

City Council Chamber, City Hall, Tuesday, December 6, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 6, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Ann Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division,, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Mr. Xavier Herrera, Citizens Assistance Office; and Ms. Marta Crinejo, Agenda Director, present. Council Member Oliver Pennington absent on city business.

At 1:46 p.m. Mayor Parker stated that presentations would begin with Council Member Johnson. Council Member Johnson invited those present with the Alpha Kappa Alpha Sorority to the podium and stated that today was a very special day, celebrating 30 years of continuous service for the Xi Alpha Omega Chapter; and Mayor Parker presented a Proclamation to the group extending best wishes and proclaimed today as "Xi Alpha Omega Chapter Day" in Houston, Texas. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Noriega and Jones absent.

Ms. May Hudson, the lone surviving founding charter member, stated that they were happy to serve the City of Houston; that they were happy to be present celebrating their anniversary; and thanked all for the recognition. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez, Noriega and Jones absent.

Council Member Adams thanked all for their service and commended them for all their work. Council Members Stardig, Sullivan, Rodriguez and Noriega absent.

Council Member Lovell invited those present with Southland Hardware to the podium and stated that Southland was a small business institution with 75 years service and friendly customer service; and Mayor Parker presented a Proclamation proclaiming today as "Southland Hardware Day" in Houston, Texas. Council Members Stardig, Johnson, Hoang, Rodriguez and Jones absent.

A Spokesperson for the group stated that they truly were a family business with their son and daughter now working there also; and thanked all for the recognition. Council Members Stardig, Johnson, Hoang, Rodriguez and Jones absent.

Council Members Noriega, Costello and Adams thanked all for their service and work in the community. Council Members Stardig, Johnson, Hoang, Rodriguez and Jones absent.

Mayor Parker invited Dr. Todd Price and his family to the podium and stated that Dr. Price was an infectious disease specialist and involved with many medical and humanitarian aid projects around the world; that in 1993 he and his wife established International Medical Outreach, IMO, to assist existing medical clinics, orphanages, etc., and presented a Proclamation to Dr. Price proclaiming today as "Todd Marshall Price Day" in Houston, Texas. Council Members Stardig and Rodriguez absent.

Council Members Adams and Jones thanked Dr. Price and his wife for all he did and recognized his son who escorted them today. Council Members Stardig, Sullivan, Rodriguez and Lovell absent.

Dr. Price stated that he began at 12 years old helping children overseas and felt it important to help everyone, that he felt everyone had the responsibility to do all they could to make this a better world and give all an opportunity to reach their God given potential. Council

Members Stardig, Sullivan, Rodriguez and Lovell absent.

At 2:12 p.m. Mayor Parker called on Council Member Clutterbuck who led all in the prayer and pledge. Council Members Sullivan and Rodriguez absent.

At 2:14 p.m. the City Secretary called the roll. Council Member Pennington absent on city business. Council Member Rodriguez absent.

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

At 2:15 p.m. the City Secretary began to call the speakers. Council Member Rodriguez absent.

Mr. Brett Baccus, 1520 Hawthorne, Houston, Texas 77006 (713-899-1409) appeared and stated that he was present on behalf of residents of the 1500 block of Hawthorne, they submitted an application for permit parking on April 29th, met with Parking Management October 20th; that Parking Management recommend 5 days a week and they had requested 7 days a week; and urged their vote tomorrow be for 7 days; that they requested no towing but were now in support of the towing with Parking Management. Council Member Rodriguez absent.

Upon questions by Mayor Parker, Mr. Baccus stated that he was a resident of the block and others knew he was present and he was joined with the president of the civic association. Council Member Rodriguez absent.

Council Member Clutterbuck thanked Mr. Baccus for collecting signatures and enlightening Council Members on the detailed aspects; that the tool gave great relief to communities and she would be supporting the item, but having applied in April and now the first vote being in December it was not the rapid relief Council had envisioned; that the committee met on a quarterly basis and she would suggest they meet on a basis as needed or every six weeks; and Mayor Parker stated that she had no idea why it took so long and had just instructed Ms. Crinejo to find out. Council Member Johnson absent.

Council Member Lovell thanked Mr. Baccus and his neighbors for their work and stated that she too thought the process should be streamlined and dialogue with them needed to continue. Council Member Johnson absent.

Upon questions by Council Member Jones, Mr. Baccus stated that when the Parking Division surveyed spaces available it must have been on a night without offerings at the club, but this week they would find no parking available; and he would like their request passed as submitted with the seven days a week. Council Members Stardig and Johnson absent.

Ms. Maggie Yancy, 3805 Audley, Houston, Texas 77098 (630-362-3129) appeared and stated that she was with the Greater Houston Builders Association and present regarding Agenda Item 15, the energy code, they were supportive of the item and appreciated being involved in the process; that it was estimated for every \$1,000 increase in a home it cost almost 5,000 households to be disqualified for their mortgage; and urged passage of the item. Council Members Stardig, Johnson, Adams and Noriega absent.

Council Member Lovell thanked all relating to the issue and stated that not all would get all they wanted and she would like this revisited next year as they may be able to add more efficiency to homes; and suggested someone begin talking to the mortgage industry as their

argument was people could not get into the home as it raised the cost, but the other side was it saved on the backend and the mortgage companies gave no credit for money to be saved on utility bills and if that happened they would not have to worry about qualifying. Council Members Stardig, Johnson, Adams and Noriega absent.

Mr. John Williams, 5023 Spruce Forest, Houston, Texas 88091 (281-652-6548) appeared and stated that he worked for Brighton Homes and was a member of the Greater Houston Business Association and present expressing support for Agenda Item 15; that most appraisals did not reflect the added cost of energy efficiency upgrades and left many homebuyers unable to get a loan. Council Members Stardig, Johnson, Adams and Noriega absent.

Mr. Kareem Dale, 1301 Leeland #210, Houston, Texas 77002 (713-410-8252) appeared and stated that he was present requesting a 15% increase in the energy efficiency building code as it created jobs; that they were an energy efficient consulting firm for the City of Houston on the Residential Efficiency Program and they would like the increase in line with other increases added to the 2006 Building Code to go 15%. Council Members Stardig, Johnson, Adams and Noriega absent.

Mr. Denny Patterson, 14727 Bronze, Cypress, Texas 77433 (281-850-2346) appeared and stated that he worked with Airtron Heating and Air Conditioning, a company in Houston over 30 years, and was a member of the Greater Houston Builders Association; that he was present regarding Agenda Item 15; that the suggestion of a 93% AFUE furnace minimum made no sense in this climate zone as there were not that many heating hours and a homeowner would not get the payback. Council Members Stardig, Johnson, Adams and Noriega absent.

Mr. Doug Endicott, 9311 Katy Freeway, Houston, Texas 77024 (832-775-6767) appeared and stated that he was with the Texas Association of Special Investigation Units and present in support of amendments to Section 8 and 28 of the Houston Code of Ordinances; that all involved agreed there were those in unscrupulous business practices but not in their shop and the TASIU believed five points were vital such as informing the client of work, cost, records, returned parts and allowing teardown charges in line with standard rates. Council Members Stardig, Johnson, Adams, Rodriguez and Noriega absent.

Council Member Lovell thanked Mr. Endicott for coming and stated that there were some out there who did not keep their word; that they knew not all would be happy with findings, but they tried hard to come to an agreement and all did last week, but now the agreement had some changing their minds and she was firm, the ordinance was needed as this demonstrated something needed to be signed with repairs stating what was agreed to and if something changed a call was needed. Council Members Stardig, Johnson, Adams, Rodriguez and Noriega absent.

Mayor Parker stated that it was nice to negotiate with someone in good faith. Council Members Stardig, Johnson, Adams, Rodriguez and Noriega absent.

Mr. Bob Augustine, 15995 N. Barkers Landon #145, Houston, Texas 77079 (832-598-0435) appeared and stated that he was employed by Christian Brothers Automotive and was present as a representative of the corporate office; that they had 17 locations in the Houston market and he had been an advisor and consultant on this issue and from the Christian Brothers perspective there were still a couple of small issues unclear and needed to be resolved; and asked that Council take changes and advise from ASA specifically on 22CEF and 22A. Council Members Stardig, Johnson, Adams, Rodriguez, Lovell and Noriega absent.

Upon questions by Council Member Jones, Mr. Augustine stated that he would defer questions to representatives of ASA for specifics, but his 17 locations believed ASA was

representing their interest most accurately. Council Members Stardig, Johnson, Rodriguez, Lovell and Noriega absent.

Council Member Adams stated that last week all were in agreement, but now she was hearing no one agreed; and upon questions, Mayor Parker stated that this began with an initiative by the Automotive Detail to try and add consumer protections to the ordinance and nothing changed since last week, no amended ordinance and no negotiations, but she thought ASA who had negotiated with the city and come to an agreement decided since Council Members were asking questions they could go around and retread the deal with Council Members but at this point there were no amendments being brought forth by the administration. Council Members Stardig, Johnson, Rodriguez, Lovell and Noriega absent.

Council Member Jones stated that she wanted to clarify for the record that last week she did not get the impression all agreed on everything, there were a number of questions and she did not agree; that she disclosed last week there were a number of people who came in support but that they were coerced into support; that she thought all wanted consumer protection, but she did not want government overreaching and believed it a mischaracterization that all agreed. Council Members Stardig, Johnson, Rodriguez and Lovell absent.

Ms. Carrie Neese, 8217 Cowart, Houston, Texas 77029 (214-437-2976) appeared and stated that she was present as a part of the Port Houston Community and there was a trucking company who moved into the area and driving on streets with "No Through Truck" signs; that they were noisy and dirty and the lot they were in used to have trees and now just trailers; that she was also concerned with animals getting hit and did not think they should be allowed to break the law any longer. Council Members Stardig, Johnson, Hoang and Lovell absent.

Mayor Parker stated that if she lived on a street with "No through Truck" signs and eighteen wheelers were going down they should be able to help them; that she could speak with Mr. Norman and Sergeant Baltazar who were present at this time. Council Members Stardig, Johnson, Hoang and Lovell absent.

Ms. Sandra Ortiz, 2525 S. Voss #161, Houston, Texas 77057 (281-853-4283) appeared and stated that she was present in favor of the new Chapter 8 ordinance and on behalf of an insurance company they overpaid on charges, body shops did trick customers at times into signing documents and made them overpay for holding the vehicle a few days. Council Members Stardig, Johnson, Hoang and Lovell absent.

Upon questions by Council Member Adams, Ms. Ortiz stated that at times body shops overcharged customers and it was not fair; and she was supporting the ordinance. Council Members Stardig, Johnson, Hoang and Lovell absent.

Upon questions by Council Member Jones, Ms. Ortiz stated that both body shops and storage lots should not overcharge customers, they should explain their charges, at times to be able to take belongings out of your vehicle they made you sign paperwork and you were not aware of charges. Council Members Stardig, Johnson, Hoang and Lovell absent.

Ms. Sarah Lougmani, 13845 Breck, Houston, Texas 77026 (713-302-6077) appeared and stated that she was a vehicle owner and unwilling participant in an accident or two and was present urging a favorable vote to Chapters 8 and 28 of the Code of Ordinances as it protected the consumer. Council Members Stardig, Johnson, Hoang and Lovell absent.

Dr. Reynaldo Guerra, 2737 Houston Avenue #9, Houston, Texas 77009 (281-850-3363) appeared and stated that he was owner of a small family owned business, Bella Energy and Energy Solutions Company, and adopting the 2009 IECC Energy Code was not enough and

was present asking Council consider following precedent and adopt 2009 codes plus an additional 15%; that it was stated earlier so many buyers were disqualified from mortgages with a higher percentage, but he did not think it kept them from buying, but they bought a smaller home and a stronger code would allow more to afford their homes and not cause them to go through foreclosure; that the 2012 Energy Code required a blower door test and the '09 Code being considered made it optional and could cause loss of many jobs; that he would also like third party blower door test and it would build environmentally friendly homes and maintain jobs. Council Members Stardig, Johnson, Hoang and Lovell absent.

Upon questions by Council Member Jones, Dr. Guerra stated that the benefit cost was between \$100.00 and \$300.00 additional cost totally, it was a one time test and the benefit was huge. Council Members Johnson, Clutterbuck, Hoang and Lovell absent.

Upon questions by Council Member Gonzalez, Dr. Guerra stated that the testing would be mandated in the 2012 Code and they were recommending it be adopted now; that the blower door was a big fan at the front door of your home and it depressurized your home, air would come in through all holes and you would find them and know how leaky your house was and what was significant was it opened the door to many engineering calculations. Council Members Johnson, Clutterbuck, Hoang and Lovell absent.

Mr. Mike Dishberger, 2 Rains Way, Houston, Texas 77007 (713-851-2767) appeared and stated that he was owner of Sandcastle Homes and president of the Greater Houston Builders Association and was present to thank Council for allowing them to be a part of the process and now they were going 5% above and homes would be solar ready; that a blower door test had been required in Houston for some time and cost to go to 15% was well in excess of \$2,000.00 and up to \$5,000.00 on other things; that at a meeting someone said they bought a home for a set price and if it had been \$3,000 more she could not have bought it and he was happy with the 5% and looking at it again next year. Council Members Clutterbuck, Hoang and Lovell absent.

Council Member Jones stated that she was concerned with barriers to home ownership; and upon questions, Mr. Dishberger stated that on new homes you had to do blower door tests to show you meet requirements; that he had not failed one yet as he did tend to overbuild and over do as it was very difficult to go back and fix something like that. Council Members Clutterbuck and Lovell absent.

Mr. Dale Berman, 21818 Canton Pass Lane, Katy, Texas 77450 (832-418-8060) appeared and stated that he was a major distributor of windows and manufacturer in the Houston market and a member of the Greater Houston Builders Association; that he was present supporting Agenda Item 15 and windows were a critical part of the energy part of the house and going forth in the future he would encouraging looking at windows and items around windows to create energy codes wanted and not out price the products going into the houses. Council Members Johnson, Clutterbuck, Adams and Lovell absent.

Upon questions by Council Member Jones, Mr. Berman stated that he was for Agenda Item 15. Council Members Johnson, Clutterbuck, Adams and Lovell absent.

Mr. Peter H. Brown, 10 Waverly Court, Houston, Texas 77005 (713-528-0049) appeared and stated that he was director of Better Houston, a non profit standing for better neighborhoods, better transit and better urbanism, that he was present supporting two items, one was Agenda Item 15, but when he was on Council there was opportunity to adopt an ordinance triggering Harris County tax credits for this sort of thing and it should be pursued if it had not and historic tax exemptions would enhance character of districts C, D, G and H; that these votes were proactive ordinances. Council Members Johnson and Lovell absent.

Council Member Clutterbuck thanked Council Member Brown for appearing and stated that she missed him and they would try and take his excellent advice. Council Members Johnson and Lovell absent.

Mr. Joel Ramirez, 3334 Richmond, Houston, Texas 77098 (682-234-0274) appeared, held up pictures for viewing and stated that he was present on behalf of United Auto Insurance and supporting Chapter 8-28 of the City Ordinance; that he thanked all who put time into this ordinance; that he had seen many times vehicles such as this, a totally lost vehicle, and worse case scenario was it being towed to a storage facility, \$145.50 and that was it, write a check to the insured and he would go on with his life, but to the contrary the vehicles were being taken to different body shops trying to repair them and it was unsafe for the vehicle and driver, etc., that some were told to sign the document to allow the insurance company to have access to the vehicle and for him to have access to his tools, etc., in the truck and they would not touch the vehicle, but he was misled and repairs were started and they showed the insurance company the document signed, but the insured said they did not know they were signing for repairs. Council Members Johnson, Hoang, Rodriguez and Lovell absent.

Ms. Jeanette Rash, 2104 Lyons Avenue, Houston, Texas 77020 (713-228-8872) appeared and stated that she was present in favor of Chapter 8, it was important for many reasons, it gave a citizen the right to bargain for what he was paying for; that there was a buffer in it which worked well and she asked their district personnel to go to automotive businesses and give them a heads up because nothing brought down a neighborhood like junk cars; that protection for automotive board positions was imperative and identifying which businesses needed regulation was key; and thanked Council Members leaving office for their service. Council Members Johnson, Hoang, Rodriguez, Lovell and Jones absent.

Mr. West Welmaker, 6122 Majestic Pines, Kingwood, Texas 77345 (713-885-4499) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Lovell and Jones absent.

Ms. Hilda Suarez, P. O. Box 23019, Houston, Texas 77223 (713-926-1605) appeared and stated that she was at a gathering of shop owners who were concerned with the auto repair ordinance; that most were not a part of the ASA and they were not well informed and were worried they may have additional costs they were not prepared to handle; that they were licensed shop owners who felt they may need to close. Council Members Johnson, Sullivan, Hoang, Lovell and Jones absent.

Upon questions by Mayor Parker, Ms. Suarez stated that they were individual shop owners who were not a part of the ASA group. Council Members Johnson, Sullivan, Hoang, Lovell and Jones absent.

Upon questions by Council Member Adams, Ms. Suarez stated that her shop was a part of the ASA and they were trying to communicate with others once the November 3rd version came out; that those she met with would like the item held and further consultation so they too could be informed. Council Members Johnson, Sullivan, Hoang and Lovell absent.

Upon questions by Council Member Rodriguez, Ms. Suarez stated that they met with shop owners to inform them of the ordinance and they expressed concerns of issues they were not aware of; that the majority were not a part of the ASA and they would like time and input and most shop owners were able to communicate in English; and Council Member Rodriguez stated that after her remarks he would visit with her. Council Members Johnson, Sullivan and Lovell absent.

Mr. Allen Suleiman, 5675 W. Tidwell, Houston, Texas 77091 (713-972-2303) appeared and stated that he owned a mechanic and body shop in Houston and present on the chapter 8 ordinance; that it interfered with small businesses and if passed would put many out of business; that he did not know who gave the right to tell them what to charge and all Council Members knew some sections were not about consumer protection because most complaints came from insurance companies and not consumers; that he paid more than \$40,000.00 yearly in fees to the city and yet he could not charge \$250.00 admit fee, it did not sound right; and urged the ordinance not be passed. Mayor Parker, Council Members Johnson, Adams, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Jones stated that one thing which concerned her was all wanted consumer protection, but she was surprised when she saw the majority of complaints were from insurance companies and not consumers and that should be noted; that she had problems with insurance companies wanting to pay claims and that was why she started digging and it concerned her as she was led to believe the majority of complaints came from consumers when it was insurance companies and it was important to note and she did not want to run small business out of business, people needed options. Mayor Parker, Council Members Johnson, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Rick Guttman, 2100 W. L. South #1090, Houston, Texas 77027 (713-557-5703) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Johnson, Sullivan, Rodriguez, Lovell and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Avi Ron, 2100 W. L. South #1090, Houston, Texas 77027 (713-622-0022) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Johnson, Sullivan, Rodriguez, Lovell and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Karen Fajardo, 8217 Cowart, Houston, Texas 77029 (713-674-9432) appeared and stated that she was present with the Port Houston Community with a problem of a new trucking business; that their road had a sign "No Through Trucks" but they came through all different times; that there was excessive noise and streets were now bad; that police came to their door and told them they had to move their car which was on the street so trucks could get to their business and they told him of the "No through Truck" signs, but they were still coming and they were scared of their children or animals being injured or cars hurt. Mayor Parker, Council Members Johnson, Sullivan, Rodriguez, Lovell and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Gonzalez thanked Ms. Fajardo for coming and stated that he and Council Member Rodriguez were transitioning with their community and they could both visit about it; that Code Enforcement would be reviewing this and there were limitations with the business; that Mr. Norman was present to speak with her and he would defer to Council Member Rodriguez. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Lovell and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Rodriguez stated that he knew Ms. Fajardo's father and they were very active in the community, very civic oriented, and he would be happy to work with them on this. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Lovell and Jones absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Rodriguez moved the rules be suspended for the purpose of adding Mr. Isaac Caballero and Mr. Mike Rogers to the list of speakers, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Pennington absent on city business.

Mayor Parker, Council Members Johnson, Sullivan, Hoang, Lovell and Jones absent. Vice Mayor Pro Tem Gonzalez presiding. (It was brought to the Vice Mayor Pro Tem's attention there were not ten present to suspend the rules and he stated since there was no opposition the chair would agree with the motion.) MOTION 2011-0874 ADOPTED.

Ms. Brenda Lopez, 1200 Duke, Baytown, Texas 77520 (832-414-8284) appeared and stated that she was present asking Council to vote against Chapter 8, Sections 28, 34; that she too was at the meeting yesterday and was representing small business owners who did not want welfare and were surviving on work out of their garage, etc., with fee increases they would push businesses out of Houston or close them; that some did charge outrageous teardown fees and insurance companies were opposing it, but urged Council see shops and get clarity on what an automotive shop, body shop and collision facility was and see different procedures and diversity in costs; that it was unfair to regulate shops in the same manner and they were not including fleets and why not; that also if she wanted to do her oil change at home she would not be allowed and she was opposing the ordinance. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Rodriguez thanked Ms. Lopez for coming and stated that initially he thought they had a deal with the industry, they were told that last week, but it seemed to not be the case and not all were a part of the process and he did not know why they needed to rush through this; and upon questions, Ms. Lopez stated that if they could establish a group together to meet with small businesses and she thought they should start a Hispanic Automobile Service Association; and Council Member Rodriguez stated that was a good idea and thought she should be the first president; and upon further questions, Ms. Lopez stated that those working out of their garage wanted the neighbor to see what was there and with fences they could have more vandalism. Mayor Parker, Council Members Stardig, Sullivan, Hoang, Costello, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones thanked Ms. Lopez for coming and stated that last week people participating still had questions and she did not believe anyone wanted people gouged, but she had extreme concerns about government intruding in business and her concern was there was an attempt to make it seem Chapter 8 was regulating what was feared, charging too much and holding someone's car hostage, but this may run small business out of business. Mayor Parker, Council Members Stardig, Sullivan, Hoang, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Gonzalez stated that he would direct her to Sergeant Provost who was present and had been working on the issue. Mayor Parker, Council Members Stardig, Sullivan, Hoang, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Isaac Caballero, who was previously added to the Speakers List, appeared and stated that he lived in Houston 56 years and owned a business 35 years and this was his first time here; that if the ordinance on Chapter 8 passed it would hurt a lot of small businesses who were helping the city; that his business was run with a lot of integrity and this economy was hard and he was pleading this be reconsidered. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Rodriguez stated that it was good he had not needed to come to Council before and he was on record saying he did not know if they should be doing this; and upon questions, Mr. Caballero stated that he thought the passage would close or push people out and he employed about eight people; that they already paid many permits. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Gonzalez stated that Sergeant Provost was visiting with others and he would be a good starting point. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Mike Rogers, who was previously added to the Speakers List, appeared and stated that until recently he was not aware of changes to Chapter 8, but was against what he had seen as he believed it would make an undue hardship on small business owners with all regulations; that he was a small business owner with his business closed today so he could attend the meeting and he thought it should be looked into further before passage. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Jones stated that she did not think the city should be in the business of creating monopolies and if they ran small businesses out of business certain companies would benefit and it seemed they were using a cannonball to swat a mosquito; and upon questions, Mr. Heilman stated that nothing was sent to every business holding a license in the city; and upon further questions, Vice Mayor Pro Tem Gonzalez stated that he believed Auto Dealers would probably have to answer her questions as he knew they provided the oversight and had an existing ordinance on this; and Council Member Jones stated that since Auto Dealers was regulating the businesses she would imagine they knew who they were regulating and thought it problematic they did not notify everyone the city was intending to so something which could profoundly affect negatively their businesses and she would like someone in that department to answer her questions in writing. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Franklin Olson, 201 Vanderpool #113, Houston, Texas 77024 (713-465-0043) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Yvonne Silva, 2502 Mona Lee, Houston, Texas 77080 (713-464-2078) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Donald Burns, 13021 Donegal, Houston, Texas 77047 (713-880-0307) appeared and stated that he was present again, last time he was here he was on official oppression; that he had been upset and bought a video and audio so Council Members At-Large could see was he was speaking about, this was going on seven years; that Neighborhood Protection came regarding illegal dumping and he had a six foot fence, they were saying he now had a storage lot and he had no cars or storage or dumping and this went back to 2004 when the Shamrock Civic Club, a make believe civic club, complained; that they were not chartered with the state; that he saw others illegally dump and he reported it and he had four 311 complaints about it across from his home; that they were targeting Hispanics, Africans and Whites; that it was continuous selective enforcement and official oppression. Mayor Parker, Council Members Stardig, Johnson, Sullivan and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Gonzalez stated that the Mayor's Citizens Assistance Office attempted to contact him but were unable to; that Sergeant Baltazar with HPD was present and would visit with him. Mayor Parker, Council Members Stardig, Johnson, Sullivan and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

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. Mayor Parker, Council Members Stardig, Johnson, Sullivan and Lovell absent. Vice Mayor Pro Tem Gonzalez

presiding.

Mr. Robert Edness, 6221 Main, Houston, Texas 77030 (no phone) appeared and stated that he had an issue with METRO; that he was 62 years old and there was no discount for him, but there was a discount for someone who was 65 years old; that he was retired with social security and felt if he was retired with social security he should be equal to a 65 year old retiree with social security; and he felt he was being discriminated against. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that the city did not control METRO and he should speak at their meeting; and upon questions, Mr. Edness stated that if he was retired and on social security it was the same as a 65 year old retiree on social security, social security was set federally by President Roosevelt; that they should go by the federal government and a minimum age of 62. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Mark Smith, P. O. Box 896, Bellaire, Texas 77402 (713-867-5998) appeared and stated that each time he came to Council he found something to speak on other than his subject; that he had his share of being defrauded by automobile repair shops and felt regulation was necessary; that METRO had a "Q" card, you paid cash and got nothing, no receipt and they were taking numbers arbitrarily and trying to use it to discontinue busses such as the 30 Clinton, the 48 Pleasantville or Navigation, the 48 West Dallas and stop serving those needing busses to get to work. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she hoped the board was listening to the people because they were proposing to cut many routes and for many people METRO was their sole transportation and without it they would not be able to work. Mayor Parker, Council Members Stardig, Johnson, Adams, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Luke Metzger, 815 Brazos #600, Austin, Texas 78701 (512-479-0388) appeared and stated that he was director of Environment Texas, a statewide advocate for clean air and clean water, and present in support of Agenda Item 15; that reducing energy use would help solve air quality crisis in Houston and help consumers save on energy bills; and with expected retirements of power plants and droughts curtailing capacity of other power plants they could see rolling blackouts in the future and what was in Council's control was improving efficiency standards of new homes; that they were a part of the Energy Efficient Codes Coalition representing chemical manufacturers, low income advocacy groups, etc., and they supported 15% improvements and this ordinance would put them on the path towards that, but it was critical in subsequent years to approve the additional 5% steps; and regarding a question from Council Member Jones the Energy Efficient Codes Coalition estimated an increase in 15% efficiency would increase the average mortgage payment of a new homebuyer by \$6.00 a month but save them \$21.00 a month on electric bills. Mayor Parker, Council Members Stardig, Adams, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Jones, Mr. Metzger stated that he supported the blower door test, it was great in improving the efficiency of homes. Mayor Parker, Council Members Stardig, Adams, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (832-258-7511) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members

Stardig, Adams, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Julio Fajardo, 8217 Cowart, Houston, Texas 77029 (713-674-9432) appeared and stated that he lived in the Port of Houston Community and he had a letter signed in 1999 about "No Through Trucks" in the community; but eighteen wheelers had no respect to the community and continued to come in and out; that he called the police and they said it was a business, but there were no signs and it was very dangerous to children, etc. Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she would like to see the letter he was showing; and upon questions, Mr. Fajardo stated that eighteen wheelers were coming in the community and they wanted no through trucks in their community; that they fought for it a long time ago; and Council Member Jones stated that the letter was 1999; and upon further questions, Mr. Fajardo stated that the business opened in the community; that he did not know his Council Member. Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Council Member Gonzalez stated that Council Member Rodriguez currently represented the area and he first heard about this at this session, but he had since spoken to the Fajardo family and he would be inheriting the area in January through the redistricting and now that they were aware of this they would be working on it and Mr. Norman was on top of it as well; that they were working through the issues as it was a mixed commercial region; and Council Member Jones stated that she wanted to work with them; and Mr. Fajardo stated that this was a long time ago in 1999 and the police wanted to ticket them for having their cars in the street; and Council Member Gonzalez stated that this was the first he heard of this and through redistricting he would be representing the area and he had a commitment they would start working on this immediately. Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Mayor Parker stated that type of issue should not happen and this was the first she heard about it; that they had a letter from Public Works Code Enforcement which was distributed and she knew they had been out to visit the business at the end of the street regarding permits and knew they would follow-up with him. Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Mr. Roy Grant, 8009 Carolwood Drive, Houston, Texas 77028 (713-635-4914) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Ms. Debra Walker, 5022 Edfield, Houston, Texas 77033 (713-733-9029) had reserved time to speak but was not present when her name was called. Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Ms. Lois Eugene, 4518 Sunflower, Houston, Texas 77051 (713-734-5771) had reserved time to speak but was not present when her name was called. Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Ms. Elvis Malveaux, 7116 Goforth, Houston, Texas 77021 (713-640-1488) had reserved time to speak but was not present when her name was called. Council Members Stardig,

Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Ms. Thirkield Thomas, 8171 Redfern, Houston, Texas 77033 (713-733-6012) had reserved time to speak but was not present when her name was called. Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Ms. Dorothy Ellison, 6602 Stearns, Houston, Texas 77021 (713-748-4242) had reserved time to speak but was not present when her name was called. Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Ms. Norma Gite, 7339 Hurtgen Forest, Houston, Texas 77033 (713-733-0774) had reserved time to speak but was not present when her name was called. Council Members Stardig, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent.

Ms. Elaine Gaskamp, 9315 Petersham Drive, Houston, Texas 77031 (832-423-9671) appeared and stated that she was present asking Chapter 42 be held for further discussion and vote, after neighborhoods had more of an input; that the Super Neighborhood Alliance had drafted a letter and it should be forthcoming asking for the delay and more discussion. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez and Lovell absent.

Mayor Parker stated that it was all Chapter 42 changes with two big segments, one having to do with residential density and urban building guidelines moved out further and the other had to do with residential buffering, having to do with high rises being built in residential neighborhoods; and upon questions, Ms. Gaskamp stated that she felt both components needed to be presented to neighborhoods. Council Members Stardig, Clutterbuck, Sullivan, Rodriguez and Lovell absent.

Mr. Jesse Duran, 8222 Cowart, Houston, Texas 77029 (832-830-6558) appeared and stated that he was present representing the Port of Houston Community and the City of Houston put "No Through Trucks" signs up and apparently someone was knocking them down as the majority had been torn down, even some stop signs were down; that he lived there over 50 years and the only thing that had been commercial was McCarty Street, but now businesses were trying to get into the residential areas and he had pictures of the streets torn up and they would like council to try and stop the trucks from coming into their community to a dead-end street with the "No Through Truck" signs posted; that officers always interpreted the law different and some said they could park on the street and not let the trucks in and some said if they did not move their vehicles they would be towed and they would have to pay for it; that this company did not even have a sign and they kept bringing in trucks and trailers. Council Members Stardig, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent.

Mayor Parker stated that the new District Council Member was committed to working with them on the issue as would her office. Council Members Stardig, Clutterbuck, Adams, Sullivan, Rodriguez and Lovell absent.

Upon questions by Council Member Jones, Mayor Parker stated that "No Through Truck" signs was designed to stop trucks from transiting a neighborhood, it was not applicable to a truck going to a business in the neighborhood; and upon further questions, Mr. Duran stated that he thought they were deed restricted, it was residential, before this company it was a dead-end street, a vacant lot; that this business had been there about three to five months and had no sign or address and he called Code Enforcement and inspectors took pictures and said they had no permits and they would put a stop; and upon further questions, Mayor Parker stated

that it was still being investigated and all Council Members were distributed a memo from the Citizen's Assistance Office discussing efforts, they became aware of this November 30th; and Council Member Jones stated to Mr. Duran that she would like the information he had regarding Code Enforcement sent to her. Council Members Stardig, Clutterbuck, Adams, Sullivan, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-705-5594) had reserved time to speak but was not present when his name was called. Council Members Stardig, Clutterbuck, Adams, Sullivan, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mr. Byron Rusk, 1604 Cortlandt, Houston, Texas 77008 (713-303-4133) appeared and stated that he was the owner of two AAA approved auto repair facilities and a body shop and was a member of the Better Business Bureau Automotive Advisory Panel and he had recommendations to improve the ordinance relating to Chapter 8 and recommended Sections 8-22c and 8-22e be deleted and Section 8-22f regarding written waivers apply only to the body shop and collision industry as it was onerous on the mechanical business and there be an addition to the ordinance of a six month provision for automotive shops to come into compliance with Section 22a. Council Members Stardig, Clutterbuck, Adams, Sullivan, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Mayor Parker, Mr. Rusk stated that he could put his recommendations in writing, they were a part of the ASA recommendations. Council Members Stardig, Clutterbuck, Adams, Sullivan, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Rusk stated that he requested deleting certain sections as they pertained to written authorizations and when people had their car in for routine repairs they wanted a call to find out what was going on and get it fixed; that other provisions had a discriminatory overtone as some needed calls and he would recommend the items be deleted and further recommend the ordinance be structured that way so moving forward if it was adopted and still problems he would personally come back on his own time and work with the Administration to tighten up organizations with supportive tools; that the Trade Association sent out a flyer talking about the ordinance to all shop owners stating they should be informed and he believed the city should inform on what was coming. Council Members Stardig, Clutterbuck, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Mayor Parker, Mr. Rusk stated that they were asking the waiver for signature be taken out because if he received a call to go get the car from somewhere the owner was not then they would not be there to sign the waiver; that 10% to 15% of cars were towed in; that he did not begin work until there was communication but usually by phone; Mayor Parker stated that the heart of the ordinance was public disclosure and transparency; and Mr. Rusk stated that if she came in his shop he would be happy to redo his forms. Council Members Stardig, Clutterbuck, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mr. Kevin Spencer, 9225 Manchester, Houston, Texas 77012 (713-928-3286) appeared and stated that he was president of the Automotive Service Association and the ordinance had come along way and improved quite a bit, but the ASA board of directors cast a second vote on the November 29th version of the ordinance and they still had the majority voting not in support; that they hoped Council would allow them to continue to refine the ordinance with them. Council Members Stardig, Clutterbuck, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Adams stated that all would not be happy; and upon questions, Mr. Spencer stated that ASA took a further look at the ordinance and as a group the board of directors would not vote to put their name on it in its current form; and upon further questions, Mayor Parker stated that they transformed the ordinance and delayed and were in meetings and one section worked in had language from Ms. Vanderpol and now she was complaining about it and so she did not understand and was a little frustrated. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Mr. Michael Qutob, 14429 Auto Parkway, Houston, Texas 77083 (281-935-5920) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Mr. Larry Cernosek, 6030 Cherry Hill, Houston, Texas 77087 (832-655-5738) appeared and stated that he was present representing the Houston Auto Body Shop Association and in the current form of the ordinance they did not support it, but would if changes they requested would be put into it as they were told they would be; that its meaning was totally different from what they were saying and since they were blaming body shops for everything, just exclude everyone else and pass an ordinance against body shops, just adopt all federal, state, county and city laws and make them abide by them and it would put many out of business. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Council Member Jones stated that she was working on this months, with more meetings than she cared to count and she wondered why everyone was not working together and then she would not need a lot of different meetings; that she did not at all believe he came to change the deal at the last minute, she was told last week as people came, and if you watched their body language and listened to them, you would see they were saying something totally different; that when you tell people if they don't agree to what was now up they would revert back, etc., and they would go out of business then they would come and support it because it was their livelihood; that this Council Member had questions last week and now had further concerns as a number of minority business owners were not contacted; and government needed to not run people out of business. Mayor Parker, Council Members Clutterbuck, Sullivan, Hoang, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Kathryn Vanderpol, 4610 North Shepherd, Houston, Texas 77018 (713-695-5071) appeared and stated that she was past president of ASA and they wanted more time to work with the city and improve the ordinance further; that they asked for the deletion of c and modifications and the ordinance should be separated between mechanical and collision; that they made a lot of progress, but the city was asking they regulate themselves and they were subject to fines which could just be honest mistakes like not getting mileage, etc. Mayor Parker, Council Members Clutterbuck, Sullivan, Hoang, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Adams stated that she wished they could play the video they had with Council Member Lovell several months ago when many of their concerns on regulation was her topic in the beginning; that she understood some of her concerns on small businesses and she knew she had sent over a list of changes they wanted from the ASA regarding independent owners and their fear of going out of business and if this was such an ordinance she would not support it; and upon questions, Ms. Vanderpol stated that she would like to focus on Council Members raising objections last week and some things stated by Council Member Jones was absolutely correct as far as pressure and she felt it being applied; that she felt the Mayor's Office wanted to help consumers and there were issues with the collision industry, but

technicians in this business had to invest \$50,000.00 to \$100,000.00 in tools and the shop had to provide thousands upon thousands of dollars of equipment and cars were very computerized and difficult; that they basically wanted (c) gone; that they wanted collision rated that way, not mechanical as the complaint history did not bear that. Mayor Parker, Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Sybren Vanderpol, 4610 North Shepherd, Houston, Texas 77018 (713-695-5071) appeared and stated that all agreed something needed to be done for an ordinance, there were a lot of bad body shops in the business; that the ordinance had a couple of glaring errors which should be fixed one being where they were trying to legislate something which did not exist, in the ordinance they had you could not charge more than the teardown and naming companies which companies could change their names and then it would be limited, but none of those had teardown fees in them and they were asking they follow something which did not exist; and there was still inconsistency. Mayor Parker, Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she received the four pages from the ASA and read it and she hoped last week that being given another week they would try and make the ordinance better, good public policy, and was surprised those responsible for it chose not to do that and it was problematic to her as it defeated the purpose of the delay last week; and upon questions, Mr. Vanderpol stated that ASA sent a postcard to every licensed shop the City of Houston had; that it was not done in multiple languages; and Council Member Jones stated that they did the city's job and she thanked them, but in the future if they did it Spanish would be helpful and she would help translate if needed; and upon further questions, Mr. Vanderpol stated that one section had body shops with no equipment requirements, but in another section, if you were a body shop with storage privileges then you must have a frame machine, two bays, a paint booth and an electronic estimating system; that it was about \$100,000.00 when a regular body shop had no requirements, they did not even need a paint booth and they were in the same business. Mayor Parker, Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she knew there was not a quorum, but she had questions for Sergeant Provost and would like to make a motion to have him come forward if there were no objections; and Council Member Jones stated that there was no quorum and others wanted to speak and were shut down in a New York second, so she objected. Vice Mayor Pro Tem Gonzalez stated that the chair would not honor the motion. Mayor Parker, Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

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. Mayor Parker, Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Remington Alessi, 4620 Clay, Houston, Texas 77023 (281-323-0535) appeared and stated that he came to Council in the cold and rain on his motorcycle to see Mayor Parker again whose media department contacted him last week and told it was not a scheduling conflict but

that she was not interested in speaking on the issue of Occupy Houston; and he wondered why people coming out in the cold and rain were not being acknowledged. Mayor Parker, Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she represented all whether she agreed with them or not and she had gone out to Occupy because it was important to hear what their concerns were and she hoped she was not in that group; and Mr. Alessi stated no, and he was thankful she was here; and Council Member Jones stated that the record should reflect she listened to everyone regardless of political persuasion and regardless of the money they made or language they spoke; that she wanted all at the horseshoe to treat everyone the same. Mayor Parker, Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she was not clear on what he said; and Mr. Alessi stated that he invited Mayor Parker on his radio show to speak about Occupy Houston and was told to speak with her Media Department and they contacted him and it was not a scheduling conflict she just did not care to speak about it; and Council Member Noriega stated that it would not hurt for him to issue an invitation, but she wanted to understand his concern and she had it now. Mayor Parker, Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez stated that she was not absent with anything specific to him, she had been in and out, but they would let her know he was here; and Mr. Alessi stated that he did not think it was specific to him either, but more than half the Council was gone; that he felt it was offensive they were there during presentations with those who were wealthy, but regular people did not have the privilege though he appreciated those Council Members who were still present. Mayor Parker, Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

At 4:54 p.m. Vice Mayor Pro Tem Gonzalez stated that City Council was recessed until 9:00 a.m., Wednesday, December 7, 2011. Council Member Pennington absent on city business. Mayor Parker, Council Members Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Costello and Lovell absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, December 7, 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; Ms. Lynette Fons, First Assistant City Attorney, Ms. Carolyn Hanahan, First Assistant City Attorney, Legal Department; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office.

At 8:17 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 stated that they had a very long agenda today, in addition to a public hearing and the Monthly Financial and Operations Report, if there was no objection from Council she would allow the City Controller to proceed before the public hearing. Council Members Stardig and Noriega absent.

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. Council Members Stardig and Noriega absent.

Mayor Parker recognized Mr. Ronald Green, Controller, and Mr. Kelly Dowe, Director, Finance Department. Council Members Stardig and Noriega 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 Member Lovell absent.

Upon questions by Council Members, Mr. Dowe stated that they had baked into the FY12 Budget a projected meter fee increase and working through that fee increase had gone slower than anticipated so actually last month they lowered their projection for Parking Meter Revenue by \$1 million and conversely reduced the transfer to the General Fund; that as to the Sales Tax Audit they had just begun working with Muni Services, and as a matter of fact had another meeting scheduled next week on that, that it was just beginning and they would endeavor to update them as they make more progress; that they would continue to pay off debt for the previously issued debt, there was some commercial paper that was outstanding for projects that would not be completed by the end of the year so those would now be paid out of the Dedicated Drainage and Street Renewal Fund, that as they mentioned yesterday they were taking out a new line of commercial paper to appropriate against those projects, they would not be paying debt for those future projects but they had to have some place to appropriate against, so they would appropriate against that line, but spending would happen out of revenue in the Dedicated Drainage and Street Renewal Fund with monies in that fund, that they would not issue new debt, it was in the Charter, to pay for streets and drainage, and were continuing to project out healthy revenue to fund what was in the Capital Improvement Plan for future drainage and street projects, that they were on target. Council Member Lovell absent.

Mayor Parker stated that they could not issue new debt to do any street or drainage work, by Charter, but they always wanted to make sure that cash flow was sufficient for the projects that they were engaged in and this was more of a back stop, they hoped never to have to touch it, but it allowed them appropriate as the cash flow was coming in. Council Member Lovell absent.

Upon further questions by Council Members, Mr. Dowe stated if they looked at the budget for the Police Department it was still actually over the adopted budget, they were able to find funds that they had put in for the General Fund, as they would recall last month they had an increase for some increased crime lab spending to address a backlog there, the Mayor had a Traffic Enforcement Program that they believed would be offset by revenue, so they actually increased General Fund by \$1.5 million last month, but what they were able to now do because of the additional revenue that they found was take some of that \$1.5 million and put it over into Police Special Services; that as to the higher anticipated Burglar Alarm Permits and False Alarm Penalties revenue, it was two things, number one, conservative revenue projections, which they had tried to do over the past two years, and normal variation in people's behavior in paying for those permits; that the departments themselves had put a higher focus on collections, that what he was saying was that their Accounts Receivable Project had not been focusing on that yet. Council Member Lovell absent.

Council Member Costello moved to accept the Monthly Operations and Financial Report, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Lovell absent. MOTION 2011-0875 ADOPTED.

Controller Green stated that this was his last meeting before this Council and he wanted to

publicly thank Council Members Clutterbuck, Johnson and Lovell who had served the City well and wanted to thank them publicly for their service to the City.

Mayor Parker stated that they would move to the public hearing and recognized Council Member Adams.

Council Member Adams moved to suspend the rules to consider Item Numbers 90 and 93 out of order after the consent agenda, seconded by Council Member Gonzalez. All voting aye. Nays none. MOTION 2011-0876 ADOPTED.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** to consider amendments to Chapter 42, Code of Ordinances

Council Member Stardig moved to suspend the rules to add Mr. Chuck Davidson to the one minute speakers list and Ms. Catherine Barchville and Ms. Donna Column to the three minute list, seconded by Council Member Gonzalez. All voting aye. Nays none. MOTION 2011-0877 ADOPTED.

Council Member Gonzalez moved to suspend the rules to add Ms. Jane Cahill West to the two minute speakers list after Mr. Joshua Sanders, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2011-0878 ADOPTED.

Council Member Adams moved to suspend the rules to add Mr. Jamie Perez at the end of the three minute speakers list, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2011-0879 ADOPTED.

Council Member Lovell moved to suspend the rules to add Mr. David Robinson to the end of the three minute list, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2011-0880 ADOPTED.

Ms. Vicky Bettis, 504 Woodland, Houston, Texas 77009 – 713-397-9336 appeared and stated that she would ask that they please approve a building code amendment that would stop zero lot line development in residential communities, that the side setback and maintenance easement that they called zero lot line development was a construction style that was not only inappropriate for neighborhoods it was completely disrespectful of adjacent neighbors, that City permit at zero lot line development meant that her neighbor could build all the way to the property line, they might come onto her property in order to complete construction and for future maintenance, that her refusal to allow their construction and periodic maintenance could result in costly legal battles to her, that failure of her neighbor to properly maintain their gutters could result in excess drainage onto her property, that this could be prevented by a simple amendment to the building code. Council Member Adams absent.

Mr. Mark Witte, 6925 Portwest Dr., Houston, Texas 77024 -713-426-5000 appeared and stated that he was Vice President of Design and Construction for a Jay Bilip Company and had served as President of the Houston Real Estate Council through 2010 and 2011, that the Houston Real Estate Council was pleased to have had the opportunity to provide input and contribute expertise toward the draft of the proposed Residential Buffering Ordinance, that their HREC organization supported the proposed Residential Buffering Ordinance, they did however had two concerns they felt should be addressed in the final language of the ordinance, they believed that trees required to be incorporated in a ten foot wide landscape buffer should be allowed to be selected from not only the street tree list but also the parking lot tree list and also in regard through requirements to shield parking garage lighting that was being incorporated in the building code in conjunction with this, although they were in agreement with screening

parking garage floors to the 42 inch specified height they did not believe it would be practical or possible to screen garage ramps from lights spill over. Council Member Adams absent.

Mayor Parker stated that they were reasonable suggestions and they would consider them. Council Member Adams absent.

Mr. Chuck Davidson appeared and stated that he was from the Spring Branch, Spring Shadows and Spring Woods High School area and folks out in their area did not want to see a change in the five foot to three foot setback lines, they obviously did not want higher density in their residential area, that Spring Shadows where he lived had very strong deed restrictions and did not want anything coming in there and reducing property lot sizes, and his other point was if this was a public hearing for this ordinance change they needed to come out into the public and make that presentation in Spring Branch not here. Council Member Adams absent.

Council Member Jones asked if he was okay with their changing stuff he just wanted for more public input, and Mr. Davidson stated that one, public input was demanded or required and then some modification of the some of the changes that he read in the ordinance. Council Member Adams absent.

Mr. Joshua Sanders, 3006 Lake St., No. 1, Houston, Texas 77098 – 713-299-1387 appeared and stated that he was present representing Houstonians for Responsible Growth, that over the past four years there had been a lot of public discussion about how Houston was going to handle their projected growth and added density, how were they going to accommodate and incorporate the projected one million people that were supposed to move here in the next 10 to 15 years, how do they strike the balance between adding people, jobs and value to their tax base while protecting the existing character of their neighborhoods and communities, that from the countless hours spent in the Mayor's Conference Room during the previous administration to this current Mayor, Mayor Parker's Transition Committee on Density and Development, which he served on, they had tried to strike that balance between Houston's unique consumer land use model and protecting the character of established neighborhoods, that was why Houstonians for Responsible Growth was present to support both the Residential Buffer Ordinance and the proposed expansion of the Urban Suburban Boundary, that this Residential Buffer Ordinance represented a compromise and reflected recommendations from the Planning Commission, they would like to thank everyone that was involved in the crafting of these ordinances, especially Mayor Parker, Director Gafrick and Council Member Sue Lovell, that once again they appreciated being involved in the process and they extended their support of the policies. Council Member Adams absent.

Ms. Jane Cahill West appeared and stated that was present on behalf of Super Neighborhood 22, Washington Avenue Coalition and also as head of the Super Neighborhood Alliance Chapter 42 Committee, that they had received a letter and would hear from David Robinson in a minute that unfortunately the Super Neighborhood Alliance had no consensus about the proposed amendments to Chapter 42 because they were presented to them so late in the year that they were not able to develop that consensus because the Super Neighborhoods were organizations of organizations, that meant that these proposed amendments had to go back out to their civic clubs and come back to their Super Neighborhood Councils and come back to the alliance, so realistically it was a two to three month process at best, that as they heard from Mr. Sanders the development community had been involved in these conversations since early this year and unfortunately the Super Neighborhood Community had not, so they would prefer that these proposals move forward next year, not this year, and she had for them comments that the Super Neighborhood 22 made two years ago when this almost came forward and these comments had still not been addressed and that was a concern for them, that they had 13 years of Chapter 42 amendments in the urban area and many issues had arisen that had not been addressed in the current amendments and they had photographs that illustrated

some of those amendments, excessive number of curb cuts eliminate street parking that created more drainage problems, there was a marriot of issues, one of them was if there was a not a requirement for things like trash receptacles to be staged on lots and lots that were going to be 14 feet wide, where were they going to stage all of the things that they needed for modern living, they had to have a place for two cars on every lot, they should have to have a place for two trash receptacles on every lot and a place to stage them so that they could be picked up and these amendments did not address those kind of issues, they were also very concerned about the buffering.

Upon questions by Council Members, Ms. Cahill-West stated that she was involved in the process two years ago, she and Tom Dornbush, from Super Neighborhood 22, and there were some other Super Neighborhood members involved, but not in the last year, that she had not been involved in the most recent process, that was why she was going to handout to them their comments from two years ago, they were still valid comments, some of the details were different but the comments were largely valid, that she would supply them in electronic form later today; that they had a concern about the buffer, in their Super Neighborhood 30 foot buffer sounded really good and the ten foot wide landscaping sounded great until she read it more closely yesterday and saw that they were still considering noise changes to abate the noise issue and the building code that had not been approved of yet and that made her think that maybe they were going to be using the other 20 feet for more than just surface parking and access to garage, so when she spoke to Josh Sanders yesterday she asked them if they were planning to use these other 20 feet for things like loading docks and for trash and waste pickup and disposal and he said yes, otherwise where were they going to be it, so that raised a red flag to them, a 30 foot buffer sounded reasonable and fair but they did not feel like that had been fully vetted either because she did not think anyone intended that the extra 20 feet could be used for loading docks or for staging waste disposal because that was truck traffic that could go on 24/7, that was not buffering in her mind; that she had not been involved in recent discussions, at the end of the White Administration there was a Planning Commission Subcommittee to look at amendments to Chapter 42, and that subcommittee included community members and she was one of the community members and Tom Dornbush, Steve Parker and other people from the Super Neighborhood Community, that if that was reconstituted this year they were not invited to those meetings, that she heard it was not reconstituted, the conversations were going on between members of the development community and their organizations and the administration but not the super neighborhood group until very recently, that it was brought to the Super Neighborhood at their last meeting, a very cursory presentation of it, that it had not been in a timely enough fashion for them to go back to their underlying organizations, that she thought 90 days minimum to go back to their civic clubs and let them know what it was a let them substantially review and understand it. Council Member Lovell absent.

Mayor Parker asked Ms. Gafrick if there had been substantive changes to the body of Chapter 42 since 2009, and Ms. Gafrick stated that there were two things that they largely had changed, one, that with the expansion to the urban area comments came out that neighborhoods would like to see larger application areas for the minimum lot size and building line provision, they made that change, and then they resolved the guest parking on open ditch streets, and that was an issue that the former Council Committee asked that they work with Public Works on, so that was largely what they had done, and Mayor Parker stated that it was substantially the same document that the White Administration left with the two changes that the neighborhoods asked for, the bulk of these last two years had been on the Buffering Ordinance, and Ms. Gafrick stated that was correct.

Ms. Cahill West stated that with all due respect that document was never taken out to the neighborhoods during the White Administration either.

Ms. Mary Jane O'Fiel, 207 E. Burress, Houston, Texas 77022 – 713-419-5556 appeared

and stated that she was present because she and her husband were affected by the previous amendment changes, which was Chapter 19 in 2006, they were told at that time by Mayor White and by Mr. Icken that if they did not like the ordinance change then they could take them to court, which they did, that five years and three months later they won their suit, now this may not seem appropriate to them for Chapter 42 but she thought she was hearing the same sort of things, that enough public was not informed, she knew her neighborhood was not informed, that in Chapter 19 they informed the people with a four by five business cards in the basement of City Hall, that she was asking for them to listen to the people that were much more knowledgeable than she was on Chapter 42 and the changes that it was going to make, that her neighborhood on the Northside was probably going to be affected by higher density, that at the moment a lot of homes were being bulldozed in the area along the bayou, they could not find out why, but she was very upset about it because only three weeks ago their suit was settled and she would love to have the opportunity, because the Mayor had asked her before about it, but once she became Mayor she did not speak to her about it because she felt it would have been inappropriate, but she had some issues that she thought should be addressed privately and thought it would be of interest, that the only reason that she and her husband went to court was that it was their home, their homestead, where they lived, that her husband worked 25 years with the City and she worked almost as much with HISD, but she was asking that they have a little bit more compassion with what was about to happen for the future of Houston. Council Member Lovell absent. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Pennington and Lovell absent.

Mr. Mathew Festa, 1303 San Jacinto, Houston, Texas 77002 – 713-206-0398 appeared and stated that he was a professor at South Texas College of Law where he taught Property and Land Use Regulation, that he was speaking today on his own behalf, that he was concerned about the Residential Buffer Ordinance because respectfully in his opinion it presented the danger of operating as a defacto zoning ordinance, the Residential Buffer Ordinance, as drafted, prescribed different rules for different areas of the City based on geographic location, it drew a map where different rules applied to different spots on the map and this really fell within what was classically understood, and also by the Texas Legislature, to be zoning, that zoning was commonly accepted to be defined as the Legislative division of a region or a municipality into separate districts with different regulations within the districts for land use, building size and the like, that was Black's Law Dictionary, that the text of the proposed ordinance defined what uses were part of the definition of a major activity center, commercial, office, etc., and contrast them with single family residential, which was kind of the classic category of zoning. Council Members Clutterbuck, Adams, Pennington and Noriega absent.

Upon questions by Council Member Bradford, Mr. Festa stated that he believed that the Chapter 13 requirements of the City Charter, since they did not set forth what was zoning, was a grey area, but believed that this operated as a zoning ordinance, that he believed that the ordinance as drafted should invoke the Chapter 13 requirements. Council Members Clutterbuck, Adams and Noriega absent.

Mr. Ted Brackhage, 3210 Tilson, Houston, Texas 77080 – 713-464-8481 appeared and stated that he was against downsizing of lot sizes, he thought they needed to involve, if not, Galveston's subsidence district on some of this, that he was from Spring Branch on the north side, they had flooding issues over there, that they had sank, he thought, about 10 feet since 1906, but 7 feet of that had happened in the last 30 years, that he thought they were going to put more concrete down to where their sponge affect were these houses on the lots or the lot sizes changing, were they going to have retention ponds in that area where this happens, there were a lot of issues and he thought they needed more time, that he was with Holly Terrace and they were in a curved sidewalk community, a little subdivision, that everything around them was gutters, that everybody used their street as a race street because they allowed speed bumps on

another street, that he was totally against downsizing property lots, that he believed that they needed to find out what the foundation under the street was doing, that the City was sinking, they knew that, that he did not want to help sink it by putting more concrete and getting less sponge effects, fill their aquifer back up. Council Members Adams, Sullivan, Hoang and Noriega absent.

Upon questions by Council Member Lovell, Mr. Brackhage stated that he thought they needed to look at where they were sinking at and go to places where they were not sinking as much and try to promote growth there, they had flooding issues in Spring Branch and were on the Westside where all of it started, they built Beltway 8 and he had an issue with flooding and came within three inches of getting water in Holly Terrace and what the whole deal was that the City and the County made it a drain and poured concrete between the two of them, they were a retention pond for Binglewood, there was a reason for the flooding, he had been in that area since 1964, it alleviated a lot of their problem by busting the concrete out and letting the water drain but they were still sinking in that area, that Jersey Village was the worst. Council Members Adams, Sullivan, Hoang, Rodriguez and Noriega absent.

Mr. David Gossett, 1102 Omar, St., Houston, Texas 77009 – 713-793-0432 appeared and read from a handout that included four pictures which showed the remodel next to them being constructed and the workers having to lean over their property to complete construction, that they felt invaded by the zero lot line remodel that had taken place next door to them, that they would prefer that the City change the rules so that zero lot line developments were not an option. Council Members Adams, Sullivan, Hoang, Rodriguez, Noriega and Jones absent.

Mayor Parker asked Ms. Gafrick to explain how this was allowed to happen, and Ms. Gafrick stated that right now the building code allowed a property owner to build up to the property line provided they provide the proper fire rated wall so that was what they were seeing, that they were proposing to move forward with amendments to Chapter 10 of the Code of Ordinances that would require a construction easement and a perpetual maintenance agreement when they were going to build closer than three feet to an abutting property line, and Mayor Parker asked when that was supposed to be ready, and Ms. Gafrick stated that was part of the 2009 amendments to Chapter 42 that they wanted to carry forward, that they had the language crafted, and Mayor Parker asked if in order to solve Mr. Gossett's problem they could pass the item, Chapter 42, and that would solve his problem, and Ms. Gafrick stated yes. Council Members Adams, Sullivan, Hoang, Rodriguez, Noriega and Jones absent.

Ms. Toy Woods, 9511 W. Sam Houston Pkwy North, Houston, Texas 77064 – 281-970-8970 appeared, presented a handout and stated that she was with the Greater Houston Builders Association, that she wanted to speak with them about the Chapter 42 package that they were going to be reviewing for next week's vote, that the amendments expanded the urban boundary and urban development regulations from Loop 610 to Beltway 8, that as they heard the process began two years ago when a committee was put together, of stakeholders, which they were involved in, the super neighborhoods were involved in, and other stakeholders as well, but they did not get finished so the Planning Department picked it up again this spring and they were involved in conversations with the Planning Department over the summer but as Director Gafrick pointed out there were not many changes in the proposal that came out a couple of years ago other than strengthening the ability of the neighborhoods to protect themselves and adding some parking regulations, that the extension of the urban regulations allowed for development and redevelopment of un-developed, under developed or problem properties, such as old abandoned houses, apartment complexes and things that needed to come down, that was the real purpose of the expansion, that the amendments included extensive existing neighborhood protections that the Planning and Legal Departments spent practically all summer on, working on those and they were very similar to the protections used inside Loop 610, that they had two sections that they were going to ask to have

amendments, one, Section 42, 136-A1, that it required 25 feet of paved street for a shared drive, and the other was Section 42, 136-A9, which says there would be no encroachments on shared drives. Council Members Stardig, Sullivan, Hoang and Jones absent.

Upon questions by Council Members, Ms. Gafrick stated that one of the concerns that they had when they did a tour and were working on it through the committee process and looked at some shared driveway project was the ability for emergency responders to turn on those shared driveways and there was a street that was very small so they came up with 21 feet as the minimum standard, that she could go back and visit with the Fire Department and talk to them about if they thought 16 feet was appropriate, she also knew that was a concern for Super Neighborhood 22 and the comments that they felt the 22 foot was a minimum standard that they needed, that she was up for communication with GHBA on this item to see what was feasible or not after she speaks with the Fire Department. Council Members Johnson and Gonzalez absent.

Mr. Mike Disberger, 2 Rains Way, Houston, Texas 77007 – 713-851-2767 appeared and stated that he was President of the Greater Houston Builders Association and President of Sand Castle Homes, that he builds inside the Loop and was present to talk about Chapter 42, that he was on the committee back in January 2009, that he thought it was a good ordinance, there was give and take on both sides, that parking was added on for the first time and builders agreed to put parking on certain size communities, that the areas that they looked at building in the past and for the future were old commercial sites, if they had lots of concrete, they talked about drainage, they were going to take a lot of concrete away and have a lot more open dirt out there because under Chapter 42 they did have to have a certain amount of open space, they could only put a certain size home on a certain size lot, that was what he looked for, he looked for commercial buildings and old apartment complexes, that they were not looking to go into existing neighborhoods. Council Members Sullivan, Rodriguez and Lovell absent.

After discussion Council Member Jones stated that she thought it was a mischaracterization to say that if they did not pass it before the year's end that the City of Houston was going to fall apart, that 90 days was not a long time, she did not understand the rush was. Council Members Sullivan, Rodriguez and Lovell absent.

Mr. Russell Garrison, 3939 Washington, Ste. 200, Houston, Texas 77017 – 713-529-4399 appeared and stated that he was with Lloyd Russell Homes and a member of the Greater Houston Builders Association, that he was a small home builder that built primarily inside the Loop in redevelopment area and also lived inside the Loop, that he was on the Chapter 42 Task Force that met two years ago, along with some homeowners, the Fire Marshall and City of Houston staff, they spent many days and months discussing changes and amendments to the current Chapter 42 guidelines, that it was passed by the Planning Commission back then and presented to the Council with no recorded vote and now there they were two years later, that he was not sure where the 21 foot street requirement came from, it was never discussed in any of the task force meetings that he was in, that he was asking that they approve the Chapter 42 changes that were brought to them today but without the 21 foot street amendment. Council Members Clutterbuck, Rodriguez and Costello absent.

Upon questions by Council Member Stardig, Mr. Garrison stated that he was a small builder and did about 12 homes a year, that he felt that these changes would push people out to the County and prices would go up and he would probably go out of business because he would not be able to build anymore. Council Members Clutterbuck, Rodriguez and Costello absent.

Mr. Daniel Hale, 1111 N. Post Oak Rd., Houston, Texas 77055 – 713-316-3120 appeared and distributed a handout and stated that he was with David Weekley Homes, they were one of the largest builders in the Houston area and had been involved with Chapter 42 and the

amendments for the last three years, that their main emphasis had been on getting the urban line moved out to Beltway 8, that in recent years their company had more involved in infield housing and were very active inside the Loop and had numerous projects going on, they had been looking outside the Loop, unfortunately because of the requirements of Chapter 42 they had been restricted, that it was important that they continue to move forward as a world class City by enacting some of the regulations and allow them expand housing to more people. Council Members Rodriguez and Costello absent.

Mr. Mike Wyatt, 6363 Woodway, Houston, Texas 77057 – 713-400-1810 appeared and stated that he was the co-founder and Managing Director of Core Real Estate and was currently serving as President of the Local Chapter of the NAIOP, that when the discussion arose in earnest at the beginning of the year about the increase in the setbacks for new commercial development that was adjacent to single family residences there was some significant push back in the development community to raise it beyond a 20 foot, which would be double what historically had been a 10 foot number, they had months of discussion and discussions had honed the ideas, he thought, of both the City, as they had discussed it with Director Gafrick, with Council Member Lovell's committee and with members of the Mayor's administration, that what they had arrived at, he thought, today was a consensus in the development community and a recognition of the mutual interest protecting the character of some of their neighborhoods, as well as the interest of facilitating new commercial development as they grew with the policies that had been memorialized in the proposed ordinance that was before them, that they were in support of the setbacks as they were currently in the proposed ordinance, 30 feet off of collectors and 40 feet off of local streets, that he thought it should be noted that in concert with those there were some proposed changes to the building code that they thought still needed work, particularly as had been raised by Mr. Witte earlier today regarding the screening of headlights in multi level garages, the permitted uses in the buffer zone and then some of the trees that would be acceptable to be planted in the 10 foot buffer area that would be immediately adjacent to the residents. Council Members Stardig, Rodriguez, Lovell and Noriega absent.

Mayor Parker asked if Mr. Wyatt was referencing the Residential Buffering Ordinance, which was a piece of Chapter 42, but was moving separately, and Mr. Wyatt stated that it was strictly about the Residential Buffering Ordinance, and Mayor Parker asked if he did not believe that the development community saw this as a sneaky way to do zoning, as one of the previous speakers stated, and Mr. Wyatt stated that he thought he would be remiss to pronounce any legal judgment, but thought from a standpoint of practicality that it was a fair compromise. Council Members Stardig, Rodriguez, Lovell and Noriega absent.

Ms. Mary Lou Henry, 1656 Banks, Houston, Texas 77006 – 713-439-0027 appeared and stated that she was present to support the proposed changes to Chapter 42, and would like to talk a little bit about something that did not seem to be very well understood by the neighborhoods that were outside the Loop, that expanding the urban area out to the Belt would mean that there would be many more single family neighborhoods that would be able to take advantage of the minimum lot size, prevailing setback section, of Chapter 42 that they had found so invaluable, that as a former President and current Board Member of the Boulevard Oaks Civic Association, which was composed of 19 different subdivisions, only 3 of which had deed restrictions that covered both setback and lot size, they had really taken advantage of this provision, they had been working their way, block by block, through the neighborhood to get everybody signed up, that she did not think that a lot of people understood that Chapter 42 did not trump deed restrictions and thought that many people did not understand that this was a wonderful provision to help neighborhoods whose deed restrictions were either deficient or nonexistent, that the other proposed changes in Chapter 42 relative to lot size and setback were going to make it even easier because people would be able to do large blocks and not have to do one block at a time, that in her profession as an urban planner she read a lot of deed

restrictions and a lot of title reports that say there were no restrictions, that she knew there were a lot of neighborhoods outside the Loop that needed this provision and needed to take advantage of it as quickly as they could, that she would like to mention one other thing that was not related to that and that had to do with the 21 foot paving width, since the late 1950's, at least, the Public Works design standards had set the width of paving for open ditch streets at 20 feet, so she thought any place they had an open ditch street it was not going to be 21 feet. Council Members Adams, Lovell and Jones absent.

Upon questions by Council Members, Ms. Henry stated that if they either had no restrictions at all or their restrictions did not cover lot size or front setback there was a provision in Chapter 42 that would allow them to get the majority of the property owners to sign a petition and go to the Planning Department and have those either lot size or setbacks set for a period of 20 years, if this amendment to Chapter 42 went forward then the area outside the Loop to the Beltway would be able to do it also. Council Members Adams, Lovell and Jones absent.

Council Member Noriega moved to suspend the rules to extend time for questions of Ms. Henry, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Adams, Lovell and Jones absent. MOTION 2011-0881 ADOPTED.

Mayor Parker stated that it had become clear to her and she had not realize until the public hearing started that the work on the bulk of Chapter 42 went on prior to this administration, there were a few cleanup pieces and it was set on a shelf and they focused on the Buffering Ordinance and when the Buffering Ordinance was put together they said to move all of it forward, that some of the people were talking about Buffering Ordinance or Chapter 42, that it was her mistake and she had a bone to pick with the Planning Department that they did not go back out and refresh the people who had worked on it, that nothing had changed in two years, and that was where they were, that it was not like they had done all of this work and had been huddling with the developers, everybody had been focusing on the Buffering Ordinance and they just moved them both forward. Council Members Adams, Lovell and Jones absent.

Upon further discussion by Council Members, Mayor Parker stated that as was stated there was a presentation at the Super Neighborhood Council but not to the Super Neighborhoods, but there were two pieces of this, that she thought everyone was very current on the Residential Buffering piece, it was the other piece that was worked on by the previous administration and they just moved forward, that clearly she wanted everybody to be comfortable with Chapter 42, but was not willing to hold it up very long, she was willing to delay it, but the zero lot line development that was going on they had to do this in order to stop that, that she truly did not realize until they got to the public hearing that the department had not really gotten back and reminded people that they agreed to this two years ago, there was new leadership in the Super Neighborhoods, they just needed to know what was done and where, that she had to sort through it, that she was inclined to spend more time, but the more recent work on the Buffering Ordinance she was less inclined to slow down, but she had to sort through it. Council Members Adams and Lovell absent.

After further discussion by Council Members, Council Member Hoang moved to suspend the rules to extend time for questions of Ms. Mary Lou Henry, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams and Lovell absent. MOTION 2011-0882 ADOPTED.

Upon further questions and discussion by Council Members, Ms. Henry stated that she thought it was important to establish the line at an easily understood location, which was why the line was established in 1999 at Loop 610, that she worked with the Planning Department about establishing that line in 1999 and actually she and Ms. Gafrick had an idea that they would establish the line at what had been developed in Houston prior to World War II, but when

the then Planning Director looked at it he said it was going to be impossible for the Building Permit people to enforce that and having a jagged line, she thought, would create more problems than it would resolve, that she personally would not have a problem with it, but it was her business so she could keep up with where it would or would not be, but the building community, the homeowners and property owners would be confused and their own workforce in Building Permits and Inspection in Planning would be confused, so she guessed that was their choice. Council Members Stardig, Adams, Lovell and Noriega absent.

Mayor Parker stated that she was on Council when they passed these changes originally and it was as Ms. Henry said it was how to draw a line that the public could see, the development community could see and that everybody would know what the rules were and that was why they had gone from Loop 610 out to the Beltway again so there was a clear line, they could do it neighborhood by neighborhood, by other methods but this was the cleanest and easiest, that she wanted to thank Ms. Henry for the ringing endorsement of the minimum lot size and minimum building lines, that she was the Council Member who originally pushed that through, that it had been much improved since she originally worked on drafting, but was glad it had been proven helpful to them. Council Members Stardig, Adams, Lovell and Noriega absent.

Mr. Chad Muir, 3334 Richmond, Houston, Texas 77098 – 713-864-4040 appeared and stated that with a childhood friend he was the co-owner of Rohe and Wright Builders, that he was present to speak to one of the specific things in the language that had come out as it related to what they would call portal entries, there was a laudable goal that was addressed during the process of working on the revisions to Chapter 42 about dead ends, shared driveways that had overhanging townhomes, there was a concern that was a legitimate fire risk, everyone agreed with that, that in the last six to eight weeks some of the technical language to implement that goal that everyone was agreeing with came out and had a correction which they would like to see made and were requesting be made because it had a very important unintended negative consequence, that the language as it stood would disallow portal entries, they would like to allow portal entries while still achieving that other goal, that a portal entry was where they pulled off of a City street onto a shared driveway to go into a townhome community and they go through an entry where it was for a limited distance, they were suggesting 30 feet, because that was about the width of the most they would have for a house and then they go into the open area and the rest of the project, that portal entry was something that was important aesthetically, it was very valuable architecturally and critically very important, that by allowing the structure to be over the entry then it allowed them to put built square footage there and allowed them to open up the middle of the project by putting the built square footage around the perimeter, and allowed them to very importantly have more green space, it allowed them to incorporate more guest parking and it also improved the value of the entire project, which improved the tax base and obviously tax revenue going forward, that the language that they had offered specifically spoke to it being 14 feet high, had to have 2 hour fire rated construction, that the structure where the portal entry was had to be a sprinkled or fire suppression system in place and residents from either side. Council Members Adams, Sullivan and Lovell absent.

Upon discussion by Council Members, Mayor Parker stated that she certainly intended to bring it up with the Planning Department, she thought they could incorporate it, that was obviously was the purpose of a public hearing to catch these last minute things, that she thought it was an excellent suggestion. Council Members Adams and Sullivan absent.

Mr. Andy Teas, 4810 Westway Park Blvd., Houston, Texas 77041 – 713-595-0300 appeared and stated that he was present on behalf of the Houston Apartment Association, they were a non profit trade association that represented owners, managers and developers of apartment properties, he was present to express the support of their organization for the Residential Buffering Ordinance, that even though as City government they could not dictate exactly what development was going to go where he thought the theory behind this was that

they could at least try to make development more predictable and could try to establish some rules where development was adjacent to single family homes, that sort of made sense for both sides, they followed this very closely, it was heard by the Planning Commission in August and they were comfortable with the rules that had been put forth, that he wanted to thank Council Member Lovell for her leadership on the issue and Director Gafrick and her staff for all of their hard work over the several years that this had taken. Council Member Adams absent.

Mr. Kendal Miller, 5345 Spring Park, Houston, Texas 77056 – 713-819-9009 appeared and stated that he was with Houstonians for Responsible Growth, that he wanted to thank everyone who had worked hard on this ordinance, that it was really four years and a lot of open sessions, that there had been a lot of public discussion of this ordinance, that in Houston they had avoided the mistake of excessive municipal regulations, they had a market driven system for land use that produced more affordability and more opportunity than their competitors, they were proud of that and wanted to keep it, that this ordinance in limited cases was imposing new burdens on growth based on adjacent land use, this burden would be carried in the future by new investment, residents, citizens and tax base, all things they wanted and desired as part of a virtuous circle of continuing prosperity, they needed to minimize this burden and thereby the risk to future growth, that they thought the ordinance before them did a good job of minimizing those burdens while promoting compatibility therefore Houstonians for Responsible Growth endorsed the ordinance. Council Members Adams, Hoang and Bradford absent.

Mayor Parker stated that she wanted to thank Mr. Miller for his participation in the process. Council Members Adams, Hoang and Bradford absent.

Ms. Brenda Venable, 9738 Tappenbeck, Houston, Texas 77055 – 832-419-2513 had reserved time to speak, but was not present when her name was called. Council Members Adams, Hoang and Bradford absent.

Ms. Catherine Barchville appeared and stated that she was the President of Spring Branch Central Super Neighborhood and also a Board Member of the Spring Branch Management District, that she was present on behalf of the taxpayers and citizens of Spring Branch, that this was the first public meeting regarding the proposed changes to Chapter 42, there had never been any townhall or community meetings in Spring Branch regarding the proposed changes, that she had a list of concerns that they had, they felt that the integrity of their neighborhoods would be compromised, their neighborhoods were over 50 years old and were quite charming and they wanted to keep them as they were, that due to the many deed restrictions throughout Spring Branch, that were also 50 years or older, did not protect these neighborhoods from the changes to be made in the chapter change, to alter or change deed restrictions would take at least two years, it was their understanding that the Director of Planning wanted the City Council to pass the proposal by the end of the year, this was not enough time for them to prepare themselves for their neighborhoods, that she had just learned that there was a form and she had been asking Ms. Gafrick through the alliance to have a copy of the form to protect their neighborhoods and what they needed to do if it was block by block or many blocks, that they had never received, that she had not even seen that mentioned in the revisions to Chapter 42, she wanted them to tell her where it was found, she did not see it in there that there was a way for the neighborhoods to be protected, that the infrastructure in Spring Branch was over 50 years old, the City at this time could not keep up with the repairs to the aging system and unfortunately the City did not have the funds needed to upgrade all of Spring Branch, that the increase of density would only cause extreme hardship on the existing aging infrastructure, that she personally experienced the main waterline that broke during the summer, it took Public Works two weeks to even address it, that as they were being asked not to water their lawns and to conserve water, that many parts of Spring Branch had been reclassified in the 500 and 100 Year Flood Plains by the Harris County Flood Control District, that additional density of their community would only cause more of their area to become part of

these flood plains, they now had major flooding due to inadequate storm and water drainage, the density in changes in Chapter 42 would only cause more flooding and destruction to their homes and neighborhoods, that the majority of the streets in Spring Branch were narrower, many of them had ditches, which they loved specifically when it rained, they may have saved their homes when it flooded, that they did not have the mobility for the density the proposed Chapter 42 allowed, they already had a new development of 110 acres that they would be dealing with 1,400 square foot lots, that she was still amazed the project was allowed. Council Members Adams, Hoang and Bradford absent.

After discussion by Council Members, Council Member Stardig stated that she thought it was important that the leadership of the neighborhoods understood this and had bought into it before they move forward. Council Members Adams and Hoang absent.

Ms. Donna Cullom appeared and stated that she was the President of the Shadow Oaks Civic Association, which was an area that comprised of 1,000 plus homes on the west side of Houston and just north of I-10 and also adjacent to a commercial district along I-10, that she agreed with everything that her neighbor Chuck Davidson said earlier and appreciated what their Council Member Stardig had stated about protecting their neighborhoods, that she knew as Mayor and Council Members they wanted to protect the character of their neighborhoods, but now with the proposal they felt like they were under attack, and they felt they were put in a defensive position to protect their neighborhoods, with all due respect to what Ms. Henry stated, to protect their neighborhoods with the burden it placed on infrastructure, drainage, traffic, noise, safety and also the development of transitional townhouse developments, which frankly were a huge threat to neighborhoods, that she did not agree much with what the Associate Professor of the U of H stated but did agree that there was power in words and his request to use the evil word "zoning" with reference to residential buffer area amused her and she would respectfully request that it be called a civilized cushion, that they in the Shadow Oaks Subdivision demanded a civilized cushion between their neighborhood and the commercial district south of them, that in addition they wanted notification of possible new tower construction and large commercial developments in that area and it was the kind of support they required of the Mayor and City Council, part of what they considered a civilized treatment and protection to their neighborhoods, that in addition she agreed with Catherine Barchfelt that more time was needed to study the impact of the urban designation to issues like infrastructure, drainage, traffic, noise and safety. Council Members Adams, Sullivan and Jones absent.

Upon questions by Council Members, Ms. Gafrick stated that there was a meeting, she thought, with portions of old Spring Branch to inform them that they were going forward with the Chapter 42 amendments and primarily to focus on minimum lot size and building line provisions to get them ready and keyed up. Council Members Johnson, Adams and Bradford.

After further discussion by Council Members, Council Member Stardig moved to suspend the rules to extend time for questions of Ms. Collum, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Johnson, Adams, Gonzalez and Bradford absent. MOTION 2011-0883 ADOPTED.

After further discussion by Council Members, Mayor Parker stated that as she said earlier she did not realize until the public hearing that the Planning Department had not gone back and refreshed on this ordinance, she was certainly willing to slow down the bulk of Chapter 42, that she was not interested particularly in slowing down the Residential Buffering Ordinance, which had a lot of input recently, but she would visit with Council Members and see what the best way was to get it out to the neighborhoods, that District Council Members would be critical in how this would be handled. Council Members Johnson, Adams, Gonzalez and Bradford absent.

Mr. Jamie Perez appeared and stated that he was coming from the north side, particularly

the area around Jensen Drive and Tidwell, that his concern was that not enough people had been informed and not enough had been done to reach out to the Spanish speaking community, that his neighborhood was a little more diverse than what had been represented here today, that he knew it was coming but it needed to be a little bit more responsible, that he heard some of the home builders say affordability, affordable for whom, because what happened inside the Loop to people he personally knew it was not affordable for them and there were very few people he knew who could afford to live there, that he was not representing anyone but had the same concerns as the residents, that most people he knew did not even know what was going on today, that he barely found out by reading the paper and he drove 250 miles to attend the meeting. Council Members Johnson, Adams, Sullivan and Noriega absent.

Mr. David Robinson appeared and stated that he was present as the current President of the Super Neighborhood Alliance, that they were not able to find consensus, that they as a body were presented information, along with the Buffering Ordinance, but it was with the language that was posted subsequently a week later on the internet for all of their membership and the citizens of Houston to review in detail that he thought they had come to the conclusion in the letter that he had forwarded to City Council, the Mayor and their membership that they were unable to present a consensus opinion, and of course that was the reason that was already stated this morning that the process had not provided for enough time for that to have taken place, that he believed there was wide support for many of the measures and good intentions that were contained in the package and thought in that regard, that he would point out that in this capacity he had served for a year, but believed he was on the Planning Commission and believed he was the Commissioner who made the motion to pass the previous amendments in 2009, that with that being said he would tell them that there were concerns today that they had heard from Spring Branch, that he had heard in multiple letters from Council Members Adams district, where he lived, from across the City, from Super Neighborhoods checking in with specific concerns that related not only to the Chapter 42 details they were discussing and also to the Buffering Ordinance, as well as some of the parking measures, so with that he thought the impact on the neighborhoods was of such huge importance that they needed to take it seriously, lest they have important opportunities that they might get wrong.

Upon discussion and questions by Council Members, Mr. Robinson stated that he thought they had made some good points and he had heard a number of them from a lot of perspectives today, that the Houstonians for Responsible Growth, Greater Houston Homebuilders Association and the Houston Apartment Association had great concerns with respect to the development community, that what they had not heard in the neighborhoods was the opportunity for them to digest it and get it back, that Ms. Cahill-West had stated 90 days and he was not sure if that began today or started last week, that they had the proposal on November 21, 2011, officially, but had been a part of the dialog and discussion and thought they had been working hard to move toward consensus, that he did not think it would take 90 days from today, but it might, and he would say that they wanted to be deliberate with the good content that was proposed. Council Members Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Adams moved to suspend the rules to extend time to question Mr. David Robinson, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson, Sullivan, Rodriguez and Jones absent. MOTION 2011-0884 ADOPTED.

Council Member Gonzalez moved to suspend the rules to go beyond the scheduled noon recess to continue the agenda, seconded by Council Member Adams. All voting aye. Nays none. Council Members Johnson, Sullivan, Rodriguez and Jones absent. MOTION 2011-0885 ADOPTED.

After further discussion by Council Members, Council Member Johnson moved to close the public hearing seconded by Council Member Gonzalez. All voting aye. Nays none. MOTION 2011-0886 ADOPTED.

Mayor Parker stated that they would move to the consent agenda.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 88A

ACCEPT WORK - NUMBERS 4 through 6

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$488,663.00 and acceptance of work on contract with **TEXAS LIQUA TECH SERVICES, INC** for Roof Replacement at Health and Human Services Headquarters, 8000 North Stadium Drive - 0.07% 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. MOTION 2011-0887 ADOPTED.
5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$673,917.00 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Marian Park - 4.97% over the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2011-0888 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$971,328.86 and acceptance of work on contract with **FORDE CONSTRUCTION COMPANY, INC** for American Recovery and Reinvestment Act - Local Rehabilitation Projects STP 2010 (861) ES and STP 2010 (862) ES, etc. - 4.63% over the original contract amount - **DISTRICTS F - HOANG and H - GONZALEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2011-0889 ADOPTED.

PROPERTY - NUMBERS 7 and 8

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jennifer Thompson, South Texas Surveying, on behalf of Charlie Laviage, declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide utility easement, within Block 1, Golfview Manor Addition, out of the H. B. Prentiss Survey, Parcel SY12-019 - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2011-0890 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Daniel N. Pinnell, on behalf of Small Steps Nurturing Center, Inc (Evan Harrel, Executive Director), for abandonment and sale of a ±12.4-foot-wide alley, from Florida Street north to its terminus, Fifth Ward Place Subdivision, out of the S. M. Harris Survey, A-327, Parcels SY12-017 and SY12-018 - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2011-0891 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 and 9A

9. ORDINANCE appropriating \$88,235.00 out of Equipment Acquisition Consolidated Fund for additional purchase of a Medium-Duty Cab & Chassis and Truck Body for the Parks & Recreation Department – was presented. All voting aye. Nays none. ORDINANCE 2011-1015 ADOPTED.
- 9a. **AMEND Motion #2011-358, 5/4/11, TO PURCHASE** additional Medium-Duty Cab & Chassis and Truck Body for the Parks & Recreation Department, awarded to **INTERNATIONAL TRUCKS OF HOUSTON** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2011-0892 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 88A

11. RESOLUTION appointing **RAY A. HOLTZAPPLE** to serve as the City's Representative on the **BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT** for a two-year term commencing on January 1, 2012 and ending on December 31, 2013 – was presented. All voting aye. Nays none. RESOLUTION 2011-0030 ADOPTED.
12. RESOLUTION supporting request of waiver of the local match requirements in the Federal Off-System Bridge Program - **DISTRICTS A - STARDIG and I - RODRIGUEZ** – was presented. All voting aye. Nays none. RESOLUTION 2011-0031 ADOPTED.
18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as a public right-of-way of Swan Road, from Morales Road to North Sam Houston Parkway, in the Hartland Acres Subdivision, Washington County R.R. Company Survey, A-935, Harris County, Texas; abandoning the easement to Halliburton Energy Services Inc, abutting owner, in consideration of its payment to the City of \$213,722.00 and other consideration **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2011-1016 ADOPTED.
41. ORDINANCE approving and authorizing agreement between the City of Houston and **PRO VISION, INC** to provide a grant of \$950,000.00 in Community Development Block Grant Funds for Construction of additional classroom, library and computer lab space for a public charter school located at 4590 Wilmington Street, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. ORDINANCE 2011-1017 ADOPTED.
42. ORDINANCE approving and authorizing an Interlocal Agreement between the City of Houston and **FORT BEND COUNTY** to provide a \$500,000.00 grant of Federal Community Development Block Grant Funds to assist in the Construction of a Seniors Community Center to be located on property neighboring 5525 Hobby, Houston, Fort Bend County, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. ORDINANCE 2011-1018 ADOPTED.
43. ORDINANCE approving and authorizing contract between the City of Houston and **ALLIANCE FOR MULTI CULTURAL COMMUNITY SERVICES**, providing up to \$291,000.00 in Housing Opportunities for Persons With AIDS Funds for the operation and administration of a Short-Term Rent Mortgage and Utility Assistance Program - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. ORDINANCE 2011-1019 ADOPTED.
44. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CATHOLIC CHARITIES OF THE ARCHDIOCESE OF GALVESTON-HOUSTON**, providing up to \$141,000.00 in additional funds for the administration of a

Tenant Based Rental Assistance Program and a Short-Term Rent, Mortgage and Utility Assistance Program, along with other supportive services, under the Housing Opportunities for Persons With AIDS Program **DISTRICTS D - ADAMS and H - GONZALEZ** – was presented. All voting aye. Nays none. ORDINANCE 2011-1020 ADOPTED.

45. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOUSTON SRO HOUSING CORPORATION**, providing up to an additional \$9,040.38 for the administration and operation of a Single Room Occupancy Community Residence under the Housing Opportunities for Persons With AIDS Program - **DISTRICTS C - CLUTTERBUCK and I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2011-1021 ADOPTED.
46. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES**, providing up to an additional \$154,923.00 for the administration of a Tenant Based Rental Assistance Program and a Short-Term Rent, Mortgage and Utility Assistance Program, along with other supportive services, under the Housing Opportunities for Persons With AIDS Program - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. ORDINANCE 2011-1022 ADOPTED.
48. ORDINANCE approving and authorizing first amendment to Contingency Agreement for Fee Auditing Services between the City of Houston and **MARKETING ON HOLD, INC d/b/a SOUTHWESTERN TARIFF ANALYST** to exclude certain telecommunications audits – was presented. All voting aye. Nays none. ORDINANCE 2011-1023 ADOPTED.
49. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston, **CHRISTOPHER FISHER, and his attorneys William H. Stout and Graham E. Sutliff of Sutliff & Stout, PLLC** and the **HARRIS COUNTY HOSPITAL DISTRICT**; to settle a lawsuit - \$115,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. ORDINANCE 2011-1024 ADOPTED.
52. ORDINANCE appropriating \$70,000.00 out of Public Library Consolidated Construction Fund, \$50,000.00 out of Solid Waste Consolidated Construction Fund, and \$195,000.00 out of the Police Consolidated Construction Fund as an additional appropriation for the Task Order Architectural Services Contract between the City of Houston and **BRAVE/ARCHITECTURE INC** for Various City Departments (Approved by Ordinance No. 2008-0374) – was presented. All voting aye. Nays none. ORDINANCE 2011-1025 ADOPTED.
53. ORDINANCE appropriating \$49,415.00 out of Metro Projects Construction Fund; approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Central Business District Communication System – was presented. All voting aye. Nays none. ORDINANCE 2011-1026 ADOPTED.
54. ORDINANCE approving and authorizing Compromise and Settlement Agreement between **HOUMA ARMATURE WORKS & SUPPLY, INC** and the City of Houston for Repair of Submersible Pump for the Public Works & Engineering Department - \$63,996.07 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2011-1027 ADOPTED.
55. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and

Inspection Services Agreement between the City of Houston and **LEGGETTE, BRASHEARS & GRAHAM, INC, d/b/a LBG-GUYTON ASSOCIATES** for Rehabilitation of existing water wells at various facilities – was presented. All voting aye. Nays none. ORDINANCE 2011-1028 ADOPTED.

56. ORDINANCE appropriating \$600,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MIDTOWN ENGINEERS, LLC** for Citywide Intersection Safety Improvement Program; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2011-1029 ADOPTED.
57. ORDINANCE appropriating \$157,700.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **FCM ENGINEERS, P.C. (Formerly PTI, INC)** for West Little York Paving from Wheatley to T.C. Jester (Approved by Ordinance No. 1998-1185); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - STARDIG and B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2011-1030 ADOPTED.
58. ORDINANCE appropriating \$554,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Second Amendment to Professional Engineering Services Contract between the City of Houston and **LOCKWOOD, ANDREWS & NEWNAM, INC** (Approved by Ordinance No. 2009-0333) for services associated with the Design of Groundwater Treatment Plants Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG and G - PENNINGTON** – was presented. All voting aye. Nays none. ORDINANCE 2011-1031 ADOPTED.
59. ORDINANCE appropriating \$2,208,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RESICOM, INC** for Water Line Replacement in University of St. Thomas Area; setting a deadline for the bidders' 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 D - ADAMS** – was presented. All voting aye. Nays none. ORDINANCE 2011-1032 ADOPTED.
60. ORDINANCE appropriating \$2,975,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Liberty North Area; setting a deadline for the bidders' 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 B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2011-1033 ADOPTED.
61. ORDINANCE No. 2011-1007, passed first reading November 30, 2011
ORDINANCE granting to **CELESTINE HOLCOMB d/b/a HOLCOMB ENVIRONMENTAL WASTE OIL 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. ORDINANCE 2011-10007 PASSED SECOND READING IN FULL.

63. ORDINANCE approving and authorizing first amended and restated Strategic Partnership Agreement between the City of Houston and **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3** – was presented. All voting aye. Nays none. ORDINANCE 2011-1034 ADOPTED.
- 63a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 3** and certain territory located in the vicinity of Harris-Fort Bend Counties Municipal Utility District No. 3, in Harris and Fort Bend Counties, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris-Fort Bend Counties Municipal Utility District No. 3; imposing the sales and use tax of the City of Houston in the area within Harris-Fort Bend Counties Municipal Utility District No. 3 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1035 ADOPTED.
64. ORDINANCE approving and authorizing first amended and restated Strategic Partnership Agreement between the City of Houston and **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1** – was presented. All voting aye. Nays none. ORDINANCE 2011-1036 ADOPTED.
- 64a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 1** and certain territory located in the vicinity of Reid Road Municipal Utility District No. 1, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Reid Road Municipal Utility District No. 1; imposing the sales and use tax of the City of Houston in the area within Reid Road Municipal Utility District No. 1 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1037 ADOPTED.
65. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and the **SPRING CREEK UTILITY DISTRICT** – was presented. All voting aye. Nays none. ORDINANCE 2011-1038 ADOPTED.
- 65a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **SPRING CREEK UTILITY DISTRICT** and certain territory located in the vicinity of Spring Creek Utility District, In Montgomery County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Spring Creek Utility District; imposing the sales and use tax of the City of Houston in the area within Spring Creek Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1039 ADOPTED.

66. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1** – was presented. All voting aye. Nays none. ORDINANCE 2011-1040 ADOPTED.
- 66a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1** and certain territory located within the vicinity of Harris Fort Bend Counties Municipal Utility District No. 1 in Harris and Fort Bend Counties, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris Fort Bend Counties Municipal Utility District No. 1; imposing the sales and use tax of the City of Houston in the area within Harris Fort Bend Counties Municipal Utility District No. 1 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1041 ADOPTED.
67. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 2** – was presented. All voting aye. Nays none. ORDINANCE 2011-1042 ADOPTED.
- 67a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **REID ROAD MUNICIPAL UTILITY DISTRICT NO. 2** and certain territory located in the vicinity of Reid Road Municipal Utility District No. 2, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Reid Road Municipal Utility District No. 2; imposing the sales and use tax of the City of Houston in the area within Reid Road Municipal Utility District No. 2 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1043 ADOPTED.
68. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 19** – was presented. All voting aye. Nays none. ORDINANCE 2011-1044 ADOPTED.
- 68a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 19** and certain territory located in the vicinity of Montgomery County Municipal Utility District No. 19, in Montgomery County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Montgomery County Municipal Utility District No. 19; imposing the sales and use tax of the City of Houston in the area within Montgomery County Municipal Utility District No. 19 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1045 ADOPTED.
69. ORDINANCE approving and authorizing first amended and restated Strategic Partnership Agreement between the City of Houston and **FALLBROOK UTILITY DISTRICT** – was presented. All voting aye. Nays none. ORDINANCE 2011-1046 ADOPTED.
- 69a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FALLBROOK UTILITY DISTRICT**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use

tax of the City of Houston in the area within Fallbrook Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1047 ADOPTED.

70. ORDINANCE amending Ordinance No. 2006-0708, relating to the approval and authorization of the first amended and restated strategic partnership agreement between the City and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 412** – was presented. All voting aye. Nays none. ORDINANCE 2011-1048 ADOPTED.
- 70a. ORDINANCE amending Ordinance No. 2006-0709 relating to the annexation for limited purposes of a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 412**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1049 ADOPTED.
71. ORDINANCE approving and authorizing a first amended and restated strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 166** – was presented. All voting aye. Nays none. ORDINANCE 2011-1050 ADOPTED.
- 71a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 166**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 166 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1051 ADOPTED.
72. ORDINANCE approving and authorizing a second amended and restated strategic partnership agreement between the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109** – was presented. All voting aye. Nays none. ORDINANCE 2011-1052 ADOPTED.
- 72a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 109**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Water Control and Improvement District No. 109 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1053 ADOPTED.
73. ORDINANCE approving and authorizing a first amended and restated strategic partnership agreement between the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** – was presented. All voting aye. Nays none. ORDINANCE 2011-1054 ADOPTED.

- 73a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Northwest Harris County Municipal Utility District No. 21 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1055 ADOPTED.
74. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 280** – was presented. All voting aye. Nays none. ORDINANCE 2011-1056 ADOPTED.
74. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 280**, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 280 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1057 ADOPTED.
76. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23** – was presented. All voting aye. Nays none. ORDINANCE 2011-1058 ADOPTED.
- 76a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 23 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1059 ADOPTED.
77. ORDINANCE approving and authorizing a first amended and restated strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36** – was presented. All voting aye. Nays none. ORDINANCE 2011-1060 ADOPTED.
- 77a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 36** and certain territory located in the vicinity of Harris County Municipal Utility District No. 36, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 36; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 36 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1061 ADOPTED.
78. ORDINANCE approving and authorizing a first amended and restated strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL**

UTILITY DISTRICT NO. 230 – was presented. All voting aye. Nays none. ORDINANCE 2011-1062 ADOPTED.

- 78a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230** and certain territory located in the vicinity of Harris County Municipal Utility District No. 230, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 230; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 230 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1063 ADOPTED.
79. ORDINANCE approving and authorizing a third amended and restated strategic partnership agreement between the City of Houston and **BRIDGESTONE MUNICIPAL UTILITY DISTRICT** – was presented. All voting aye. Nays none. ORDINANCE 2011-1064 ADOPTED.
- 79a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **BRIDGESTONE MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Bridgestone Municipal Utility District in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Bridgestone Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Bridgestone Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1065 ADOPTED.
80. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **BARKER CYPRESS MUNICIPAL UTILITY DISTRICT** – was presented. All voting aye. Nays none. ORDINANCE 2011-1066 ADOPTED.
- 80a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **BARKER CYPRESS MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Barker Cypress Municipal Utility District in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Barker Cypress Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Barker Cypress Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1067 ADOPTED.
81. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 143** – was presented. All voting aye. Nays none. ORDINANCE 2011-1068 ADOPTED.
- 81a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 143** and certain territory located in the vicinity of Fort Bend County Municipal Utility District No. 143, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Fort Bend

County Municipal Utility District No. 143; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 143 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1069 ADOPTED.

82. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 96** – was presented. All voting aye. Nays none. ORDINANCE 2011-1070 ADOPTED.
- 82a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 96** and certain territory located in the vicinity of Harris County Municipal Utility District No. 96, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 96; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 96 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1071 ADOPTED.
83. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 364** – was presented. All voting aye. Nays none. ORDINANCE 2011-1072 ADOPTED.
- 83a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 364** and certain territory located in the vicinity of Harris County Municipal Utility District No. 364, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 364; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 364 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1073 ADOPTED.
84. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238** – was presented. All voting aye. Nays none. ORDINANCE 2011-1074 ADOPTED.
- 84a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238** and certain territory located in the vicinity of Harris County Municipal Utility District No. 238, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 238; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 238 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1075 ADOPTED.

85. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 215** – was presented. All voting aye. Nays none. ORDINANCE 2011-1076 ADOPTED.
- 85a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 215** and certain territory located in the vicinity of Harris County Municipal Utility District No. 215 in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 215; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 215 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1077 ADOPTED.
86. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 205** – was presented. All voting aye. Nays none. ORDINANCE 2011-1078 ADOPTED.
- 86a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 205** and certain territory located in the vicinity of Harris County Municipal Utility District No. 205 in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 205; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 205 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1079 ADOPTED.
87. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 183** – was presented. All voting aye. Nays none. ORDINANCE 2011-1080 ADOPTED.
- 87a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 183** and certain territory located in the vicinity of Harris County Municipal Utility District No. 183, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Harris County Municipal Utility District No. 183; imposing the sales and use tax of the City of Houston in the area within Harris County Municipal Utility District No. 183 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1081 ADOPTED.
88. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and the **FORT BEND MUNICIPAL UTILITY DISTRICT NO. 30** – was presented. All voting aye. Nays none. ORDINANCE 2011-1082 ADOPTED.
- 88a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 30** and certain territory located in the vicinity of Fort Bend County Municipal Utility District No. 30, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Fort Bend County

Municipal Utility District No. 30; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 30 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. ORDINANCE 2011-1083 ADOPTED.

Mayor Parker stated that very patiently waiting in the audience had been the City's appointee to the Board of Directors of the Harris County Appraisal District, Mr. Ray Holtzapple and invited him to the podium and she and Council Member Pennington thanked Mr. Holtzapple for his willingness to serve.

Mr. Holtzapple stated that he wanted to thank Mayor Parker and the City Council for their vote of confidence in him, that he looked forward to it and it should be an exciting and interesting challenge in his life, that he was not sure what went on over there but they would have some feedback now.

90. ORDINANCE approving and authorizing submittal of the Community Development Block Grant Disaster Recovery Program 2011 Housing Program Application for General Housing Applicants, setting forth the City's General Housing and Subsidized Housing Applications, related to Hurricanes Dolly and Ike (Round 2.2); authorizing the acceptance of funds requested in the application - **(This was Item 13 on Agenda of November 30, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented.

Mayor Parker stated that on Item No. 90 she needed to make sure that Council Members had seen a statement that had been distributed and signed by her and Debra Walker, the top Chair of their Housing Committee, that the State of Texas had designated the Texas Organizing Project as a stake holder in the distribution of the Ike Recovery Money, that over the last week they had been in discussions about amendments to the City's proposal that they must submit to the State by Friday, they were far apart, but in off and on discussions over the last week, and then face to face negotiations last night she reached an agreement with TOP (Texas Organizing Project) that was acceptable to the Housing Department and fully intended to amend the proposal before it was submitted to the State to reflect these changes, that what she asked for was some flexibility in where they did the housing repairs, that what TOP asked for was more money going to single family housing, they both gave and met in the middle and she was happy to walk through the changes, that most of what was in the verbiage of the document that they jointly signed was not specifically germane to what would be in the proposal to the State, and apologies to Council Members for last minute negotiations but this was extremely important to the City but also extremely important to TOP and it was not until they got close to the final deadline that progress began to be made, but the most important element was Item No. 1, they had proposed 35% single family home repair and 65% multi family home repair and now they were moving to a much higher percentage of single family home repair, they actually agreed to a 50/50 split but because of some technicalities in the monies that were available it actually came out to 56% of \$107 million, but it was \$60 million to go to single family home repair in the next round of Ike Disaster Funding, that what it gave the City was the ability instead of doing scatter shot funding, what she would call do the bird shot and wherever the houses were that was where they would repair them, that it allowed them to pick targeted neighborhoods, three to five targeted neighborhoods where they could focus the home repair and new housing construction and then leverage it with money that they were already spending from other sources so that they could build neighborhoods and be transformative rather than just be transactional and pick single homes across the City, that she truly appreciated TOP's willingness to work through this and appreciated the advice she got from the HUD Assistant Secretary who was in, that this was a plan that was first tried in New Orleans after Katrina so they would not be the first City to use it but it was an unusual arrangement, that she, the HUD

Assistant Secretary, let her, (Mayor Parker) know that it was out there and she was able to have the conversations with TOP, she wanted to thank Keith Wade for doing the initial subtle diplomacy, and then her staff and top representatives for hammering it out.

Members of the City Council thanked Mayor Parker, members of TOP and HUD.

Upon questions from Council Members, Mayor Parker stated that this was an agreement in principle between TOP and her so that they knew what she intended to do, that they simply wanted to understand that if they gave them more single family home repair monies here that she was not going to come back and say in future "well you got that money I'm not going to give you any more", that it was designed to be very broad and as a statement of principle not binding on the City.

Upon further questions Mr. Neil Radcliff, General Counsel Housing Department, stated that the Mayor did give a correct answer, it was a statement of principle and was not meant to be a legally binding document, that they could not make, as they were probably aware, ongoing financial commitments beyond a year without that being subject to annual appropriations, if they did so that could be considered an unconstitutional gift of public funds or a lending of the City's credit, so they had that issue to deal with, that secondly, there was question regarding whether they could commit federal funds that they had not yet received per HUD regulations, so they put that caveat in there to make it clear to everybody to everybody who was looking at that agreement that they could not be legally bound to commit these future resources in the way that they were hoping to and the way that the Mayor would hope to, but that this was the intent for her to do so and the City to do so to the extent that they could.

After further questions and discussion by Council Members, Mayor Parker stated that it was a statement of good faith principles hammered out with TOP, that what they would be voting on today was the ordinance as was presented and tagged last week with a statement from her that she was going to make the corrections to that document, which was allowed in the language of the ordinance before them, to incorporate Item No. 1, which was to change the allocation between single family and multi family before they submitted the document by the deadline on Friday.

Upon further questions by Council Members, Mayor Parker stated that clearly the intent by picking three to five neighborhoods where they could concentrate all of their efforts they could really be transformative, as they had demolition money they were going to be using that at the same time as they were doing new construction, and Mr. Radcliff stated that there was a small portion of the total funding that would be allowed to be used for demolition and that would be necessary, for example, if somebody had a home that needed to be torn down and rebuilt they had to be able to demolish the home that was there and be able to remove those materials, that he did not remember the exact amount but recalling in the neighborhood of about \$400,000, something fairly minimal out of the total amount, that could be used for that purpose, and Mayor Parker stated that those were federal requirements.

A vote was called on Item No. 90. All voting aye. Nays none. ORDINANCE 2011-1084 ADOPTED.

93. **ORDINANCE AMENDING CHAPTERS 8 AND 28 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive businesses; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was the substitute ordinance for Item 30A on Agenda of November 30, 2011, TAGGED BY COUNCIL MEMBERS PENNINGTON, NORIEGA, BRADFORD and JONES)** - was presented.

After a lengthy discussion by Council Members, Council Member Jones moved to table Item No. 93, seconded by Council Member Pennington.

After further discussion Members of Council relating to the Rules of Council concerning items tabled a roll call vote was called on Council Member Jones's motion to table Item No. 93.

ROLL CALL VOTE:

Mayor Parker voting no	Council Member Gonzalez voting no
Council Member Stardig voting aye	Council Member Rodriguez voting aye
Council Member Johnson voting no	Council Member Costello voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Adams voting no	Council Member Noriega voting no
Council Member Sullivan voting no	Council Member Bradford voting aye
Council Member Hoang voting no	Council Member Jones voting aye
Council Member Pennington voting aye	MOTION 2011-0893 FAILED

After further lengthy discussions by Council Members, Council Member Pennington offered a motion to amend item No. 93 "to delete Section 8-22(e) and remove reference to 8.22(e) in subsection 8-22(f)", seconded by Council Member Bradford.

After further discussion a vote was called on Council Member Pennington's motion to amend Item No. 93. Council Members Stardig, Hoang, Pennington, Rodriguez, Bradford and Jones voting aye, balance voting no. MOTION 2011-0894 FAILED.

Council Member Adams moved to postpone Item No. 93 for two weeks, seconded by Council Member Bradford, and a roll call vote was called.

ROLL CALL VOTE:

Mayor Parker voting no	Council Member Gonzalez voting aye
Council Member Stardig voting aye	Council Member Rodriguez voting aye
Council Member Johnson voting aye	Council Member Costello voting no
Council Member Clutterbuck voting aye	Council Member Lovell voting no
Council Member Adams voting aye	Council Member Noriega voting aye
Council Member Sullivan absent	Council Member Bradford voting aye
Council Member Hoang voting no	Council Member Jones voting aye
Council Member Pennington voting aye	MOTION 2011-0895 ADOPTED

Council Member Johnson moved to suspend the rules to consider Item No. 89 out of order, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Sullivan and Pennington absent. MOTION 2011-0896 ADOPTED.

89. ORDINANCE approving the assignment of Lease and Development Agreement between the City of Houston and **IAH LAND PARTNERS, LP**, for certain premises at George Bush Intercontinental Airport/Houston; approving and authorizing Amendment No. 1 to the agreement - **DISTRICT B - JOHNSON** – **(This was Item 12 on Agenda of November 30, 2011, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. Council Members Sullivan and Pennington absent.

Council Member Johnson moved "to amend Item No. 89 by substituting the signature pages 13 and 14 with revised pages", seconded by Council Member Gonzalez. Council Members Sullivan and Pennington absent.

Mayor Parker stated that the administration appreciated Council Member Johnson making the motion, that it was to correct an error in the signature page that should have been included

originally. Council Members Sullivan and Pennington absent.

A vote was called on Council Member Johnson's motion to amend Item No. 89. All voting aye. Nays none. Council Members Sullivan and Pennington absent. MOTION 2011-0897.

A vote was called on Item No. 89 as amended. Council Member Clutterbuck voting no, balance voting aye. Council Member Sullivan absent. ORDINANCE 2011-1085 ADOPTED AS AMENDED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from the Mayor's Office of Public Safety and Homeland Security for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2012 (January 1, 2012 - December 31, 2012) - was presented. Council Member Sullivan absent.

Council Member Noriega stated that she would like to tag Item No. 2, that it was coming to her committee tomorrow and they needed to go ahead and discuss it. Council Member Sullivan absent.

Mayor Parker stated that Item No. 2 had been tagged by Council Member Noriega. Council Member Sullivan absent.

3. RECOMMENDATION from Director Administration & Regulatory Affairs Department for the designation of a residential parking permit area in the Super Neighborhoods of University Place, Greenway/Upper Kirby, Neartown/Montrose, Midtown and Washington Avenue Coalition/ Memorial Park - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I – RODRIGUEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Adams.

After discussion by Council Member Clutterbuck she stated that she would urge if not during this Council, perhaps after she was gone, for her colleagues to take a look at this and perhaps have an as needed basis for which the Parking Commission met or on a monthly basis rather than waiting for quarterly relief. Council Member Sullivan absent.

Mayor Parker stated that it did not require Council action, she was asking the Parking Commission to meet on an at least a bimonthly basis, or every other month rather than a quarterly basis so they could move the processes forward, and to the neighborhood who came yesterday and said they really wanted 7 days a week and not 5 days a week, it did not fall within the ordinance, they actually went back out last night and there were no cars on the street. Council Member Sullivan absent.

A vote was called on Item No. 3. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2011-0898 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. **APPROVE** spending authority to Address Emergency Repair of Water Line Breaks in an amount not to exceed \$1,400,000.00 for the Department of Public Works & Engineering, to **D. L. ELLIOTT ENTERPRISES, INC** - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Adams. All voting aye. Nays

none. Council Member Sullivan absent. MOTION 2011-0899 ADOPTED.

RESOLUTIONS AND ORDINANCES

13. **ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to On-Street Parking Regulations; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Members Gonzalez, Adams, Jones, Bradford, Rodriguez and Hoang. Council Member Sullivan absent.
14. **ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLES II AND III OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Water and Wastewater Rates and Charges; correcting clerical errors relating to Unmetered Fire Sprinkler System Rates, clarifying computations of certain Industrial Wastewater Rates; amending provisions and charges for collection and disposal of domestic sewage in the Lake Houston vicinity; providing a wastewater credit to single-family residential customers for newly permitted pools; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability; providing an effective date – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1086
15. ORDINANCE amending the City of Houston Construction Code by adopting the 2009 International Energy Conservation Code with local amendments, as the City of Houston Residential Energy Conservation Code and making other revisions to other volumes of the Construction Code; containing findings and other provisions relating to the foregoing subject; including a provision for Public Works and Engineering in 2012 and 2013 to submit for placement on the Council Agenda a proposal to increase energy efficiency by up to an additional 5%; containing a repealer; containing a savings clause; providing an effective date; providing for severability – was presented. Council Member Sullivan absent.

After discussion Council Member Noriega stated that she was going to vote for Item No. 15, but wanted to go on record to say that she thought the more things they could do voluntarily and the more ways they could encourage energy conservation the better. Council Members Clutterbuck and Sullivan absent.

Mayor Parker stated that she agreed, she thought it was important to note that they were 5% above where they were required to be and they had the opportunity in each of the next two years to push that forward if they so chose. Council Members Clutterbuck and Sullivan absent.

A vote was called on Item No. 15. All voting aye. Nays none. Council Members Clutterbuck and Sullivan absent. ORDINANCE 2011-1087 ADOPTED.

16. ORDINANCE appropriating up to a maximum sum of \$154,000,000.00 out of the Street & Traffic Control and Storm Drainage DDSRF Fund to replace funding for certain drainage and street related Capital Improvement Projects awarded by the City; deappropriating up to the maximum sums of (1) \$81,000,000.00 appropriated from the Street & Bridge Consolidated Construction Fund by various ordinances for Capital Projects with a Street and Traffic Storm Drainage Component, (2) \$70,000,000.00 appropriated from the Drainage Improvement Fund by various ordinances for Capital Improvement Projects for drainage purposes, and (3) \$3,000,000.00 appropriated from the Storm Sewer Consolidated Construction Fund by various ordinances for Capital Improvement Projects for storm sewer drainage purposes; authorizing, approving, confirming and ratifying certain matters relating to the City of Houston, Texas, General Obligation Commercial Paper

Notes, Series K and such related Sub-Series, in an aggregate principal amount not to exceed \$200,000,000 for the purpose of providing financing for certain authorized purposes; approving and authorizing Certain Authorized Officials and designated employees to act on behalf of the City in the Selling and Delivery of such Notes within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the Notes, including the approval of an Issuing and Paying Agency Agreement, one or more Credit Agreements, an Offering Memorandum and one or more Commercial Paper Dealer Agreements; making certain findings and determinations regarding such Commercial Paper Program and other General Obligation Commercial Paper Programs; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Clutterbuck and Sullivan absent. ORDINANCE 2011-1088 ADOPTED.

17. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as a public right-of-way of Louisiana Street, from Chelsea Avenue south to its terminus; vacating and abandoning the right-of-way to the Joy Development School, Lynette Mandola, and Gramercy Place No. 1, Ltd., abutting owners, in consideration of the conveyance to the City of Houston, Texas (the "City") of two sanitary sewer easements, in the South End Villa Tract Subdivision and Chelsea Place Subdivisions, Obedience Smith Survey, A-696, Harris County, Texas, payment to the City of \$48,796.00, and other consideration - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1089 ADOPTED.
19. ORDINANCE approving and authorizing Updated Carrier Incentive Program for the Houston Airport System; providing a maximum program amount - 2 Years - \$12,000,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1090 ADOPTED.

Council Member Rodriguez moved to suspend the rules to combine Item Numbers 20 through 40 for voting. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2011-900 ADOPTED.

20. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **515 Harvard Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1091 ADOPTED.
21. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **643 Harvard Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1092 ADOPTED.
22. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1120 Winston Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** -

was presented. All voting aye. Nays none. Council Member Sullivan absent.
ORDINANCE 2011-1093 ADOPTED.

23. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **816 Arlington Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Sullivan absent.
ORDINANCE 2011-1094 ADOPTED.
24. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **523 Columbia Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Sullivan absent.
ORDINANCE 2011-1095 ADOPTED.
25. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **301 East 10th Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Sullivan absent.
ORDINANCE 2011-1096 ADOPTED.
26. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **4611 Oak Ridge Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Sullivan absent.
ORDINANCE 2011-1097 ADOPTED.
27. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **215 Westmoreland Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Sullivan absent.
ORDINANCE 2011-1098 ADOPTED.
28. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **743 Heights Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Sullivan absent.
ORDINANCE 2011-1099 ADOPTED.
29. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1136 Fugate Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Sullivan absent.
ORDINANCE 2011-1100 ADOPTED.
30. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1611 South Boulevard** in Houston, Texas; containing findings and other provisions

relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1101 ADOPTED.

31. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2211 Brentwood Drive** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1102 ADOPTED.
32. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **308 Avondale Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1103 ADOPTED.
33. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **14 Remington Lane** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1104 ADOPTED.
34. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **3640 Piping Rock Lane** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1105 ADOPTED.
35. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2440 Inwood Drive** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1106 ADOPTED.
36. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **67 Tiel Way** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1107 ADOPTED.
37. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **4216-4218 Washington Avenue** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1108 ADOPTED.

38. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **3260 Chevy Chase Drive** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1109 ADOPTED.
39. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2027 Sunset Boulevard** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1110 ADOPTED.
40. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **2232 Looscan Lane** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT G - PENNINGTON** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1111 ADOPTED.
47. ORDINANCE approving and authorizing first amendment to Contract No. 4600010747 and amending Ordinance No. 2010-1007 (Passed on December 8, 2010) for contract between the City of Houston and **LAGAN TECHNOLOGIES, INC** for the Constituent Relationship Management Solution Upgrade for the Houston 3-1-1 Helpline for the Information Technology Department - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1112 ADOPTED.
50. ORDINANCE approving and authorizing contract between the City of Houston and **BECK, REDDEN & SECREST**, a Registered Limited Liability Partnership for Legal Services in representation of the City in an action to be initiated against J.P. Morgan Securities LLC, UBS Financial Services Inc and/or Goldman Sachs & Co. or other responsible parties for the recovery of damages for losses incurred by the City in connection with the Adjustable Rate Bond Market failure in or about 2008 - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1113 ADOPTED.
51. ORDINANCE consenting to the creation of **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 12** and the inclusion of certain land within the district; consenting to the exclusion of certain land - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1114 ADOPTED.
62. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and the **SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1115 ADOPTED.
- 62a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **SOUTHERN MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT** and certain territory located in the vicinity of Southern Montgomery County Municipal Utility District, in Montgomery County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain areas in the vicinity of Southern Montgomery County Municipal Utility District; imposing the sales and use tax of the City of Houston in the area within Southern Montgomery County Municipal Utility District annexed for limited purposes; assigning annexed areas to adjacent district from

which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter - was presented. All voting aye. Nays none. Council Members Sullivan and Costello absent. ORDINANCE 2011-1116 ADOPTED.

75. ORDINANCE approving and authorizing the strategic partnership agreement between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 194** - was presented. All voting aye. Nays none. Council Members Sullivan and Costello absent. ORDINANCE 2011-1117 ADOPTED.
- 75a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 194**, in Fort Bend County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within Fort Bend County Municipal Utility District No. 194 annexed for limited purposes; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter - was presented. All voting aye. Nays none. Council Members Sullivan and Costello absent. ORDINANCE 2011-1118 ADOPTED.

MATTERS HELD - NUMBERS 89 through 93

91. ORDINANCE approving and authorizing the Chief of the City of Houston Police Department to accept grant funds from the National Institute of Justice for funding for Strategic Approaches to Sexual Assault Kit (SAK) Evidence: Phase II Houston SAK Task Force; 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 – **(This was Item 17 on Agenda of November 30, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Members Sullivan and Costello absent.

Council Member Lovell moved to postpone Item Number 91 for one week, that she would like to know what the federal participation was on it, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2011-0901 ADOPTED.

92. ORDINANCE appropriating \$490,163.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS REEXCAVATION, L.C.** for New Front Easement Reconnections; 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 – **(This was Item 25 on Agenda of November 30, 2011, TAGGED BY COUNCIL MEMBER JONES)** - was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2011-1119 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Pennington stated that the Director of Solid Waste, Mr. Harry Hayes, sponsored a fund raiser for HERO, Houston Employees Recovery Organization, that the Mayor was there to kick off the event, that despite the chilly weather they had a good turnout. Council Members Johnson, Sullivan and Rodriguez.

Mayor Parker stated that she knew they were expected to net in excess of \$30,000 and knew that Council Member Pennington and Mr. Moss were actually out playing golf in the cold weather yesterday. Council Members Johnson, Sullivan and Rodriguez.

Council Member Gonzalez stated that he joined Mayor Parker, his colleagues and the many families that came out to City Hall as they celebrated the lighting of the City of Houston Christmas Tree on Friday, that he wanted to thank all involved and their generous sponsors, that this week he participated in a round table discussion with EPA Administration Lisa P. Jackson as she visited the City, that he stressed to her how important it was that they maintain a high quality of life for their residents, this included doing their part to maintain their environmental quality and asking their neighbors to do the same; that Christmas was near and Santa had already arrived in District H, that Old Saint Nick was currently making stops throughout their community, today Proctor Plaza Park, 4:00 p.m. to 5:30 p.m.; that on Sunday, December 11, 2011, join them at Natural Paws in the Heights for their second annual pet photos with Santa, between 2:00 p.m. and 4:00 p.m. at 514 West 19th Street, there was a \$5 suggested donation and 100% of the profits would go back to BARC. Council Members Sullivan, Hoang, Rodriguez, Costello, Lovell, Bradford and Jones absent.

Mayor Parker stated that she was glad that Council Member Gonzalez noted the City's holiday celebration, it was a Susan Christian production and she did an outstanding job, it was the best she had ever seen. Council Members Sullivan, Hoang, Rodriguez, Costello, Lovell, Bradford and Jones absent.

Council Member Noriega stated that last week she had the opportunity to participate in Government Day for the current Leadership Houston Class, that she wanted to commend them for their willingness to get in the weeds with City government and really learn about what they did and what went on, that it was an enjoyable experience and an honor to be there. Council Members Sullivan, Hoang, Gonzalez, Rodriguez, Costello, Lovell, Bradford and Jones absent.
NO QUORUM PRESENT

Council Member Adams stated that she wanted to thank her colleagues for doing such an awesome job last Friday with Leadership Houston; that she wanted to thank the Museum District Alliance for their award yesterday, she was their honoree at their annual luncheon yesterday, the award was For Outstanding Community Service; that she wanted to remind everybody during this Christmas Season to please not go into debt because of the economy; that there would be a kids Christmas party and toy drive at 5011 Alameda Road, KCOH Radio Station, beginning at 11:00 a.m., Friday, December 9, 2011, if anyone wanted to participate please do so; that on Friday, December 9, 2011, she would be celebrating an evening of Cinderella Stories at the Ensemble Theater at 6:00 p.m. for more information call the Ensemble Theater; that on Saturday she would share with HEB in their HEB Feast of Sharing, that it would be at the George R. Brown Convention Center, Hall E, 1:00 p.m. on Sunday; that she wanted to commend Delores Hadnott, South East Branch Red Cross Director, that she had been there for over 30 years, that she wanted to commend the Board of Directors and thanked all who attended the event this past Saturday; that she wanted to thank Commissioner Grady Prestage, there was an item on the agenda, and they had the opportunity to break ground on a community health center for \$1.2 million and they looked forward to it being in District D and finally they were advocating a half million dollars for a senior center in the Fort Bend County and she wanted to thank Commissioner Prestage for going into an Interlocal agreement with the City of Houston to help them fund that facility; that she wanted to applaud those members of TOP for doing an awesome job in negotiating the funds with the City of Houston and the Mayor, a job well done for those residents who were less fortunate and those who were still suffering with the blue tops on their roofs. Council Members Sullivan, Hoang, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. NO QUORUM PRESENT

Council Member Clutterbuck stated that she attended the re-opening of the Julia Ideson Building, that she wanted to thank Mayor Parker and Council Member Rodriguez for a really fun event; that she had seen some historic libraries while on vacation and toured the Newberry Library in Chicago, which was built around the same time but did not hold a candle to the Julia Ideson Library; that she wanted to offer congratulations to all of the people who played in yesterday's HEROs Golf Tournament, especially the District C Team that won first place, Merrick Hamilton, Al Bounds, Chris Champion and John Newport, that she wanted to congratulate the District C Team and Director Harry Hayes, that Chief McClelland and Director Scott Minnex were also there to play and support the Houston Employee Relief Organization, which was the City of Houston Civilian Employee equivalent of the 100 Club, providing contributions to City of Houston workers and their families who were in some way incapacitated or experience fatalities on the job, the organization was instrumental in helping to assist a family of a City of Houston worker who was killed on the job while directing traffic near a construction site, it was an organization which was long overdue and was just now getting started, that it was started by former Council Member Toni Lawrence and it was a great organization to support. Council Members Sullivan, Hoang, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. NO QUORUM PRESENT.

Mayor Parker stated that it was worth noting that they had lost 14 civilian employees in the line of duty in the last 20 years, that they thought their police and firefighters were the ones that were on the front lines, but often their Public Works folks and Solid Waste when they were out in the streets, had to be careful. Council Members Sullivan, Hoang, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. NO QUORUM PRESENT.

Council Member Stardig stated that this Friday the Memorial Assistance Ministries located at 1625 Blalock Road would be holding a ground breaking celebration as they began their building expansion project, they would be adding over 17,000 square feet to their existing building, increasing the size of their resale store and donation center, the additional space would provide a new center for Family for Independence, the new campaign would provide the tools necessary for individuals to move forward to their independence; that she wanted to encourage District A residents to participate in the Lillian Beard Deaf Connection Center Food Drive, from now through January 3, 2012 the connection center would be collecting non perishable food items to help support the food pantry at the center and those in need in the deaf community, if they were interested in donating please drop off non perishable goods at the center located at 9920 Long Point Road, between Bunker Hill and Gessner, for more information they could contact Ashley Martinez at 713-464-8509, that it was a great center located at the Woodhaven Baptist Deaf Church; that last Saturday she attended the Houston Police Department Northwest Division's Christmas Party and Fund Raiser Event, the money raised went to the Northwest Division PIP, Positive Interaction Program, Crime Stoppers and Assist the Officer Organization, that she wanted to thank all who volunteered to help put on the great community event. Council Members Sullivan, Hoang, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. NO QUORUM PRESENT.

Council Member Johnson stated that tomorrow they would be having a ribbon cutting of the Stuebner Airline Parker, that he, Mayor Parker and the great community would be out as they cut the ribbon on the \$1.3 million renovation at Stuebner Airline Park at 9201 Veterans Memorial, that it would be at 1:30 p.m.; that he wanted to thank the City Attorney's and Mayor's Offices for helping to intervene in Ella Park Terrace, located in the Acres Homes Community off of West Donovan, that it had been impacted by Booker Landfill for a number of years, probably 20 or 30 years, that Booker Landfill had created lots of flooding to the community because it used to be an old landfill that was now closed down and owned by an individual who had been hard to find, but they were now taking steps and action to mitigate the problem, the flooding issue, that they were going to take some real aggressive steps to file lawsuits against this particular individual so they could go on and mitigate the flooding problem that had been

happening in that community; that he was asking everybody to come out and be a part of this as they hear their voices on Friday at 2:00 p.m. at Ella Park Terrace; that as a District Council Member this would be his last, but he would continue to do this in his civilian life, a Christmas Party, for the last five years he had held a Christmas Party, that on December 18, 2011, 4:00 p.m., they would have the party, that they needed financial assistance as well as volunteers, they could call his office at 832-393-3009, they would be having a King and Queen Court, as well as providing over 500 children with toys, gifts, a wonderful show and lots of food, that he wanted to thank Sure Thing, Inc. for doing a wonderful job, Cynthia Bailey, who had put on the show for the last six years and bringing children in from all over District B. Council Members Sullivan, Hoang, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. NO QUORUM PRESENT.

There being no further business before Council, the City Council adjourned at 2:48 p.m. Council Members Sullivan, Hoang, Rodriguez, Costello, Lovell, Noriega, Bradford and Jones absent. NO QUORUM PRESENT.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary