

City Council Chamber, City Hall, Tuesday, October 18, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 18, 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 and Jolanda "Jo" Jones; Ms. Lynette Fons, First Assistant City Attorney, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; and Ms. Marta Crinejo, Agenda Director, present. Council Member Sue Lovell absent on personal business.

At 1:42 p.m. Mayor Parker stated that presentations would begin with Council Member Stardig. Council Member Stardig invited those present with Goya Foods to the podium and stated that she wanted to congratulate Goya Foods as they celebrated their 75 anniversary; that Goya foods was the largest Hispanic owned food company and was a leader in Latin American foods and condiments; and marking their 75 year they donated one million pounds of food in thirteen locations across the country; and Mayor Parker thanked Goya Foods for their work in the community and presented a Proclamation to the group proclaiming today as "Goya Foods Day" in Houston, Texas. Council Members Johnson, Clutterbuck, Adams, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

A Spokesperson for Goya Foods stated that they were honored to receive the recognition and presented Mayor Parker with a book on their first 75 years. Council Members Johnson, Clutterbuck, Adams, Hoang, Pennington, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez and Council Member Noriega thanked Goya Foods for all they did and for being a good community partner. Council Members Johnson, Clutterbuck, Adams, Pennington, Rodriguez and Jones absent.

Council Member Bradford invited Senior Police Officer Hans Marticiuc to the podium and stated that few were able to place their mark when and how they wanted on the Houston Police Department, but Hans had done so; that he served honorably as a field training officer and he elevated the level of training for officers; that he served the city, department and citizens well since 1980 and now would begin retirement on October 14, 2011; and Mayor Parker stated that they would be honoring Hans Marticiuc with a retirement luncheon later in the week, but today they thanked him for his service to the public and in his longtime role as Union President for HPD; and presented him a Proclamation proclaiming October 14, 2011, as "Senior Police Officer Hans Marticiuc Day" in Houston, Texas. Council Members Stardig, Johnson, Pennington and Jones absent.

Officer Marticiuc thanked all for the kind words and stated that it had been a very good career for him in the City of Houston and the Houston Police Department and been very good to him; and all accomplished in the Union was because of a team effort and trust and good relationships make it successful and he hoped it would continue in that direction. Council Members Johnson, Pennington and Jones absent.

Vice Mayor Pro Tem Gonzalez and Council Members Noriega and Rodriguez thanked Officer Marticiuc and his family who supported him and congratulated him on a wonderful career. Council Members Johnson and Jones absent.

Council Member Noriega stated that it was her pleasure as the wife of an Army veteran to discuss the Veterans Day event coming up on Friday, November 11, 2011; that the City of Houston would show support of the armed forces celebrating the Thirteenth Annual Houston Salutes American Heroes Veterans Day Commemoration and Parade beginning festivities at

City Hall, 10:00 a.m.; and today they were honoring two sponsors AT&T would be holding another job fair for veterans with top companies participating and Walgreen's would be holding the veterans health fair; and because of their time, resources and support and commitment Mayor Parker stated that Houston was stepping it up more and more for veterans over the years and intended to be one of the most welcoming places in America for returning veterans and presented a Proclamation to AT&T and Walgreen's thanking them for their support and proclaimed November 11, 2011 as "Houston American Heroes Day" in Houston, Texas. Council Member Jones absent.

A Representative of AT&T and of Walgreen's thanked all for the recognition and stated that they were proud to be a part of this. Council Member Jones absent.

Vice Mayor Pro Tem Gonzales thanked each for their generous support of the veterans community and Ms. Susan Christian in the Mayor's Office of Special Events for coordinating many of the activities. Council Members Hoang, Rodriguez and Jones absent.

Council Member Noriega stated that she appreciated what the city was doing having had her husband deployed for fourteen months it was an experience without him; and thanked all for their leadership in the area. Council Members Sullivan, Hoang, Rodriguez and Jones absent.

Mayor Parker stated that on a point of personal privilege this was Disability Awareness Month across the nation and today she was presenting the Mayor's Disability Advocate of the Year Awards recognizing and honoring the contributions of advocates who did volunteerism in that community and provided a notable effort to increasing awareness of disability related issues in the non disabled Houston community or working toward the solution of one or more barriers to those with disabilities being the voice for those who had difficulty or could not represent themselves; invited all to the podium and presented awards to Officer James Saboto, Ms. Scott for Tryon Myre who was unable to attend and Grant Monye for each having worked on one or more of the barriers presented. Council Members Sullivan, Hoang, Rodriguez and Jones absent.

Vice Mayor Pro Tem Gonzalez and Council Members Stardig and Adams congratulated and thanked all for their work and raising awareness to such an important issue. Council Members Sullivan, Hoang, Rodriguez and Jones absent.

At 2:18 p.m. Mayor Parker called on Council Member Noriega who invited Reverend Mark Edmondson Lang with Emerson Unitarian Universalist Church to lead all in prayer and Council Member Noriega led all in the pledge. Council Members Rodriguez and Jones absent.

At 2:22 p.m. the City Secretary called the roll. Council Member Lovell absent on personal business. Council Member Jones absent.

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

Council Member Gonzalez moved the rules be suspended for the purpose of adding Ms. Maria Fernandez to the list of speakers after Ms. Margott Williams, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Lovell absent on personal business. Council Members Clutterbuck and Jones absent. MOTION 2011-0777 ADOPTED.

Council Member Rodriguez moved the rules be suspended for the purpose of moving Ms. Elbira Casares to be heard after Ms. Maria Fernandez, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Lovell absent on personal business. Council

Members Clutterbuck and Jones absent. MOTION 2011-0778 ADOPTED.

At 2:23 p.m. the City Secretary began calling the public speakers. Council Members Clutterbuck and Jones absent.

Ms. Margott Williams, 5625 Antoine Drive #1507, Houston, Texas 77091 (713-682-3330) appeared and stated that she was president of Descendents of Olivewood, Inc., present addressing Agenda Item 16, the economic development of Kroger on Studemont; that a meeting had taken place with Super Neighborhood, Kroger and city departments, etc., with discussion of \$40,000 to be contributed from Kroger for a fence to Olivewood and none in Olivewood had been aware of the meeting; that they were delighted for the contribution but would like to meet with Kroger and Council Member Gonzalez to be brought up to speed on Kroger's intentions as they had erosion and drainage problems; and asked the item be tagged for their meeting. Council Member Noriega absent.

Council Member Gonzalez stated that he and she had played phone tag this morning, he had returned her calls and did appreciate her concerns; that he was familiar with Olivewood and had participated in cleanings and was aware of the erosion concerns; that Mr. Tim Douglass was present and would explain some features of the proposed agreement including the flooding and drainage, etc.; and he did want her in the loop and looked forward to speaking with her. Council Members Johnson and Noriega absent.

Mayor Parker thanked Ms. Williams for coming and stated that the Kroger was not in any way adjacent to the cemetery nor should it impact drainage of the cemetery; that through the 380 agreement they were generating revenue to work on a necessary fence to keep people from trespassing in the cemetery and hoped to tackle some of the erosion issues she rightly identified; and Olivewood was a treasure for all. Council Members Johnson and Noriega absent.

Council Member Adams stated that all wanted economic development in their areas and many wanted grocery stores; and upon questions, Mayor Parker stated that she would encourage her to speak with Mr. Icken and Council Member Costello; that a number of discussions were going on about food deserts; that this was a market driven development and had nothing to do with the 380, but by using the 380 it did allow extra community benefit; that Kroger already had the land and came to the city, but they were working with grocery stores trying to incentivise them in other areas and she would make sure she was looped in on it. Council Member Noriega absent.

Council Member Rodriguez commended Council Member Gonzalez on his work providing for his district; that he had two Kroger stores in his district and in poor condition for years and he appreciated the Administration's willingness to get him a meeting with Kroger representatives to discuss those two stores. Council Member Noriega absent.

Ms. Maria Fernandez, who was previous added to the speakers list appeared and stated that the city was working on legislation with taxpayer dollars to Continental Airlines and she was concerned that they hired Prime Flight workers who denied workers affordable healthcare and paid many below minimum wage; that too many took home \$10,000 annually; that Prime Flight refused to work with them and she was present on behalf of those workers who were asking the city to urge Continental to investigate Prime Flight's business practices and hold them accountable before giving them taxpayer money; and read a letter from one of the workers regarding their cut wages to \$6.35 an hour. Council Member Noriega absent.

Mayor Parker stated that nothing was on the Agenda tomorrow having to do with Continental or Prime Flight; that she did agree with her regarding Prime Flight and their

business practices. Council Member Noriega absent.

Council Member Gonzalez stated that in reference to Agenda Item 12 she was neutral on the item, not for or against; and Ms. Fernandez stated that they were not against Item 12 but they were concerned and wanted to be sure the city knew of their business practices and the situation before making the decision; that they would like the city to encourage Continental to investigate Prime Flight; that they were building awareness of Prime Flight, but the specific item they were not in opposition, they thought it was opportunity for business for the City of Houston. Council Member Noriega absent.

Ms. Elbira Casares, 1047 Zoe, Houston, Texas 77020 (832-693-9958) appeared and stated that her water bill was too high now that the Mayor raised the water; that she used to pay \$13.00 and now was paying \$144.00 a month; that they lived on social security and Obama gave no raises and the bill was ripping them off; and she had to borrow money just to pay part of the bill. Council Members Johnson and Noriega absent.

Mayor Parker stated that she would appreciate Ms. Casares speaking with Mr. Gary Norman who was present; that water rates had not changed since early last year and if it suddenly went up she would suspect a leak; that she also qualified for assistance under the water program. Council Members Johnson and Noriega absent.

Council Member Rodriguez thanked Ms. Casares for visiting with his staff and appreciated the Mayor working with her; that there was relief for her and were mindful of tough economic times. Council Members Johnson and Noriega absent.

Council Member Jones stated that funds were available to help with drainage fees and water fees; and Ms. Casares stated that years back there was not the fund and did not know what it meant, but someone checked her meter two times and said there was no leaks; and Council Member Jones stated that she was certain Council Member Rodriguez would assist her. Council Members Johnson and Noriega absent.

Upon questions by Council Member Stardig, Mayor Parker stated that when citizens called and qualified they were directed to funds for water and sewer and for drainage; and Council Member Stardig stated that some may not want to say they needed help and should be asked and given choices. Council Members Johnson and Noriega absent.

Ms. Robin McElfresh, 5005 Georgia Lane #178, Houston, Texas 77092 (713-956-0715) appeared, presented information and stated that she was present with a concerned group over the construction of the White Stallion Energy Center, a coal fired power plant in Matagorda County; that ill effects would be experienced even in Houston and today besides information they were presenting the Mayor with over 500 signatures of concerned individuals; that there was a host of reasons to oppose its construction from the use of precious resource of water which would affect animals and people to further deterioration of an already poor air quality in Houston; increase in respiratory ailments and mercury poisoning; that support of a fossil fuel, the dirtiest and most destructive, etc., there was also a real issue of climate change which another coal fire plant would not help. Council Members Johnson and Noriega absent.

Mr. Don Moser, P. O. Box 3824, Houston, Texas 77253 (713-236-1676) appeared and stated that there were many reasons to be for and against the White Stallion power plant, economic, political and healthcare; short term and long term reasons; that he planned to travel to China with the Greater Houston Partnership and did research on cities he would visit and almost every city had such great pollution people wore mask to go to work and back and college graduates were looking to move away and if Houston was to compete in the future for talented workers and citizens they had to take into account competition. Council Members Johnson and

Noriega absent.

Mr. Geoffrey Gibson, 1058 Trapper Hill Drive, Houston, Texas 77077 (512-917-1561) appeared and stated that he wanted to reinforce the notion Houston had not so good air quality now and good air and good water would be in short supply; that he hoped Council would do whatever they could to rein in White Stallion and protect all air and water quality as all should be stepping up and demanding it. Council Members Johnson, Rodriguez and Noriega absent.

Council Member Stardig stated that she was concerned for many reasons; and upon questions, Mayor Parker stated that the City of Houston had no authority she was aware of, it was not in the limits of the City of Houston and none of Houston's corporate limits were in Matagorda County, but of course all were concerned with pollution coming in from surrounding areas. Council Members Johnson and Noriega absent.

Mr. Keith Owen, 5303 Cherokee, Houston, Texas 77005 (713-522-0629) appeared and stated that he resided a block east of the proposed Ashby High Rise Project and was present to discuss traffic and the need for a new survey; that the density significantly increased over the past few years and they had three rush hours now; that minutes counted for police, fire and EMT responders; and presented pictures showing traffic density. Council Members Johnson and Noriega absent.

Upon questions by Council Member Clutterbuck, Mr. Owen stated that his son was a Type I diabetic and once when he was unresponsive they called 911 and EMTs were able to revive him, but in a scenario with the Ashby High Rise and additional traffic time would have been hampered. Council Member Johnson absent.

Mr. Earle Martin, 1811 Wroxton, Houston, Texas 77005 (713-522-1708) appeared and stated that as Council gave careful consideration to the threat of the disruptive 23 story Ashby High Rise at the corner of two, two lane streets which was deeply opposed by all living nearby he would ask them to hold two images, small children happily playing among safe streets of an 85 year old neighborhood and then because of the dangerous traffic onto the same streets the same children unable to play there ever again. Council Member Johnson absent.

Ms. Ruth Kurian, 2001 Norfolk, Houston, Texas 77098 (404-934-2229) had reserved time to speak but was not present when her name was called. Council Member Johnson absent.

Mr. Joe Lengfellner, 11703 Goldstream Court, Tomball, Texas 77377 (214-914-0740) appeared and stated that he too was present about the coal plant; that the chief tool Council had was that Houston, Texas, was just about the energy capital of the world and what they said in how energy was produced carried great weight throughout the world; that the packet presented showed who would be greatly affected by the plant such as people with lung troubles, asthma, bronchitis and he had none of such, young people were affected along with seniors those with cardiovascular disease, diabetes and those with low incomes which he had none of those, but he did breath and as a proud Texan there were certain things just not done "willy nilly" and one of those things was not accepting big promises from big business on blind faith; that all facts should be asked. Council Member Johnson absent.

Upon questions by Council Member Sullivan, Mayor Parker stated that her office had not written a letter of protest in the past, they wrote about the Keystone Pipeline, but had taken no public position on White Stallion, but her personal opinion on building a coal plant in the State of Texas was beyond her. Council Member Johnson absent.

Ms. Lee Loe, 1844 Kipling, Houston, Texas 77098 (713-524-2682) appeared and stated that what the Mayor and Council did about the Keystone Pipeline and the White Stallion coal

plant would last forever; that Dr. Canton said again and again if the pipeline was approved it was "game over" for the planet change; that they would not be able to mitigate its force and everyone's children would suffer the consequences through exceeding generations the children would suffer or thrive at the consequence of their decisions; that their security was in their clean water and clean air and in every coal they did not burn; that security was in building their economy and transportation systems around energy harnessed themselves and did not run out, wind, solar and alternative fuels; and what kind of Council would place on its citizens and those to come such a destructive burden. Council Member Johnson absent.

Ms. Mildred Jones, 713 E. 41st, Houston, Texas 77022 (713-695-7644) had reserved time to speak but was not present when his name was called. Council Member Rodriguez absent.

Mr. Felix Berrios, 3612 Alba, Houston, Texas 77018 (713-298-3244) appeared and stated that he was present regarding a problem with bars close to their houses; that he heard the Mayor talk about it last week and he had no response from police who covered his area; that they did not know of the Mayor's changes and he had a lot of problems with the bar near him and no one could help; that police sent him to the TABC and they did nothing; and stressed he really needed assistance. Council Member Rodriguez absent.

Mayor Parker stated that Mr. Berrios may be in luck as a new ordinance was just passed and it gave more enforcement tools; that an officer was present and could speak to him about the location for enforcement and his Council Member wished to also speak with him. Council Members Pennington and Rodriguez absent.

Council Member Gonzalez stated that Mr. Newport tried to contact him but missed him and he was present to give him additional information; that they revised the existing noise ordinance making the language clearer and they would be starting an aggressive campaign to train officers with the new requirements as Council Member Stardig requested and through this was a good opportunity to work with the TABC's "Good Neighbor Program" and it was addressing problem bars. Council Members Sullivan, Pennington and Rodriguez absent.

Mayor Parker stated that Sergeant Baltazar was also present to speak with him at this time. Council Members Sullivan, Pennington and Rodriguez absent.

Council Member Stardig stated that all communities were facing the same issues and she did request from the Administration and the commitment was made by the Houston Police Department that there would be training within 30 days and if he felt it needed improvement or more training after that he should call or come back. Council Members Sullivan and Rodriguez absent.

Ms. Lydia Avila, 1445 N. Loop West, Houston, Texas 77008 (626-506-9651) appeared and stated that she was a conservation organizer with the Sierra Club on the coal campaign; that she brought the issue of the White Stallion Coal Plant up in April to Council and her impression was many of the Council had not heard of it; that today some spoke and some were present only in support and there were many more who could not come; that the packet presented earlier was a packet which could update all as much happened over the summer; that the plant was proposed in Matagorda County and granted a faulty air permit by the TCEQ a little over a year ago despite their own administrative law judge's recommendation for denial, that Judge Livingston ruled to remand the permit back to the TCEQ given that the plant submitted different site plans it intended to implement; that White Stallion was not granted a 26,000 acre foot a year water contract largely due to the thousands who rose in opposition to the poor use of the water and in light of the ongoing drought; and now they were seeking ground water to run their coal plant; that the Sierra Club now released a report titled "White Stallion's Potential Impact on the Houston Air Quality" by Dr. Thompson and the study used TCEQ approved

methods to conclude that white Stallion would increase the ozone in Houston and placing it further into non-obtainment and the study was presented to all; and it was unfortunate to see the plant moving forward without meeting minimum air quality standards and all were concerned. Council Members Stardig, Sullivan, Hoang and Rodriguez absent.

Council Member Gonzalez thanked Ms. Avila for coming and stated that he visited with her about the issue and found it very important; that in his opinion clear and good air quality should be important to everyone; that trying to understand specifically to Council as it seemed oversight came from the state and federal government; and upon questions, Ms. Avila stated that in their packet on the left was a model of the letter which could be sent to the EPA Office which could make the decisions; that they could hold the permit or construction and had every reason to do so and they were looking for support to nudge them in the right direction. Council Members Stardig, Sullivan, Hoang and Rodriguez absent.

Mr. Charles Reavis, 3727 Humble Drive, Houston, Texas 77578 (912-481-1025) appeared and stated that all knew air quality was important and that the White Stallion Plant would contribute to an already polluted Houston air; that when action was needed people in Houston found a way to take that action and today urged that council and the Mayor seek some way to express concern and disgust with the proposal to build the White Stallion Plant. Council Members Stardig, Sullivan, Hoang and Rodriguez absent.

Ms. Kris Graham, 2639 Palo Pinto Drive, Houston, Texas 77080 (281-796-8577) appeared and stated that she was present expressing opposition to the Keystone Pipeline, it would not directly impact Houston, however, if there was a spill and highly likely it would impact the State of Texas and all should be concerned with the environment in this state; that it would not reduce dependence on foreign oil and the tar had to be strip mined which completely would trash the forest in Canada and it took three gallons of water heated until it was steam to be able to extract one gallon of the tar sands oil from the ground and the Keystone One Pipeline had already leaked 12 times in one year due to substandard steel and Trans Canada was contracting with the same manufacturer to build for this pipeline; that they would be transporting it to other countries with no taxes paid and not helping here at all; and the jobs it was bringing would last about two years when the pipeline would last fifty and a rupture would be absolutely disastrous; that we had one planet, it was not disposable and no one had anywhere else to go; that the Mayor of Austin sent a letter to the EPA and urged the Mayor and Council sign on to that letter or write their own. Council Members Stardig, Sullivan, Hoang, Gonzales and Rodriguez absent.

Council Member Jones stated that she wanted to thank everyone who came on this today; that she knew there was a number of meetings and thanked them for helping her understand the issue and once the environment was gone, it was gone. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Gonzales and Rodriguez absent. (NO QUORUM PRESENT)

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 Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Gonzales and Rodriguez absent. (NO QUORUM PRESENT)

Mr. Gary Moss, 939 W. 26th, Houston, Texas 77008 (281-831-0280) appeared, presented information and stated that he was present on behalf of himself and the Coalition for Greater Houston's Sustainable Resources, a coalition of professionals united to be the voice of the green industry with the goal of maintaining a viable business while acknowledging their part in the conservation of the limited water supply; that they consisted of landscape professionals, architects, nursery professionals, etc., that it was a 13 billion dollar industry state wide and a 3.3 billion industry locally and with the current water restrictions it was devastating their business;

that many were closing their doors and others laying off and all reflected the tax revenue; that at some point trees, grass, etc. would all have to be replaced and instead of water restrictions they felt the end user could be better educated on conserving; that San Antonio had a nationally recognized pilot program and saved a billion gallons of water a year; and urged the city develop a partnership with their coalition and change the variance so landscapers could water their plants for 45 days. Council Members Stardig, Sullivan, Hoang and Rodriguez absent.

Mayor Parker stated that if Mr. Norman could speak with him and those with him and the Public Works Department was looking at the ordinance and they were considering what could be done. Council Members Stardig, Sullivan, Hoang and Rodriguez absent.

Council Member Clutterbuck thanked all who operated in the critical and important industry in Houston; that she thanked him for his letter with its commonsense solutions on problems she spoke of ever since the Stage One water rationing began; and again implored immediate action be taken, perhaps an emergency ordinance to allow variance while working on restructuring the main ordinance, it was getting critical and Atlanta in 2007 was a cautionary tale for this city and they had led the way in water rate reforms and delivery system and their drought challenges, they should follow their example and allow watering to preserve the natural resources which were left. Council Members Stardig, Sullivan, Hoang and Rodriguez absent.

Council Member Costello stated that he would echo Council Member Clutterbuck's sentiments, he totally agreed with her and to the Mayor and his colleagues Mr. Moss and he were on the Memorial Park Conservancy Board for years and Mr. Moss donated hundreds of hours of time helping the Conservancy get a better appreciation of how they handled the park and he did not realize how much of a significance this had on the industry and agreed with Council Member Clutterbuck it was an excellent suggestion to work with the Coalition. Council Members Stardig, Sullivan, Hoang and Rodriguez absent.

Council Member Jones stated that she also appreciated Mr. Moss giving Council a better understanding of what was going on and would actually like to know more as she did want to protect natural resources to the extent they could. Council Members Stardig, Sullivan, Hoang and Rodriguez absent.

Council Member Pennington stated that last week when the contract was approved for cutting the trees he and others suggested they look at other things like fire lanes and ways to water trees and the offer by Mr. Moss and his associates would offer much expertise in the efforts of comprehensively treating this drought; and he did hope the Administration was able to devote manpower to working with them in coming up with solutions of management techniques and recourses to apply; and hoped they could proceed. Council Members Stardig, Hoang and Rodriguez absent.

Ms. Hattie Morgan, 2828 Collingsworth #48, Houston, Texas 77022 (832-405-6855) had reserved time to speak but was not present when her name was called. Council Members Stardig, Hoang and Rodriguez absent.

Ms. Rita Mitchell, P. O. Box 14055, Houston, Texas 77221 appeared and stated that she was about solutions, not complaining; that she was an innovator and helped the library and had a solution for overcrowding at the jail and reducing the crime rate; and discussed her ideas of help sessions until her time expired. Council Members Stardig, Hoang and Rodriguez absent.

Council Member Pennington thanked Ms. Mitchell for coming with her commonsense solutions and stated that probably having classes on things which helped people survive was a good idea and a number of groups did do some of that, but it did not hurt to focus more. Council Members Stardig, Clutterbuck, Hoang and Rodriguez absent.

Mr. Jose Eduardo Sanchez, 5202 Walnut Peak, Kingwood, Texas 77345 (832-455-6766) appeared and stated that in his work he saw firsthand the affects low wage shops with no benefits had on the communities, schools, small businesses, etc., one such job was tied to Prime Flight at Bush Airport where wages were being stolen and alarming when being done by companies who were receiving or were tied directly to public funds; that Council's vote on Agenda Item 12 tomorrow required a great deal of accountability and while it was true increasing Bush Airport would create jobs, it was not enough to throw around the phrase "job creation" as jobs must be responsive to communities, provide good wages and benefits and reflect accountability to Houston taxpayers like United Continental to profit off taxpayer credits; that Continental had the authority and responsibility to investigate such practices and hold their contractors responsible; and if they were building a world class airport in Houston it required a world class workforce; and encouraged Council to consider an ordinance which would improve the conditions for Houston airport workers regardless of who their bosses were. Council Members Stardig, Clutterbuck, Hoang and Rodriguez absent.

Council Member Jones stated that what touched her the most was wage theft and she believed it was a good idea to look at the city policy to contracting with companies who engaged in wage theft; that she thought the city should look at the comprehensive policy of all they did contract work with whether it be the airport or whatever department and have some penalty; that they should not do work with people who stole wages, it was problematic and fundamentally wrong; that an agenda item was coming up; and upon questions, Mr. Sanchez stated regarding Item 12 he was taking a neutral position, the point of speaking was to encourage this type of vote be done with accountability to taxpayers when the companies were using taxpayer money to make their profits and the jobs should reflect the wellbeing of the citizens; and Council Member Jones stated that she would like to speak to them about appropriate remedies. Council Members Stardig, Clutterbuck, Hoang and Rodriguez 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, Clutterbuck, Sullivan, Hoang and Rodriguez absent.

President Joseph Charles, P. O. Box 524373 #227, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he needed more time; that he was President of the U. S. A. of royalty; and continued to express his personal opinions until his time expired. Council Members Stardig, Clutterbuck, Sullivan, Hoang and Rodriguez 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, Clutterbuck, Sullivan, Hoang and Rodriguez absent.

At 3:30 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, October 19, 2011. Council Member Lovell absent on personal business. Council Members Stardig, Clutterbuck, Sullivan, Hoang and Rodriguez absent.

City Council Chamber, City Hall, Wednesday, October 19, 2011

The Houston City Council reconvened at 9:00 a.m. Wednesday, October 19, 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, 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.

At 8:36 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:17 a.m. Mayor Parker called the meeting to order and recognized Council Member Clutterbuck for a point of personal privilege. Council Members Johnson, Sullivan and Lovell absent.

Council Member Clutterbuck stated that she wanted to welcome some special guests in the audience, a number of students from the City of Leipzig, Germany, a Sister City of Houston, Sara Falkenstein, Melanie Schulz, Susanne Unrein and Thai Hang, that they were joined by Friendswood High School Host, Jennifer Baglio, as well as Rustin Buck and Chris Miller, and welcomed them to the City of Houston. Council Members Johnson, Sullivan and Lovell absent.

Mayor Parker stated that they would move to the public hearing. Council Members Johnson, Sullivan and Lovell absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** relative to the fifth amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER FIVE (MEMORIAL HEIGHTS ZONE) DISTRICTS A - STARDIG; D - ADAMS; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**

The City Secretary stated that no one had reserved time to appear at the hearing and Mr. Ralph De Leon, Finance Department, would make remarks concerning the hearing. Council Members Johnson, Sullivan and Lovell absent.

Mr. De Leon stated that on September 13, 2011 the Board of Directors of the Memorial Heights TIRZ approved amendments to the TIRZ Project Plan and Financing Plan and forwarded them to the City for consideration, that in accordance with Section 311-011 of the Texas Tax Code a municipality must hold a public hearing when proposed amendments to a project plan included changes that either reduced or increased the geographical area of the zone or increases the total estimated project cost stated in the project plan, that the public hearing today was regarding the Proposed Fifth Amendment to the Memorial Heights Zone Project and Financing Plan, that each Council office had been given a copy of the proposed plan and an official statement had been distributed to each of them, that in brief the proposed amendment to the zone plan would increase project plan expenditures by \$60 million from previous plans, in addition the proposed plan reduced the boundaries of the zone by approximately 253 acres, that the area proposed to be removed consisted of public right of way and bayou parkland along the Buffalo Bayou and generally bounded by Shepherd on the west, Sabine Street on the east, Allen Parkway on the south and Memorial Drive on the north, that the proposed amendment restated the goals and objectives included in prior plans and included the design and construction of public infrastructure improvements, including public streets and utility systems, parks, hike and bike trails, pedestrian bridges, the redevelopment of cultural and public facilities and affordable housing, that new project categories added to the proposed amendments included provisions for the design and construction of flood, remediation infrastructure projects, storm water detention facilities, reclamation improvements and land acquisition, that in closing City staff had worked with the Memorial Heights Redevelopment Authority on the proposed Fifth Amended Plan and would later bring forth a recommendation for City Council to approve the plan amendment. Council Members Johnson, Sullivan and Lovell absent.

Mayor Parker asked if any member of the public wished to speak to this item and hearing none requested a motion to close the public hearing, and Council Member Gonzalez moved to close the public hearing, seconded by Council Member Adams. All voting aye. Nays none.

Council Members Johnson, Sullivan and Lovell absent. MOTION 2011-0779 ADOPTED.

MAYOR'S REPORT

Council Member Pennington moved to suspend the rules to consider Item Numbers 2 and 4 out of order, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Johnson, Sullivan and Lovell absent. MOTION 2011-0780 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION OF THE CITY OF HOUSTON**, for terms to expire March 1, 2013:

Position One - **MR. JORGE GARCIA-HERREROS**
Position Five - **MR. DAVID BUCEK**
Position Seven - **MR. JOHN COSGROVE**
Position Nine - **MS. VENITA RAY**

- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. Council Member Johnson absent.

Council Member Pennington stated that he had looked at the resumes of the four people and thought they were all highly qualified people and knew that the ordinance creating this commission specified that certain seats be filled by people with certain expertise, that he wanted to be sure that on this commission there were people who had actually owned and built historic projects, buildings or homes, that he thought all of these people were consultants rather than people who had actually executed, that he could be wrong about that, but it was just a general statement that he thought they needed to be sure they had people who were actually involved in owning historic buildings. Council Member Johnson absent.

Mayor Parker stated that it was a point well taken as someone who owned a historic money pit she understood that it was nice to have people on their side who understood the burdens of it. Council Member Johnson absent.

A vote was called on Item No. 2. All voting aye. Nays none. Council Member Johnson absent. MOTION 2011-0781 ADOPTED.

Mayor Parker stated that Mr. Jorge Garcia-Herreros and Mr. John Cosgrove were present in the audience and invited them to the podium and thanked them for their willingness to serve on the Archeological and Historical Commission, that it was getting a lot more attention since they made changes to the ordinance, that she appreciated their service to the City of Houston. Council Member Johnson absent.

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

Position One - **MR. CHRISTOPHER B. AMANDES**, reappointment, for a term to expire 3/31/2013
Position Two - **MR. TRUMAN C. EDMINSTER, III**, appointment, for a term to expire 9/30/2013
Position Three - **MR. JAMES R. JARD**, reappointment, for a term to expire 9/30/2013
Position Four - **MS. SUSAN ALLEMAN**, reappointment, for a term to expire 9/30/2012
Position Five - **MR. MARK A. KILKENNY**, reappointment, for a term to expire 3/31/2013

- Position Seven - **MR. BLAKE TARTT, III**, reappointment, for a term to expire 9/30/2013
 - Position Eight - **MR. KEIJI ASAKURA**, reappointment, for a term to expire 9/30/2013
 - Position Nine - **MS. LISA CLARK**, appointment, for a term to expire 9/30/2012
 - Position Eleven - **MR. SHAUKAT ZAKARIA**, reappointment, for a term to expire 9/30/2012
 - Position Eighteen - **MR. PAUL R. NELSON**, reappointment, for a term to expire 9/30/2012
 - Position Nineteen - **MS. LINDA PORRAS-PIRTLE**, reappointment, for a term to expire 9/30/2013
 - Position Twenty-one - **MR. MEDARDO "SONNY" E. GARZA**, reappointment, for a term to expire 9/30/2012
- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Johnson absent. MOTION 2011-0782 ADOPTED.

Mayor Parker stated that they had just confirmed new and returning Members of the Planning Commission and invited those Members present to the podium. Council Member Johnson absent.

Mayor Parker and City Council Members congratulated the Members of the Planning Commission and thanked them for their willingness to serve the City of Houston and appreciated all of their hard work.

CONSENT AGENDA NUMBERS 2 through 40

MISCELLANEOUS - NUMBERS 3 through 8A

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **GREATER SOUTHEAST MANAGEMENT DISTRICT BOARD OF DIRECTORS**:
- Position One - **MR. ALAN D. BERGERON**, appointment, for a term to expire 6/1/2013
 - Position Two - **MR. SHARONE MAYBERRY**, appointment, for a term to expire 6/1/2013
 - Position Three - **MR. JAMES DONATTO, SR.**, appointment, for a term to expire 6/1/2013
 - Position Four - **MR. HEXSER J. HOLLIDAY, II**, appointment, for a term to expire 6/1/2013
 - Position Five - **MR. OSAMA ABDULLATIF**, appointment, for a term to expire 6/1/2013
 - Position Six - **MS. SKYE THOMPSON**, appointment, for a term to expire 6/1/2013
 - Position Seven - **MR. ASMARA TEKLE JOHNSON**, appointment, for a term to expire 6/1/2013
 - Position Eight - **MR. JAA ST. JULIEN**, appointment, for a term to expire 6/1/2013
 - Position Nine - **MR. JIMMY ARNOLD**, appointment, for a term to expire 6/1/2013
 - Position Ten - **MR. CYEONI MILES**, appointment, for a term to expire 6/1/2013
 - Position Eleven - **HONORABLE ZINETTA A. BURNEY**, reappointment, for a

- term to expire 6/1/2013
- Position Twelve - **MR. CHRIS HAGENEY**, reappointment, for a term to expire 6/1/2015
- Position Thirteen - **DR. TEDDY A. MCDAVID**, reappointment, for a term to expire 6/1/2015
- Position Fourteen - **MR. BRIAN G. SMITH**, appointment, for a term to expire 6/1/2015
- Position Fifteen - **MINISTER ROBERT S. MUHAMMAD**, reappointment, for a term to expire 6/1/2015
- Position Sixteen - **MR. ROBERT C. COMBRE**, reappointment, for a term to expire 6/1/2015
- Position Seventeen - **MS. JANICE M. SIBLEY-REID**, reappointment, for a term to expire 6/1/2015
- was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2011-0783 ADOPTED.

5. REQUEST from Mayor for confirmation of the reappointment of **MS. SUZANNE PAGE-PRYDE (District 136 appointee)**, to Position Two of the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2012 – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2011-0784 ADOPTED.
7. RECOMMENDATION from Director of Human Resources Department for approval of the Holiday Schedule for Calendar Years 2012 and 2013 – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2011-0785 ADOPTED.
8. ORDINANCE appropriating \$104,811.23 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods under construction contract with **UNDERGROUND TECHNOLOGIES, INC** (Approved by Ordinance No. 2008-1074) - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. ORDINANCE 2011-0880 ADOPTED.
- 8a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$261,188.08 for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods on contract awarded to **UNDERGROUND TECHNOLOGIES, INC** 8.35% over the original contract amount - **DISTRICT F - HOANG** – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2011-0786 ADOPTED.

ACCEPT WORK - NUMBERS 9 and 10

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,022,367.72 and acceptance of work on contract with **BEYER CONSTRUCTION, L.L.P.** for Mercury Drive Paving from North of US 90 to Wallisville Road 3.70% under the original contract amount - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2011-0787 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,736,442.92 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Neighborhood Sanitary Sewer System Improvements: Relocation of Community Sewers at Wastewater Basins II011, SB162-

Truxillo Street Back Lot Sewer Relocation and Diversion Force Main of MUD 25 Lift Station Flow - 15.32% under the original contract amount - **DISTRICTS A - STARDIG; H - GONZALEZ and I - RODRIGUEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2011-0788 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 11

11. **GT DISTRIBUTORS, INC** - \$2,162,949.83, **BAILEY'S HOUSE OF GUNS, INC** - \$461,546.30 and **BITTERROOT VALLEY AMMUNITION AND COMPONENTS** - \$59,795.68 for Ammunition and Accessories for Houston Police and Fire Departments - 2 Years with 3 one-year options - General and Asset Forfeiture Funds – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2011-0789 ADOPTED.

ORDINANCES - NUMBERS 13 through 40

13. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of a 15-foot-wide access easement and a 7-foot-wide sanitary sewer easement in Unrestricted Reserve A, Belle Meade Subdivision, A.C. Reynolds Survey, A-61, Harris County, Texas; abandoning the easements to Belle Meade Investment 2006, L.P., owner, in consideration of its payment to the City of \$4,100.00 and other consideration - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. ORDINANCE 2011-0881 ADOPTED.
14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot-wide easement from T.C. Jester Boulevard to Detering Street in the John Reinerman Survey, A-642, Harris County, Texas; vacating and abandoning the easement to LCB Holdings, Inc, owner, in consideration of owner's dedication to the City of an easement for the widening of Detering Street, payment of \$300.00 and other consideration - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. ORDINANCE 2011-0882 ADOPTED.
15. ORDINANCE authorizing sale of a 8,840-square-foot tract of land to McGinnis Cadillac, Inc, abutting owner, out of a fee-owned 5.7-acre tract in Sherwood Estates Section 2, E. Williams Survey, A-834, Harris County, Texas, in consideration of payment to the City of \$41,990.00 and other consideration - **DISTRICT A – STARDIG** - had been pulled from the Agenda by the Administration, and was not considered.
19. ORDINANCE approving and authorizing two International Facilities Agreements by and between the City of Houston and **ATLAS AIR, INC** and **AEROENLACES NACIONALES, S.A. DE C.V.** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2011-0883 ADOPTED.
20. ORDINANCE appropriating \$11,280,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to contract between the City of Houston and **WEBBER, LLC**, for Rehabilitation of Taxiways “WA” and “WB” and New West Vault at George Bush Intercontinental Airport/Houston (Project No. 648) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2011-0884 ADOPTED.
21. ORDINANCE appropriating \$400,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 6 to contract for Professional Architectural/Engineering

Services by and between the City of Houston and **LOCKWOOD, ANDREWS AND NEWNAM, INC** for Terminal Improvements at William P. Hobby Airport (Project No. 417E) - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2011-0885 ADOPTED.

22. ORDINANCE appropriating \$60,000.00 out of Woodlands Regional Participation Fund; approving and authorizing first amendment to Professional Landscape Architectural Services Contract between the City of Houston and **SWA GROUP** for Lake Houston Park (Approved by Ordinance No. 2008-1015); amending Ordinance No. 2008-1015 to increase the maximum contract amount **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2011-0886 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City of Houston and the **DEPARTMENT OF STATE HEALTH SERVICES (“DSHS”) OF THE STATE OF TEXAS** for Preventive Health Screenings (DSHS Contract No. 2012-039883-001); providing a maximum contract amount - \$50,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2011-0887 ADOPTED.
25. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC**, providing up to \$200,000.00 in additional funds for the continuing administration and operation of two community residences, a Tenant Based Rental Assistance Program and a Short-Term Rent Mortgage and Utility Assistance Program, and the provision of Housing Information Services, along with other supportive services, under the Housing Opportunities for Persons With AIDS Program - Grant Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2011-0888 ADOPTED.
26. ORDINANCE approving and authorizing Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Step Comprehensive Commercial Motor Vehicle Grant; declaring the City’s eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City’s representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. ORDINANCE 2011-0889 ADOPTED.
27. ORDINANCE approving and authorizing Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Step Comprehensive Motor Vehicle Grant; declaring the City’s eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City’s representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. ORDINANCE 2011-0890 ADOPTED.
29. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **WESTON SOLUTIONS, INC** (Approved by Ordinance No. 2010-0060) for environmental assessment work through the City of Houston’s Brownfield Redevelopment Program to decrease the maximum contract amount – was presented. All voting aye. Nays none. ORDINANCE 2011-0891 ADOPTED.
30. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **TERRACON CONSULTING, INC** (Approved by Ordinance No. 2010-0060) for environmental assessment work through the City of Houston’s Brownfield Redevelopment Program to increase the maximum contract amount – was presented. All voting aye. Nays none. ORDINANCE 2011-0892 ADOPTED.

31. ORDINANCE appropriating \$714,280.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Storm Sewer Improvements to Rampart Street Drainage and Paving, Westmoreland, Sharpstown, Braeburn, and Maplewood Areas (Approved by Ordinance No. 2007-596); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund **DISTRICTS C - CLUTTERBUCK and F - HOANG** – was presented. All voting aye. Nays none. ORDINANCE 2011-0893 ADOPTED.
33. ORDINANCE appropriating \$1,844,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **C. F. MCDONALD ELECTRIC, INC** for Upper Brays Wastewater Treatment Plant Electrical Improvements; 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 G - PENNINGTON** – was presented. All voting aye. Nays none. ORDINANCE 2011-0894 ADOPTED.
34. ORDINANCE appropriating \$3,625,270.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2011-0895 ADOPTED.
35. ORDINANCE appropriating \$3,170,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **DCE CONSTRUCTION, INC** for Water Line Replacement in Oak Forest 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, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. ORDINANCE 2011-0896 ADOPTED.
36. ORDINANCE appropriating \$2,177,700.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Laura Koppe 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, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. ORDINANCE 2011-0897 ADOPTED.
39. ORDINANCE amending Ordinance No. 2011-855, relating to the public hearings at which interested persons will be given the opportunity to be heard on a proposed Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 494** and on proposals for the City of Houston to annex for limited

purposes certain territory located within district in Harris County; containing a proposal for the City of Houston to impose the City Sales and Use Tax in such territory; providing for the publication of notice of such hearings – was presented. All voting aye. Nays none. ORDINANCE 2011-0898 ADOPTED.

40. ORDINANCE No. 2011-0854, passed second reading October 12, 2011
ORDINANCE granting to **JIANQI AN d/b/a GREENLAND WASTE COLLECTION, 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 **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. ORDINANCE 2011-0854 ADOPTED THIRD AND FINAL READING IN FULL.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MISCELLANEOUS

6. RECOMMENDATION from Director of Human Resources Department to approve an additional 730 calendar day period for military leave pay differential for employees called to active duty status during a time of war or state of emergency – was presented.

After discussion by Council Members, a vote was called on Item No. 6. All voting aye. Nays none. MOTION 2011-0790 ADOPTED.

ORDINANCES

12. ORDINANCE authorizing the issuance, sale and delivery of City of Houston, Texas, Airport System Special Facilities Revenue and Refunding Bonds, Series 2011 (in one or more Series); authorizing certain designated City Officials to determine any Outstanding Obligations to be refunded and/or defeased, and to approve certain other procedures, provisions and agreements related thereto; rescinding Ordinance No. 2011-671 and approving the second amended and restated Special Facilities Lease Agreement, as modified herein; approving the form and substance of, and authorizing the execution and delivery of, the second Supplemental Trust Indenture, Second Amended and Restated Special Facilities Lease Agreement, the Bond Purchase Agreement and Official Statement; making certain findings with respect thereto and containing other provisions relating to the subject; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2011-0899 ADOPTED.
16. ORDINANCE approving and authorizing Economic Development Agreement between the City of Houston, Texas, and **KROGER TEXAS L.P.** for the Development and Operation of a combination grocery and drug store and fuel center on Studemont Street - **DISTRICT H – GONZALEZ** – was presented, and tagged by Council Members Jones, Rodriguez and Clutterbuck.

Council Members Clutterbuck, Jones and Rodriguez released their tags on Item No. 16 for the purpose of discussion.

After a lengthy discussion by Council Members, Council Members Jones, Rodriguez, Noriega, Clutterbuck, Johnson, Sullivan and Bradford stated that they would tag Item No. 16.

17. ORDINANCE designating a contiguous geographic area within the City of Houston located in the East End of the Central Business District of Houston and generally bounded by

Buffalo Bayou on the north, Lawndale Street on the south, 75th Street on the east, and Sampson Street/York Street on the west as Reinvestment Zone Number Twenty-Three, City of Houston, Texas (Harrisburg Zone), for Tax Increment Financing purposes pursuant to Chapter 311 of the Texas Tax Code; creating a Board of Directors for such zone, containing findings and other provision relating to the foregoing subject; providing a severability clause - **DISTRICTS B - JOHNSON; H - GONZALEZ and I - RODRIGUEZ** - was presented. Council Member Johnson absent.

After discussion by Council Member Noriega a vote was called on Item No. 17. All voting aye. Nays none. Council Member Johnson absent. ORDINANCE 2011-900 ADOPTED.

18. ORDINANCE appropriating \$24,897.60 out of Fund 1850 (Reimbursement of Equipment/Projects Fund) for payment to the **HOUSTON CHRONICLE** for publication of the notice of public hearing on the designation of Reinvestment Zone Number Twenty-Three, City of Houston, Texas (Harrisburg Zone) - **DISTRICTS B - JOHNSON; H - GONZALEZ and I - RODRIGUEZ**

After discussion by Council Member Sullivan a vote was called on Item No. 18. All voting aye. Nays none. Council Members Johnson, Pennington and Noriega absent. ORDINANCE 2011-901 ADOPTED.

23. ORDINANCE appropriating \$3,000,000.00 out of Fire Consolidated Construction Fund and \$650,000.00 out of Police Consolidated Construction Fund to In-House Renovation Revolving Fund for Renovation and Office Build-Out Projects of various City facilities for the Houston Fire Department and the Houston Police Department - was presented. All voting aye. Nays none. Council Members Johnson, Pennington and Noriega absent. ORDINANCE 2011-902 ADOPTED.

28. ORDINANCE approving and authorizing Amendment No. 1 to agreement for heating, ventilating, and air conditioning systems and associated plumbing, electrical and control systems operations and maintenance for the Houston Airport System between the City of Houston and **TDINDUSTRIES, INC** - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** - was presented, and tagged by Council Member Rodriguez. Council Members Johnson, Pennington and Noriega absent.

32. ORDINANCE appropriating \$6,673,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP.** for Metro Central, Keegans Bayou, Park Ten and Upper Brays Wastewater Treatment Plant Improvements; 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, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; E - SULLIVAN and G - PENNINGTON** - was presented. All voting aye. Nays none. Council Members Johnson, Sullivan, Pennington and Noriega absent. ORDINANCE 2011-903 ADOPTED.

37. ORDINANCE appropriating \$2,728,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BLASTCO TEXAS, INC** for Rehabilitation of Water Storage Tanks; 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, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction

Fund - (WBS S-000600-0035-4) - **DISTRICTS B - JOHNSON and E - SULLIVAN** – was presented. All voting aye. Nays none. Council Members Johnson, Sullivan, Pennington and Noriega absent. ORDINANCE 2011-904 ADOPTED.

38. ORDINANCE appropriating \$1,130,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BLASTCO TEXAS, INC** for Rehabilitation of Water Storage Tanks; 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 - (WBS S-000600-0037-4) - **DISTRICTS B - JOHNSON and F - HOANG** – was presented. All voting aye. Nays none. Council Members Johnson, Sullivan, Pennington and Noriega absent. ORDINANCE 2011-905 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Adams stated that she wanted to congratulate Legacy Clinic for their grand opening on Sunday, that they were still in a fund raising mode so if Council Members or anyone were interested in purchasing a brick they could call Legacy, that she wanted to thank Walgreens for being a great partner with Legacy; that this week TSU would be kicking off their homecoming activities; that this past week Kashmere High School had their homecoming but she did not participate because she participated in Worthing's homecoming; that there was a King Tut at the Museum of Fine Arts from October 16, 2011 to April 15, 2012; that next Saturday night the Rice HERE, Houston Enriches Rice Education Project, would celebrate Wash Allen's 45 years in broadcasting on October 22, 2011 at the HERE Legacy Award Ceremony at 7:30 p.m. at the Alice Pratt Brown Hall Stude Concert Hall on the Rice University Campus, 6100 Main; that the Houston Public Library had partnered with the Smithsonian and the African American History and Culture to co-host a one day seminar entitled "Save Our African American Treasures" on Saturday, October 29, 2011, 10:00 a.m. to 4:00 p.m. at the Central Library; that Library Director Dr. Rhea Lawson was seeking input from all of the Council Members, she had sent an email to everyone seeking feedback from the community on a few questions in order to develop a new vision, mission statement and strategies to better serve the citizens of Houston, that it would be discussed at the November Quality of Life Committee meeting; that yesterday they had a constituent call in to their office about a dangerous building at 3509 Wilmington, that Director Flowers, Director of Neighborhoods was out in the community already doing sight visits of dangerous building and the District D staff called her and immediately she went to the Wilmington site and noticed that there were several violations and a child was injured in the vacant building, that she made sure that violations were issued, towed a vehicle that wrecked the house, that she wanted to thank Ms. Flowers for her prompt response and the District D staff for contacting her. Council Members Johnson, Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Clutterbuck stated that she and Mayor Parker represented the City at the Houston Galveston Area Council Meeting and reviewed a couple of the highlights for everybody, they passed a \$380,000 item for an Urban Corridor Study on Washington Boulevard and significant discussion on the second round of funding for Hurricane Ike Recovery, that most of it would be in housing, that she wanted to thank Buddy Grantham and Darrin Hall for their hard work in pursuing the City's applications and efforts on that, that the City of Houston would end up benefiting more than other entities because of the funding restructuring and the reallocation, this being mostly for housing; that yesterday she attended the groundbreaking for the Texas Interfaith Peace Garden, adjacent to the Turkish Raindrop House in District C, that the highlight was seeing all of the religious leaders in their community, that in a few short months there would be this beautiful peace garden where they would have a replica of a Catholic Church, a Mosque

and Synagogue all representing the three major faiths in the world, that it was in the far west side of town, inside the Beltway at West Bellfort. Council Members Johnson, Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Hoang stated that this year marked the 100th Anniversary of the October 10th Centennial Event for the Taiwanese and Chinese as a whole, that for the past two or three weeks the Taiwanese and Chinese communities had numerous events and invited him, that he was invited to the Chinese Cultural Center for the ribbon cutting of the Chinese Academy, as well as the gala, that he wanted to congratulate the October 10th Centennial Organizing Committee, as well as all of the Chinese for the miraculous event in 1911 when they overthrew the Manchu Dynasty to establish the first republic in Asia; that they were going to have Mandarin Language on the ballot and it showed that the Chinese Community was growing strong in the City of Houston, as well as District F where their centers were located. Council Members Johnson, Sullivan, Rodriguez, Costello, Lovell and Noriega absent.

Council Member Stardig stated that yesterday she joined Earvin "Magic" Johnson, representatives from Canyon-Johnson Funds and Fidelis Realty Partners to celebrate the renovations and upgrades to the Marq*E Entertainment Center located off of Silver and I-10, that Canyon-Johnson Funds and Fidelis had honored their commitments to be good neighbors in District A and their contribution to the community was greatly appreciated, they continued their commitment to the community with a \$15 million reinvestment by re-orientating the property so that it was more open and less concealing for potential crime, that they provided the space for a storefront because there were a lot of activities on the weekends and evenings and that was when the storefront was available and open to the public, that she wanted to thank Congresswoman Sheila Jackson Lee for coming out and supporting as well; that it was Disability Awareness Month and there were many activities, that she and the Mayor participated in Wheel Chair Soccer, that it made them much more aware of what people went through navigating through daily routines when they participated in these type of activities; that this Saturday at Discovery Green the Korean American Society of Houston was holding the Third Annual Korean Festival, from 10:00 a.m. to 7:00 p.m. Council Members Johnson, Sullivan, Rodriguez, Costello, Lovell and Noriega absent.

Council Member Pennington stated that he was pleased to hear from Council Member Clutterbuck that they were able to garner the Planning Grant for the Washington Avenue Corridor, that he knew that Council Member Gonzalez had been very active in the committees that had been created and thought that with the redistricting a new Council Member would have a portion of that area, that he guessed that consultants would do a lot of this work and his rule about consulting work was that it was only as good as the people inside supervising it, that he hoped that work would not get lost in the shuffle; that he attended the Elders Road Super Neighborhood meeting last week; that they had a Crime Prevention townhall meeting last week for those parts of his district that were in the Central and Midwest Command, that it was well attended and people were appreciative of the full participation of the HPD Captains and their force, as well as the Mayor; that they had been talking about water issues and he knew there were a lot of studies available to talk about bringing additional water supplies to Houston, there was the Sam Rayburn Water on the eastern boundary of Louisiana, that there was actually a lot of ground water here that they had been gradually weaning themselves from for subsidence and other purposes and there was also a lot of groundwater south of them and his suggestion, and what he hears, about the drought conditions and how several people expected them to persist, perhaps the two year period that that they actually had water in their reservoirs, that they ought to begin planning immediately. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello, Lovell and Noriega absent. NO QUORUM PRESENT.

Council Member Jones stated that she was at the Legacy event; that she wanted to thank the people at Texas Southern, she and Council Members Adams and Johnson were at the

Texas Association for Black City Council Members and the Mayor was present also; that she wanted to commend the officers for the Hispanic Officer of the Year Awards, that she attended that event; that Council Member Hoang brought up the Taipei Economic and Cultural Office in Houston and having the ribbon cutting; that she went to the 49th Annual Noche de las Americas Gala; that she was the Grand Marshall of the Wheatley High School Homecoming Parade, that Worthing, Yates and Madison had their homecoming parades; that TSU and U of H were having their homecoming parades this weekend; that there would be a Housing Committee meeting tomorrow, Thursday, October 20, 2011 in the Council Chamber at 2:00 p.m.; that relating to the 380 agreements and the food desert issue, as Council Member Gonzalez stated, it was more than supermarkets but the primary concern in the areas was that they needed fresh food, so supermarkets were the biggest issue, that a lot of people had worked on this and knew that the Housing Department had gone to Philadelphia to see how they did it, but they had people in Houston who knew exactly what they were doing and were well respected, that they needed to take a look at how they used the tools of government and their resources so that they could improve all areas of the City, not jut the special ones. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello, Lovell and Noriega absent. NO QUORUM PRESENT.

Council Member Bradford stated that regarding 380 agreements they were the City of Houston's business collectively, that when tax dollars were rebated or there were incentives to a particular organization or particular company it impacted the City of Houston collectively. Council Members Stardig, Johnson, Sullivan, Hoang, Costello and Noriega absent.

Council Member Rodriguez stated that he tagged Agenda Item No. 28 because he had some concerns, that it was an item to approve an amendment to an existing contract, it was with TDI Industries at the airport, the contract was awarded on October 11, 2006 and was a five year contract, it was a \$27 million contract, that the current vendor had a 12% MWBE participation goal on the contract and were only achieving 7.3% of their MWBE requirement, that he was concerned that they were going to extend the contract for a few months and they were no where close to meeting the goal so he would like for someone to come and explain to him how they were going to meet the goal, that he was hearing from other qualified MWBE firms, after the contract expired, if there was an RFP on the street it seemed like some of their qualified firms were having a tough time breaking through, there was a perception that the current vendor was kind of in the lead and it concerned him if this contract was going to be a bigger contract and have a higher goal on it then how were these folks going to meet that goal, if he needed to bring it to committee he would, and Mayor Parker stated that she would have someone come and visit with him; and Council Member Rodriguez further stated that he wanted to wish his father, Gilbert Rodriguez a Happy 65th Birthday, and his parents would be celebrating their 40th Wedding Anniversary on October 23, 2011. Council Members Stardig, Johnson, Sullivan, Hoang, Costello and Noriega absent.

Council Member Lovell stated that tomorrow they would have a special called Development and Regulatory Affairs Committee meeting in Council Chambers at 10:0 a.m.; that she missed public session yesterday, she was in Washington to watch the CEO and President of Neighborhood Centers, and her significant other, receive the National Non Profit Leader Award, that all the other non profit groups in the United States were there, that it was for all that Neighborhood Centers did but mainly in the Gulfton Sharpstown area, the revitalization of that neighborhood which they had taken the lead on, that Angela Blanchard did an excellent job but she was also very good about pointing out what a great team she had at Neighborhood Centers and she wanted to say congratulations to them also; that she knew Mayor Parker had been to Baker Ripley, which was incredible and across the street was a multi service center which had a fence that needed work on and asked if they could remove the fence, and Mayor Parker stated that it was noted. Council Members Stardig, Johnson, Sullivan, Hoang, Costello and Noriega absent.

Council Member Gonzalez stated that he wanted to congratulate the friends of Woodland Park on another successful neighborhood cleanup last weekend; that last week he participated in the Living Treasures Luncheon in Independence Heights, they visited with 37 seniors who celebrated over 90 years of age, that he wanted to thank Sheena Childs of his office for her hard work on this event, that he wanted to thank all of the Independence Heights Community Leaders for making this even a reality; that he wanted to thank James Leara, Elizabeth Leara and Marcos Banuelos, who surprised him this weekend with beautiful and creative banners while visiting the Second Ward Community, they were bright young leaders and he looked forward to working with them as they continued to improve their neighborhoods, a special thank you to Second Ward Icon Jessica Holtze for her continued support and commitment to their community; that he would encourage their families to head to Petoberfest, on Saturday, October 22, 2011, at Marshall Middle School, that SNAP was hosting a day of free spay and neuter services for dogs and cats beginning at 6:30 a.m., that from 9:00 a.m. to 1:00 p.m. there would be activities for the whole family; that the Independence Heights Northline Partnership would be hosting a Values Workshop on Tuesday, October 25, 2011 from 6:00 p.m. to 8:00 p.m. at 4808 Yale Street and would be hosting a visiting open house on Thursday, October 27, 2011 from 6:00 p.m. to 8:00 p.m. at the North Main Church of God In Christ, 7206 North Main. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello, Lovell and Noriega absent. NO QUORUM PRESENT

Council Member Adams stated that she wanted to thank Mayor Parker for her email blast out for save the date for Citizens Week to be able to volunteer and give back to their communities, the kickoff was November 13 through 19, 2011, that District D would be kicking off theirs on November 12, 2011; that on November 12, 2011 they would have a huge community beautification day in the northern part of Third Ward to cleanup vacant lots and would meet with City Attorney Feldman to find out the new criteria for dangerous buildings to move forward on how they look at being creative about some of the buildings in the neighborhood; that they would be meeting at the Kelso School for a literally walk at the Southcrest Park at 8:00 a.m. at 5800 Southmund; that Friday was Principle for a Day and she would be a principle for a day at Thompson Elementary School; that many of them knew that they were raising money for CMC and had noticed when they came to the City Council floor they saw the various pigs that were out there, they were raising money for the HART Program. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello, Lovell and Noriega absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 11:14 a.m. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Costello, Lovell and Noriega absent. NO QUORUM PRESENT

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary