how many inspectors they had at this time, but could get her the information. Council Members Stardig, Johnson, Sullivan, Rodriguez, Lovell and Noriega absent.

Ms. Linder Gatterson, did not give address or phone number, appeared and stated that she did not know how many times she needed to come, but her purpose here was because the union had not represented her in any fashion, but rumors were that she was; that she was affected by the layoff and it did not matter who sat by her, she needed someone to dig deep and find out why she was really laid off. Council Members Stardig, Johnson, Sullivan, Rodriguez, Lovell and Noriega absent.

Ms. Patricia Martin, 6060 Belarbor #33, Houston, Texas 77033 (832-266-0049) appeared and stated that she was visually impaired and present as last Tuesday she went to a homeless shelter and her social security number popped up and she was given a scam letter; that they were printing what they called replacement checks out of 8989 Lace Drive and she was followed by HPD to ACE Check Cashing and they were exploiting people. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

Mr. Michael Kubosh,, 1701 Lubbock, Houston, Texas 77007 (281-850-0172) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

Mr. Terry Dry, 804 St. Sanford, Houston, Texas 77019 (832-359-9894) appeared and stated that he wanted to speak about Mr. Hittner's company ATS; that from newspaper.com he had statements as a matter of public record and ATS was fined \$10,000 for attempting to block the people's right to vote on red light cameras in Washington and those at ATS were conmen; and he wondered why the City Attorney took the case to an unfavorable federal venue. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

Council Member Jones stated that she heard about that and had been told that Goldman



Sachs owned ATS which was a beneficiary of the bailout. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

Mr. Eric Dick, 4325 Tulsa, Houston, Texas 77092 (713-510-4500) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

Mr. Don Hooper, did not give address or phone number, appeared and stated that he was again present asking for Mr. Costello's contracts which were put on his conflict of interest disclosure. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

Mayor Parker stated that they had this conversation and if they did not have the data they could not provide it. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

Council Member Costello stated that there was an email sent to the Mayor's Office, the City Attorney's Office, City Controller's Office and all Council Members today providing information requested by Mr. Bryan last week; and Mayor Parker thanked Council Member Costello for taking care of it. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

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. Council Members Stardig, Johnson, Sullivan, Rodriguez 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 Stardig, Johnson, Sullivan, Rodriguez 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 Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

Ms. Hattie Morgan, 2828 Collingsworth #48, Houston, Texas 77026 (832-405-6855) appeared and stated that her legal and civil rights were being violated by the United States Department of Justice, County of Harris, City of Houston and Federal Bureau, being discriminated against and the Federal Bureau had her son; and continued expressing her personal opinions until her time expired. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

At 5:22 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, August 24, 2011. Council Member Pennington absent on personal business. Council Members Stardig, Johnson, Sullivan, Rodriguez and Noriega absent.

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 24, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David Feldman, City Attorney, Legal Department; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office, present. Council Member Oliver Pennington 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.

Council Member Sullivan moved to suspend the rules to consider after the consent agenda, Item Numbers 31 and 32, out of order, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Stardig absent. MOTION 2011-0663 ADOPTED.

Council Member Adams moved to suspend the rules to consider Item No. 1 at the end of the agenda, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Pennington absent on personal business. MOTION 2011-0664 ADOPTED.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 29**

#### **MISCELLANEOUS** - NUMBERS 1 through 8

2. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1 (MEMORIAL CITY MANAGEMENT DISTRICT) BOARD OF DIRECTORS**, for terms to expire June 1, 2015:

Position One - **MR. STEVEN W. GOSS**  
Position Two - **MR. ALLEN TSENG**  
Position Four - **MR. GLENN AIROLA**  
Position Five - **MR. DAVID L. KELLEY**  
Position Six - **MR. WILLIAM M. MOSLEY, JR.**

- had been pulled from the Agenda by the Administration, and was not considered. Council Member Noriega absent.

3. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE HOUSTON DOWNTOWN MANAGEMENT DISTRICT**, for terms to expire June 1, 2015:

Position Twenty-Four - **MS. DIEDRA P. PORCHE**  
Position Twenty-Five - **MS. IRMA GALVAN**  
Position Twenty-Six - **MS. JERI A. BALLARD**  
Position Twenty-Seven - **MR. REYNALDO REZA**  
Position Twenty-Eight - **MR. THOMAS (J.T.) CHENG**  
Position Twenty-Nine - **MS. PATTY LODEN**  
Position Thirty - **MR. FRANK G. STAATS**

- was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent. MOTION 2011-0665 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON ZOO, INC BOARD OF DIRECTORS**, for terms to expire June 30, 2014:

Position One - **MR. TONY SANCHEZ, III**, reappointment  
Position Two - **MS. JACQUELINE S. MARTIN**, appointment  
Position Seven - **DR. BARBARA (BOBBI) G. SAMUELS**, appointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent. MOTION 2011-0666 ADOPTED.

5. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE MIDTOWN MANAGEMENT DISTRICT**, for terms to expire June 1, 2015:

Position One - **MR. ROGER NEAL**, reappointment  
Position Two - **MR. ALAN HOOD**, reappointment  
Position Three - **MS. KATHERINE CABANISS**, appointment  
Position Four - **MR. HOWARD LEE**, reappointment  
Position Five - **MR. WILLIE HIGH COLEMAN, JR.**, reappointment  
Position Six - **MR. WILLIAM STEPHEN TILNEY**, reappointment  
Position Seven - **MS. PAMELA NGO TRANPARK**, reappointment  
Position Eight - **MR. F. CHARLES LEBLANC**, appointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent. MOTION 2011-0667 ADOPTED.

6. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **REINVESTMENT ZONE NUMBER FIVE CITY OF HOUSTON, TEXAS (MEMORIAL HEIGHTS ZONE) BOARD OF DIRECTORS**:

Position One - **MR. DARREN SABOM**, appointment, for a term to expire 12/31/2012  
Position Two - **MS. ANN LENTS**, reappointment, for a term to expire 12/31/2011  
Position Three - **MR. BRYAN BROWN**, appointment, for a term to expire 12/31/2012  
Position Four - **MR. JOSE S. HERNANDEZ**, reappointment, for a term to expire 12/31/2011  
Position Five - **MR. ALEJANDRO COLOM**, reappointment, for a term to expire 12/31/2012 and appointment to serve as Chair, for a term to expire 12/31/2011

- was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent. MOTION 2011-0669 ADOPTED.

7. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **PLANNING COMMISSION**:

Position Six - **MR. FERNANDO L. BRAVE**, for a term to expire 3/31/2013  
Position Fourteen - **MR. BRANDON DUDLEY**, for a term to expire 3/31/2013  
Position Twenty - **MR. ANTOINE BRYANT NOMA**, for a term to expire 9/30/2012

- was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent. MOTION 2011-0670 ADOPTED.

8. RECOMMENDATION from Director Solid Waste Management for approval of additional funding in the amount of \$2,000,000.00 for the Solid Waste Disposal Contract C31474 with **WASTE MANAGEMENT, INC** - General Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Noriega absent. MOTION 2011-0671 ADOPTED.

Mayor Parker and Members of Council congratulated Mr. Fernando Brave, Mr. Brandon Dudley and Mr. Antoine Bryant and stated that they appreciated their willingness to serve on the Planning Commission and thanked them for their service to the City of Houston.

**PROPERTY** - NUMBERS 9 through 11

9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracy Youngblood, Brown & Gay Engineers, Inc., on behalf of Waughsup, LLC, (Joseph Martin, Managing Member), for abandonment and sale of a variable width sanitary sewer easement, in exchange for the conveyance to the City of a 45-foot-wide storm sewer easement, both within Block 4, Rosemont Subdivision, out of the Obedience Smith Survey, A-696, Parcels SY11-101 and LY12-003 **DISTRICT D - ADAMS** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. MOTION 2011-0672 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel KY11-044, located at 12600 Dunlap Street, owned by Pines of Westbury, Ltd, John Quinlan, President, for the **42-INCH WATER LINE along HILLCROFT, DUBLIN, DUNLAP, MAIN, HAVILAND, MINETTA AND CANEMONT/SANDPIPER from COACH CREEK to WEST AIRPORT BOULEVARD PROJECT - DISTRICT C - CLUTTERBUCK** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. MOTION 2011-0673 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY8-311, located at 6445 North Freeway, owned by Cory Investments, Inc. Dave Cory, President, for the **YALE STREET IMPROVEMENTS PROJECT from Tidwell to Parker \$127,250.00 - Street & Bridge Consolidated Construction Fund - DISTRICT H - GONZALEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. MOTION 2011-0674 ADOPTED.

**ORDINANCES** - NUMBERS 12 through 29

13. ORDINANCE amending Ordinance No. 2011-399 for the purpose of correcting various errors in the listing of voting precincts affecting certain single member districts; containing findings and other provisions related to the foregoing subject; containing a severability provision - was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-0738 ADOPTED.
14. ORDINANCE approving and authorizing release of easement previously reserved for environmental remediation purposes, in the John Austin Survey, A-1, Houston, Texas - was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-0739 ADOPTED.
16. ORDINANCE approving and authorizing Amendment No. 8 to Lease Agreement between the City of Houston and **ARAMCO ASSOCIATED COMPANY** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-0740 ADOPTED.
17. ORDINANCE enlarging the boundaries of Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone) - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-0741 ADOPTED.

- 17a. ORDINANCE approving the third amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone); authorizing the City Secretary to distribute such plans - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-0742 ADOPTED.
- 18a. ORDINANCE approving and authorizing first amendment to an Interlocal Pilot Service Agreement for DUI/DWI Toxicology and DNA Testing between the City of Houston and **HARRIS COUNTY** - had been pulled from the Agenda by the Administration, and was not considered.
24. ORDINANCE appropriating \$235,000.00 out of Public Health Consolidated Construction Fund and \$262,766.91 out of General Improvement Consolidated Construction Fund as an additional appropriation; approving and authorizing a restated and amended Professional Architectural Services Contract between the City of Houston and **JACKSON & RYAN ARCHITECTS, INC** (Approved by Ordinance No. 2009-1411) for the Bureau of Animal Regulation and Care Facility Renovation and new Animal Adoption Center; providing funding for pre-construction services relating to construction of facilities financed by Public Health Consolidated Construction Fund and General Improvement Consolidated Construction Fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-0743 ADOPTED.
25. ORDINANCE appropriating \$3,007,300.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **INDUSTRIAL TX, CORP.** for Sims Bayou North Wastewater Treatment Plant Improvements - Blower Building; 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 - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-0744 ADOPTED.
26. ORDINANCE appropriating \$3,857,768.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LTD.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (WW4258-48) - was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-0745 ADOPTED.
27. ORDINANCE appropriating \$2,462,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Alabonson Area; 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 A - STARDIG and B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-0746 ADOPTED.

28. ORDINANCE granting to **DANIEL HOLDEN d/b/a MR. PUMPER SEWER SERVICE, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** - was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-0740 PASSED FIRST READING IN FULL.

29. ORDINANCE No. 2011-690, passed second reading August 17, 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 **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-0690 ADOPTED THIRD AND FINAL READING IN FULL.

31. WRITTEN Motion by Council Member Sullivan to amend Item 31A to require for the addition of the following:

“All devices, equipment, cameras, software, and related apparatus known as “red light cameras” shall be removed immediately from all city rights of ways, traffic signals, posts, and poles and/or other public locations” – (**TAGGED BY COUNCIL MEMBER LOVELL**) – was presented.

After discussion Council Member Sullivan stated that he would offer a written substitute motion for Item No. 31:

“I move to amend Agenda Item #31, Article XIX to Chapter 45, relating to Photographic Traffic Signal Enforcement Systems, of the Code of Ordinances, Houston, Texas to require for the addition of the following:

a. All devices, equipment, cameras, software, and related apparatus known as “red light cameras” shall be removed as soon as permitted by law from all city rights of ways, traffic signals, posts, and poles.”

After discussion by Council Members, Council Member Lovell asked who would pay for this, that she assumed there would be a cost with taking the apparatus and everything down, so who would incur the cost, the City of Houston or ATS.

Mr. Feldman stated “ATS”, that under the contract it was the responsibility of the vendor, that it said the vendor shall remove them in 45 days.

After further discussion a vote was called on Council Member Sullivan’s substitute motion to amend Item No. 31a. All voting aye. Nays none. Council Member Pennington absent on personal business. MOTION 2011-0674 ADOPTED.

31a. RESOLUTION regarding the litigation of matters in dispute with **AUTOMATED TRAFFIC SOLUTIONS, INC** – (**This was Item 13 on Agenda of August 17, 2011, TAGGED BY COUNCIL MEMBER LOVELL**) - was presented.

After discussion Council Member Gonzalez moved to amend Item No. 31a, “in the ‘11th WHEREAS to delete the phrase after the word “demand”, because it was actually not a

statement of fact, seconded by Council Member Costello.

After further discussion by Council Members, a vote was called on Council Member Gonzalez's motion to amend Item No. 31a. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Member Clutterbuck absent. MOTION 2011-0675 ADOPTED.

Council Member Bradford moved to delete on page 2 of Item No. 31a the section below "be it resolved by the City Council, City of Houston, Texas, "Section 1, that the findings contained in the preamble of the resolution were determined to be true and correct and/or hereby adopted as part of this resolution and make whatever clerical adjustments were necessary and renumber the following sections", seconded by Council Member Jones.

After further discussion by Council Members, a vote was called on Council Member Bradford's motion to amend Item No. 31a. All voting aye. Nays none. Council Member Pennington absent on personal business. MOTION 2011-0676 ADOPTED.

After a lengthy discussion by Members of the City Council a vote was called on Item No. 31a. Council Member Lovell voting no, balance voting aye. Council Member Pennington absent on personal business. RESOLUTION 2011-0025 ADOPTED AS AMENDED.

32. ORDINANCE repealing Article XIX, Section 45-481 through 45-487 entitled Photographic Traffic Signal Enforcement Systems of the Code of Ordinances, Houston, Texas – **(TAGGED BY COUNCIL MEMBERS GONZALEZ, HOANG and LOVELL)** – was presented.

After discussion Council Member Lovell offered the following written motion to amend Item No. 32:

"I offer the following Amendment to Item 32

Section 1. That Chapter 45 of the Code of Ordinances, Houston, Texas, is hereby amended by repealing Article XIX, Photographic Traffic Signal Enforcement Systems effective December 31, 2013.", tagged by Council Member Jones. Council Members Hoang and Noriega absent.

Mayor Parker stated that Council Member Lovell's motion to amend Item No. 32 had been tagged by Council Member Jones. Council Members Hoang and Noriega absent.

Council Member Sullivan stated that he had passed out an amendment to Item No. 32 prior to the item being called and it was the same amendment wording that was passed earlier and why it might seem redundant and unnecessary he had submitted it in the event that they could use it some where down the line, and offered the following written motion to amend Item No. 32:

"I move to amend Agenda Item #32, the ordinance repealing Article XIX to Chapter 45, relating to Photographic Traffic Signal Enforcement Systems, of the Code of Ordinances, Houston, Texas to require for the addition of the following:

- a. All devices, equipment, cameras, software, and related apparatus known as "red light cameras" shall be removed as soon as permitted by law from all city rights of ways, traffic signals, posts, and poles." Council Members Hoang and Noriega absent.

Mayor Parker stated that the item before them was an amendment by Council Member

Sullivan, that it was the amendment that was offered to the resolution as well. Council Members Hoang and Noriega absent.

Council Member Lovell stated that as to her amendment, which was tagged, she would like to move to override the tag, and Mayor Parker stated that she would recognize her for that motion. Council Members Hoang and Noriega absent.

A vote was called on Council Member Sullivan's written motion to amend Item No. 32. All voting aye. Nays none. Council Member Pennington absent on personal business. Council Members Hoang and Noriega absent. MOTION 2011-0677 ADOPTED.

Council Member Lovell moved to override the tag on her motion to amend Item No. 32, seconded by Council Member Rodriguez.

After discussion by Council Members, Council Member Jones stated she would release her tag on Council Member Lovell's motion to amend Item No. 32 so it could be discussed.

After further discussion by Council Members, Mayor Parker stated that Council Member Jones had once again placed her tag on Council Member Lovell's motion to amend Item No. 32, that there was a motion pending to override Council Member Jones tag, and Council Member Lovell stated that she would withdraw the motion to override the tag, and Mayor Parker stated that Council Member Lovell would allow the item to be tagged.

Council Member Hoang moved to override Council Member Jones tag of Council Member Lovell's motion to amend Item No. 32, seconded by Council Member Costello, and a roll call was called.

After further discussion by Council Members, Council Member Jones stated that she would release her tag on Council Member Lovell's motion to amend Item No. 32 and requested a roll call vote.

Mayor Parker stated that Council Member Jones had released her tag which made Council Member Hoang motion to override the tag moot.

After discussion Mayor Parker stated that what they had before them was Council Member Lovell's amendment to the main item; which was the actual ordinance and instead of having the cameras terminate on a certain date it specified, and Mayor Parker asked Mr. Feldman to continue, and Mr. Feldman stated that what this did was delay the effective date of the repeal of the ordinance, and Mayor Parker stated that the ordinance repeal in front of them was today, that she was going to order the cameras turned off if this passed, at the conclusion of the meeting, that she was going to call Chief McClelland to contact ATS, that this would change the date.

Mr. Feldman stated that for the sake of the record, he had already sent a letter to ATS, signed by both himself and Chief McClelland, saying that the cameras were to be turned off effective 12:01 p.m. August 24, 2011 based on the action of Council, and Mayor Parker stated that it changes the day the cameras were turned off, did they want them turned off today or did they want them turned off in two and a half years.

Upon further questions by Council Member Bradford, Mayor Parker stated that there was a written motion by Council Member Lovell that amended Item No. 32 of the agenda, Section 1, Chapter 45 of the Code of Ordinances, was hereby amended by repealing Article 19, Photographic Traffic Signal Enforcement Systems effective December 31, 2013, that it sets the date that the ordinance was repealed, not as of today, but as of December 31, 2013, did they



want them off and then repealed today or did they want them off on December 31, 2013, that Council Member Lovell expressed an intent behind that ordinance that based on ATS's representation yesterday that if they left the cameras on until 2013 they would not pursue damages against the City, they did not have anything in writing but believed that was the intent behind the Council Member's amendment.

After further discussion Mr. Feldman stated that the Council had passed a resolution stating that the cameras were to go off effective with the approval of the resolution, consistent with that he sent a letter signed by himself and Chief McClelland stating that the cameras were to be turned off, with no further violations issued, at 12:01 p.m., August 24, 2011, that the repeal of the ordinance was the finality of saying this program, separate and apart from the collection of outstanding violations, this program no longer exists or could exist in the City of Houston, that he viewed those as two separate matters, and Mayor Parker stated which was why they loaded them as two separate items.

A roll call vote was called on Council Member Lovell's motion to amend Item No. 32.

ROLL CALL VOTE:

Mayor Parker voting no	Council Member Gonzalez voting no
Council Member Stardig voting no	Council Member Rodriguez voting no
Council Member Johnson voting no	Council Member Costello voting no
Council Member Clutterbuck voting no	Council Member Lovell voting aye
Council Member Adams voting no	Council Member Noriega voting no
Council Member Sullivan voting no	Council Member Bradford voting no
Council Member Hoang voting no	Council Member Jones voting no
Council Member Pennington absent on Personal business.	MOTION 2011-0678 FAILED

After further discussion by Council Members, a roll call vote was call on Item No. 32.

ROLL CALL VOTE:

Mayor Parker voting aye	Council Member Gonzalez voting aye
Council Member Stardig voting aye	Council Member Rodriguez voting aye
Council Member Johnson voting aye	Council Member Costello voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting no
Council Member Adams voting aye	Council Member Noriega voting aye
Council Member Sullivan voting aye	Council Member Bradford voting aye
Council Member Hoang voting aye	Council Member Jones voting aye
Council Member Pennington absent on Personal business.	ORDINANCE 2011-748 ADOPTED. AS AMENDED.

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

**ORDINANCES**

12. ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to School Vehicles operating as vehicles for hire – was presented, and tagged by Council Member Johnson.
15. ORDINANCE approving and authorizing first amendment to the contract between the City of Houston and UNIVERSITY OF HOUSTON, on behalf of the College of Optometry (UHOC), in consideration for the transfer of title to the Mobil Eye Institute to UHOC and to

continue to provide vision care services at various sites where individuals have difficulty accessing care – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-749 ADOPTED.

Council Members Noriega stated that she had been using the services of the College of Optometry at the University of Houston at the clinic on North Main and they did a terrific job, that it was top quality.

Council Member Jones stated that she went there and they gave the most thorough exams ever, that most importantly they were reasonably priced, that it was an affordable access to eye care.

18. ORDINANCE approving and authorizing an Interlocal Pilot Service Agreement for DUI/DWI Toxicology and DNA Testing between the City of Houston and **HARRIS COUNTY**; establishing a maximum contract amount - \$206,250.00 - General Fund – was presented, and tagged by Council Members Jones and Hoang.
19. ORDINANCE approving and authorizing second amendment to contract for Delinquent Collection Services for the Municipal Courts Department between the City and **LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP** to modify certain terms of the contract – was presented, and tagged by cmho.
20. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within all improved single-family residential lots in the **FOREST WEST SUBDIVISION, SECTIONS 1 & 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A – STARDIG** – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-750 ADOPTED.
21. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **HOLLEY TERRACE SUBDIVISION, SECTIONS 1-2, SECTION 2 REPLAT, SECTION 3 EXTENSION, and SECTION 4** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-751 ADOPTED.
22. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SHARPSTOWN SUBDIVISION, SECTION 3, BLOCK 2, LOTS 24-43; BLOCK 3; BLOCK 4, LOTS 1-6 and 14-41; BLOCK 11, LOTS 1-19; BLOCK 12, BLOCK 13 and BLOCK 14, LOTS 16-23** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-752 ADOPTED.
23. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SHARPSTOWN SUBDIVISION, SECTION 3, BLOCK 7, LOTS 1-20 and LOTS 22-28; BLOCKS 8-10; BLOCK 11, LOTS 20-31 and LOTS 33-38; BLOCK 14, LOTS 1-15 and 26-50; BLOCKS 15-17; BLOCK 18, LOTS 1-13; BLOCKS 19-21 and BLOCK 23** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. Council Member Pennington absent on personal business. ORDINANCE 2011-753 ADOPTED.

33. WRITTEN Motion by Council Member Bradford to amend Item 33B below as follows:

**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.

and

**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.~~ – was presented.

and

**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)** – was presented.

After discussion Council Member Bradford stated that he would withdraw the language for Item No. 33 and would present a written motion as a substitute for Item No. 33, and Mr. Feldman stated, for the record, that substitute would amend Sec. 15-177, 15-178 and 15-179:

**“Sec. 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, the city ~~may~~ shall, subject to the provisions of section 15-181, enter into a contract with a value of \$100,000 or more with:

- (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 that is not a city business, the city ~~may~~ shall, subject to the provisions of section 15-181, enter into a contract for an expenditure of less than \$100,000 with:

- (1)The lowest bidder; or
- (2)The bidder that is a city business, as defined in this article.

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

(a) In procuring services, including construction services, the contracting department ~~may~~ shall, subject to the provisions of section 15-181, 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 contract 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 may, when appropriate, consider the status of a provider as a local business as part of the qualification determination.

**Sec. 15-179. Hire Houston First Program – Purchases under \$50,000.**

Subject to Texas Government Code §2254.004, when procuring goods or services valued at less than \$50,000 that are not the subject of a blanket purchase order or contract, the City shall, subject to the requirements of section 15-181, select vendors and services providers with a principal place of business in the local area, provided that any such vendor’s bid is no more than five percent greater than the lowest bid, in the event the lowest bid is from one other than a city business or a local business.

Council Member Bradford stated that he and Mr. Feldman had a discussion on the item and they both concurred that the language he offered made guidelines a little bit more restrictive than even he had intended, and Mayor Parker stated that the administration had worked with

Council Member Bradford on his amendment and supported the amendment.

Council Member Jones stated that she would tag Item No. 33 as substituted.

33a. WRITTEN Motion by Council Member Costello to amend Item 33B below as follows:

"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)**

Council Member Costello stated that he would offer the following written substitute motion as a substitute for Item No. 33a:

**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 may, when appropriate, consider the status of a provider as a local business as part of the qualifications determination. For purposes of this subsection, "principal place of business" may also, as an alternative to the definition in section 15-156 of this article, include a business that certifies that it has adequate full-time staff, equipment, and other resources in the local area to complete 80% or more of the scope of work.

Council Member Jones stated that she would tag Item No. 33a as substituted.

33b. ORDINANCE **ADDING ARTICLE XI, HIRE HOUSTON FIRST, TO CHAPTER 15, CONTRACTS, OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to local contracting preferences – **(This was Item 15 on Agenda of August 17, 2011, TAGGED BY COUNCIL MEMBERS NORIEGA and STARDIG)** – was presented, and tagged by Council Member Jones.

1. REQUEST from Mayor for confirmation of the appointment of **MS. CATHERINE FLOWERS** as Director of the Department of Neighborhoods – was presented. Council Member Jones absent.

Council Member Gonzalez moved to suspend the rules to extend the Council meeting past the scheduled noon recess to finish the agenda, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Pennington absent on personal business. MOTION 2011-0679 ADOPTED.

After a lengthy discussion by Council Members, Council Member Rodriguez moved to call the question on Item No. 1, seconded by Council Member Gonzalez. Council Members Noriega and Johnson voting no, balance voting aye. Council Member Pennington absent on personal business. MOTION 2011-0680 ADOPTED.

A vote was called on Item No. 1, moved by Council Member Sullivan, seconded by Council Member Costello. Council Member Jones voting no, balance voting aye. Council Member Pennington absent on personal business. MOTION 2011-0681 ADOPTED.

Mayor Parker invited Ms. Flowers to the podium and stated that she was the newest Department Director of the newest department in the City of Houston, that she was sorry that she had to sit through some of the discussion, but she would not have picked her if she did not think she could do the job and she thought she had done an outstanding job so far and Ms. Flowers knew that she had high expectations, and thanked her for agreeing to serve.

Ms. Flowers stated that she looked forward to working with each Council Member.

Members of Council congratulated Ms. Flowers on her appointment as director and thanked her for her service to the City of Houston. Council Member Noriega absent.

### **NON CONSENT AGENDA** - NUMBER 30

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

30. RECOMMENDATION from Purchasing Agent to make the following awards for Veterinary Supplies for the Administration and Regulatory Affairs Department - \$2,485,559.55 - General Fund:

**WEBSTER VETERINARY SUPPLY, INC** - \$1,899,928.70

**MWI VETERINARY SUPPLY** - \$294,859.90

**TW MEDICAL VETERINARY SUPPLY CO. (BID NO. 1)** - \$153,558.60

**MIDWEST VETERINARY SUPPLY** - \$136,354.35

#### **COUNCIL DRAW LOTS**

**ITEM NO. 69** (Group III) due to receiving identical bids from **TW MEDICAL VETERINARY SUPPLY CO** and **MIDWEST VETERINARY SUPPLY** in the amount of \$858.00

- was presented. Council Member Noriega absent.

The City Secretary stated that Item No. 30 was an award on bids received, however there were identical bids received so it was necessary to draw lots and would ask Council Member Johnson to draw lots, and Council Member Johnson drew TW Medical Veterinary Supply Co. Council Member Noriega absent.

Council Member Gonzalez moved to accept the award as recommended with the draw, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on personal business. MOTION 2011-0682 ADOPTED.

Mayor Parker stated that to make everyone aware a reminder that the order was issued to ATS that the red light cameras be turned off at 12:01 p.m. to day, that it was just past that so there were no more red light cameras active in the City of Houston and would not be.

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

Council Member Jones stated that she wanted everyone to keep Mr. Ester King and his

family in their prayers. Council Members Gonzalez and Rodriguez absent.

Council Member Costello stated that he wanted to congratulate his colleagues for what they did with the red light cameras and personally wanted to thank Council Member Lovell for her position, that he totally agreed with everything she said, but the reason why he voted in favor of what they did was because he had to recognize the will of the voter, that he had the utmost confidence that they had the best "mad dog" in town to represent them in this particular fight. Council Members Johnson, Gonzalez and Rodriguez absent.

Mayor Parker stated that she agreed with him about Council Member Lovell's position. Council Members Johnson, Gonzalez and Rodriguez absent.

Council Member Bradford stated that he wanted to commend his colleagues for recalling, recanting and permitting them to be heard via two vehicles, their voice at the microphone and the offering of amendments, that he appreciated the fact that they demonstrated professional courtesy today in removing the tag and allowing an item to be entered and discussed and a decision made; that the item for announcement was the Inner City Emergency Response Team, INCERT, they had heard a lot lately about storms in the gulf and now was the time to get ready, that INCERT would host a CERT Disaster Drill on Thursday, August 25, 2011 at 6:30 p.m. at 3869 Wheeler Street, the training had taken place over the last four weeks to prepare the community and members of the University of Houston, TSU area to staff for natural and man made disasters. Council Members Johnson, Hoang, Gonzalez and Rodriguez absent.

Council Member Sullivan stated that he appreciated the City Council voting to approve his amendments on red light cameras, but he could not have gotten to that point without the Mayor's support on both amendments and he appreciated it, that he wanted to thank Mr. Feldman for walking him through the process of developing it this week, and the critique of the amendment last week; that there was a growing misconception that Johnson Space Center was closing down because the last space shuttle had flown, that attendance at Space Center Houston was down and dropping, that he was going to ask that maybe in a Mayor's Report to allow Johnson Space Center, NASA and Lockheed Martin to come and give a presentation on the next generation space vehicle, the multi purpose crew vessel, they were concerned that people had just written off the space program, that he thought they needed to educate themselves so that they could be good ambassadors and supporters for the programs. Council Members Johnson, Hoang, Gonzalez and Rodriguez absent.

Mayor Parker stated that she would be happy to do that and thought it was an excellent idea because there was a lot of misinformation and she would like to update Council on what economic development activities were going on out there. Council Members Johnson, Hoang, Gonzalez and Rodriguez absent.

Council Member Sullivan further stated that yesterday there was a ceremony at the University of Houston Clear Lake to celebrate the shuttle program and Director Mike Coates stated that Johnson Space Center itself would be celebrating it's 50th Anniversary next month and the would like to embrace that as well with Mayor Parker's support. Council Members Johnson, Hoang, Gonzalez and Rodriguez absent.

Council Member Lovell stated that she wanted to thank her colleagues for their comments, she appreciated that, there were just some times she disagreed with everybody because they believe in something, but she thought there was a serious problem with people running red lights and hoped they find some way to address that issue before they had some terrible accident out there; that to the family of her good friend, Dotty Newton, who died August 17, 2011, from complications of a stroke, that they send their condolences and best wishes; that she wanted to say Happy Birthday to her son Stephen, that he was 23 years old and would be

starting the Houston Community College Fire School on his way to becoming a firefighter and EMT with a goal of one day being a registered nurse, that she was proud of him; that the Dynamo's were in the playoff hunt and she wanted to say congratulations to them on their current unbeaten streak. Council Members Johnson, Hoang, Gonzalez and Rodriguez absent.

Mayor Parker stated that she remembered when Council Member Lovell adopted Stephen and could not believe he was 23 years old. Council Members Johnson, Hoang, Gonzalez and Rodriguez absent.

Council Member Adams stated that she wanted to say "go Texans", that she wanted to say congratulations and hopefully the start was how the end would come, victory and championships; that this evening would be "Women's Equality Day" at John Palmer Fine Arts Gallery, 11218 Heights Boulevard; that tonight she would be a part of Texas Southern University Women's Basketball Team Life Skills Week, to encourage them about basketball and sports and also about graduation and careers; that she wanted to congratulate Texas Southern University, they just received their accreditation for the Masters of Public Administration Masters Program, they were the only university right now that had that program that was accredited in Houston and in Texas; that within the last several days they had still been delivering air conditioners, the list continued to grow but the donations had not stopped coming in, that she wanted to say thank you to all of the donors, that Council Members Noriega and Gonzalez had agreed to go with her to the communities to communicate to let them know it was free and they could feel comfortable about accepting the air conditioners in their community, that she wanted to thank them for helping translate to the constituents in District D; that yesterday she had the opportunity to celebrate a birthday with Ms. Ida Robinson, who celebrated 103 years old, that she came across Ms. Robinson by delivering an air conditioner to her house; that again they were seeing a slew of landlords who were accepting rent where the roofs were falling in, that she wanted to thank Donna Edmondson, Legal Department, for going out and doing site visits at these locations, that they were finding out a lot of things once they drove the neighborhoods and the district, that she wanted to thank Gary Norman because he was getting an email every five minutes about water main breaks, that at one time he told her they could not handle any more, but he had been trying to take care of them as fast as the water mains had been breaking and she wanted to public thank him; that she drove Third Ward and they saw a lot of abandonment in the neighborhood and Ms. Flowers took them and immediately on Monday they had the areas fenced and cited the owners; that she wanted to thank BARC for the adoption fees of \$1 for dogs. Council Members Johnson, Hoang, Gonzalez and Rodriguez absent.

Mayor Parker stated that they also needed to acknowledge the Carpenters Union and others who had stepped forward to install the air conditioners where there had to be work done. Council Members Johnson, Hoang, Gonzalez and Rodriguez absent.

Council Member Clutterbuck stated that one of the hot topics at events and discussion was the water shortage and water restrictions that were in place and a lot of grave concern over when the drought was going to end and how they preserve their beautiful trees and foliage in the City, that today's Chronicle had an article about how since the stage two water restrictions had been imposed strangely water consumption was up, of course there were a number of causes for that, that she wanted to talk about this during her Council comment period to open up the discussion and hopefully encourage the Mayor that as part of her Mayor's Report in the next several weeks to have additional updates and discussions about the stage two water conservation, that as she read the ordinance she read that it had an objective standard, it was not subjective depending on what the Director happened to think or what the Mayor happened to think, it was a very objective standard that was outlined in the ordinance about their combined reservoir storage supply, with the three lakes that provided their water storage, that she mentioned it because she was a lawyer by training and was of the belief that it made it very difficult for them to enforce objective standards and enforce all aspects of the law if a previous



law was not being adhered to, that she asked, for example, today for what the daily reservoir storage reading was and they were above the threshold at which stage two kicks in, they were very close, she was not saying this to cast any aspersions or criticism on their department for doing this, but rather to raise the issue, that perhaps their ordinance, relating to stage two water conservation, needed to be changed, that perhaps they needed a stricter standard, and if that was the case then she would urge discussion about it because it made it very difficult for them to enforce it, enforce all of the penalties, if they were not meeting the threshold at which the ordinance kicks in, that they wanted to make sure that this ordinance, as established, the objective standard as established, was enough to maintain an adequate water supply, that at the same time she also thought they needed some recognition of the environmental value that their trees and foliage provided to their community long term in terms of meeting the EPA Air Quality Standards that they had in the region, that all of this was part of what was happening in conversations all across the City and were very real complicated aspects of their good faith efforts of trying to make sure that they had adequate water supply now and in the future, that they were able to enforce their ordinances and that they were also able to maintain the balance with their healthy foliage and plant life in Houston, that she wanted to highlight an aspect of the ordinance, which included affirmative defenses, because a number of people had asked her about it specifically, about what happens with their pools or what happens if they wanted to hand water for example and currently, in the existing ordinance, it was an affirmative defense, in other words it was permitted, at any time to be able to water, use water with bucket watering can, handheld hose, with or without a nozzle, or other method in which the act directly and by use of hands continuously control the application of the water, that she thought it was important to put that out there, that they should not encourage their neighbors to tattle on neighbors who were hand water, for example, and that also it was an affirmative defense to maintain a depth of water in one's swimming pool that was required to maintain a filtering function, that it was also an interesting aspect of this, it was an affirmative defense to irrigate one's tee boxes and greens on a golf course, that she points all of this out because she thought this was all written into the ordinance and it begged the question of whether or not their ordinance needed addressing and changing. Council Members Johnson, Sullivan, Hoang, Rodriguez and Lovell absent.

Mayor Parker stated that she agreed with Council Member Clutterbuck that the ordinance needed to be re written and had already raised that with Director Krueger and hoped to bring something forward, that she was debating how fast they needed to bring it forward since they were in the midst of the drought, but she was absolutely right, it was a poorly drafted ordinance and needed an overhaul. Council Members Johnson, Sullivan, Hoang, Rodriguez and Lovell absent.

Council Member Stardig stated that was going to be one of her points as well, they received quite a bit of feedback with regard to the communication that went out from the administration with regard to watering between the hours of 8:00 p.m. and 10:00 a.m. and on those dates it created confusion, that the language was not clear and she knew that there was a revision that came out, but there had been a lot of questions when she went out to neighborhoods as to how that was to happen, that there were so many people who wanted to comply and do their part, but with the language not being clear it was a bit confusing. Council Members Johnson, Sullivan, Hoang, Rodriguez and Lovell absent.

Mayor Parker stated that unfortunately that was the language in the ordinance and there were two more stages, and before they got to those next two more severe stages they did want to overhaul, that she was going to be on all of the news channels, they had been trying to get the word out.

Council Member Stardig further stated that she wanted to thank everyone for sharing their first day of school pictures on their facebook, that was a great reminder of why they were at Council and why they were doing this job and going through a lot of issues to protect those

children, that while they did turn off the cameras to keep in mind there were children on the streets and families, especially through the travel through the school zones, that with the weather advisory to keep their pets in mind; that she wanted to thank Mayor Parker for all she had done with regard to proactively taking care of the water main breaks. Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Council Member Jones stated that she wanted to tell Mr. Norman that there was a water main break at McGregor Park; that under the water conservation that was sent out it said that homeowners had to repair their water main breaks within 72 hours, that she thought if that was the standard that they set on homeowners it ought to be the standard for the City. Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Council Member Gonzalez stated that he wanted to wish his wife, Melissa, a belated Happy Birthday; that he wanted to congratulate Jason and San Juanita Cisneros on the birth of their new baby, Lilliana Rose, that Jason was a dedicated public servant serving the Houston Police Department and community leader; that this past Sunday he had the privilege of welcoming Dr. A.P.J. Abdul Kalam, former President of India, to their City, that known as the people's president Dr. Kalam was the eleventh president of India and made transforming his country into a more developed nation the focus of his administration; that on Saturday, 9:00 a.m. to 1:00 p.m. there would be a book drive for incarcerated youth at the Hunter Memorial Church of God and Christ, 4127 Airline Drive. Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Council Member Adams stated that she wanted to thank the men and women of the Houston Fire Department, the Public Affairs Team, on Friday they installed smoke detectors in Cloverland, Cullen Estates and the surrounding communities, that she wanted to thank her staff for walking with the Houston Police Department on Friday; that she wanted to thank the INCERT Team, he heard Council Member Bradford mention them about the emergency preparedness, but also she wanted to thank them as well, that she would be working with them to help with vacant lot cleaning, helping clean up some of the activity in the area, they had already committed, that she looked forward to working with them in the new area of Third Ward; that Olivia Randall, with the super neighborhood area, was asking for prayers because she would be having heart surgery tomorrow, Thursday, August 25, 2011. Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that she wanted to remind Council and those who may be watching that services for Helen Chang, a long time civic activist in the City of Houston, but also a long time City employee, would be on Friday morning, that their continued prayers were with her family. Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

There being no further business before Council, the City Council adjourned at 12:39 P.m. Council Member Pennington absent on personal business. Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary