

City Council Chamber, City Hall, Tuesday, August 30, 2011

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

At 1:37 p.m. Mayor Parker stated that Council Member Sullivan would begin presentations and Council Member Sullivan invited Mr. Delvin Dennis with TxDOT to the podium and stated that today was Mr. Dennis last day with TxDOT and wanted to thank him for his work and leadership on transportation mobility, congestion relief and working with the Houston/Galveston Area Council and other municipalities and congratulated him on his retirement; and Mayor Parker presented a Proclamation to Mr. Dennis proclaiming today as "Delvin Dennis Day" in Houston, Texas. Rep. Huberty stated that he worked with Mr. Dennis over the years and presented him a flag which was flown over the state capital on July 18, 2011, in his name. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Pennington, Rodriguez, Costello, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Dennis stated that he was born in Houston and started at TxDOT in 1980; that this was an honor for him and there was no where else he would rather be than Houston; and thanked all for his recognition. Council Members Johnson, Clutterbuck, Sullivan, Pennington, Rodriguez, Costello, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Members Adams, Stardig and Gonzalez thanked Mr. Dennis for his service and leadership. Council Members Clutterbuck, Pennington, Rodriguez, Costello, Bradford and Jones absent.

Council Member Noriega invited Ms. Christine Changala and those present with her to the podium and stated that Ms. Changala was retiring from HISD and commended her for more than 19 years of dedicated service in the district; and Mayor Parker presented Ms. Changala a Proclamation proclaiming June 3, 2011, as "Christine Changala Day" in Houston, Texas. Council Members Clutterbuck, Pennington, Rodriguez, Costello, Bradford and Jones absent.

Ms. Changala stated from her heart she thanked all for the recognition and thanked God for leading her and her family to Houston; and introduced her family and friends present. Council Members Clutterbuck, Pennington, Rodriguez, Costello, Bradford and Jones absent.

Council Member Gonzalez thanked Ms. Changala for her service and stated that Houston was a great city because of great people such as her. Council Members Clutterbuck, Rodriguez, Costello and Jones absent.

Mayor Parker stated that she seldom presented proclamations herself, but was excited to offer this particular one and invited Mr. Bernard Freeman aka Bun B to the podium. Mayor Parker stated that Bun B was a spiritual rapper legend who wanted to educate and inform and inspire the next generation to see Hip Hop as an influential means for people of all walks of life; he was also known as Professor Trill and a guest lecturer at Rice University teaching religious studies 331, religious and hip hop cultural; and presented a Proclamation to Mr. Freeman proclaiming today as "Bernard Freeman Day" in Houston, Texas. Council Members Rodriguez, Costello and Jones absent.

Mr. Freeman stated that this was a very profound moment in his life, that he believed all

had a duty to help others and there was a need for more attention to the youth; and thanked all for the recognition. Council Members Rodriguez and Jones absent.

Council Members Adams, Johnson, Pennington and Gonzalez commended and thanked Mr. Freeman for all he and Team Trill did. Council Members Sullivan, Rodriguez, Noriega and Jones absent.

Council Member Gonzalez stated that a truck would be providing free ice cream across the street by the public library by the Eatsy Boys in honor of Bun B. Council Members Adams, Sullivan, Rodriguez, Noriega and Jones absent.

At 2:14 p.m. Mayor Parker called on Council Member Stardig who invited Minister Clay Holland with Christ the King Presbyterian Church to the podium and he led all in the prayer and Council Member Stardig led the pledge. Council Members Adams, Rodriguez and Noriega absent.

At 2:17 p.m. the City Secretary called the roll. Council Member Lovell 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 Stardig absent on personal business. Council Member Stardig absent. MOTION ADOPTED.

Council Member Sullivan moved that the rules be suspended for the purpose of moving Mr. Ray Hunt to the end of the three minute Speakers List, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Lovell absent on personal business. Council Member Stardig absent. MOTION 2011-0683 ADOPTED.

Council Member Jones moved that the rules be suspended for the purpose of moving Ms. Gwendolyn Harris to be heard after Mr. Ray Hunt, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Lovell absent on personal business. Council Member Stardig absent. MOTION 2011-0684 ADOPTED.

Council Member Sullivan moved that the rules be suspended for the purpose of moving Mr. Ray Hunt to the end of the three minute Speakers List, seconded by Council Member Hoang. Council Member Jones voting no. Balance voting aye. Council Member Lovell absent on personal business. Council Member Stardig absent. MOTION 2011-0685 ADOPTED.

At 2:20 p.m. the City Secretary began calling the public speakers. Council Member Stardig absent.

Mr. Ovide Duncantell, 8002 Crestwick, Houston, Texas 77083 (713-205-9999) appeared and stated that he was present to put all scheming against Council Member Jones on notice that she was supported by the community and they would have a fight taking her on. Council Member Stardig absent.

Council Member Jones thanked Mr. Duncantell for coming and stated that they could see the tactics going on noticing how Council Member Sullivan moved two times to move Ray Hunt to the end because he was who initiated the OIG complaint against her to speak last probably to hear others and then respond, but she appreciated what he said and she was thankful. Council Members Stardig, Clutterbuck and Adams absent.

Ms. Bobbie Taylor, 9118 Aurora Park Lane, Humble, Texas 77338 (832-414-0286) appeared and stated that she was the district Representative for Aviation with HOPE and

decided to resign as she could not continue to work with someone who said if Annise Parker wants it that was what they were doing; that she was told that about premiums going up by half to retirees, when CIGNA became the best choice and yet would not say what Blue Cross Blue Shield was offering, when they signed and agreed to the layoff ordinance, etc., she fought long and hard and received from the HOPE president disrespect and discontent and something wrong was going on; that she would continue to fight for rights for her coworkers but from a different perspective as the union was now for the Administration and not its employees. Council Members Stardig, Adams and Jones absent.

Mr. Michael Green, 7913 Westbay Lane, Houston, Texas 77044 (281-250-8486) appeared and stated that he was homeless and present to speak about the homeless; that it took \$50 million per year to provide for the homeless in 25 organizations and the population was growing and made its own laws and encourages bullies and crimes; that he talked with SEARCH, the Beacon, etc., and were told the city could do a better job; that they needed two things, a temporary home, job and pay for their services; that a temporary home was a high school in a commercial part of town and there would be less homeless, less trash, less crimes, etc., for this home to work they must systematically close down the 25 organizations and force homeless into the school and put pressure on the long term homeless and provide services the other organizations provided; that they needed a job and should be classified in groups, mentally handicapped, physically handicapped, older, drug abusers, long term homeless, inmates and the "true" homeless and someone needed to be able to cut through red tape for finding them jobs. Council Members Stardig, Pennington, Noriega and Jones absent.

Upon questions by Mayor Parker, Mr. Green stated that he was homeless two or three times, but he got off the streets and this time he got on the streets because he lost thousands farming this year; and Mayor Parker stated that he clearly put a lot of thought into this and she appreciated the attention given to the issue; that she would ask someone in Citizens Assistance to make copies of his written statement for her and she would share it with her homeless coordinator. Council Members Pennington, Noriega and Jones absent.

Mr. Kerry Patton, P. O. Box 842175, Houston, Texas 77284 (832-449-2168) appeared and stated that he and his wife moved out of their apartment in June and became homeless July 1st due to the Housing Authority; that they were both disabled and sleeping at the shelter and they went to a board meeting, but no one wanted to help, they said they could do nothing; that someone made a computer mistake and they knew they could see it, but they still said there was nothing they could do; that they already paid a deposit and they had letters saying the Housing Authority made a mistake and he did not get it and needed help. Council Members Pennington and Noriega absent.

Mayor Parker stated that she had no one present from the Housing Authority as they no longer sent people to the city meetings as they had open public sessions for issues, but she was happy to have Citizens Assistance to provide him with information to contact the Housing Authority and see what status of his grievance was, it was not something which could be addressed here in Council; and Mr. Patton stated that was why he was present he guessed. Council Members Johnson, Pennington and Noriega absent.

Council Member Jones stated that this was a Housing Authority issue and she just stepped in and did not hear it all, but heard her and she worked with the Housing Authority to try and help people and would be happy to try and facilitate communication and get him to who he needed to be with if that was okay; and Mr. Patton stated that was okay; and Mayor Parker stated that if the Council Member wanted to take him on she would let him go to her instead of Citizens Assistance; and Council Member Jones stated that was fine. Council Members Johnson, Pennington and Noriega absent.

Mrs. Sandra Patton, P. O. Box 842175, Houston, Texas 77284 (832-449-2168) appeared and stated that she received a notice of termination assistance July 11th and she terminated her assistance as it said she failed to find suitable housing before the voucher expired which was June 26, 2011, and that they were going through an eviction process for lease violation which included multiple disturbances, excessive noise and she had a letter from the complex that they filed two days after they received the voucher and it stated they had visited the Houston Housing Office and could not speak to anyone to obtain expedited placement and she had received an appeal hearing date for September 8, 2011, but were still sleeping on the floor and she had leased at the complex, the Pinnacle, some time ago and while the voucher was in their possession it expired; that they had a change in staffing and a staffing member communicated the wrong information to Ms. Patton and failed to file the appropriate procedures within the allotment time and the Pinnacle accepted full accountability for the mix up and wanted to assist and were requesting anyone to review this and get it to the correct personnel for consideration and assistance and signed by the property manager; that she had the deposit money order, application and application fee and had never been homeless. Council Members Sullivan, Pennington and Noriega absent.

Mr. Sammie Jones, no address or phone number given, had reserved time to speak but was not present when his name was called. Council Members Sullivan, Pennington and Noriega absent.

Mr. William Beal, did not wish to give address or phone number, Houston, Texas 77284 (832-449-2168) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Pennington and Noriega absent.

Mr. Richard Levy, 1411 Marshall, Houston, Texas 77006 (832-516-9954) appeared, presented information and stated that he was present on behalf of the Houston Arts Alliance as executive director of an organization which received the Hotel Occupancy Tax funds to thank the Mayor and Council very much; that the support made an enormous difference to the arts community and the city as a whole; that Inprint brought many great writers to Houston and presented them at downtown venues such as the Wortham Center, Alley Theater and Hobby Center for \$5.00 for the general public and free for students and senior citizens and they managed the same cost structure since 1980; that they also had a program, reading series for children, workshops for seniors which was offered at senior centers and for teachers and making them better teachers by being better writers; that they also provided grants to young people and attracted young students from all over the country; and they were grateful for those funds. Council Members Sullivan, Pennington, Noriega and Jones absent.

Council Member Clutterbuck thanked Mr. Levy for coming and reminding all the Council Members and community at large of the true impact of the Hotel Occupancy Taxes as they did return to the community and Inprint was a perfect example of one of the really fine programs; and she was glad he came for a little publicity of their program. Council Members Johnson, Sullivan, Pennington 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 Johnson, Sullivan, Pennington and Noriega absent.

Mr. Richard Aranza, 6507 Grey Oaks, Houston, Texas 77050 (281-442-2283) appeared and stated that he was disabled and under a surveillance for over nine years starting under Mayor Brown; that there was a lot of evil and illegal which happened to him, his family, neighbors, etc., and he needed assistance in checking things he suspected they had done; that he went to HPD and was taken to Ben Taub and he was shown medical paper work for detention and not allowed to leave; and continued expressing his personal opinions until his

time expired. Council Members Johnson, Adams, Pennington and Noriega absent.

Ms. Natacha Thompson, P. O. Box 1302, Houston, Texas 77251 (281-467-7270) appeared, presented information and stated, as others stood in support, that she was present supporting employees who were laid off from the city and to bring awareness about the real cause of the layoffs; that employees were tired of the incompetence and failures of the president of HOPE, Melvin Hughes, for neglecting to challenge the ordinance; that in March when she challenged the ordinance he told Council the ordinance was fair and he supported the Mayor; that five months later he came back crying the process was unfair, the ordinance had not changed and it was unfair from its inception and arbitrarily targeted hardworking tenured employees; that his failure came at a great price and she encouraged all to let their voice be heard and contact their Council Member and let them know they did not agree nor did they agree with the ordinance as layoffs would never be fair under the current system and the Administration needed to reconsider the application and facts of the ordinance and strive to do better by the people; and encouraged all to vote for Mayor Parker's opponent Mr. Fernando Herrera as he listened. Council Members Johnson, Pennington and Noriega absent.

Mr. Fidel Martinez, 2031 Greenford, Houston, Texas 77049 (713-818-0358) appeared, presented information and stated that he worked for Neighborhood Protection for over nine years, a decorated veteran of the U. S. Army and had a code enforcement license since 2006; that he was a member of the HPD Fast Team and worked directly with HPD in high crime areas to help shut down or bring into compliance property where crimes were frequently committed; that he received his layoff letter August 12th even though others in the classification of community service inspectors 19 were offered the position once they obtained their license in 45 days and he held the license and was not offered the position and many of those had lower EPE scores than himself and had less seniority. Council Members Johnson and Pennington absent.

Mayor Parker stated that he made a compelling argument and she understood one problem was his particular position was a grant funded position under a HUD grant and it was deemed not appropriate use of those grant funds, but Mr. Landon Taylor of Department of Neighborhoods was present and she would ask they sit together and see if there was an opportunity to serve. Council Members Johnson and Pennington absent.

Council Member Adams thanked Mr. Martinez for coming and for his service and stated that she would follow the Mayor's lead with Mr. Taylor and the Department of Neighborhoods on how to go from here; that in one of her amendments she mentioned how they did the employee performance; that his had exceeded the 3.8 on the EPE score and her question was how they made the determination, but was informed by Housing there was a million dollars cut, but according to performance some should have been given opportunity to stay; and thanked Mayor Parker for having Mr. Taylor meet with him. Council Member Pennington absent.

Mayor Parker stated that they did want to support veterans, but he had a good record with the city and it was her understanding it was the grant fund nature of the position and she was not directing Mr. Taylor to put him back on the job, but to work with him and other departments and see if they could find the right fit. Council Member Pennington absent.

Council Member Jones stated that last week when Mr. Hughes came it was the same arguments and for her it was a public policy issue, fair and justice issue and the ordinance needed to be fixed or it was doomed to repeat itself; that she learned someone was laid off in this round and his wife was laid off in the first round and they effectively created an unemployed family with children so there were a number of issues and this ordinance needed to be fixed for all not just those coming before Council; and thanked Mr. Martinez for coming and showing another example. Council Member Pennington absent.

Council Member Bradford moved the rules be suspended for the purpose of extending the time for questions of Mr. Fidel Martinez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Lovell absent on personal business. Council Member Pennington absent. MOTION 2011-0686 ADOPTED.

Council Member Bradford stated that Council Members had a document which indicated in part that during his interview process he represented himself as a peace officer and not a code enforcement inspector and he was concerned with that response; that it also mentioned his involvement and experience with the FAST Team mixed with requirements of the HUD grant placed him ineligible; and upon questions, Mr. Martinez stated that he understood being laid off but not why he was skipped in the rehire process; and Council Member Bradford stated that this did highlight problems in the ordinance and would appreciate Ms. Thompson and others submitting what modifications they thought should be made to the ordinance and thanked him for his service to our country and to our city.

Upon questions by Council Member Stardig, Mr. Martinez stated that he was assigned to the FAST Team about three years; and Council Member Stardig stated that she would like to be included in the loop with Landon Taylor and the progress of this so she would understand the process. Council Member Rodriguez absent.

Council Member Jones stated that this was an example of why the Housing Department needed to now what it was doing because when they lost money or funding stopped they lost the grants or employees. Council Members Stardig and Rodriguez absent.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he was bringing to Council's attention the abuse of police officers power; that Officer Watson at Southwest was friend to a lady he was once in business with and she issued a warrant for his arrest and he never had a charge against him; that he owned six of eight houses on a street and he needed to know when someone was going up and down the street because they were his houses and police, in a plain car, went up and down all day and gave him a warrant for verbal harassment and a \$50,000.00 bond; and he was almost arrested trying to make a police report. Council Members Johnson and Rodriguez absent.

Mr. Roger Jones, Jr., 12238 Grove Point, Houston, Texas 77066 (281-831-0605) appeared, as others stood in support, and stated that he was a family man with children, a veteran from the Army and his wife a former Marine and also unemployed; that he was a 13 year municipal employee in the Solid Waste Department; that he believed he was blackballed for being a whistle blower and showing incompetence in the performance of his job; that he had consistent high performances and they were downgraded from outstanding to strong annually to needs improvement after he went to management voicing concerns and was told he could easily be replaced if he kept complaining; that earlier in the year his wife came before Council and gave a statement of what he went through and he wondered how that played into the decision of his layoff; and his accumulated vacation pay was still not released. Council Member Johnson absent.

Council Member Jones apologized for what it sounded like happened to him and stated that this was about public policy, some of those with the highest EPE scores were laid off and others were kept who were not as qualified; that they could save money by stopping the passing of bad employees around from one department to the next and they targeted people who tried to make the system work and until they acknowledged the true problems they would never be fixed. Council Members Johnson and Clutterbuck absent.

Mr. Minister Robert Muhammad, 4443 Old Spanish Trail, Houston, Texas 77021 (832-433-

7270) appeared and stated that a perfect storm was gathering; that people disliked Mayor Parker for different reasons, the group he fell in was whether he agreed or not with her policies they should be implemented fair and in an equitable manner and Council Member Jones was her test; that he came under the previous Administration as a consultant for METRO and Council Member Jones did not spare him, her good friend, from even the good he was defending that they were doing and made sure he understood there were other things she disagreed with; that there was now a perfect storm and people had the perception that with the silence the Mayor had, allowing the HPOU to attack Council Member Jones and that the City Attorney was being destructive and he never saw happen before what Council Member Sullivan did today; that Council Member Bradford should remember it was the HPOU which hated Lee Brown and would have still kept Council Member Bradford from moving up but they were speaking about Council Member Jones; and it was time Mayor Parker go back and open communications and he wanted to meet about policy. Council Members Johnson, Clutterbuck and Hoang absent.

Mayor Parker stated that she was happy to meet with Minister Muhammad about policy at any time and had never turned down any request she was aware of; and Minister Muhammad stated that it was not about him; and Mayor Parker stated that if he wished to put together a group she would be happy to do that as well. Council Member Hoang absent.

Council Member Jones stated that she was thankful he had the courage to come up and speak and he characterized it right, a perfect storm; that she did not like when it seemed there might be a race war, they had come too far as a people and country for this to happen.

Mr. Troy Bearden, did not give address or phone number, had reserved time to speak but was not present when his name was called.

Ms. Gwendolyn Harris, P. O. Box 821312, Houston, Texas 77282 (281-772-3007) appeared and stated that she was present supporting her baby, Council Member Jones, this reminded her of the new movie The Help and it was putting Blacks back years, not listening to them; that with Jolanda's knowledge and explanation and helping constituents she could not understand how Mayor Parker would condone her City Attorney coming into a meeting she gave and wear earrings imitating her daughter and making her the butt of the joke; that he was the attorney on the ethics for her and something was not right; that Houston was taking a step back and it was appalling.

Mayor Parker stated that for the record it did not happen in her presence and it was a birthday celebration and she was not present.

Council Member Noriega stated that she and Ms. Harris met before; that she remembered when she was in her twenties and working at the school district and she had a boss inappropriate with her and made her cry; that someone called her mother and she went to where she worked and it meant a lot to her; that mothers were fierce and an important in everyone's life.

Council Member Jones stated that she and her mother had a lot of talks recently and back in 2009 she asked her mom to gather supporters for someone; and upon questions, Ms. Harris stated that she wanted her to support Ms. Parker; that Gene Lock was running and they had grown up together, but she voted for Mayor Parker because of the relationship she had with her daughter and because of what she said would be done for everyone in Houston, but it seemed it was not appearing and things were not working out; that her co-workers looked at her because Mayor Parker was White and Gene Lock was Black; and Council Member Jones stated that it bothered her when she had to have discussions with people in her family who loved her; that they knew she was fair and when Minister Muhammad came and speaking on behalf of the

people she called him out as being a representative of METR because it was fair; that her mother made her go to events where the only thing they did was fight for fairness and as a child she did not want to be there, but she now was thankful of that.

Mr. Ray Hunt, 1600 State, Houston, Texas 77007 (832-200-3471) appeared and stated that he asked to be moved to the bottom because he heard information which would be here today and he wanted to find out if it was a fact and in fact it was not; that there was an ongoing criminal investigation taking place for the Council Member as well as a bar complaint and he was asked to stand down until the investigation was complete.

Council Member Jones stated that she understood Mr. Hunt was very upset about Mr. Feldman, she read it and it sped up the bar grievance if that press was to be believed; that she also understood Mr. Hunt initiated the OIG investigation, but it was her understanding he was not there and the OIG required personal knowledge, which he really did not have, but it was okay, she would respectfully submit that people were upset about Joe Campos Torres, the Civilian Review Board and lack of subpoena power and the Chad Holley case, etc., but even if there were just a few bad officers they could ruin a lot of people's lives and it seemed the HPOU wanted to blame people's dissatisfaction with her, but some officers told her to keep doing what she did because they could not speak out and people could file as many complaints as they wanted, but she would be exonerated just as she was with HFD and she would continue to fight for peace, justice and the American way; and Mr. Hunt stated that there may be a few unprofessional police officers, but there may also be a few unprofessional Council Members; and Council Member Jones stated that she absolutely agreed. Council Members Stardig, Clutterbuck, Sullivan, Hoang and Rodriguez absent.

Mr. Sammie Jones, no address or phone number given, who was previously not present when his name was called was now present and appeared and stated that he was resent with several complaints, one with HPD, one with the health clinic on Cullen; that he went to the clinic two times and turned away both times and he did not like being turned away for treatment; that the problem with HPD was he was arrested last October and his property was taken, when he was released he was given the runaround and escorted out; that he went to IA and spoke with a White male who threw his hands up and he said if he could not help he wanted his superior and was again escorted out of the Travis building; that he has found out his property was destroyed and the city was going to reimburse him, but it took 3 calls to 911 before a response. Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Ms. Hattie Jean Morgan, 2828 Collingsworth #48, Houston, Texas 77026 (832-405-6855) appeared and stated that she was present because of discrimination and mockery; that she and her children were being discriminated against by the federal government, social security offices, Ben Taub, etc.; and continued expressing her personal opinions until her time expired. Council Members Stardig, Adams, Sullivan, Hoang, Rodriguez and Noriega absent.

Dr. Kevin Simms, 2524 Yorktown, Houston, Texas 77056 (713-703-8525) appeared and stated that he wondered why George Greanias was not fired as yet; that any employee looking at porno should be fired and it was a travesty why he was not and others were; that Mayor Parker said "Houston First" but after researching millions had left Houston and that was not "Houston First", but to people who donated to the Mayor's campaign. Council Members Stardig, Adams, Sullivan, Hoang and Noriega absent.

Ms. Patricia Martin, 6060 Belarbor #33, Houston, Texas 77033 (832-266-0049) had reserved time to speak but was not present when her name was called. Council Members Sullivan and Noriega absent.

Council Member Adams moved the rules be suspended for the purpose of adding Mr. Angel Mendoza to the list of speakers to be the next speaker, seconded by Council Member Hoang. Council Member Lovell absent on personal business. Council Members Sullivan and Noriega absent. MOTION 2011-0687 ADOPTED.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-455-0682) appeared and stated that she was present about the violation of her Constitutional rights where officers came onto her property and took her car and she expected to be paid for it and they arrested her in her home and she was injured and she wanted to be paid for her pain and suffering. Council Members Sullivan and Noriega absent.

Mr. Angel Mendoza, who was added to the Speakers List, appeared and stated that he was living in housing but the Housing Authority overlooked people who needed assistance and Precinct 6 was not doing their job correctly; that he pulled himself out of housing because he was the only one who had spoken up against others regarding drugs and he wanted to return back to housing as he only had a short time to stay with a friend; that he had taken pictures of drugs being sold in front of his building and officers just waived him off and Mayor Parker needed to step up and control the staff. Council Members Sullivan and Noriega absent.

Upon questions by Mayor Parker, Mr. Mendoza stated that he lived under the Houston Housing Authority and he voluntarily left; and Mayor Parker stated that she would ask Citizens Assistance to work with him to reconnect to the Houston Housing Authority and to his complaints about illegal activity she would ask Sergeant Baltazar who was present to speak with him about the particulars and follow-up. Council Members Sullivan and Noriega absent.

Council Member Jones stated that her office would be happy to help him; that he spoke of Precinct Six and they had a contract with the Housing Authority and did patrol their properties and she could work with Citizens Assistance or take it in her office; that the city did not control the Housing Authority but her office did work through their issues; and Mr. Mendoza stated that he would like her assistance. Council Members Sullivan and Noriega absent.

Upon questions by Council Member Stardig, Mr. Mendoza stated that he had lived in the Fulton area; and Council Member Stardig stated that she was sorry about his issues and she knew the Administration was to follow-up; and if he should have any other issues to feel free to contact her. Council Members Sullivan and Noriega absent.

Mr. Michael Kubosh, 1701 Lubbock, Houston, Texas 77007 (281-850-0172) appeared and stated that ATS had filed in federal court to enjoin the City of Houston officials; that they were seeking to bring counter claims against the Mayor and 12 Council Members; that the City Attorney was their attorney to defend them and legal actions in this situation and found it highly offensive to hear he was making fun of one of them and he would fire a lawyer who he was paying to defend him while making fun of him. Council Members Sullivan, Hoang and Noriega absent.

Council Member Jones thanked Mr. Kubosh for his comments. Council Members Sullivan, Hoang and Noriega absent.

Ms. Linder Gatterson, did not wish to give address or phone number, appeared as others stood in support, and stated that it was said today there was wrongness in the city, to citizens and employees and she was tarred and feathered by her sergeant at the North Command; that he got her out by an EPE and it was unfair and if they would look her EPE was inconsistent with all he had said; and she needed help in getting her job back. Council Members Sullivan, Hoang and Noriega absent.

Council Member Jones stated that she wanted to help people understand; that Ms. Gatterson came to Council and she tried to get her answers, but she could only go so far, but did believe government should be transparent. Council Members Sullivan, Robinson and Noriega absent.

Council Member Bradford stated that Council Members did not have any administrative authority and having been a director he thought it worked best that way because the directors needed a clear line of authority of responsibility, but having said that there were processes in place to resolve some of the issues and in most instances they worked well; and upon questions, Ms. Gatterson stated that in 2009 was when he got her because he had her sign the paper and did not tell her what her score was, he was very sneaky; and Council Member Bradford stated that she signed a blank document so she knew who to blame for that, but because she did something she should not have done it did not excuse what he did as improper conduct, but there was a process which had to be followed and they heard her week after week, but there were limitations to what Council Members could do. Council Members Sullivan, Robinson and Noriega absent.

Ms. Nia Colbert, general delivers, U. S. Post Office, Houston, Texas 77052 (832-253-4735) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Robinson and Noriega absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373, Houston, Texas (713-928-2871) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Robinson and Noriega absent.

Mr. Bryon Thomas, 11514 Sandstone Canyon Drive, Humble, Texas 77396 (713-299-7798) appeared and stated that he was an inspector for Public Works and wrongfully terminated and he was looking for justice; that first he was told it was because of him failing to disclose his complete criminal history and he had been with the city about 10-1/2 years and was a U. S. Air Force veteran and then told it was because of selling city property which was unfounded. Council Members Sullivan, Robinson 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 Sullivan, Robinson 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 Sullivan, Robinson and Noriega absent.

At 3:55 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, August 31, 2011. Council Member Lovell absent on personal business. Council Members Sullivan, Robinson and Noriega absent.

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 31, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, 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 Melissa Noriega absent on personal business.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:06 a.m. Mayor Parker called the meeting to order and stated that they would start with the Monthly Operations and Financial Report. Council Members Stardig, Sullivan, Hoang, Rodriguez and Bradford absent.

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

Mayor Parker recognized Mr. Ronald Green, City Controller and Mr. Kelly Dowe, Director of Finance. Council Members Stardig, Sullivan, Hoang, Rodriguez and Bradford absent.

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

Council Member Adams stated that due to the drought and the average of 1,000 a day water main breaks, did they know if it would hit their budget harder with their projections moving forward and did they know how much this was costing on an average day out of the regular General Fund, and Mr. Dowe stated that the revenues also increased in this time and what they had seen in the past few months was that the increase in revenues had been greater than the increase in expenditures, so on balance the fund was healthy, they did not chose to make a change this early in the fiscal year, but he could get those figures that she asked for and the average cost, that he would grab those numbers on the monthly affect that this had had on the drought.

Mayor Parker stated that so the public was clear, this was not having much of an impact on the General Fund, this was all Enterprise Fund expenses, so it was not having on impact on Police or Fire or any of the other services because it was a segregated fund.

Council Member Gonzalez stated that on the unhedged variable rate debt for Convention and Entertainment, while it was currently at 31.1% Controller Green anticipated that the number would drop, and Mr. Green stated that it would go down, they did a refunding recently but it did not close before the end of this period so they would see it in the next MOFAR, and Council Member Gonzalez asked what would be a more appropriate number for them to look for, and Mr. Green stated closer to 20%; and Council Member Gonzalez asked about plans going forward to replenish their Fund Balance to a healthy number as well, that he knew it was below the 7.5% target and knew there had been an increase in revenues and also some proposed land sales that had yet to be finalized, how did that work, how did they make sure that they replenished that at some point moving forward, and Mr. Dowe stated that they had a positive effect on year end fund balance from FY11, which would roll into FY12, that would be funds that they had not budgeted that would help to build up the Fund Balance, and as the Controller had already done, he had increased his Property Tax projection based on the certified rolls, and they would do the same next month, which he anticipated would be additional Fund Balance that they had not budgeted as well, and as the Mayor had stated during the budget process, what she would look to do when they were more solid on those during the year and making sure that they had not had a turn in the economy and were pretty solid on those funds being there, that she would look for direction from Council Budget and Fiscal Affairs on what to do, but of course their preference had been to build back up Fund Balance and try to get above that 7.5% within any unspend unbudgeted funds that came in during the year.

Mayor Parker stated that actually they wanted to get back to the 7.5% number and that was a number that she established when she was Controller and appreciated Controller Green

continuing to push them on that, that she would like to escalate setting aside money into the Rainy Day Fund once again, so any amounts over 7.5% she was going to ask that they designate to the Rainy Day Fund.

Council Member Costello moved to accept the Monthly Operations and Financial Report, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0688 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 24

MISCELLANEOUS - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the reappointment of **MR. J. KENT FRIEDMAN** as Chair of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY**, for a term to expire August 31, 2013 - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0689 ADOPTED.
2. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Houston Permitting Center - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0690 ADOPTED.

ACCEPT WORK - NUMBERS 3 through 6

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,918,016.85 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Whiteheather Storm Sewer Improvements Segment II 6.40% under the original contract amount - **DISTRICT D - ADAMS** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0691 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,937,326.79 and acceptance of work on contract with **TEXAS REEXCAVATION, L.C.** for Wastewater Collection System Rehabilitation and Renewal 0.001% under the original contract amount - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0692 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,899,483.80 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for FY 09 Water Distribution System Rehabilitation and Renewal 0.73% under the original contract amount - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0693 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,129,916.14 and acceptance of work on contract with **R W L CONSTRUCTION, INC** for FY 10 Fire Hydrant Replacement - 0.076% under the original contract amount - was presented, moved by Council Member Gonzalez,

seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0694 ADOPTED.

PROPERTY - NUMBERS 7 through 10

7. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw City's objections to the award in connection with eminent domain proceeding styled City of Houston v. Karl A. Karim Family Irrevocable Trust, et al., Cause No. 984,297; for acquisition of Parcel AY9-426 and KY10-135; for the **LONG POINT RECONSTRUCTION PROJECT, (Pech - Hollister) - DISTRICT A - STARDIG** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0695 ADOPTED.
8. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw City's objections to the award in connection with eminent domain proceeding styled City of Houston v. Norma West, et al., Cause No. 984,951; for acquisition of Parcel AY10-064; for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT, (Little York - W. Gulf Bank) - DISTRICT B - JOHNSON** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0696 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Matthew Sigmon, on behalf of Dawn Fudge, for abandonment and sale of Chapman Street, from Nance Street to its terminus, in exchange for the conveyance to the City of a full-width utility easement, adjacent to Lots 1 and 12, Block 4, Richey Addition, out of the John Austin Survey, A-1, Parcels SY11-114, SY12-002, VY12-012 and VY12-013 - **DISTRICT H - GONZALEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0697 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY11-042, located at 4816 Clinton Drive, owned by Jim R. Neatherlin and Connie Neatherlin, for the **MANCHESTER JAPHET CORNER CLIP/CLINTON AT JAPHET DRIVE PROJECT - DISTRICT H - GONZALEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0698 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 and 12

11. **NWN CORPORATION** for Citywide Cisco® SMARTnet™ Maintenance Agreement through the City's Master Agreement with Texas Department of Information Resources for Information Technology Department - 1 Year - \$1,172,168.50 - Central Service Revolving Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0699 ADOPTED.
12. **HD SUPPLY WATERWORKS** for Water Service Connections for the Department of Public Works & Engineering - 5 Years - \$1,983,029.80 - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye.

Nays none. Council Member Noriega absent on personal business. MOTION 2011-0700 ADOPTED.

Mayor Parker and Members of Council congratulated Mr. J. Kent Friedman for his reappointment as Chair of the Harris County-Houston Sports Authority and thanked him for his service to the City of Houston.

ORDINANCES - NUMBERS 13 through 24

14. ORDINANCE authorizing the transfer of funds from the adopted Fiscal Year 2012 Budget of the Municipal Courts Department to the adopted Fiscal Year 2012 Budget of the Information Technology Department; authorizing funds expenditures thereof in order to implement the IT consolidation process - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. ORDINANCE 2011-0754 ADOPTED.
15. ORDINANCE awarding contract to **GT FIRE EQUIPMENT COMPANY, INC dba AAA FIRE EQUIPMENT COMPANY** for Portable Fire Extinguisher and Fire Hose Inspection, Maintenance and Hydrostatic Testing Services for Various Departments - 3 Years with 2 one-year options \$705,104.75 - General, Enterprise and Stormwater Funds - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. ORDINANCE 2011-0755 ADOPTED.
17. ORDINANCE appropriating \$550,000.00 out of General Improvement Consolidated Construction Fund, \$300,000.00 out of Parks Consolidated Construction Fund, and \$100,000.00 out of Solid Waste Consolidated Construction Fund for Professional Environmental Consulting Services Task Order Program; and amending City of Houston Ordinance No. 2009-0492, to increase the maximum contract amount to **ENVIRONMENTAL CONSULTING SERVICES, INC, HONESTY ENVIRONMENTAL SERVICES, INC, PROFESSIONAL SERVICE INDUSTRIES, INC, TECHNOLOGY SERVING PEOPLE, INC, ENVIRONMENTAL SOLUTIONS, INC, WESTON SOLUTIONS, INC, TERRACON CONSULTANTS, INC, GARNER & ASSOCIATES, INC and EFI GLOBAL, INC** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. ORDINANCE 2011-0756 ADOPTED.
18. ORDINANCE appropriating \$2,480,123.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Metro Central, Turkey Creek, Keegans Bayou and Greenridge Wastewater Treatment Plant Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN and G - PENNINGTON** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. ORDINANCE 2011-0757 ADOPTED.
19. ORDINANCE appropriating \$1,725,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CP&Y, INC** for 69th Street Wastewater Treatment Plant Improvements; providing funding for CIP Cost Recovery 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 Noriega absent on personal business. ORDINANCE 2011-0758 ADOPTED.

20. ORDINANCE appropriating \$2,500,430.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BINKLEY & BARFIELD, INC** for the 69th Street Wastewater Treatment Plant Improvements (Packages 5 & 6); providing funding for CIP Cost Recovery 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 Noriega absent on personal business. ORDINANCE 2011-0759 ADOPTED.
21. ORDINANCE appropriating \$230,000.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **MCDONOUGH ENGINEERING CORPORATION** for Local Drainage Project Negotiated Work Orders (Approved by Ordinance No. 2010-0230); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. ORDINANCE 2011-0760 ADOPTED.
22. ORDINANCE appropriating \$1,257,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **E. P. BRADY, LTD.** for Riverwood Estates No. 2 Lift Station Diversion; 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 B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. ORDINANCE 2011-0761 ADOPTED.
24. ORDINANCE No. 2011-747, passed first reading August 24, 2011
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 - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. ORDINANCE 2011-0747 PASSED SECOND READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ORDINANCES

13. ORDINANCE appropriating \$10,000,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **HOUSTON AIRPORTS PROGRAM MANAGEMENT TEAM** for Professional Program Management Services for the Houston Airport System (Project No. 697) - 5 Years with one three-year option - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** - was presented, and tagged by Council Member Johnson.
16. ORDINANCE amending Ordinance No. 2010-0317, as amended, to increase the maximum contract amount for contract between the City of Houston and **SIEMENS INDUSTRY, INC f/k/a SIEMENS BUILDING TECHNOLOGIES, INC**; appropriating \$420,000.00 out of General Improvement Consolidated Construction Fund; approving and

authorizing first amendment to the Energy Savings Performance Contract for Energy Conservation Measures - **DISTRICTS B - JOHNSON and D – ADAMS** – was presented.

Council Member Sullivan stated that the energy conservation efforts were to be applauded but they were continuing to add money to an expensive contract, the original contract was for \$20 million, and he knew they had to spend money up front to achieve savings in the long run, but he was wondering where they could find information as to the progress they were making on saving money, that if somebody could bring him some information to tell them if it was working or not working so they would know if they were adding more money to a contract that it was beneficial and there was a payback, and Mayor Parker stated they would get that information to him, and Council Member Sullivan stated that he would tag the item, and maybe they could get that between now and next Wednesday.

Mayor Parker stated that Item No. 16 had been tagged by Council Member Sullivan.

Council Member Costello stated that he wanted to echo the concerns of Council Member Sullivan and appreciated his saying that and concurred and would like to have that update as well, and Mayor Parker stated that it was noted.

23. ORDINANCE appropriating \$2,151,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON CONSTRUCTION, L.P.**, for Security Entrances and Truck Turnaround Lanes at East Water Purification Plant; 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 E - SULLIVAN** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. ORDINANCE 2011-0762 ADOPTED.

NON CONSENT AGENDA - NUMBER 25

MISCELLANEOUS

25. MOTION to set a date not less than seven days from August 31, 2011 to receive nominations for Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY**, for a two year term – was presented.

Council Member Lovell moved to set Wednesday, September 7, 2011 to receive nominations for Position 3 on the Port of Houston Authority of Harris County, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2011-0701 ADOPTED.

MATTERS HELD - NUMBERS 26 through 29B

26. ORDINANCE **AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to School Vehicles operating as vehicles for hire – **(This was Item 12 on Agenda of August 24, 2011, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented.

Council Member Gonzalez stated that he wanted to support the item and thank the Mayor's administration, in particular ARA, they were able to assist in facilitating a meeting between ARA and the private bus owners as they worked through some concerns, that it would be a significant fee increase for them and they were not prepared for it initially, but by having

discussions and working on it they were able to find some common ground, that he also wanted to thank Sara Herrera from the Texas Association of Private Bus Owners, that the ordinance provided private bus owners a little bit more time and flexibility to pay for the increased fees and ARA was also working with them to streamline some other functions to reduce costs, that he thought it was a win win for everybody, both for the City and the small business owners, that it was a perfect example of government being responsive and being able to respond quickly and getting things done.

Mayor Parker stated that she wanted to thank Council Member Gonzalez for getting personally involved in the issue and helping to shepherd it through.

A vote was called on Item No. 26. All voting aye. Nays none. Council Member Noriega absent on personal business. ORDINANCE 2011-763 ADOPTED.

27. 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 – **(This was Item 18 on Agenda of August 24, 2011, TAGGED BY COUNCIL MEMBERS JONES and HOANG)** – was presented. Council Member Jones voting no, balance voting aye. Council Member Noriega absent on personal business. ORDINANCE 2011-764 ADOPTED.
28. 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 – **(This was Item 19 on Agenda of August 24, 2011, TAGGED BY COUNCIL MEMBER HOANG)** – was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. ORDINANCE 2011-765 ADOPTED.
29. WRITTEN Motion by Council Member Bradford to amend Item 29B below as follows:

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.

and

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 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 may, when appropriate, consider the status of a provider as a local business as part of the qualifications determination.

and

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 – **(TAGGED BY COUNCIL MEMBER JONES)** - was presented. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Rodriguez and Lovell absent. MOTION 2011-0702 ADOPTED.

29a. WRITTEN Motion by Council Member Costello to amend Item 29B below 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 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. – **(TAGGED BY COUNCIL MEMBER JONES)** – was presented.

Council Member Costello stated that he wanted to offer a written motion to substitute for Item No. 29a as follows:

"I move to substitute the following for my previous amendment – Agenda Item #29A:

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~~ knowledge of local conditions as part of the qualifications determination."

After a lengthy discussion by Council Members, Council Member Bradford offered a friendly motion to amend Council Member Costello substitute motion to change "may" to "shall", seconded by Council Member Costello. Council Member Sullivan voting no, balance voting aye. Council Member Noriega absent on personal business. Council Members Rodriguez and Lovell absent. MOTION 2011-0703 ADOPTED.

After further discussion by Council Members, Mayor Parker stated that it was clear in the ordinance that it was the Director of MOBO, Mayor's Office of Business Opportunities, that made the final determination, but that final determination, if there was a conflict between the two, their expectation was that the only reason there would be a conflict would be if there was a legal issue and that would bring Mr. Feldman into the final determination as well because even the Director of MOBO was not allowed to make a determination that was in violation of State Law.

A vote was called on Council Member Costello's motion to amend Item No. 29a. Council Members Johnson and Sullivan voting no, balance voting aye. Council Member Noriega absent

on personal business. MOTION 2011-0704 ADOPTED AS AMENDED.

29b. 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 33B on Agenda of August 24, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented as amended. Council Member Sullivan voting no, balance voting aye. Council Member Noriega absent on personal business. ORDINANCE 2011-766 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Costello stated that he wanted acknowledge that this weekend was Labor Day Weekend and something that he had participated in over the last two plus years was the AFL-CIO Barbecue Cook Off, that it was the Gulf Coast Building and Construction Trade Council's Barbecue Cook Off that would take place at the Pasadena Convention Center, Campbell Hall, 7902 Fairmont Parkway in Pasadena, that he would encourage everyone to go out there, that he had been a judge several times and it was rather entertaining and fun. Council Members Hoang, Pennington and Jones absent.

Council Member Bradford stated that he and his staff would be joining Council Member Costello and the other trade associations this weekend to have some fun; that he wanted to ask a question on the record publicly for clarification about Council Members having access to public information, there was a document that the Office of Inspector General had released publicly and there had been a news story printed on that particular release and he made a request today of the OIG to supply him with a copy of the document and he was advised that he needed to make a formal open records request and go through the open records process, but without getting into the details publicly about the issues he just wanted to clarify on the record that public documents that department directors release to the public, the media, and there were stories printed concerning that document was it necessary that Council Members submit a formal open records request and go through that process to get to the document, and Mayor Parker stated no, that if he would tell her what the document was she would make sure it would come to him, that it should not have happened, and Council Member Bradford stated that he would tell her. Council Members Johnson, Clutterbuck, Hoang, Pennington and Lovell absent.

Council Member Rodriguez stated that he wanted to thank Mayor Parker and City Attorney Feldman for working with their office to resolve an ongoing concern regarding some dilapidated apartments, the Silvan Apartments, they had been an eyesore for his constituents for several years, that the Mayor and the Legal Department had put pressure on the apartment owner to bring the apartments down, that it would bring some relief to his constituents in the area. Council Members Johnson, Clutterbuck, Hoang, Pennington and Lovell absent.

Council Member Sullivan stated that he had told Council Member Rodriguez earlier that one City Department worked with them and Andy Icken headed up the effort to turn around an apartment project and he appreciated the administration support on these multi family project throughout the City, that there was not a Council district that did not have problem projects, they had particularly good results that they were able to turn around; that the Houston Airport System Management at Ellington had been instrumental in working with Union Pacific on rebuilding and reconstructing the railroad crossings into Ellington, that he wanted to compliment Brian Rhinehart and Pete Freeze for their assistance to their office and making sure that they were involved and aware of what was going on, that was important because they were working towards completion for the 9/11 Run and that was the one that Mayor Parker was supporting; that he would be having a District E townhall meeting in Clear Lake on Wednesday, September 7, 2011 at 6:00 p.m. in the Bayou Building at the University of Houston Clear Lake. Council Members Johnson, Clutterbuck, Hoang, Pennington and Lovell absent.

Council Member Sullivan read an email he had sent to HFD Chief Garrison stating that it was no secret that he visited a number of fire stations throughout the City and as he hit them firefighters shared things with him that they might not share with others, that was happening much more frequently now, there was universal concern about Chief Garrison's new All Hazard Response System, that there was no need to reply to him with all the reasons that he thought it was a better system than they had, he had heard those arguments, that what he wanted to share with him were his personal observations, the very men that made any Houston Fire Department System work tell him that it was a flawed plan, that he trusted them, the reasons were numerous and to a layman like him they made sense, that sending four men to a call that might be a sprained ankle or a headache, increased wear and tear on aging and expensive fire trucks and ladder trucks, having a truck out of service for a minor call, having to fill out three records instead of one, and of course there was increased fuel cost and then the public screams that they called for an ambulance and not a fire truck, that as he drove from Clear Lake back to Kingwood this afternoon he could not help but notice that there were many fire trucks calling for transport units on their calls, that it went without saying that the fire trucks and their four men were then tied up waiting for the transport unit, which was then further delayed to arrive resulting in longer delays than necessary, so from his perspective the new system was not working, that he would urge him to make changes that would result in better utilization of equipment, reduction in both short and long term wear and tear problems on equipment, keep expenses down and to provide higher quality patient care, that the response he received was, that he had received his input, thank you. Council Members Johnson, Clutterbuck, Hoang, Pennington and Lovell absent.

Mayor Parker stated that she had a long response if he would like to get the written response, but she thought he had just said he did not want to hear it, that she was happy to sent it, and Council Member Sullivan stated that what he did not want to hear was Chief Garrison's recitation of the reasons he promotes the program, that he was absolutely interested in hearing a response, and Mayor Parker stated that this was a project that just began August 1, 2011 so any major para military organization was resistant to change and it was very premature to claim that this was a project that had failed when it really had been barely a month in operation, that it was created through a joint labor management process, which included the command team. Dr. Perse, EMA, Suppression and the executive committee of the Fire Union, that input was also received from the District Chiefs, Shift Commanders and field personnel, that having been down in this chamber for a number of years a constant concern of Council Members was the fact that they were sending multiple fire apparatus, in addition to an ambulance, to an ambulance call and more than 80% of the work that they did was about ambulance work, that all hazards only effects A1 responses, which were the most minor of EMS calls, and they were already sending fire trucks as it was, that in the first two weeks of the program call taker time decreased by 10 seconds, or 9%, response time for first unit on scene decreased by 19 seconds or 5%, engine response average increase was 1.4 responses today, so they were running basically just over one extra run per day and ladder response increase was less than 1 extra call per day, they believed that the process ought to have a full airing and then the internal team, which would include labor and management would assess the success for failure of the program. Council Members Johnson, Clutterbuck, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Gonzalez stated that on Saturday he visited seniors in District H with HPD Mounted Patrol Division for a pitch in breakfast, that it was an opportunity to discuss concerns with the greatest generation and to thank their police officers for their hard work in supporting their safety needs; that he wanted to congratulate their friends at SNAP, who in partnership with BARC and dedicated District H constituents trapped, treated and released 83 cats in zip codes 77011 and 77023 in August; that as they headed to Labor Day Weekend he wanted to encourage all of their residents to rest, spend time with family and enjoy the holiday on Monday, that he wanted to thank their labor brothers and sisters for their commitment to the

City, State and Nation; that he wanted to thank John Daniel in the District H Office for superb constituent work, this month he was featured in the Monte Beach Newsletter for his commitment to assisting the neighborhood and residents. Council Members Johnson, Clutterbuck, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Adams stated that there would be a civic club meeting in the Minitex Community at 6401 Alameda Genoa on Thursday at 7:00 p.m.; that the Southeast Coalition of Civic Club Meetings would be held at 7:00 p.m. at the Houston Community College, Willy Lee Gay Hall, 1900 Airport; that on Saturday she would join Constable Ruben Davis on Saturday for the Community Inner Faith Prayer Breakfast at 8:30 a.m. at the Quail Run Community Center at 1678 Quail Park, Missouri City, Texas; that she wanted to thank the labor unions for all of their hard work and she would be joining the AFL-CIO Labor Day Celebration on Saturday at the Pasadena Convention Center; that on Sunday would be District D Day at the Children's Museum at 1500 Binz, that it was a free day; that she had the opportunity to study abroad in Brazil the past school session, that she learned about the Brazilian Culture, so come and celebrate Brazilian Independence Day at Jones Plaza on Sunday; that she wanted to thank all of the City workers, especially the Public Works employees for their hard work and dedication, that they were averaging about 1,000 water main breaks a day, that they knew it was hot but they were doing an awesome job and moving as quickly as they could; that she had a question concerning parking in yards, they were receiving a lot of complaints about parking in yards, that they were going to bring it up in committee in the future, but one of the things that was coming up was when they receive a citation for parking in yards and go to court sometimes it was dropped or dismissed, or sometimes when they called 3-1-1 it was not being enforced at all, she had a meeting last week and sent an email requesting Mr. Don Cheatham and Mr. Feldman to help decriminalize the citations and making them civil so there could be more enforcement behind them so they would be treated like a stop sign, red light or parking ticket, that she was just trying to make sure they could make it stricter, make the laws stricter when they were trying to enforce those parking in yards, that some people said they went through the process of getting the petitions but now they wanted to enforce and there was no enforcement power, or they did not know how it was being enforced. Council Members Johnson, Clutterbuck, Hoang, Pennington, Rodriguez and Lovell absent.

Mr. Feldman stated that they were looking at ways to strengthen the enforcement and actually it was going to go in the opposite direction of what she was talking about, they were going to heighten the penalty. Council Members Johnson, Clutterbuck, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Adams further stated that she wanted to remind everybody about the Neighborhood Protection and Quality of Life Committee meeting tomorrow at 10:00 p.m. Council Members Johnson, Clutterbuck, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Stardig stated that yesterday afternoon the Houston Fire Department responded to a grass fire at Cullen Park, located at Eldridge and Addicks Reservoir, that the City limits went out that far and it was in District A, that she wanted to commend the 21 units responding to the fire, with four mutual aid booster trucks from the Cyfair Volunteer Fire Department and Katy Volunteer Fire Department also assisted in the grass fire, that the fire spread approximately 500 acres, that they had over 9,000 acres in Cullen Park and she had just recently visited the park with Director Turner and it was a loss, that it had been brought to her attention that one fire fighter was transported to Memorial Hospital with heat exhaustion, that she wanted to thank the Houston Fire Department for their dedication and prompt response to the fire; that on Sunday she attended the Houston 175th Birthday Celebration at Market Street Park along with Mayor Parker and Council Member Rodriguez and many other Houstonians, that she wanted to thank all of the good citizens of Houston who came out in the heat and celebrated the history of the City; that yesterday she joined the Houston Galveston Area Council

at the Clean Air Action Leadership Awards Luncheon, that the luncheon recognized organizations for their outstanding leadership in implementing measures that reduced air pollutants within their 8 County region. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Mayor Parker stated that she wanted to note, because it was such a large fire they actually had the helicopters up and wanted to thank HPD for being a part of that and Texas Parks and Wildlife and believed even TXDOT, so that the firefighters on the ground could be directed to the right location, so it was a multi agency response as well, and Council Member Stardig stated that she wanted Mayor Parker to recognize Director Turner for giving her a heads up, that as Council Members they were sometimes overlooked in crisis situations but it gave her the opportunity to stay in the loop if she needed to react or respond to support, that she felt part of the solution and really appreciated that. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Jones stated that she attended the funeral service for Ms. Helen Chang and a number of her colleagues and a number of elected officials and wanted to give condolences to her family; that the University of Houston Cougars Athletic Alliance had it's golf challenge and luncheon, they were raising money for scholarships for young people; that she to would be attending Constable Davis 15th Annual Community Interfaith Prayer Breakfast; that Ester King, who was her appointee on the Term Limits Task Force needed their prayers; that Council Member Adams talked about her church, the Fountain, and she was at the Star of Hope and saw the Mrs. and wanted to commend her because she was giving people what they needed in terms of faith and helping them get through very difficult times; when Council Member Adams brought up Brazil it made her think of Marta's mom and they knew what that meant; that she to had been talking about the deployment of fire trucks for almost three years and how they did it, that she had more than her fair share of communications, and wanted clarifications, did they negotiate out, during the last Collective Bargaining Agreement, some kind of preference for firefighters who lived in the City, did they negotiate that out of the contract, that she heard that from a number of firefighters who actually lived in the City and were the minority of firefighters because she was confronted with why she did that and she just wanted to be able to responds because she did not know that if they did, that she also had some communications from firefighters about ambulances, and would speak with Chief Garrison, being moved from one station to other stations where the ambulances were filled with seniors and the elderly and poor, that in other words in took longer for other ambulances to get there for some of their most needy and vulnerable citizens. Council Members Johnson, Clutterbuck, Hoang, Pennington, Rodriguez and Lovell absent.

Mayor Parker stated that there was not, to the best of her knowledge, ever a preference for firefighters who lived in the City of Houston, that they were eligible, under the HOPE Affordable Housing Program, but not in the contract, so it was not negotiated in or out, there was never a provision, that they were trying to run it down. Council Members Johnson, Clutterbuck, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Jones further stated that she would be at the AFL-CIO picnic tomorrow, that she was always thankful to be invited to be a judge. Council Members Johnson, Clutterbuck, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Costello stated that he wanted to congratulate Mayor Parker and his colleagues and Attorney Feldman for Hire Houston First, that he knew it was something that Mayor Parker campaigned on several years ago and thought it was truly a great program and looked forward to watching it be successful. Council Members Johnson, Clutterbuck, Hoang, Pennington, Rodriguez and Lovell absent.

Mayor Parker stated that she thought she was about to be corrected by the City Attorney. Council Members Johnson, Clutterbuck, Hoang, Pennington, Rodriguez and Lovell absent.

Mr. Feldman stated that there was a residency incentive pay provision that as part of the negotiations in dealing with the budget was removed. Council Members Johnson, Clutterbuck, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Adams stated that the Neighborhood and Quality of Life Committee meeting would take place tomorrow at 10:00 a.m., that it was a follow up about the amendment she proposed during the last budget cycle about possible fee increases for gaming rooms; that she wanted to thank Beta Kent for all of the emails that she continued to send to the District D office because there had been an increased number of fires and letting her know what disasters occurred in the district. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Mayor Parker stated that she wanted to thank Council Member Adams for raising the issue of gaming rooms, that it was something that was not on the radar and she brought it forward, and they were working on that. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Jones stated that the reason she asked that question was because she did not know how long they had been talking about Hire Houston First, there had been a lot of discussion the entire time she had been on Council about City employees whether they lived in the City or outside the City and they wanted to encourage people to live in the City and buy homes and pay taxes, so she would like some explanation on why they did that, why they got rid of the residency incentive. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

Council Member Gonzalez stated that he wanted to recognize two very strong leaders in the City who had joined them in the Council Chamber, Mr. Freddy Blanco and Ms. Jessica Holtze. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

There being no further business before Council, the City Council adjourned at 10:50 a.m. Council Member Noriega absent on personal business. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez and Lovell absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary