

City Council Chamber, City Hall, Tuesday, February 7, 2012

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 7, 2012, Mayor Annise D. Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie D. C.; Mr. David Feldman, City Attorney, Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Marta Crinejo, Agenda Director, Agenda Office present.

At 1:44 p.m. Mayor Parker stated that today Council Member Rodriguez would begin presentations and Council Member Rodriguez invited those for his presentation to the podium and stated that it was a privilege to kickoff a special event and he was honored to stand with firefighters from Station Six; that firefighters protected lives, property, etc., and today they were starting their campaign "Fill the Boot" a collaborative of Firefighters Local 341 and the Muscular Dystrophy Association; that Local 341 was top contributor to MDA in the country for nine of the past ten years and raised more than \$6.3 million in that time; and Mayor Parker stated that this was spread out over four Saturdays and presented a Proclamation proclaiming February 11th, March 10th, April 14th and May 12th as "Houston Professional Firefighters Local 341 Fill the Boot Days" in Houston, Texas; and encouraged all to participate. Council Members Sullivan, Green and Noriega absent.

Ms. Carrie Dalton, a representative of MDA, stated that she thanked all for allowing her to bring a message of hope and thanks to Houston, the city with the biggest hearts, for more than 50 years firefighters helped the Muscular Dystrophy Association by filling their boots with donations from citizens and nine of the last ten years Houston Firefighters Local 341 was number one and last year raised a record breaking \$507,010.00; and they appreciated everyone's support from the City of Houston. Council Members Sullivan and Green absent.

Mr. Jeff Cannon and Chief Garrison thanked all for their support toward a successful "Fill the Boot" Campaign; and Miss Mia Pringle, the ambassador of the campaign was introduced; and the boot was passed to all at the Council Table. Council Members Adams, Sullivan and Green absent.

Council Member Gonzalez thanked all for bringing awareness to the issue of Muscular Dystrophy and the Houston Firefighters of Local 341 and Fire Department for professionalism and a first class job. Council Members Adams and Sullivan absent.

Council Member Burks invited those with his presentation to the podium and stated that Jack Yates High School was his alma mater and they were recognizing their alma mater's birthday founder's day; that Jack Yates High School was established February 8, 1926, and was the second school in Houston established for African Americans named after John Henry Jack Yates the first pastor of the Antioch Baptist Church which was the first African American Baptist Church; and Mayor Parker presented a Proclamation to the Principal of Jack Yates Senior High School proclaiming today as "Jack Yates Senior High School Day" in Houston, Texas. Council Members Adams and Sullivan absent.

Ms. Shepherd, Principal of Jack Yates Senior High School, President of the PTO and other representatives thanked all for the recognition. Council Member Sullivan absent.

Council Member Adams stated that Principal Shepherd was tall in process and progress and should be commended; that when a Principal was not afraid to walk her campus and pray and do all she could had her 110% support.

Council Member Laster invited those for his presentation to the podium and stated that today they were honoring the Houston Apartment Association with Apartment Careers Month; that February 2012 had been designated as National Apartment Careers Month by the National Apartment Association Education Institute and the Houston Apartment Association; that rental housing served 50% of Houston residents and 35% of American households; and through strategic partnerships they insured people received necessary training to find rewarding careers in apartment management; and Mayor Parker presented a Proclamation to the group proclaiming the month of February 2012 as "Apartment Careers Month" in Houston, Texas.

Ms. Jennifer Paneral, president of the Houston apartment Association, stated that over 50% of the population did live in some sort of rental housing and the HAA employed over 5,000 jobs in over 2,000 properties and they were growing; that it was truly a career path; and thanked all for the recognition. Council Member Adams absent.

At 2:15 p.m. Mayor Parker recognized Council Member Christie who led all in the prayer and pledge. Council Member Adams absent.

At 2:16 p.m. the City Secretary called the roll. All present.

Council Members Gonzalez and Bradford moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. MOTION ADOPTED.

Council Member Christie moved the rules be suspended for the purpose of adding Mr. Robert J. Pokluda to the Agenda Speakers List for one minute, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2012-0068 ADOPTED.

At 2:18 p.m. the City Secretary began calling the public.

Mr. Robert J. Pokluda, who was previous added to the speakers list appeared and stated that he worked for GSI Environmental and they were representing the applicant for Agenda Item 22 and was present for any questions Council may have.

Mayor Parker stated that no one was in the queue so hopefully that meant there were no questions tomorrow when his item came up.

Ms. Mary Lawler, 2505 Washington Avenue, Houston, Texas 77077 (713-864-8099) appeared and stated that she was executive director of Avenue Community Development Corporation and present supporting Agenda Item 16 which was authorizing the Parks Department to apply for a grant from the Texas Parks and Wildlife Department for construction of the Avenue Place Greenbelt Trail; and urged a positive vote on the item.

Council Member Gonzalez stated that this was a terrific project; and upon questions, Ms. Lawler stated that the development was in the Northside Community which was low income and greenspace was important to all residents; that this trail would connect residents of the new subdivision with the larger community, etc.

Mr. Michael Kubosh, 1701 Lubbock, Houston, Texas 77007 (281-850-0172) appeared and stated that he was present in opposition to Agenda Item 32, the settlement agreement with ATS, and encouraged all to vote, instead of tagging the item, and to listen to the Fifth Circuit Argument as he believed the contract was void on its face and the city owed nothing; that the group he was with was granted the right to intervene and the Judge may say it was not owed. Council Member Rodriguez absent.

Mr. Don Hooper (address and phone number private) appeared and stated that some met

and argued whether they wanted to turn over elections and he thought it was a bad idea and formed a separate group; that today they were sitting with the city wanting to overturn elections and actually overturned one with a federal ruling and suggested the next election they may want to overturn would be Council' s or a bond election, etc., it was a dangerous thing to go down this path; that there were 23,000 websites on Judge Hughes verdict. Council Member Rodriguez absent.

Upon questions by Council Member Brown, Mr. Hooper stated that what' s good for the goose is good for the gander and there were many election outcomes that many did not like and they were leading a dangerous precedent. Council Member Rodriguez absent.

Council Member Pennington stated that the Mayor was bowing to the will of the people to cancel the contract and a number of Council Members tagged the item last week so interveners would have the rights to make arguments; and upon questions, Mr. Hooper stated that as it now stood they wanted to dismiss the case without vacating the order overturning the election and it was still there; and whatever this Council did or did not do he felt the Fifth Circuit would undue it anyway, it was a dangerous precedent to overturn an election. Council Member Rodriguez absent.

Council Member Bradford moved the rules be suspended for the purpose of extending the time for questions of Mr. Don Hooper, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Rodriguez absent. MOTION 2012-0069 ADOPTED.

Mayor Parker stated that for the record they did distribute to Council Members the transcript of the first hearing before Judge Hughes and they were trying to get an expedited transcript of the second hearing which took place yesterday; and Mr. Feldman stated that the second hearing took place Friday and the third hearing took place yesterday and they should have the transcript of the second hearing late today; and Mayor Parker stated that it would be clear Judge Hughes did not think the city settling this had anything to do with what was going on in the Fifth Circuit. Council Member Rodriguez absent.

Council Member Bradford stated that he believed it was time Council take action on the matter; and upon questions, Mr. Hooper stated that previously he stated there were 23,000 reporting websites on the Judge' s ruling and he felt trying to overturn an election had a dangerous precedent. Council Member Rodriguez absent.

Council Member Sullivan stated that transcripts were not usually provided to Council until this case; and upon questions, Mayor Parker stated that the Legal Department was requesting transcripts because there was an issue in this case and it was her decision to share them with Council Members who seemed interested; that a delay was requested because Council Members were asking what the Judge would do and the clearest indication of what was on his mind was what he actually said in the court room; and Mr. Feldman stated that the transcript of the first hearing was actually requested by the Kubosh' s and the City was afforded a copy by the court and on the last hearing on Friday the City did request it because the court made a number of statements he thought highly relevant for Council to read; and Mayor Parker stated that the original transcript had no cost to the City and Mr. Feldman stated given the length of the hearing he would estimate the cost would be around \$500.00. Council Members Rodriguez and Noriega absent.

Mr. Byron Rusk, 1759 Westheimer, Houston, Texas 77098 (713-303-4133) appeared and stated that he was an automotive repair shop owner and vice president of the Automotive Service Association and member of the Better Business Bureau' s Automotive Advisory Panel and was present against changes to Chapter 8 of the City Code; that the changes would create an enormous inconvenience for millions of drivers and oppress the small "Mom and Pop"

operations in the city and give special status to insurance companies. Council Members Rodriguez, Burks and Noriega absent.

Council Member Pennington stated that he heard his presentation at Council Member Brown's meeting last night and one issue was the mechanics lien was not valid unless it had a signature; and upon questions, Mr. Rusk stated that there had to be an authorized work order to begin work and a signature when the car was picked up where they authorized the right of the repair shop to exercise a lien in the event of nonpayment of the service; and he was correct if they charged more for repairs and he had not signed then there could be no lien. Council Members Rodriguez, Burks and Noriega absent.

Ms. Louise Enge, 3626 Wood Valley, Houston, Texas 77025 (832-671-9431) had reserved time to speak but was not present when her name was called. Council Members Rodriguez, Burks and Noriega absent.

Council Member Hoang stated on a point of personal privilege he wanted to recognize the China National Children's Corporation who had 23 members present for six months learning English and Houston's system; and asked they stand to be recognized. Council Members Burks and Noriega absent.

Upon questions by Mayor Parker, Council Member Hoang stated that they were from the China National Children's Corporation in Beijing and Shanghai; and Mayor Parker welcomed them to Houston and stated that she hoped they enjoyed their stay. Council Members Costello, Burks and Noriega absent.

Council Member Brown moved the rules be suspended for the purpose of hearing Ms. Carmen Ruth and Mr. Larry Cernosek as the next speakers, seconded by Council Member Bradford. Council Members Costello, Burks and Noriega absent. MOTION 2012-0070 ADOPTED.

Ms. Carmen Ruth, 18203 W. Field Place Drive, Houston, Texas 77090 (713-632-4389) had reserved time to speak but was not present when her name was called. Council Members Costello, Burks and Noriega absent.

Mr. Larry Cernosek, 3060 Cherry Hill, Houston, Texas 77080 (832-655-5738) appeared and stated that he was representing the Houston Auto Body Association as he was a legislative board member and they represented dealerships and repair shops and were opposed to the ordinance; that the city wanted them sharing records but the city did not want to do the same; that he filed an open records request on September 27, 2011, and October 11, 2011, he was told it was 3,525 pages and the same day the City Attorney sent a letter to the Attorney General trying to block the request and on October 18th sent another letter to them saying sign in sheets would be released but still he had not seen them; that December 16th the Attorney General sent a five page letter ruling the release of information with some redactions and that the deadlines were triggered by the ruling which was ten days; that Legal sent him a letter dated January 12, 2012, stating the ARA would provide information in accordance with the ruling and January 27, 2012, he sent a letter to the Attorney General stating they had not complied; that January 30, 2012, he received a call the request was ready and it was 76 pages and 66 pages of it was the ordinance which he did not request and 10 emails, it was clear the city was hiding something; that they were to vote soon and no one had changes; that the ordinance needed to be totally done away with and everyone in private business needed to be regulated. Council Members Burks and Noriega absent.

Upon questions by Council Member Bradford, Mr. Cernosek stated that at one of Council Member Lovell's committee meetings she stated people were meeting with Council who were

lobbyist and they were not registered and he thought she was aiming at him, but he was not a lobbyist, he owned a business; that he requested a sign in list and emails. Council Members Burks and Noriega absent.

Upon questions by Council Member Bradford, Mayor Parker stated that there were a number of meetings with various stakeholders and they did not have a final draft version as yet to be distributed and it should be forthcoming shortly; and Council Member Bradford stated that when they delayed the item until February 15<sup>th</sup> part of the reasoning was not to reinvent the entire wheel, but to allow for input from entities who did not have input and Mr. Cernosek was stating he still had not seen the final document; and Mayor Parker stated that there was not one; and Council Member Bradford stated that he wanted to go on record of saying he wanted to know and help the community be informed on whether there would be opportunity for citizens to give input at a community forum headed by the Administration in addition to what Council Member Brown did last night; and Mayor Parker stated that she would not characterize Council Member Brown's as a community forum as no one from the Administration was there to speak on behalf of the proposed ordinance, but Council Member Davis was planning on a town hall meeting; that Ms. Crinejo and members of the Administration had been meeting with individual stakeholders to try to craft amendments to the ordinance which would be more acceptable to the automotive repair industry, but there had not been a mass public meeting; that in general they were attempting to work with stakeholder groups and did send a piece of mail to every registered automotive repair and collision shop in the City of Houston so they would know the ordinance was under review, but she could not negotiate with every individual shop owner; that once there was a final draft there would be another opportunity for people to weigh in. Council Members Costello, Burks and Noriega absent.

Council Member Bradford moved the rules be suspended for the purpose of extending the time for questions of Mr. Larry Cernosek, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Costello, Burks and Noriega absent. MOTION 2012-0071 ADOPTED.

Upon questions by Council Member Bradford, Mayor Parker stated that she would see that a list of stakeholders she and Marta were meeting with went out this afternoon; that their intent was to work with organizations, not with 4,000 individual repair shops but they could have a list. Council Members Costello, Burks and Noriega absent.

Council Member Brown stated that today she heard a final draft was not available and amendments which would be acceptable would be added to the final draft; that she had a meeting with Marta Crinejo, the Agenda Director, and she was told there would not be substantial changes made to the proposed ordinance and what they saw now was pretty much what they would be voting on; and upon questions, Mayor Parker stated that unless they could come up with amendments which were acceptable to the majority of stakeholders and to the Houston Police Department there would not be changes, but there was no final draft because they were still in negotiations. Council Members Costello, Burks and Noriega absent.

Council Member Bradford stated that she was moved at the forum last night as many small business owners and customers came to testify this was not good for consumers or small businesses; that small businesses needed to be stood up for as they were the backbone of the city; and upon questions, Mr. Cernosek stated that he made a request of open records to Matt Brooier; and upon further questions, Mayor Parker stated that she was not aware of the open records request; and Mr. Heilman stated that they would follow-up on it. Council Members Costello, Burks and Noriega absent.

Council Member Pennington stated to Mayor Parker that she mentioned amendments satisfactory to HPD and last night there was substantial discussion which he would agree with

that he thought it was a bad idea to have the enforcers involved in drafting regulations, they had a particular point of view probably hardened through years of work and as a matter of public policy he thought it a bad idea to have HPD taking the lead in drafting the regulation; that his thought on this regulation was it was a bad ordinance, not well thought out and he felt they should start over and leave HPD out of it to reach a fair result; and Mayor Parker stated that HPD was no longer involved in drafting the ordinance, but they were responsible for enforcing it and she would not draft an ordinance which they said they could not effectively enforce and she would remind Council Members that HPD was regularly involved in the drafting of ordinances which involved police personnel enforcement, such as the sound ordinance, parking ordinance, etc., because none around the table had expertise on what happened at the enforcement end. Council Members Costello, Burks and Noriega absent.

Council Member Davis stated that his town hall meeting would be at 4802 Lockwood, Thursday night at the Kashmere Multi Service Center at 7:00 p.m. Council Members Costello, Burks and Noriega absent.

Council Member Sullivan moved the rules be suspended for the purpose of extending the time for questions of Mr. Larry Cernosek, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Costello, Burks and Noriega absent. MOTION 2012-0072 ADOPTED.

Upon questions by Council Member Adams, Mr. Cernosek stated that after Council delayed the item he had not been invited to any meetings; and Council Member Adams stated to Mayor Parker that a major issue she saw was when the request was made for a three week delay it was pending Captain Baimbridge, Officer Provost was for Auto Dealers to host a meeting for information; that if they were scheduled to pass this in the next week what were the meetings Council Members were holding doing, were they meeting for changes or just because it was the political thing to do; that she wanted clarity because this was to be about consumer protection, but it was going in a total different direction and people now were even more confused than in the beginning; and Mayor Parker stated that she would refer her back to Council Member Pennington's statement which was he absolutely did not want Auto Dealers involved in this in any way, shape or form; that they did not delay so Auto Dealers could have more discussions it was so the Administration would have time to have further discussions with stakeholder organizations and it was up to individual Council Members how they communicated with their constituents. Council Members Hoang, Pennington, Costello, Burks and Noriega absent.

Council Member Laster moved the rules be suspended for the purpose of extending the time for questions of Mr. Larry Cernosek, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Hoang, Pennington, Costello, Burks and Noriega absent. MOTION 2012-0073 ADOPTED.

Council Member Brown stated that she could not speak for other Council Members who had meetings, but her event was about listening to those who were being impacted, this was not about consumer protection it was about taking away rights and choices of consumers and putting out more costs to them; that they went to small "Mom and Pop" shops because they did not have the ability to pay higher prices and they struggled to pay for their car repair so listening to them made commonsense and it was important to her and she appreciated other Council Members and their staff attending. Council Members Hoang, Pennington, Costello, Burks and Noriega absent.

Council Member Davis stated that his meeting was to get an understanding on how his constituents felt, they elected him, and from that point on it would decide how he voted; and upon questions by Council Member Adams, Council Member Davis stated that they took the list the city had to .;. that someone from Auto Dealers was coming along with Ms. Vanderpol with

ASA and they would have consumers, body shops and collision shops so he would know how to vote; and Mayor Parker stated that she believed Legal would be there to lay out the ordinance so he would have a place to start from; and Council Member Adams stated that was what she wanted to clarify that he was getting support so they would understand what was being done. Council Members Pennington, Costello, Burks and Noriega absent.

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

Ms. Joy Laverett, 12925 Northwest Freeway, Houston, Texas 77040 (713-373-9860) had reserved time to speak but was not present when her name was called. Council Members Pennington, Costello, Burks and Noriega absent.

Ms. Julia Ramirez, 1800 McCarty, Houston, Texas 77029 (713-503-7830) appeared and stated that she was a teacher at Port Houston Elementary School and the sponsor of the Recycle Club on their campus which was why they were present; that their student population was 98% Hispanic, 96% were economically disadvantaged, 74% were targeted at risk for not graduating high school, but their campus was driven by a hard working staff and faculty as evidenced by their exemplary rating from the Texas Education Agency which meant at least 90% of their students had passing grades in English, Writing, Science and Math on state mandated exams; that students of the Recycle Club wanted to make a difference and they educated fellow students, their community and now representatives of this city; and thanked their Principal and Council Members Gonzalez and Rodriguez for support and encouragement; and her students for their hard work and education. Council Members Costello, Burks and Noriega absent.

Council Member Rodriguez thanked Ms. Ramirez for coming and all she did for the students and he was not their Council Member any longer but still wanted to be active; that he told students if they did well they would have a pizza party and he would get Council Member Gonzalez to go half with him. Council Members Costello, Burks and Noriega absent.

Council Member Gonzalez stated that he was excited about the school, he had the opportunity to visit and he wanted to thank Ms. White their principal for her leadership and students for their tremendous work; and upon questions, Ms. Ramirez stated that they were located off I-10 between Pleasantville and Denver Harbor; and Council Member Gonzalez asked Ms. White and students to stand to be recognized. Council Members Costello, Burks and Noriega absent.

Council Member Adams thanked Ms. Ramirez for bringing the students and promoting an important issue, recycling, she promoted the Green Initiative for the City of Houston before she became Council Member and this message did need to continue. Council Members Costello, Burks and Noriega absent.

Council Member Rodriguez stated that Republic Waste was very helpful to the club donating bins to the club and they were appreciated. Council Members Costello, Burks and Noriega absent.

Mr. Jesus Montoya, 1800 McCarty, Houston, Texas 77029 (713-503-7830) appeared and stated that he was a fourth grader at Port of Houston Elementary School and the president of the Recycle Club; that today they were present regarding the importance of recycling plastic bags, it took 100 years for a bag to decompose in a landfill and their goal was to educate the city to recycle plastic bags and to use reusable bags; that this was important to a nine year old as if they did not stop using them they would stay in the earth longer than they would even be

alive and the solution was to stop using them. Council Members Costello, Burks and Noriega absent.

Mayor Parker thanked Mr. Montoya for his presentation and stated that she appreciated the fact he was the president of the Recycling Club. Council Members Costello, Burks and Noriega absent.

Miss Brenda Rivera, 1800 McCarty, Houston, Texas 77029 (713-503-7830) appeared and stated that she was a third grader at the Port of Houston Elementary School and a member of the Recycle Club and was present to say kids could make a difference; that their school had a contest to see which class could bring the most plastic bags and the winning class won an ice cream party; that the pre kinder through third grade class brought in 4,177 bags and that was kids between 3 to 8 years old, they made a difference. Council Members Costello, Burks and Noriega absent.

Miss Julissia Tellez, 1800 McCarty, Houston, Texas 77029 (713-503-7830) appeared and stated that she was a third grader in the Recycling Club at the Port of Houston Elementary School and the winning class brought a total of 822 bags and from the fourth to six grades they collected 3,642 bags and in total their school collected 6,819 bags. Council Members Costello, Burks and Noriega absent.

Miss Leslie Morin, 1800 McCarty, Houston, Texas 77029 (713-503-7830) appeared and stated that she was a third grader in the Recycle Club at the Port of Houston Elementary School; that it was amazing their small school with 336 students brought in 6,819 plastic bags to be recycled; that if all elementary schools in HISD held the same contest think how they would be helping the earth; and if 4 million people in Houston changed from plastic to reusable bags it would be amazing, they would all make a big difference. Council Members Burks and Noriega absent.

Miss Vivian Madrigal, 1800 McCarty, Houston, Texas 77029 (713-503-7830) appeared and stated that she was a third grader at the Port of Houston Elementary School and a member of the Recycle Club and an important goal of their club was to educate parents and community about the importance of recycling and they would have a booth at their next Family Night and they would talk to all about reusable bags; that they requested reusable bags to give away and Republic Service answered their request and sent them 200 to give away and hopefully people will use those instead of plastic when shopping. Council Members Burks and Noriega absent.

Miss Ashley Salas, 1800 McCarty, Houston, Texas 77029 (713-503-7830) appeared and stated that she was a third grader at the Port of Houston Elementary School and a member of the Recycle Club and they wanted to thank the Mayor and Council for their time and attention and listening to their speeches about recycling; that they were thinking of the present and the future and recycling was important as it affected everyone's life, the life of animals and the health of the environment; that even a small contest could make a big difference for our planet; and reusable bags were brought for all at the table in hopes they too would change from plastic bags to reusable bags. Council Members Green, Burks and Noriega absent.

Mayor Parker stated that she recycled and did use a reusable bag at the store and she was happy they wanted to teach the community; thanked all who spoke and asked all to come to the podium including those who did not speak so they could be seen on television and as Council Members wanted to speak with them. Council Members Green, Burks and Noriega absent.

Council Member Christie stated that he had recycled newspapers since he was age 13; that today they made a beautiful presentation and to see it they should go to the City of Houston website or HTV. Council Members Pennington, Green, Burks and Noriega absent.

Mayor Parker stated that the Council Member was right they could go on the web and see themselves, but she had requested one from HTV for them so they could have a copy for their school. Council Members Pennington, Green, Burks and Noriega absent.

Council Member Cohen stated that she was very impressed with their presentation; that many things seen on television was about the great problems in the country and people doing bad things and she had a lot of confidence in the future of this country when looking at young people like them; and she was very enthusiastic. Council Members Pennington, Green, Burks and Noriega absent.

Council Member Hoang stated that he too was very impressed and they were Houston's future and future leaders; that this planet had to be green and he was very proud of them. Council Members Pennington, Green, Burks and Noriega absent.

Council Member Rodriguez stated that he enjoyed all their information and he was making their school proud; that he was teaching his son to recycle and he would have him watch this. Council Members Brown Pennington, Burks and Noriega absent.

Council Member Gonzalez stated that he was very proud of them, of their recycling and great attendance; and thanked them for educating their parents and the community; that they were all setting great examples. Council Members Brown Pennington, Burks and Noriega absent.

Mayor Parker stated that six spoke but ten were present and had the others introduce themselves Noel Torres, Marlin Ibarra, Daniel Fuentes, Natalie Chavarria; and they asked to take a photograph with Mayor Parker. Council Members Brown, Burks and Noriega absent.

Council Member Adams moved the rules be suspended for the purpose of allowing the Mayor to take a picture with the students that appeared on recycling, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Brown, Burks and Noriega absent. MOTION 2012-0074 ADOPTED.

Council Member Costello stated to the principal and teacher that they should try and take the kids to the recycling facility on south Post Oak, there was a community room which showed what could be done artfully with all recycled materials and would be excellent for them to see and was free. Council Members Brown, Sullivan, Burks and Noriega absent.

Mr. Jason Cunningham, homeless (832-279-7667) appeared and stated that most had probably not heard of his issue gang stalking, it had something to do with corporate, religious or private individuals or political or social interest groups who stalk individuals; that they were paid for the activity and an example was it could have criminal activity and he was concerned about the library, people stealing passwords and abusing individuals access to the internet, etc., and it should be made secure. Council Members Brown, Sullivan, Hoang, Gonzalez, Burks and Noriega absent.

Mr. Jonathan Harris, 11134 Tamworth, Houston, Texas 77016 (281-673-7357) appeared and stated that he was present to speak on behalf of the North Side, Little York and Homestead area; that they had a problem with roads being in terrible condition and recently they started a sidewalk project between Hirsh and Homestead and they should be fixing the road, not the sidewalk; that the street had a lot of potholes and there were a lot of businesses there such as Waste Management, LTI, Triple A Cooper, etc., and the big trucks did damage so they should help with the upkeep as many businesses would like to be there with some revitalization. Council Members Brown, Sullivan, Hoang, Burks and Noriega absent.

Council Member Davis stated that one reason he ran for the position was because they did need a lot of infrastructure improvements with streets, but they also needed to fix sidewalks and he would be fighting to make sure their area was looked at closely along with Wayside and Laura Koppe which had been like that since 1966, but through Renew Houston they would be looking for opportunities to improve streets; and upon questions, Mr. Harris stated that businesses wanted to come in and bring the area up; and Council Member Davis stated that they were seeking to find businesses who wanted to work with the city and they were helping them get qualified. Council Members Brown, Sullivan, Hoang, Burks and Noriega absent.

Mr. Larry Blackmon, 3607 Florida, Houston, Texas 77021 (281-415-0351) had reserved time to speak but was not present when his name was called as he was present during the Proclamation presentations. Council Members Brown, Sullivan, Hoang, Burks and Noriega absent.

Reverend Carolyn Brenda Zota, 3323 Arbor, Houston, Texas 77004 (832-746-6716) had reserved time to speak but was not present when his name was called as he was present during the Proclamation presentations. Council Members Brown, Sullivan, Hoang, Burks and Noriega absent.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (832-258-7511) appeared, presented information to Citizens Assistance for Mayor Parker and stated that he wanted all to know Council Member Burks was absent from his time speaking; that multiple years they worked on the Sunnyside area and he got the original 1956 agreement annexing Sunnyside, one problem in looking at the minutes at that time was Mayor Holcombe and the District A Council Member then wanted to add streets and sidewalks in the Montrose area and decided they would annex Sunnyside to use that revenue to finance the streets and sidewalks in Sunnyside, etc., that they wanted to know when kids in Sunnyside would be able to get to school safely; that he was asking the Mayor to get involved in the reconstruction and infrastructure of that area. Council Members Sullivan, Hoang, Burks and Noriega absent.

Council Member Adams thanked Mr. Bullard for being a voice; and upon questions, Mr. Bullard stated that there was a concern with Reynolds School off Rosehaven and in Blue Ridge they were missing about 55 sidewalks; that he had 22 petitions granted; and Council Member Adams stated to share information dollars was with the Safe Sidewalk Program and recently Mr. Tracy Stevens made a request for sidewalks by Woodson Elementary and this week they were completed and if he would like to share other requested information with her she could say where they were. Council Members Sullivan, Hoang, Burks and Noriega absent.

Mr. Henry Holeman, 822 Hidden Valley, Houston, Texas 77088 (713-825-6640) appeared and stated that he thought the city needed an audit, especially for new Council Members to see exactly where they stood, how bad the money was as they could not even put sprinklers in parks; that there were a lot of codes, but how many ordinances were being implemented; that he would love an audit of Auto Dealers so they would know where the auction money went, that he paid them every month to stay in business, etc., and he would love it looked at. Council Members Sullivan, Hoang, Rodriguez, Burks and Noriega absent.

Mayor Parker stated that for the record and to the public they were audited annually and it was available on the city website and in addition the City Controller published an annual audit plan and had the ability to audit contracts and programs across the city and published results of his audit on his website. Council Members Sullivan, Hoang, Rodriguez, Burks and Noriega absent.

Ms. Paula Harrison, 14410 Brunswick, Houston, Texas 77047 (832-339-8225) appeared

and stated that she was present asking for a visible Police Chief, one which would allow individuals to sit in his office and discuss issues with them; that she was always told no one was available and she was asking Mayor Parker to search for a Police Chief who would be available. Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Laster, Burks and Noriega absent. (NO QUORUM PRESENT)

Mr. Carl Gibson, 904 Westcott, Houston, Texas 77007 (601-454-6443) had reserved time to speak but was not present when his name was called. Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Laster, Burks and Noriega absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he was president of the United States; and continued expressing his personal opinions until his time expired. Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Laster, Burks and Noriega absent. (NO QUORUM PRESENT)

Mr. Joe Roche, 400 Rusk, Houston, Texas 77002 (281-928-5999) appeared and stated that he was present regarding the Houston Airport system, why did JFK get all the action and Bush was ignored; and he was wondering if they could attract more airlines to Intercontinental airport. Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Laster, Burks and Noriega absent. (NO QUORUM PRESENT)

At 3:52 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, February 8, 2012. Council Members Brown, Davis, Cohen, Sullivan, Hoang, Pennington, Rodriguez, Laster, Burks and Noriega absent. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m., Wednesday, February 8, 2012, with Mayor Annise D. Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D.C.; Mr. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director, present.

At 8:40 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:10 a.m. Mayor Parker called the meeting to order. Council Members Adams and Sullivan absent.

Mayor Parker stated that the first item on the agenda was a Mayor's Report and recognized Council Member Laster for a point of order. Council Members Adams and Sullivan absent.

Council Member Laster moved to suspend the rules to consider Item Numbers 1 and 2 before the Mayor's Report and Item Numbers 32 and 33 immediately after the Mayor's Report, seconded by Council Member Rodriguez. All voting aye. Nays none MOTION 2012-0075 ADOPTED.

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

Position Eight	-	<b>MR. BOLIVAR M. FRAGA</b> , reappointment
Position Nine	-	<b>MS. NORY ANGEL</b> , reappointment
Position Ten	-	<b>DR. DANIEL E. JENKINS, III</b> , reappointment

- Position Eleven - **MS. TARYN SIMS**, appointment
- Position Twelve - **MR. ROBERT D. TANNER**, reappointment
- Position Thirteen - **MR. VIRGIL H. COX**, reappointment
- Position Fourteen - **MS. MARJORIE (MARGIE) PEÑA**, reappointment
- Position Fifteen - **MR. CARLOS DE ALDECOA BUENO**, appointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none MOTION 2012-0076 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment or reappointment to the **GREATER NORTHSIDE MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2015:

- Position One - **MS. CARMEN SILGUERO**, reappointment
- Position Two - **MR. JOSE A. GALINDO**, reappointment
- Position Three - **MS. SANDRA R. CLARK**, appointment
- Position Four - **MR. DUY BUI**, reappointment
- Position Five - **MS. MARY M. LAWLER**, appointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none MOTION 2012-0077 ADOPTED.

Mayor Parker stated that she just affirmed the directors of the Greater East End Management District and the Greater Northside Management District, and congratulated the community volunteers.

Council Member Noriega stated that she knew Diane Schenke was in the audience for the East End Management District and stated that they appreciated their work in the East End.

### **MAYOR'S REPORT** - Long Range Financial Management Task Force Report

Mayor Parker invited Mr. Mike Nichols, Chairman, Long-Range Financial Management Task Force to the podium, and stated that as part of the budget process last year, in fact as a budget amendment offered by City Council, they created what had been called the Long-Range Financial Management Task Force, that a number of Council Members signed on to the motion to create the task force and the structure of the task force was defined by Council motion, that she would like to point out to Council Members that they had been given, really, unprecedented access to financial data of the City of Houston, that she was not aware of any previous Council that had had as much exposure to the inter financial workings of the City as they had and their immediate predecessor Council, that both she and Controller Green were committed to making the financial decisions of the City as open and transparent as possible, they created a fiscal responsibility webpage on the City's webpage, that much of the background data for the decisions that came before them each week on Council, as they explored financial issues, were available there, that the presentations that had been given to the Long-Range Financial Management Task Force had been posted to that website, that if they wanted to know which vendors were getting paid how much they could go to the City Controller's website and if there was more financial data that could be useful in a particular electronic format they would endeavor to provide that, that books and records of the City of Houston were completely open and transparent, not just to City Council but to the public at large, that the structure of the taskforce was such that it was not intended to come back to Council with a list of instructions, it was intended to come back to Council to tell them what their options were, that what they had before them was a distillation of the work of the task force, that it did not look like a whole lot but it had a CD in the back and it capsulated what was delivered to her in three binders that were about a foot and half tall, a tremendous amount of financial information shared with the task

force members, that the fact that they were holding the core services assessments, it was a suggestion that originally came from Council Member Bradford last year, this was only the second time they had done those, it was designed to allow Council Members a deep dive at department level, particular service, particular cost of that service, what would be the impact of eliminating that service, that she did not know whether they were going to continue the core service presentations in the future but the whole goal was to allow Council Members as much access to the financial data in a useable format as they wanted, they were the policy making body of the City and this was all part of making sure that they continued what she thought was the best in class transparency effort by the City of Houston in terms of their finances.

Mayor Parker further stated that she wanted to state next how much she appreciated the time and energy that went in to serving on the Long-Range Financial Management Task Force, the public sector representatives, many of whom had their jobs and responsibilities, gave hour after hour over these last few months to this effort, that she appreciated the three Council Members, current Council Members Costello and Bradford and former Council Member Clutterbuck, who participated in this effort and she appreciated the fact that the three City pensions and three City unions also contributed representatives to this, there was no agenda when the committee started, they said “tell use what you want to look at” and Kelly Dowe and his staff bent over backwards, jumped through hoops or whatever phrase they wanted to use to provide them with every bit of financial data they could think to ask for, and probably a whole lot more, that she appreciated very much the effort that went into serving on the committee and she looked forward to the presentation by the Chair of that committee, Mr. Mike Nichols, as the result of their work.

Mr. Nichols, Chairman, Long-Range Financial Management Task Force, and Mr. Kelly Dowe, Director, Finance Department, reviewed a presentation titled “Final Report of the Long-Range Financial Management Task Force”, a copy of which is on file in the City Secretary’s office for review.

Mayor Parker stated that she wanted to thank Mr. Nichols for the presentation and appreciated everybody’s hard work, and Mr. Nichols and Mr. Dowe were questioned by Members of the City Council and they also thanked him for the presentation.

Mayor Parker stated that following Council Members comments she would point out that only civilian employees were furloughed and laid off, they did not layoff a single police officer or firefighter or furlough a single police officer or firefighter as had happened in many other cities, that they were well aware that their civilian employees bore the brunt of this recession that they were in.

At 11:09 a.m. Mayor Parker stated that they would move to the agenda and the first item would be the ATS settlement. Council Member Adams absent.

32. ORDINANCE approving and authorizing Compromise and Settlement Agreement for Civil Action No. 4:10CV4545, styled City of Houston v. **AMERICAN TRAFFIC SOLUTIONS, INC.** and the amendment and restatement of Contract No. C62248 with American Traffic Solutions, Inc to provide support services relating to collection of fines and penalties associated with delinquent citations (“DARLEP Collections”); authorizing the Mayor to enter into agreements with third parties for related services, all of such agreements to be paid for out of DARLEP Collections; appropriating \$2,720,000 out of General Fund Fund Balance as contingent stand-by funding in the event that DARLEP Collections are not sufficient – **(This was Item 39 on Agenda of January 25, 2012, POSTPONED BY MOTION #2012-53)** – was presented. Council Member Adams absent.

After discussion by the City Council, Council Member Green moved to call the question,

seconded by Council Member Sullivan. All voting aye. Nays none. MOTION 2012-0078 ADOPTED.

A roll call vote was called on Item No. 32.

ROLL CALL VOTE:

Mayor Parker voting aye	Council Member Rodriguez voting aye
Council Member Brown voting no	Council Member Laster voting aye
Council Member Davis voting aye	Council Member Green voting aye
Council Member Cohen voting aye	Council Member Costello voting aye
Council Member Adams voting aye	Council Member Burks voting aye
Council Member Sullivan voting no	Council Member Noriega voting aye
Council Member Hoang voting aye	Council Member Bradford voting no
Council Member Pennington voting aye	Council Member Christi voting no
Council Member Gonzalez voting aye	ORDINANCE 2012-0098 ADOPTED.

33. ORDINANCE appropriating \$1,889,281.89 out of DARLEP Fund Fund Balance for Compromise and Settlement Agreement between the City of Houston and **AMERICAN TRAFFIC SOLUTIONS, INC** – (This was Item 9 on Agenda of February 1, 2012, TAGGED BY COUNCIL MEMBERS SULLIVAN, BRADFORD, ADAMS, HOANG, PENNINGTON, DAVIS, COHEN and BROWN) – was presented. Council Members Brown, Sullivan and Bradford voting no, balance voting aye. ORDINANCE 2012-0099 ADOPTED.

At 11:34 a.m. Mayor Parker stated that they would move to the consent agenda.

**CONSENT AGENDA NUMBERS 1 through 31**

**ACCEPT WORK** - NUMBERS 5 and 6

5. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$4,564,363.40 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** completed by the Surety, **ST. PAUL FIRE AND MARINE INSURANCE COMPANY** for North Apron Environmental Protection System/South Ramp Drainage Improvements at William P. Hobby Airport No. 563 0.26% over the original contract amount - **DISTRICT B – DAVIS** – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2012-0079 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,523,888.36 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., LTD.**, for 11th Street Rehabilitation from West of Heights Boulevard to Studewood Drive - 2.92% under the original contract amount - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2012-0080 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 11 through 31

11. ORDINANCE authorizing the issuance of City of Houston, Texas Airport System Subordinate Lien Revenue Bonds and Revenue Refunding Bonds in one or more series as may be further designated and described herein and providing for the payment thereof; authorizing the Mayor, the City Controller and/or certain other designated City Officials to approve the amount, interest rates, prices, and terms thereof, to determine the

outstanding bonds or other obligations to be refunded and/or defeased; approving other related procedures, provisions and agreements pertaining to such refunding and/or defeasance; authorizing the refunding and/or defeasance of certain Outstanding Airport System Bonds and other obligations relating to Special Facilities Bonds; authorizing the execution and delivery of one or more Bond Purchase Agreements, Paying Agent/Registrar Agreements, Escrow Agreements, and such other agreements relating to the bonds or the security thereof; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; authorizing an official to declare intent to reimburse; approving the Form of Credit Enhancement Agreements with any Bond Insurer and Debt Service Reserve Fund Policy Provider; and making certain findings and other declarations necessary and incidental to the issuance of the bonds; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2012-0100 ADOPTED.

13. ORDINANCE approving and authorizing substantial amendments to the Annual Action Plans for 2002, 2007, 2008, and 2009, relating to the Housing Opportunities for Persons With AIDS applications submitted to the United States Department of Housing and Urban Development under the authority of the AIDS Housing Opportunities Act as amended by the Housing and Community Development Act of 1992, as amended – was presented. All voting aye. Nays none. ORDINANCE 2012-0101 ADOPTED.
14. ORDINANCE approving and authorizing amendment to the 2008 Consolidated Action Plan relating to the Community Development Block Grant Recovery Program under the American Recovery and Reinvestment Act of 2009 (“CDBG-R”), as amended – was presented. All voting aye. Nays none. ORDINANCE 2012-0102 ADOPTED.
15. ORDINANCE approving and authorizing substantial amendments to the Annual Action Plans for 2005, 2006, 2008, 2009, 2010, and 2011, under the 2005-2009 and 2010-2014 Consolidated Plans, relating to the Community Development Block Grant Program applications submitted to the United States Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1974, as amended – was presented. All voting aye. Nays none. ORDINANCE 2012-0103 ADOPTED.
- 15a. ORDINANCE approving and authorizing amendments to the Annual Action Plans for 2002, 2005, 2007, 2008, and 2010 relating to the Community Development Block Grant Program applications submitted to the United States Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1974, as amended - **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. ORDINANCE 2012-0104 ADOPTED.
17. ORDINANCE establishing the north and south sides of the 1100 block of Willard Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. ORDINANCE 2012-0105 ADOPTED.
18. ORDINANCE establishing the north and south sides of the 1200-1300 block of Willard Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. ORDINANCE 2012-0106 ADOPTED.
19. ORDINANCE approving and authorizing Amendment No. 4 to Engagement Letter between the City of Houston and **ZUCKERT, SCOTT & RASENBERGER, L.L.P.** for the provision of Specialized Legal Services for the Houston Airport System - **DISTRICTS B - DAVIS;**

**E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2012-0107 ADOPTED.

20. ORDINANCE amending Ordinance No. 2009-1231 (Passed on December 2, 2009) to contract between the City of Houston and **SPEEDPAY, INC** for Western Union Speedpay Service for an Interactive Voice Response and Call Center Payment Processing Portal for the Municipal Courts Administration Department - had been pulled from the Agenda by the Administration, and was not considered.
21. ORDINANCE appropriating \$51,500.00 out of HAS Consolidated 2001 NON-AMT Construction Fund; authorizing purchase of Lots 1 and 2, Block 4 Greenview Manor Section Two, Houston, Harris County, Texas for a Noise Compatibility Program at George Bush Intercontinental Airport; approving Purchase and Sale Agreement with the owners of the land (Michael Lynn Parks, R.W. Turner, and H.T. Ayers, Jr.) - **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. ORDINANCE 2012-0108 ADOPTED.
22. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath property containing 14.585 acres commonly known as 411 Jackson Hill, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. ORDINANCE 2012-0109 ADOPTED.
25. ORDINANCE issuing a permit to **ETC NGL TRANSPORT, LLC** to operate, maintain, improve, repair, and replace an existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which the permit is issued - **DISTRICTS D - ADAMS and E - SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2012-0110 ADOPTED.
26. ORDINANCE issuing a permit to **KINDER MORGAN TEJAS PIPELINE LLC** to operate, maintain, improve, repair, and replace an existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which the permit is issued **DISTRICTS A - BROWN; B - DAVIS; D - ADAMS; E - SULLIVAN; F - HOANG; G - PENNINGTON and K - GREEN** – was presented. All voting aye. Nays none. ORDINANCE 2012-0111 ADOPTED.
27. ORDINANCE issuing a permit to **KINDER MORGAN TEXAS PIPELINE LLC** to operate, maintain, improve, repair, and replace an existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which the permit is issued - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN; D - ADAMS; E - SULLIVAN; F - HOANG; G - PENNINGTON; I - RODRIGUEZ and K - GREEN** – was presented. All voting aye. Nays none. ORDINANCE 2012-0112 ADOPTED.
28. ORDINANCE appropriating \$632,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **AECOM TECHNICAL SERVICES, INC** for WCID #47 Wastewater Treatment Plant Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2012-0113 ADOPTED.
29. ORDINANCE appropriating \$1,517,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Rehabilitation of Distribution Pumps, Motors, Valves, Piping, Pump Station Buildings and Conversion

from Chlorine Gas to Liquid Bleach Chlorination at Various Facilities; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN; C - COHEN; E - SULLIVAN; F - HOANG; G - PENNINGTON; J - LASTER and K - GREEN** – was presented. All voting aye. Nays none. ORDINANCE 2012-0114 ADOPTED.

30. ORDINANCE appropriating \$572,499.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation; 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 (4277-57) – was presented. All voting aye. Nays none. ORDINANCE 2012-0115 ADOPTED.
31. ORDINANCE appropriating \$566,169.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **SEWER AND STORM MAINTENANCE, LLC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation; 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 (4277-58) – was presented. All voting aye. Nays none. ORDINANCE 2012-0116 ADOPTED.

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

**MISCELLANEOUS**

3. RECOMMENDATION from Director Department Public Works & Engineering to accept the January 2012 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$9,995,462.74 to the Combined Utilities System Operating Fund for Revenue Bond Debt Service as recommended in the Report – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford, and tagged by Council Member Sullivan. Council Member Pennington absent.

**ACCEPT WORK**

4. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$61,588,236.00 and acceptance of contract with **SPAWGLASS CONSTRUCTION CORPORATION** for Renovation of all levels of Terminal C and adjacent curbsides at George Bush Intercontinental Airport/Houston, Project No. 490K - 8.31% over the original contract amount **DISTRICT B – DAVIS** – was presented, moved by Council Member Bradford, seconded by Council Member Costello. Council Member Pennington absent.

Council Member Brown stated that on these contracts where the contractors come back with unforeseen costs was something that really concerned her and they continued to see a lot of this, that they needed to take a closer look at how they did business with these contracts and

maybe having re-bids on additional work rather than continue to come forward with some substantial amounts of additional unforeseen costs. Council Member Pennington absent.

Mayor Parker stated that was noted, that this was within the original allowed contingency of 10%. Council Member Pennington absent.

Council Member Davis stated that he agreed, that he also wanted to thank the contractors with this project, the goal was 30% for the MSWBE and they exceeded it, 39.53%, that he was looking forward to working with SPAW Glass for a Terminal B project, that he would like to see a balance throughout the City of Houston because it was everybody putting the money in and everyone needed to reap the benefits. Council Member Pennington absent.

A vote was called on Item No. 4. Council Member Brown voting no, balance voting aye. Council Member Pennington absent. MOTION 2012-0081 ADOPTED.

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

7. **SIERRA NEVADA CORPORATION** for Electronic Counter Measure System for the Houston Police Department - \$109,451.00 - Grant Fund - was presented, moved by Council Member Rodriguez, seconded by Council Member Hoang. Council Member Brown voting no, balance voting aye. Council Member Pennington absent. MOTION 2012-0082 ADOPTED.
8. **QINETIQ NORTH AMERICA, INC TECHNOLOGY SOLUTIONS GROUP** for Dragon Runner Robot System for Houston Police Department - \$111,143.00 - Grant Fund – was presented, moved by Council Member Bradford, seconded by Council Member Christi. Council Member Brown voting no, balance voting aye. Mayor Parker and Council Members Pennington and Rodriguez absent. Mayor Pro Tem Gonzalez presiding. MOTION 2012-0083 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

9. RESOLUTION designating the property located at 309 East 32nd Street within the City of Houston as a landmark and protected landmark - (The Carroll House) - **DISTRICT H - GONZALEZ** – was presented. Council Member Sullivan voting no, balance voting aye. Mayor Parker and Council Members Davis, Pennington and Rodriguez absent. Mayor Pro Tem Gonzalez presiding. RESOLUTION 2012-0003 ADOPTED.
10. RESOLUTION designating the property located at 3626 Overbrook Lane within the City of Houston as a historic landmark - (The Donig House) - **DISTRICT G - PENNINGTON** – was presented. Council Member Sullivan voting no, balance voting aye. Mayor Parker and Council Members Davis, Pennington and Rodriguez absent. Mayor Pro Tem Gonzalez presiding. RESOLUTION 2012-0004 ADOPTED.
12. ORDINANCE approving and authorizing contract between the City of Houston and **EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC**, to provide \$280,595.53 in Community Development Block Grant Funds for the administration and operation of the H.E.A.R.T. Program, a program that will provide job training and placement for developmentally disabled low and moderate income adult individuals - **DISTRICT H – GONZALEZ** – was presented. Mayor Parker and Council Members Davis, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

Council Member Adams stated that on this particular item she noticed that in the past they had an increase in funding and was noticing a decrease in funding, that she would get with the

Housing Department because she knew there had been some federal cuts but just wanted to look across the board to make sure that every entity that received funding through the Housing and Community Development Block Grant Program received the decrease as well, that she wanted to see that no one received an increase; that she wanted to commend the H.E.A.R.T. Program for all they did in the community and the City of Houston. Mayor Parker and Council Members Davis, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez stated that there was an RFP process, that he would make sure that someone reached out to her to discuss what their findings were and how the committee made their decisions, that he was personally very supportive of the program, they did great work. Mayor Parker and Council Members Davis, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

Council Member Brown stated that on Item No. 12 was an example where she could talk about federal grant money, that the idea that, because they were very limited in federal grant monies coming to the City, they had to fight with and compete with other cities to get this money was really a silly concept in her opinion, not only were they broke in the City of Houston but they were broke at the federal level, that the idea that they were going to be fighting with their brothers to see who gets the credit to push their friend over the cliff was the concept she saw here, they also had a situation where what would happen if the money ran out, or when the money runs out, that the homeless, disabled and underprivileged were being setup or had been setup, they were depending upon what was undependable and that was not right, that as a government they needed to step out of the way and let the local churches and local organizations or nationwide organizations or world organizations step up, they understood the needs of these folks then they as government, they had other responsibilities as they face financial situations in the City, they needed to be taking care of those needs and infrastructure needs and other issues, that as caring citizens they needed to help organizations do their role taking care of the less fortunate and the underprivileged because governments would rise and fall, but charity remains through the test of times, in fact she heard one report where 80% of contributions to nonprofit organizations came from individuals, not even corporations, they were talking about individuals, so they needed to believe in mankind and they could do that and they did not need to be setting up their folks, people that they cared about with these funding programs that was furthering the process of the failure of their government at the federal level, that was why she would be voting no on Item No. 12. Mayor Parker and Council Members Davis, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez stated that he would point out that H.E.A.R.T. also did gain revenue by vending and concessions that they provided both at the Toyota Center and working hard at other sporting events, these were just funds returning back to the City to make sure that people with special needs were able to maintain productive lives that perhaps, if they did not have this assistance, they would still incur a cost in other parts of the City. Mayor Parker and Council Members Davis, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

Council Member Green stated that he met with the Executive Director of H.E.A.R.T. yesterday and while they were cut he thought everyone who did receive the CDBG dollars had been cut additionally so he thought their cuts may have been minimal as opposed to others, that he did see the City recognizing this as a very important program and one that he did support, that to his colleague Council Member Brown, with regards to dollars and revenues of the organization, this was only a small part of the dollars that they got, most of the dollars they got were private funding and did come from outside sources, that the way nonprofits were able to sustain and move forward was that they received some assistance where that assistance was there, that he fully supported the program and understood the need, it was a workforce program and obviously they were about making sure all of their citizens in the City had the opportunity to the world or work, if they were able to do that with disadvantaged and disabled kids, giving them

that opportunity, he was going to fully support that.

A vote was called on Item No. 12. Council Member Brown voting no, balance voting aye. Mayor Parker and Council Members Davis, Cohen, Rodriguez, Burks and Christi absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2012-0117 ADOPTED.

16. ORDINANCE approving and authorizing submission of an application for grant assistance to **THE TEXAS PARKS AND WILDLIFE DEPARTMENT** - Recreation Grants Branch to support a Recreational Trails Grant, administered by the Texas Parks and Wildlife Department, for a Pedestrian Trail in Avenue Place; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation 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 - \$165,894.00 - Grant Fund - **DISTRICT H – GONZALEZ** - was presented. Council Member Brown voting no, balance voting aye. Mayor Parker and Council Members Davis, Cohen, Rodriguez, Costello, Burks and Christi absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2012-0118 ADOPTED.
23. ORDINANCE consenting to the addition of 118.2965 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 194**, for inclusion in its district – was presented. All voting aye. Nays none. Mayor Parker and Council Members Davis, Cohen, Rodriguez, Costello, Burks and Christi absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2012-0119 ADOPTED.
24. ORDINANCE appropriating an amount not to exceed \$100,000,000 from the Combined Utility System General Purpose Fund and authorizing the transfer of such amount to the Water & Sewer System Consolidated Construction Fund for Combined Utility System Capital Expenditures; declaring the Combined Utility System's intent to reimburse the General Purpose Fund with bond proceeds; making various findings and provisions related thereto; and declaring an emergency – was presented. Mayor Parker and Council Members Davis, Cohen, Rodriguez, Costello, Burks and Christi absent. Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Brown, Mayor Pro Tem Gonzalez stated that he had asked for a meeting with Susan Bandy and believed Council Member Adams did as well to try to understand it because it was quite complex, that he thought for years, previous even to this administration the can had been kicked down the road, that the previous Council had instituted a hike on their water rates to try to stabilize the system, but there was still a large part of debt due to a lawsuit that they may be aware of, they had delayed some of their infrastructure improvements to the City, this now allowed them to catch up, in fact this was intended as an effort to save money, so Public Works was proposing to just appropriate \$100 million in cash from the combined utility system, and using their own money, rather than incurring new debt, this money would just be set aside for 24 months, it was not expected to be used, it was just an appropriation so they could then have that as a back up to what they were going to be investing into the system. Mayor Parker and Council Members Davis, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

Council Member Brown asked if in the event that any monies were used was there a way to get a list of the expenditures, and Mayor Pro Tem Gonzalez stated yes, that he was sure they could get a report through committee as well, that maybe they could give them an update before the appropriate committee as well, that it was a legal obligation for them to have the assets to back up their projects. Mayor Parker and Council Members Davis, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

Council Member Costello stated that this was vetted in the Budget and Fiscal Affairs Committee, it was basically bridge financing, set aside money to support future construction, it was something that was fairly routine.

A vote was called on Item No. 24. All voting aye. Nays none. Mayor Parker and Council Members Davis, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2012-0120 ADOPTED.

**MATTERS HELD** - NUMBERS 32 through 36

34. ORDINANCE appropriating \$977,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CAROLLO ENGINEERS, INC** for Project Advisor/Technical Consultant for the City's future expansion of the Northeast Water Purification Plant; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E – SULLIVAN – (This was Item 16 on Agenda of February 1, 2012, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. All voting aye. Nays none. Mayor Parker and Council Members Davis, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2012-0121 ADOPTED.
35. ORDINANCE appropriating \$2,802,277.00 out of Metro Projects Construction Fund awarding construction contract to **TRAF-TEX, INC** for Citywide Traffic Signal Rebuild Package #2; 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 contingencies, CIP Cost Recovery and engineering testing relating to construction of facilities financed by the Metro Projects Construction Fund **DISTRICTS A - BROWN; C - COHEN; D - ADAMS; E - SULLIVAN; F - HOANG; H - GONZALEZ; I - RODRIGUEZ; J - LASTER and K – GREEN – (This was Item 17 on Agenda of February 1, 2012, TAGGED BY COUNCIL MEMBER BROWN)** All voting aye. Nays none. Mayor Parker and Council Members Davis, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2012-0122 ADOPTED.
36. ORDINANCE appropriating \$7,123,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BRH-GARVER CONSTRUCTION, L.P.** for proposed 48-inch / 42-inch water line along existing easements, West Orem, Chimney Rock, River Bluff, Summit Ridge, Wood River and Coachcreek from Sims Bayou Pump Station to Hillcroft and Southwest Pump Station Chlorine Building Improvements; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS G - PENNINGTON and K – GREEN – (This was Item 23 on Agenda of February 1, 2012, TAGGED BY COUNCIL MEMBER BROWN)** All voting aye. Nays none. Mayor Parker and Council Members Davis, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2012-0123 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Adams announced the following events: tonight was the Mental Health Mental Retardation of Harris County 8th Annual Mardi Gras Fundraiser; that High School Exchange Students from Hibend, China were in an exchange program with the Houston

Academy of International Studies, that she wanted to thank them for participating and being a part of everything they do at the City of Houston; that the South Belt Ellington Chamber of Commerce dinner would be held on February 9, 2012 at the Golf Crest Country Club; that the South Acres Ranch Phase II grand opening celebration would be on Friday, February 10, 2012, affordable single family energy home rentals; that there would be a new transition of officers at the East Sunnyside Court on Friday; on February 12, 2012, they would celebrate the pastors anniversary at Mount Horeb Missionary Baptist Church, that she wanted to commend Pastor Miller and his wonderful congregation; the Gee Family Annual Chinese New Year Scholarship Dinner would take place as well on Sunday; February 13, 2012 would be the first scheduled meeting for Chapter 42, the public meeting of the City of Houston Planning Commission and the City of Houston Planning Department, Land Development Ordinance for Chapter 42, from 6:30 p.m. to 8:00 p.m. at the Sunnyside Multi Service Center, 4605 Wilmington. Mayor Parker and Council Members Brown, Davis, Cohen, Sullivan, Rodriguez, Laster, Costello, Burks and Bradford absent. NO QUORUM PRESENT

Council Member Hoang stated that on Monday there was a fatal accident on Bellaire Boulevard, a senior, 72 years old was killed in the accident, that he heard there had been issues previously with motorists cutting through the shopping center's parking lot instead of waiting in the traffic, that he was not clear if this was the case on Monday afternoon, but hopefully cut through problems would be alleviated with Bellaire construction, the project would reduce the number of commercial driveways and space them out, currently the driveway where the tow truck operator exited was adjacent to Crusader Drive, that after the construction the driveway would be approximately 120 feet from Crusader Drive entrance, making it safer for pedestrians and motorists alike, that on Bellaire they will also have a left turn lane to Crusader Drive, that yesterday he spoke with a Father from Strake Jesuit and he shared the same concern and was asking the Public Works Department to immediately close down the driveway on that commercial cut through in the shopping center because it was very dangerous to the public and he was going to ask the Public Works Department to consider this proposal, that he wanted to send his condolences to the victim's family; that the Harris County Flood Control District was holding four public meetings to present plans and options for charting Buffalo Bayou, a study of 32 miles of Buffalo Bayou from Barker Reservoir to the Houston Ship Channel Turning Basin and 7 miles of lower White Oak Bayou, the goal was to reduce flooding risks and dams and the need for stream bank stabilization, the first meeting would be tonight at Tracey Gee Community Center, 3599 West Center Drive, this was a very important proposal that would impact thousands of Houstonians and he would encourage the public to come to these meetings and share their thoughts and concerns; that a couple of months ago City Council approved the Management District's request for the International Management District for designation as a Banner District, that these decorative banners had already started going up on Bellaire Boulevard esplanades and banners would also be directed on Beechnut Boulevard between Dairy Ashford and Kirkwood, that the project should be completed by the end of this week, that in addition to the banners they had built a community garden at Dairy View and Beechnut, east of Dairy Ashford; that Alief ISD Education Foundation Day was at Alief What a Burgers and he encouraged residents in southwest Houston to stop by the two Alief area What a Burgers from 4:00 p.m. to 7:00 p.m., 20% of sales would be donated to the Alief ISD Education Foundation to purchase school supplies and clothing for low income students in Alief ISD, that he wanted to thank What a Burger for their support. Mayor Parker and Council Members Brown, Davis, Cohen, Adams, Sullivan, Rodriguez, Laster, Costello, Burks and Bradford absent. NO QUORUM PRESENT

Council Member Pennington stated that last Thursday he attended the grand opening of the Meadow Wood Elementary School on Memorial near Kirkwood in the Spring Branch School District, that he and Council Member Christi were present representing the City; that he would be attending the Harris County Flood Control District Meeting on Buffalo Bayou Charting, that the other meetings were Saturday, February 18, 2012, 10:00 a.m. to 12:00 p.m. at Dushane

Academy, Tuesday, February 21, 2012, 6:00 p.m. to 8:00 p.m. at the SBJST Lodge 88, 1435 Beal Street and the final meeting on Monday, February 27, 2012, from 6:00 p.m. to 8:00 p.m. at the University of Houston Downtown, Academic Building, that it was mostly a listening event and there would not be an opportunity for public comment. Mayor Parker and Council Members Brown, Davis, Cohen, Adams, Sullivan, Hoang, Rodriguez, Laster, Costello, Burks and Bradford absent. NO QUORUM PRESENT

Council Member Green stated that on Saturday, February 11, 2012, 10:00 a.m. to 12:00 p.m. at the Hiram Clarke Multi Service Center, 3810 Fuqua, the Houston Galveston Area Council would be kicking off the new two year plan for sustainability, the plan would explore opportunities to improve the regions most significant resources regarding clean air, economic development, affordable housing, transportation choices and open spaces and parks; that on Monday there would be a job fair held at the Workforce Solutions Office, Jay Steel Company would be hosting the job fair; that tonight was a pastor's anniversary for Dr. Joe Samuel Radcliff at the Brentwood Baptist Church; that he would like to offer his condolences to the family of Issah Monroe Senior, who passed earlier this week, that his son was a City of Houston employee, that his family would definitely be in their prayers. Mayor Parker and Council Members Brown, Davis, Cohen, Adams, Sullivan, Hoang, Rodriguez, Laster, Costello, Burks and Bradford absent. NO QUORUM PRESENT

Mayor Pro Tem Gonzalez stated that he wanted to congratulate the Parks and Recreation Department Director Joe Turner on his election to the National Recreation and Park Association, NRPA, Board of Directors, that Director Turner was installed in November and would be an asset to the NRPA Board, that Mr. Turner sat on the Legislative Committee and was instrumental to bring the NRPA Congress to Houston in October of 2013; that he wanted to thank the brave men and women of the Houston Fire Department, yesterday they responded to a house fire in the 400 Block of East 43rd in District H, they arrived on the scene within 3 minutes of the call and rescued a trapped child, that 35 firefighters responded to the call and the fire was quickly tapped out; that SNAP and BARC continued to tackle the Ferrell cat population in District H, the next trap neuter release date for zip code 77011 and 77023 would be this Sunday at Ripley House, 4410 Navigation, that this project continued to be a success and he sincerely thanked the community for embracing it, for more information they could contact Susan Lamb, 713-522-2337; that United Way and Neighborhood Centers would be offering free tax preparation services throughout the City for families earning up to \$50,000 per year and individuals earning up to \$30,000 per year, in District H tax services would be hosted at Ripley House, that it was an important resource for their communities and hoped that many of the citizens used the service, dial 2-1-1 for more information or go to [www.freetaxcenters.org](http://www.freetaxcenters.org); that he wanted to point out a few items they passed on the agenda that he thought were important, they approved to receive some Homeland Security Grants for the Police Department, the purchase of a counter measure system and a robot system, they had been waiting ten years to receive the license to be able to purchase this equipment so it had been a long time in waiting, that currently 10 cities had this type of equipment, that of the 30 cities that were recently approved Houston would be the fourth to be able to receive this important counter surveillance system; that they also received a robot system which would be much easier for the Bomb Squad to utilize, especially in tight quarters, they had a lot of critical infrastructure in the City of Houston when they looked at the Medical Center, the Port and the multi airport systems, it was very important equipment to be able to have and to protect their citizens; that the Carroll House became a protected landmark, on December 8, 2011, the City of Houston approved the Carroll House, this was an 834 square foot home built in 1910 and was the first house built in Independence Heights, the first incorporated city in the State of Texas for African Americans, the original owner, Andrew Carroll, was born into slavery, he was a farmer, minister and participating founder of the Independence Heights Community, that this historic designation was the first marked victory in the Independence Heights Redevelopment Community's efforts to protect their community; that they also approved a pedestrian trail in Avenue Place, that he

wanted to thank the Parks Department for their efforts in obtaining these grants and the opportunity to improve the quality of life, walk ability, the ability to exercise outdoors and enhance the community. Mayor Parker and Council Members Brown, Davis, Cohen, Adams, Sullivan, Hoang, Rodriguez, Laster, Green, Costello, Burks, Noriega and Bradford absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 12:07 p.m. Mayor Parker and Council Members Brown, Davis, Cohen, Adams, Sullivan, Hoang, Rodriguez, Laster, Green, Costello, Burks, Noriega and Bradford absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary