

City Council Chamber, City Hall, Tuesday, September 25, 2012

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 25, 2012, Mayor Annise Parker presiding and with Council Members Helena Brown, Jerry Davis, Wanda Adams, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. David Feldman, City Attorney; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division; Ms. Marta Crinejo, Agenda Director and Ms. Stella Ortega, Agenda Office present. Council Member Ellen R. Cohen absent on personal business. Council Member Mike Sullivan absent on city business. Council Member Melissa Noriega absent due to being ill.

At 1:40 p.m. Mayor Parker stated that they would now begin presentations and called on Council Member Gonzalez who invited Mr. Richard Cruz to the podium and stated that Mr. Cruz was a fifth grade bilingual teacher and cofounder of Emerge Fellowship; that he turned down a full scholarship at Yale and joined Teach for America to work as a teacher; that he had assumed many leadership roles and was selected Teacher of the Year at Moreno Elementary School; and Mayor Parker stated that she honored Mr. Cruz with the Mayor's Hispanic Heritage Education Award for 2012 and proclaimed today as "Richard "Rick" Cruz Day" in the City of Houston. Council Members Brown, Davis, Adams, Hoang, Pennington, Rodriguez, Laster, Green, Burks, and Bradford absent. Council Member Costello presiding. (NO QUORUM PRESENT)

Mr. Cruz stated that he looked forward to helping more children reach their potential; and thanked all for the recognition. Council Members Davis, Adams, Hoang, Pennington, Rodriguez, Green, Burks, and Bradford absent. Council Member Costello presiding. (NO QUORUM PRESENT)

Council Member Christie stated that Mr. Cruz was in an honored profession as they taught children how to be winners; and thanked him for his work. Council Members Davis, Hoang, Pennington, Rodriguez, Green, Burks, and Bradford absent. Council Member Costello presiding. (NO QUORUM PRESENT)

Council Member Adams invited Dr. Norman Berkman to the podium and stated that she wanted to thank him for all he did for the Father Child Charity Golf Tournament and Scholarship Fund; that Dr. Berkman in 2002 founded the charity tournament in honor of his Father who taught him; that he supported the organization Athletes Seeking Knowledge (ASK) a scholarship fund benefiting the Parks Department participants, etc., and Mayor Parker presented Mr. Berkman a Proclamation and proclaimed today as "Father Child Charity Golf Tournament and Scholarship Fund Day" in Houston, Texas. Council Members Davis, Hoang, Pennington, Rodriguez, Green and Bradford absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Berkman stated that students were our future leaders and he was deeply committed to continue the tournament and providing funds for FM Law Park and an important scholarship program; that they had tremendous support from others; and thanked all for the recognition. Council Members Davis, Hoang, Pennington, Rodriguez, Green and Bradford absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Members Burks and Costello thanked Dr. Berkman for his work and dedication. Council Members Davis, Pennington, Rodriguez, Green and Bradford absent. Mayor Pro Tem Gonzalez presiding.

Council Member Costello invited those with his presentation to the podium and stated that

the first week of Fall was declared as Falls Prevention Awareness Week; that it was estimated one-third of seniors over 65 fall each year and it was the leading cause of fatal injury, etc., that the Parks Department and many agencies would be co hosting an event, the first Houston Falls Prevention Day to be held Thursday, September 27th, between 9:00 a.m. and 11:30 a.m. at the Metropolitan Multi Service Center on West Gray and important information would be distributed, etc.; and Mayor Parker presented a Proclamation to the group and proclaimed September 27, 2012, as "Falls Prevention Awareness Day" in Houston, Texas. Council Members Davis, Adams, Pennington, Rodriguez, Green and Bradford absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Bill Case stated that he was a physical therapist and this was an important day for older Americans; that when one died every 29 minutes from a fall and every 15 minutes treated in the emergency room for a fall related injury they needed to do what they could; that falling was not from aging, but lack of prevention and motion was the key; and invited all to the event Thursday. Council Members Davis, Adams, Rodriguez, Green and Bradford absent. Mayor Pro Tem Gonzalez presiding.

Ms. Debra Moor stated that she was manager of the Harris County Area Agency on Aging and they heard statistics on seniors falling, but one in three fell every year and falls were the leading cause of fatal and nonfatal injuries for people 65 and older; and invited all to the Thursday event. Council Members Davis, Adams, Rodriguez, Green, Burks and Bradford absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Members Christie and Pennington stated that they agreed motion was the key; that they appreciated what they were doing; and thanked all for the work they did. Council Members Davis, Adams, Rodriguez, Green, Burks and Bradford absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mayor Parker stated that she needed Council Members present for a quorum if they were in the back; and she would call on Council Member Davis if he was entering at this time.

At 2:00 p.m. Mayor Parker called on Council Member Davis who led all in the prayer and pledge.

At 2:09 p.m. the City Secretary called the roll. Council Member Cohen absent on personal business. Council Member Sullivan absent on city business. Council Member Noriega absent due to being ill.

Council Members Gonzalez and Bradford moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Member Sullivan absent on city business. Council Member Noriega absent due to being ill. MOTION ADOPTED.

At 2:10 p.m. the City Secretary began calling the public speakers.

Ms. Jen Powis, 300 North Post Oak Lane, Houston, Texas 77007 (713-942-8500) had reserved time to speak but was not present when her name was called.

Mr. J. R. Cohen, 13086 Trail Hollow Drive, Houston, Texas 77079 (713-518-2071) appeared and stated that he was present supporting changes for the mobile food units; that he was founder of a movement called Support Local Go Together which supported businesses, musicians, etc., and changing the law would help people succeed.

Upon questions by Council Member Christie, Mr. Cohen stated that he did eat at food

trucks; and Council Member Christie stated that he wanted to clarify when he previously asked if other things were sold from the trucks legally or illegally people thought he meant drugs, but he was talking more about knockoff products; and upon further questions, Mr. Cohen stated that he only saw food sold, but there were mobile units which sold clothes.

Council Member Burks stated that he was for entrepreneurs, but the question was regarding Downtown; and upon questions, Mr. Cohen stated that he did not know where a truck could be placed Downtown.

Council Member Burks moved the rules be suspended for the purpose of extending the time for questions of Mr. J. R. Cohen, seconded by Council Member Bradford; and Mayor Parker stated that they should go ahead with questions. No vote was called.

Council Member Burks stated that he was concerned with public safety; and upon further questions, Mr. Cohen stated that regarding safety he never heard of terrorism with food trucks; and after applause, Mayor Parker stated that this was her opportunity to inform all the Rules of Council did not allow public displays of emotion; that they could wave hands in support.

Mr. Alex Vassilakidis, 407 Avondale, Houston, Texas 77006 (713-524-5533) appeared and stated that he was present regarding the food trucks; that he was an owner/operator without propane, he had an ice cream truck and they were at One Allen Center, Two Allen Center, etc., building management reached out to them, it was at their discretion and he thought they would have control over the numbers, it would not be a free for all; and propane was not as dangerous as a tank of gasoline.

Mayor Parker stated that the proposed ordinance did not allow food trucks to operate on city streets and city right-of-way, it would have to be on private property and there was a limited number of locations, it was not possible to have a thousand food trucks descending on Downtown; and the point of propane, many restaurants with outdoor spaces placed heaters out in winter and it used some form of compressed gas.

Council Member Burks stated that he had concern with safety and putting trucks together had an atmosphere of catastrophe, in 1971 propane was banned from Downtown and he did not see why that would change. Council Member Adams absent.

Council Member Pennington stated with the explanation of where food trucks might be and availability of space, he saw a food truck in front of City Hall with a special event; and upon questions, Mayor Parker stated that around City Hall they had special events which did not normally occur in other parts of the Downtown area, but they were allowed by special permit for a special event declared by the Mayor's Office of Special Events; and they did not allow it all the time, they liked the revenue from parking spaces on city streets. Council Members Brown, Adams and Green absent.

Council Member Rodriguez moved the rules be suspended for the purpose of extending the time for questions of Mr. Alex Vassilakidis, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Member Sullivan absent on city business. Council Member Noriega absent due to being ill. Council Members Brown, Adams and Green absent. MOTION 2012-0700 ADOPTED.

Upon questions by Council Member Rodriguez, Mr. Vassilakidis stated that he had been in the food truck business since October 2010 and they were profitable, about to open a brick and mortar location next month. Council Members Brown, Adams and Green absent.

Council Member Gonzalez stated that there had been discussions about safety issues, he

would be deferring to the Fire Department as they were professionals, today he was at a convenience store and they had at least 10 cans of propane for purchase and he did not think anyone was banning those or the ones in backyards; and he did not want the general public scared on propane and they did need to focus on the issues. Council Members Brown and Rodriguez absent.

Council Member Laster stated that last week the Fire Department acknowledged if an explosion did happen it would be catastrophic and that was a serious word in his mind; and he looked forward to discussions, there was a reason to set Downtown apart from propane years ago and he wanted to know why the reason was going away. Council Members Brown, Hoang and Rodriguez absent.

Mr. Robert Stokes, 23707 Green State Court, Spring, Texas 77373 (832-816-6089) appeared and stated that he was an owner/operator of a food truck and member of the Houston Mobile Food Unit Collective; that they were former teachers, cooks, etc., and they were not a collection of drug dealers, terrorist, etc., that what they were asking would generate more revenue; and the National Restaurant Association's research vice president stated that there were thousands of food trucks and a lot of wealth had come from off premise services such as the trucks, etc. Council Members Brown and Hoang absent.

Ms. Sarah Troxell, 1377 Chardonnay Drive, Houston, Texas 77077 (713-417-3808) appeared and stated that she ate at more food trucks than restaurants and as an aspiring chef she was working on a food truck; that their limitations needed to be reformed and they should also be allowed to place tables and chairs, they did not want to infringe on restaurants, but to give their customers better service. Council Members Brown and Hoang absent.

Council Member Burks stated that with tables and chairs they were not just a food truck, but a restaurant, and upon questions, Ms. Troxell stated that they did not have full service or many tables and chairs. Mayor Parker, Council Members Brown and Hoang absent. Mayor Pro Tem Gonzalez presiding.

Ms. Liz Hale, 17414 Autumn, Houston, Texas 77084 (713-518-4868) appeared and stated that she was owner of the Cupcakery and was a restricted mobile cupcake truck; that they were to be at the Houston Wine Fest and paid \$600.00 to be in the festival for one day, then she was told if they would be 99 feet to a table or port a potty they would need a temporary food permit, her truck medallion cost \$600.00 a year; that she had to have everything rearranged so she did not need the permit fee. Council Members Brown and Hoang absent.

Upon questions of Council Member Davis, Ms. Hale stated that her family was entrepreneurs and change was needed; and Council Member Davis stated that this had to work for mobile and brick and mortar and they needed to find a common ground. Council Members Brown and Hoang absent.

Mr. Kofi Taharka, 2428 Southmore Boulevard, Houston, Texas 77004 (713-962-0284) appeared and stated that he was present to challenge Council on the issue of police brutality; that they needed to do something to outlive administrations; that they suggested an independent civilian review board with subpoena and prosecutorial power; that he was challenging all Council Member to have the fortitude to stand up to the Police Union and stand for justice. Council Members Brown and Hoang absent.

Council Member Pennington stated that he was interested in the issue; that criminal investigations were in private and even if there was a different board the defendants had rights as well as those wronged and it had to be fair to all; and upon questions, Mr. Taharka stated that they were saying it needed to be away from the political and culture which existed in law

enforcement and it could still be private; that New York had a civilian review board and it should be looked at. Council Members Brown and Hoang absent.

Council Member Gonzalez stated that he was not familiar with New York's system. Council Members Brown and Hoang absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Mr. Kofi Taharka, seconded by Council Member Bradford; a vote was not called, and upon questions by Council Member Gonzalez, Mr. Taharka stated that nothing was perfect they were aware of, but it was a more open process without the fox guarding the hen house. Council Members Brown and Hoang absent.

Mr. John Cieslewicz, 1250 Dubarry, Houston, Texas 77018 (713-906-1725) appeared, and presented information from which he read regarding city documentation on dedicated swales in Section One where he lived. Council Members Brown, Davis, Adams and Hoang absent.

Council Member Gonzalez stated that he came down often and he would not get a different answer today; that he was in Council Member Cohen's district and she was not present, but he was sure her staff would be glad to follow-up with him; and upon questions, Mr. Heilman stated that they had sent a number of letters to Mr. Cieslewicz, they responded to a number of questions and they were not going to agree on the issue; that he alleged there were swales in the back and there was a utility easement in the back for phone, gas, sewer, but not storm water drainage; that he continued to disagree with them, but he did not know what else they could do. Council Members Brown, Davis, Adams, Hoang, Pennington, Rodriguez and Burks absent. (NO QUORUM PRESENT)

Mayor Parker stated that they were not debating the swales existed, just that there was no proof they were formerly dedicated for drainage purposes and that was the stalemate. Council Members Brown, Davis, Adams, Hoang, Pennington, Rodriguez and Burks absent. (NO QUORUM PRESENT)

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (no phone) had reserved time to speak but was not present when his name was called. Council Members Brown, Davis, Adams, Hoang, Pennington, Rodriguez and Burks absent. (NO QUORUM PRESENT)

Mr./Coach R. J. (Bobby) Taylor, 2107 Sumpter, Houston, Texas 77026 (FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Brown, Davis, Adams, Hoang, Pennington, Rodriguez and Burks absent. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, P. O. Box 263252, Houston, Texas 77207-3252 (713-264-0127) had reserved time to speak but was not present when his name was called. Council Members Brown, Davis, Adams, Hoang, Pennington, Rodriguez and Burks absent. (NO QUORUM PRESENT)

Ms. Page Williams, 2234 Ashford Hollow Lane, Houston, Texas 77077 (281-679-7221) appeared and presented information from which she read regarding the need to update the animal code relating to (TNR) trap-neuter-return program for cats. Council Members Brown, Davis, Adams, Hoang, Rodriguez and Burks absent. (NO QUORUM PRESENT)

Mayor Parker stated that all had her documentation and she was the Council Member who passed the pooper scooper ordinance and did personally agree that TNR was not appropriate, it was passed under her predecessor and she did not support the trap neuter and release, she did not see how they justified the difference that those cats were not vaccinated again. Council

Members Brown, Davis, Adams, Hoang, Rodriguez and Burks absent. (NO QUORUM PRESENT)

Mr. Jerry Wade, 737 Green Meadow Lane, Houston, Texas 77091 (713-876-8485) had reserved time to speak but was not present when his name was called. Council Members Brown, Davis, Adams, Hoang, Rodriguez and Burks absent. (NO QUORUM PRESENT)

Ms. Marsha Lister, 515 Wild Lane, Houston, Texas 77013 (832-860-0986) had reserved time to speak but was not present when her name was called. Council Members Brown, Davis, Adams, Hoang, Rodriguez and Burks absent. (NO QUORUM PRESENT)

Mr. Ferdinand Durisseau, 16315 Covey Run, Missouri City, Texas 77489 (832-579-8477) appeared and presented information regarding forgery of a subcontract in relation to his certification as a minority business enterprise and Allied Collision. Council Members Brown, Davis, Adams, Hoang, Rodriguez and Burks absent. (NO QUORUM PRESENT)

Mayor Parker stated that he contacted the Police Department for the forgery and Sergeant Herndon was present and she would ask he check and see if it was referred to Automotive, she wanted to know where the issue was; and upon questions, Mr. Durisseau stated that he did not own a wrecker any longer; and Mayor Parker asked that he speak with the sergeant and he would see that he was where he needed to be; that if he was listed as a minority sub and then not doing it she had a complaint to raise with them and she wanted it investigated; that it was fairly clear the two signatures did not look anything alike. Council Members Brown, Davis, Adams, Hoang, Rodriguez and Laster absent. (NO QUORUM PRESENT)

Upon questions of Council Member Green, Mr. Durisseau stated that for the last two years under the Mayor White program they were not told to be certified and when Allied came to him he thought it was generosity of their heart as they needed a minority, but with the new Mayor they needed certification and he signed on with another contractor, but then he was told they did not want him and no subcontract was ever written up; that they used him for an MWBE and then was terminated about three months later; and Council Member Green asked he speak with Mr. Rodney Harris with the Office of Business Opportunity as he wanted a report from an OBO perspective and to continue working with Mr. Foster in his office. Council Members Brown, Adams, Hoang and Rodriguez absent.

Ms. Patricia Davis, 12702 South Coast Drive, Houston, Texas 77047 (713-702-1294) appeared, presented information and stated that she had a problem with the Water Department, they said she had used 44,000 gallons in one month and was told they would not speak with her, but she needed it resolved; that they could tell by her usage record she could not have used that many and now she was receiving calls and told not to come to Council as they would help her, but it was not right. Council Members Brown, Adams, Hoang and Rodriguez absent.

Mayor Parker stated that the purpose of calling was to try and prevent a citizen from having to make a trip down here if they could solve it over the phone; that Mr. Gary Norman was present and she did see a memo on the issue; that clearly it was a faulty meter situation for months now and there had to be a better way to follow-up than the half hazard way it had been done; and asked that Ms. Davis speak with him at this time and she would like a proper meter reading on her meter done; that she did have a sprinkler system; and Ms. Davis stated that she had not used the sprinkler system. Council Members Brown, Adams, Hoang and Rodriguez absent.

Council Member Bradford stated that he did not have a copy of the memo the Mayor referred to; that over a year now almost every week someone came with a complaint concerning meters; that he would like an independent audit; and upon questions, Mayor Parker stated that

she thought it appropriate to have an outside audit and would refer it to the Controller's Office and in addition she asked the Legal Department to as soon as humanly possible come with a recommendation for ordinance or policy changes to make it easier to adjust bills in these circumstances as state law constrained them from the gift of public funds, but it seemed they could place the burden on the Public Works Department rather than the citizen; and Council Member Bradford stated a modification would be helpful and did he need to make a formal request of the Controller's Office; and Mayor Parker stated that she was happy to do that. Council Members Brown, Adams and Hoang absent.

Council Member Laster stated that Council had been engaged in this conversation for some time and he was sorry she was the latest example; and he believed a couple of weeks ago he received emails that an audit was being undertaken; and Mayor Parker stated that it was her understanding the Controller was already looking at this. Council Members Brown, Adams and Hoang absent.

Council Member Gonzalez stated that this was another ordinance which needed to be updated, there should be an option for reimbursement rather than just credit; and they did pass an independent testing of meters. Council Members Brown, Adams and Hoang absent.

Mr. David Perry, 2110 Trinity Manor, Houston, Texas 77044 (713-623-2006) appeared and stated that the world was rampant with child, human sex slave trafficking and Houston was a leader in the evil; that there was evidence of a child trafficking warehouse at 2305 Eleanor Tinsley Way around the corner from an abortion clinic; that he was presenting evidence for Chief McClelland and for Sheriff Garcia as he had been reporting this since August and had received no response; and some were being sacrificed for body parts in the red market and at Planned Parenthood which was around the corner; and continued expressing his personal opinions until his time expired. Council Members Brown, Adams and Hoang absent.

Ms. Genevieve Guy, 14611 W. Rutledge Court, Houston, Texas 77084 (713-299-1240) appeared and stated that she was present regarding the food trucks; that she was a restaurant owner and she believed they could work together, food trucks were an extension of the industry as drive through was; that they were separate from the dine in restaurants, they served different clientele; and maybe propane tanks were safer than when they were banned. Council Members Brown, Adams, Hoang and Pennington absent.

Mayor Parker stated that she wanted to clarify the representative of the Fire Department was answering a hypothetical question on propane tanks in tunnels, but the Fire Marshall from the City of Houston signed off on proposed changes to the food truck ordinance so the Fire Department had no problems with the ordinance. Council Members Brown, Adams, Hoang and Pennington absent.

Council Member Davis stated that he understood a compromise was needed, but it needed to be figured out, it was a number of things which needed work. Council Members Brown, Adams, Hoang and Pennington absent.

Council Member Green stated that he appreciated her perspective; and upon questions, Ms. Guy stated that more taxes, etc., were paid when you owned a restaurant, but you could be open seven days a week for all meals and that could not be done with a food truck. Council Members Brown, Adams, Hoang and Pennington absent.

Ms. Mandy Graessle, 3106 Brozos, Houston, Texas 77006 (281-785-1089) had reserved time to speak but was not present when her name was called. Council Members Brown, Hoang and Pennington absent.

Mr. Chris Valdez, 1968 W. Dallas, Houston, Texas 77019 (713-894-9112) appeared and stated that he was a business owner in Downtown Houston, etc., the role of government was to balance competitive practices and allow entrepreneurs. Council Members Brown, Hoang and Pennington absent.

Upon questions by Council Member Gonzalez, Mr. Valdez stated that it was impractical for a food truck to operate 365 days a year. Council Members Brown, Hoang and Pennington absent.

Upon questions by Council Member Laster, Mr. Valdez stated that he owned a business, not a restaurant. Council Members Brown, Hoang and Pennington absent.

Mayor Parker stated that the Controller had sent the Council Members a letter on August 29th and she asked Marta to resend it as it indicated they were going to do an audit of the water meter operations and it laid out the scope of the audit. Council Members Brown, Hoang and Pennington absent.

Mr. Joel St. John, 5411 Jason, Houston, Texas 77096 (713-502-1188) appeared and stated that he was chef and owner of St. Johns Fire Food Truck and was in the industry 30 years, but just recently opened a food truck; that he knew the industry well and he did not see how a truck could impact other fast food restaurants; that he had been laid off and started his truck and HFD was already backing them; and urged Council take the chains off and allow them the opportunity to run their business. Council Members Brown, Hoang and Pennington absent.

Upon questions by Council Member Davis, Mr. St. John stated that basically when hired businesses got the information they needed from him such as him building their recipes and menus and then they laid him off; and Council Member Davis stated that they were listening and trying to make it beneficial to both brick and mortar restaurants and food trucks. Council Members Brown, Hoang and Pennington absent.

Upon questions by Council Member Laster, Mr. St. John stated that he was a previously a manager and chef; that on a brick and mortar restaurant if the profit margin was 5% it was okay and 10% was great and if real successful he would expect 20%. Council Members Brown, Hoang and Pennington absent.

Mr. Ryan Soroka, 1719 Michigan, Houston, Texas 77006 (713-397-0072) appeared and stated that according to the logic of some why should any restaurant open next to another restaurant; that food trucks could only park on private property and must have documents signed by the business owner of the establishment; and the University of Houston and Reliant Stadium now allowed food trucks. Council Members Brown, Hoang, Pennington, Green and Costello absent.

Council Member Gonzalez stated that he did want to understand this issue and have the best policy developed and all should be transparent and he hoped issues would be addressed and if propane was not an issue then they needed to continue to educate and not limit competition; and upon questions, Mr. Soroka stated that this was deemed safe, 40,000 people were at the U of H and the same were at the stadium and across the nation. Council Members Brown, Hoang, Pennington, Green and Costello absent.

Council Member Laster stated that they were attempting to gain information and he compared apples to apples and apples to oranges mechanisms in the restaurant business and that the logic of concern was he was trying to learn that measurement. Council Members Brown, Hoang, Pennington and Costello absent.

Mr. Eric Nordstrom, 1332 Althea, Houston, Texas 77018 (281-660-1340) appeared and stated that Houston had onerous food regulations and perhaps an ordinance could be considered to allow food trucks to operate on streets and he did understand safety concerns. Council Members Brown, Hoang, Pennington and Costello absent.

Council Member Adams stated that she appreciated his comments and those comments which came to the committee which she chaired; good points were brought up and they were making sure of safety, but she had concerns with how many trucks they could line up next to one another and they wanted to make sure customers and businesses were protected. Council Members Brown, Hoang, Pennington and Costello absent.

Mayor Parker stated that to be clear the proposed ordinance change on multiple trucks was you did have to have a Fire Marshall present with multiple trucks. Council Members Brown, Hoang, Pennington and Costello absent.

Upon questions by Council Member Burks, Mr. Nordstrom stated that in New York City he ate delicious food cooked on a truck across from Ground Zero, etc., and if they could get over public safety concerns such as dense food trucks he thought the City of Houston could also; and Council Member Burks stated that New York was a different town; and upon questions, Mr. Nordstrom stated that the Allen Center was a possible food truck location. Council Members Brown, Hoang, Pennington and Costello absent.

Mr. Paul Galvani, 2926 Fairway, Houston, Texas 77078 (281-630-5127) appeared and stated that he was Author of Houston Top 100 Food Trucks to be published next month; that he ate at over 250 of the trucks and it was a revolution rolling the nation with incredible diversity of cuisines and some of the tastiest and most exciting food to be found in the city. Council Members Brown, Hoang, Pennington and Costello absent.

Mr. Damone Stewart, 8418 Ponnell, Houston, Texas 77088 (832-887-5439) had reserved time to speak but was not present when his name was called. Council Members Brown, Hoang, Pennington and Costello absent.

Ms. Mary Taylor, 1403 Fashion Hill, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present for funding for Willow Run and Acres Homes; that they heard there was funding and she felt it was taken and they deserved their projects. Council Members Brown, Hoang, Pennington, Rodriguez and Costello absent.

Council Member Davis stated that prior to him being on Council he could not discuss, but he had been to the area and he specifically said there was no money; that he talked with Housing weekly on Ike II funds, but no money was stolen and the meetings were so they could try and find independent developers to assist the district. Mayor Parker, Council Members Brown, Hoang, Pennington, Rodriguez and Costello absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Janet Sanders (did not wish to give address or phone number) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Brown, Hoang, Pennington, Rodriguez and Costello absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Krystal Muhammad, 7125 Reed Road, Houston, Texas 77087 (713-261-3558) appeared and stated that she was present addressing police brutality; that Houston was again embarrassed with the recent murder of a wheelchair bound indigent; that a civilian review board with subpoena and prosecutorial power was needed. Council Members Brown, Hoang, Pennington, Rodriguez and Costello absent.

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-705-5594) appeared and stated that he was present regarding police misconduct; that a civilian review board was needed as many were suffering and transparency was needed. Council Members Brown, Hoang, Pennington, Rodriguez, Costello and Burks absent. (NO QUORUM PRESENT)

Ms. Queen Page (did not wish to give address) (832-876-9523) appeared and discussed her situation where she was snatched by her hair out of her vehicle by an officer; and stated that something did need to be done about officers. Council Members Brown, Hoang, Pennington and Costello absent.

Ms. Shere Dore, 2601 Woodland Park Drive, Houston, Texas 77077 (832-282-4164) appeared and discussed her situation on February 9, 2012, when Occupy Houston was occupying the park and an officer, Joe Fenwick, asked why she was there and she said she had Mayor Parker's permission; that he then said he had the badge and could do what he wanted and that was the problem with officers, they thought they could do whatever they wanted, that he threatened her and said he could have her disappear; that when went to HPD to file a complaint and was told he was a respected officer and she felt she would basically be wasting her time; and to her the killing over the weekend was an execution and made her think of the threat made to her; and urged the independent civilian review board be placed on a ballot. Council Members Brown, Hoang, Pennington and Costello absent.

Council Member Rodriguez stated that he was sorry to hear of her experience, but would remind all that during the Occupy Movement there could have been a tragedy when someone was there with an assault rifle and attacked 6 people and it was an officer who protected them; and Ms. Dore stated she did not say all officers were bad and that was not what this was about, she commended officers and what he brought up was irrelevant. Council Members Brown, Hoang, Pennington and Costello absent.

Mayor Parker stated that if she tried to file a complaint at HPD against an officer and was discouraged if she could give indication of who she spoke to she would like to follow-up and for future reference complaints were taken by NAACP and LULAC and she did not have to deal with the Houston Police Department. Council Members Brown, Hoang, Pennington and Costello absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Brown, Hoang, Pennington and Costello absent.

Mrs. Princess Williams, 17807 Lakecrest View Drive, Cypress, Texas 77433 (713-447-5343) had reserved time to speak but was not present when her name was called. Council Members Brown, Hoang, Pennington and Costello absent.

Mr. Anthony Hood, 17807 Lakecrest View Drive, Cypress, Texas 77433 had reserved time to speak but was not present when his name was called. Council Members Brown, Hoang, Pennington and Costello absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2800) appeared and spoke on human trafficking; and continued expressing his personal opinions until his time expired. Mayor Parker, Council Members Brown, Hoang, Pennington and Costello absent.

Ms. Bridget Alexander McDaniel, P. O. Box 53993, Houston, Texas 77052 (713-987-3854) appeared and stated that she was present last week and Mayor Parker sent her information on

what to do about an illegal tow with METRO, but their position was they were trying to disable her; that FBI Houston was taking over the situation as METRO did over 40 forgeries in Houston. Mayor Parker, Council Members Brown, Davis, Adams, Hoang, Pennington, Green, Costello, Burks and Bradford absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Kellie Brett, 4009 Springmeadows, Houston, Texas 77080 (713-240-4478) appeared and stated that she was present regarding fluoride in the water; that over 140 cities in America rejected fluoridating the water now since 1990 because of health, financial and ethical issues and Houston's own 2011 Drinking Water Quality Report showed fluoride was discharged from fertilizer and aluminum factories and petroleum and chemical factories; that the original ordinance 1980-2530 list specific compound as hydrofluosilicic acid. Mayor Parker, Council Members Brown, Davis, Adams, Hoang, Pennington, Green, Costello, Burks and Bradford absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Christie stated that Ms. Brett could continue; and Ms. Brett stated that fluoridation procedures listed on the Texas Fluoridation Project website showed the Texas Department of Health, written in April 2004, list fluosilic acid as a transparent corrosive liquid being irritating to the skin; and she had other points and they were putting a presentation together for Council. Mayor Parker, Council Members Brown, Davis, Adams, Hoang, Pennington, Green, Costello, Burks and Bradford absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

At 4:35 p. m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, September 26, 2012. Council Member Cohen absent on personal business. Council Member Sullivan absent on city business. Council Member Noriega absent due to being ill. Mayor Parker, Council Members Brown, Davis, Adams, Hoang, Pennington, Green, Costello, Burks and Bradford absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m., Wednesday, September 26, 2012, with Mayor Annise D. Parker presiding and Council Members Helena Brown, Jerry Davis, 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 and Ms. Marta Crinejo, Agenda Director, present. Council Member Ellen R. Cohen absent on personal business.

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

At 9:06 a.m. Mayor Parker called the meeting to order and stated that they would notice the Community You Shirts, that they were doing their annual Community You where they invited their neighborhoods to learn everything they possibly needed to know about improving their neighborhoods and what tools they had available on September 29, 2012, and she would invite anybody who might be watching this to contact the Planning and Development Department if they wanted to take part in this program, that there was a nominal fee, \$5 per person, but free parking for the event, that it would be at the United Way of Greater Houston on September 29, 2012, a half day program with multiple sessions that could be tailored to the particular needs of their neighborhood association or civic club. Council Members Davis, Adams, Sullivan, Burks and Noriega absent.

**NOTE: HEARING SCHEDULED FOR 6:00 P.M.**

**HEARING - 6:00 P.M.**

**PUBLIC HEARING** relating to Public Improvement Bond Propositions "A" through "E" to be submitted to voters at a Special Election on November 6, 2012

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 26**

**ACCEPT WORK** - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,034,859.92 and acceptance of work on contract with **BRH-GAVER CONSTRUCTION. L.P.**, for Pump & Lift Station Renewal & Replacement - Kingspoint and Torrington Lift Stations - 4.93% over the original contract amount - **DISTRICT D – ADAMS** – was presented, moved by Council Member Bradford, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Davis, Adams, Sullivan, Burks and Noriega absent. MOTION 2012-0701 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 4 through 5

4. ORDINANCE appropriating \$751,833.54 out of Water & Sewer System Consolidated Construction Fund for purchase of Heavy Duty Electrical Motors for the Public Works & Engineering Department – was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Davis, Adams, Sullivan, Burks and Noriega absent. ORDINANCE 2012-0841 ADOPTED.
- 4a. **EVANS ENTERPRISES, INC** for purchase of Heavy Duty Electrical Motors for the Department of Public Works & Engineering - \$744,035.54 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Davis, Adams, Sullivan, Burks and Noriega absent. MOTION 2012-0702 ADOPTED.
5. **CLEAR GLASS MOBILE SERVICE, INC** for Automotive Glass and Repair Services for Various Departments - 3 Years with two one-year options - \$608,750.00 - Fleet Management Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Davis, Adams, Sullivan, Burks and Noriega absent. MOTION 2012-0703 ADOPTED.

**ORDINANCES** - NUMBERS 7 through 26

7. ORDINANCE **AMENDING CHAPTER 34, SECTION 34-59 OF THE CITY OF HOUSTON CODE OF ORDINANCES**; relating to vacation, sick days, and holidays of certain classified Fire Fighters of the City of Houston - had been pulled from the Agenda by the Administration, and was not considered. Council Members Sullivan, Burks and Noriega absent.
8. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to the Joint Election to be held on November 6, 2012; providing a maximum contract amount - \$574,379.56 - General Fund – was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Sullivan, Burks and Noriega absent. ORDINANCE 2012-0842 ADOPTED.

20. ORDINANCE granting to **STELLA ENVIRONMENTAL SERVICES, LLC, A Delaware Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Sullivan, Burks and Noriega absent. ORDINANCE 2012-0843 PASSED FIRST READING IN FULL.
21. ORDINANCE granting to **AMERICAN SANITATION SERVICES, INC. dba AM-CAN, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **FIRST READING** – was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Sullivan, Burks and Noriega absent. ORDINANCE 2012-0844 PASSED FIRST READING IN FULL.
22. ORDINANCE granting to **G. R. GROUP, LLC, A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Sullivan, Burks and Noriega absent. ORDINANCE 2012-0845 PASSED FIRST READING IN FULL.
23. ORDINANCE granting to **HOUSTON WINDOW CLEANING L.L.C., A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **FIRST READING** – was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Sullivan, Burks and Noriega absent. ORDINANCE 2012-0846 PASSED FIRST READING IN FULL.
24. ORDINANCE granting to **CARON SERVICE, INC., A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Sullivan, Burks and Noriega absent. ORDINANCE 2012-0847 PASSED FIRST READING IN FULL.
25. ORDINANCE granting to **TENNESSEE GENERAL CORP., A Tennessee Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Sullivan, Burks and Noriega absent. ORDINANCE 2012-0848 PASSED FIRST READING IN FULL.
26. Ordinance No. 2012-738, passed first reading August 22, 2012  
ORDINANCE annexing to the City of Houston, Texas territory located in the vicinity of the Commons of Lake Houston near Kingwood Drive on the east side of Lake Houston, in Harris County, Texas; extending the corporate limits of the City of Houston, Texas, to embrace and include territory within such boundaries; instituting proceedings to annex to

its corporate limits the territory included in such boundaries; adopting a service plan for certain areas in the vicinity of the Commons of Lake Houston near Kingwood Drive on the east side of Lake Houston; 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 - **DISTRICT E - SULLIVAN - SECOND AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Sullivan, Burks and Noriega absent. ORDINANCE 2012-0738 ADOPTED SECOND AND FINAL READING IN FULL.

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

**MISCELLANEOUS**

1. ORDINANCE appropriating \$183,193.76 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Rehabilitation of Chlorine Scrubbers at the East Water Purification Plant and Southwest Re-Pump Station under construction contract with **PEPPER LAWSON CONSTRUCTION, L.P.**, (Approved by Ordinance No. 2011-0478) – was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Burks and Noriega absent. ORDINANCE 2012-0849 ADOPTED.
- 1a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$183,193.76 for Rehabilitation of Chlorine Scrubbers at the East Water Purification Plant and Southwest Re-Pump Station, awarded to **PEPPER LAWSON CONSTRUCTION, L.P. - DISTRICTS C - COHEN and E - SULLIVAN** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Burks and Noriega absent. MOTION 2012-0704 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

3. **PENCCO, INC** for Chemical, Inorganic Metal Salt Coagulant (Ferric Sulfate) for the Department of Public Works & Engineering - 5 Years - \$12,554,280.00 - Enterprise Fund – was presented. Council Members Burks and Noriega absent.

Council Member Christi stated that they were spending, over five years, \$12 million to extract contaminants in the water, so make sure when they started adding things back to the water that they were spending \$12 million to extract things out the water, so do not add things back to the water. Council Members Burks and Noriega absent.

A vote was called on Item No. 3. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Burks and Noriega absent. MOTION 2012-0705 ADOPTED.

**ORDINANCES**

6. ORDINANCE **AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, related to the creation of a new department to be known as the Office of Business Opportunity; providing for the establishment of a Director and other offices to manage such department; containing findings and other provisions relating to the foregoing subject; providing for severability; providing an effective date – was presented. Council Members Burks and Noriega absent.

After discussion by Council Members a vote was called on Item No. 6. Council Member Brown voting no, balance voting aye. Council Member Cohen absent on personal business. Council Members Burks and Noriega absent. ORDINANCE 2012-0850 ADOPTED.

- 6a. ORDINANCE amending Exhibits "A" of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2012-194), to amend the Master Classification Ordinance to change one job classification title; providing a repealer; providing for severability – was presented. Council Member Brown voting no, balance voting aye. Council Member Cohen absent on personal business. Council Members Burks and Noriega absent. ORDINANCE 2012-0851 ADOPTED.
9. ORDINANCE providing for the assessment, levying and collection of Ad Valorem Taxes for the City of Houston, Texas for the Year 2012 – was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Member Burks absent. ORDINANCE 2012-0852 ADOPTED.
10. ORDINANCE relating to the Fiscal Affairs of the **GREATER GREENSPOINT REDEVELOPMENT AUTHORITY on behalf of REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (GREATER GREENSPOINT ZONE)**; approving the Fiscal Year 2013 Operating Budget for the Authority and the Fiscal Years 2013-2017 Capital Improvements Budget for the Zone **DISTRICT B – DAVIS** – was presented.

After discussion by Council Members, a vote was called on Item No. 10. All voting aye. Nays none. Council Member Cohen absent on personal business. ORDINANCE 2012-0853 ADOPTED.

11. ORDINANCE approving and authorizing a contract between the City of Houston and **CATHOLIC CHARITIES OF THE ARCHDIOCESE OF GALVESTON-HOUSTON**, in the amount of \$100,000.00 in Housing Trust Funds, for the provision of Homeless Services in connection with the Texas Homeless Housing and Services Program – was presented. Council Member Brown voting no, balance voting aye. Council Member Cohen absent on personal business. ORDINANCE 2012-0854 ADOPTED.
12. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SEARCH HOMELESS SERVICES**, providing up to an additional \$7,299.67 for the Below Market Interest Rate Funds relating to the Texas Homeless Housing and Services Program for the provision of Adult Literacy Services to 70 homeless persons – was presented.

After discussion by Council Members a vote was called on Item No. 12. Council Member Brown voting no, balance voting aye. Council Member Cohen absent on personal business. ORDINANCE 2012-0854 ADOPTED.

13. ORDINANCE amending Ordinance No. 2011-764 to increase the maximum contract amount for Interlocal Pilot Service Agreement for DUI/DWI Toxicology and DNA Testing between the City of Houston and **HARRIS COUNTY** - \$56,000.00 - General Fund – was presented.

After discussion by Council Members Pennington, Christi, Noriega and Gonzalez, Council Member Pennington stated that they asked for and received a report from Marta on the status of this matter and he was appreciative of that and it looked like progress was being made, that he would like to take the opportunity to request that they have similar reports of how the new Crime Lab Committee was proceeding, what they were doing to reduce the backlog of rape kits and

the other things, that he did not think they needed a committee hearing on it but just give them periodic reports on what was going on, and Mayor Parker stated that it was noted.

A vote was called on Item No. 13. All voting aye. Nays none. Council Member Cohen absent on personal business. ORDINANCE 2012-0856 ADOPTED.

14. ORDINANCE appropriating \$14,000,000.00 out of HAS Consolidated 2004 AMT Construction Fund; \$6,928,230.00 out of HAS FAA Grants Fund; and \$2,124,055.00 out of Airports Improvement Fund, all as an additional appropriation for the Design Build Agreement between the City of Houston and **SPAWGLASS CONSTRUCTION CORP** approved by Ordinance No. 2011-678 for Central Plant Upgrades at George Bush Intercontinental Airport/Houston (Project No. 621) **DISTRICT B – DAVIS** - was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. ORDINANCE 2012-0857 ADOPTED.
15. ORDINANCE amending Ordinance No. 2012-669 to reduce the Texas Parks and Wildlife Department Grant allocation by \$113,421.00; appropriating \$116,837.00 out of Park Consolidated Construction Fund; approving and authorizing a first amendment to the Purchase and Sale Agreement between **GEORGE SAJI (Seller)** and the City of Houston (Purchaser) for 2213 and 2215 Tuam Street, Houston, Harris County, Texas, to increase the square footage to 15,961 square feet and the purchase price to \$223,454.00 - **DISTRICT D - ADAMS** - was presented. Council Member Brown voting no, balance voting aye. Council Member Cohen absent on personal business. ORDINANCE 2012-0858 ADOPTED.

Council Member Adams stated that she wanted to commend the Parks and General Services Department, as well as the administration, that this was an item where they were trying to purchase the land next door for Emancipation Park expansion, that she was excited about this and wanted to thank Council Member Rodriguez for the baton passing so they could continue to move this project forward.
16. ORDINANCE approving and authorizing first amendment to agreement between the City of Houston and the **CHECKFREEPAY CORP.** for Automated Bill Collection and Processing System through Agent Network for the Department of Public Works and Engineering (Ordinance 2007-1072) - was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. ORDINANCE 2012-0859 ADOPTED.
17. ORDINANCE extending the provisions of Section **28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **CLEARWOOD LANDING SUBDIVISION, REPLAT NUMBER 2** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. ORDINANCE 2012-0860 ADOPTED.
18. ORDINANCE extending the provisions of Section **28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all single-family residential properties within **CRESTMONT PARK SUBDIVISION, SECTIONS 1-6** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. ORDINANCE 2012-0861 ADOPTED.
19. ORDINANCE extending the provisions of Section **28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to certain improved single-family residential

properties within the **PARKGLEN SUBDIVISION, SECTIONS 1-4 ALIEF** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT F - HOANG**

Council Member Christi stated that on Item Numbers 17, 18 and 19 he hoped that these ordinances would be enforced otherwise they would not have any teeth in them, and Mayor Parker stated yes.

A vote was called on Item no. 19. All voting aye. Nays none. Council Member Cohen absent on personal business. ORDINANCE 2012-0862 ADOPTED.

**MATTERS HELD** - NUMBERS 27 through 29

27. ORDINANCE awarding contract between the City of Houston and **JOHNSON AND JOHNSON** to represent the City of Houston before the 83rd Session of the Texas Legislature and State Agencies; providing a maximum contract amount - 2 Years - \$757,050.00 - General Fund – **(This was Item 16 on Agenda of September 19, 2012, TAGGED BY COUNCIL MEMBERS SULLIVAN and RODRIGUEZ)**

After a lengthy discussion by Council Members, Mayor Parker stated that she would remind Council Members that the posted subject for this discussion was the hiring of Johnson and Johnson as their primary lobby team, and so that she would not have to challenge anybody she wanted to keep it there.

Upon further questions by Council Members, Mr. Feldman stated that as the Mayor had pointed out this was the same amount that was allocated two years ago and having had the opportunity to work closely with Johnson and Johnson two years ago and being able to compare their Legislative efforts to other lobbying teams that he worked as an attorney representing governmental entities over many years, this firm was literally the best in Austin and what a lot of folks did not realize was that when they talked about defensive there were typically over 1,000 bills filed in a given Legislative session that they had to pour through within the City and get with Johnson and Johnson on and they were running all over the place trying to cover the City and protect the City's interest and in addition to being the best he would tell them that they were also the cheapest, so he could certainly attest, based on first hand experience with them two years ago and having watched them and worked with them, that the City clearly got value for it's money and as far as the subs were concerned they were very proactive in minority participation, he saw that first hand, and they did a great job for the City.

After further discussion by Council Members, vote was called on Item No. 27. All voting aye. Nays none. Council Member Cohen absent on personal business. ORDINANCE 2012-0863 ADOPTED.

28. ORDINANCE relating to the Fiscal Affairs of the **MAIN STREET/MARKET SQUARE REDEVELOPMENT AUTHORITY D/B/A DOWNTOWN REDEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET/MARKET SQUARE ZONE)**; approving the Fiscal Year 2013 Operating Budget for the Authority and the Fiscal Years 2013-2017 Capital Improvement Projects Budget for the Zone – **(This was Item 20 on Agenda of September 19, 2012, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** – was presented. All voting aye. Nays none. Council Member Cohen absent on personal business. ORDINANCE 2012-0864 ADOPTED.
29. ORDINANCE approving and authorizing Lease Agreement between **7100 NORTH LOOP EAST, INC., as Landlord**, and the City of Houston, Texas, as Tenant, for office and warehouse space located at 7100 North Loop East, Houston, Texas - **DISTRICT H –**

**GONZALEZ – (This was Item 50 on Agenda of September 19, 2012, TAGGED BY COUNCIL MEMBER NORIEGA) – was presented.**

Council Member Gonzalez moved to postpone Item No. 29 for two weeks, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Cohen absent on personal business. MOTION 2012-0706 ADOPTED.

Mayor Parker stated that they did have a required public hearing on the bonds at 6:00 p.m. this evening and she would ask Council Members to return so that they would have a quorum for that.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Costello stated that he would remind his colleagues, based on yesterday's proclamation that they were going to have a Fall Prevention Meeting tomorrow at the West Gray Multi-Service Center, that there were about 12 different agencies that were going to be participating, that he thought it was a very important issue, both in terms of public health, as well as a savings of future medical costs for the aging, that he would encourage all Council Members to go if they would like to, that it was from 9:00 a.m. to 11:30 a.m. Mayor Parker and Council Member Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Council Member Sullivan stated that on September 9, 2012, he watched the Endeavor Shuttle fly over and then land at Ellington Field, that there were tens of thousands of people there for the event, once again celebrating the success of NASA that he presented a proclamation to Space Center Director Mike Coates, who had worked so hard for everyone down there; that on September 20, 2012 he presented a proclamation to Pat Studderet, Buffalo Marine, a third generation marine industry business at the ship channel; that he and his wife went to BARC and adopted a cat, that he wanted to thank everybody at BARC for being so helpful, that he did not think he received any special treatment, he thought they treated everybody the same; that they had a firefighter death, Atascosita Volunteer Fire Department Captain Neil Smith died on September 17, 2012, that he was in Beaumont for voluntary training, not mandatory and died there, that the funeral was on Monday at Assembly of God Church in Humble, that he would mention this to honor him and to thank the Houston Police Department Solos and the Houston Fire Department Honor Guard for their presence and participation at the ceremony, that they were volunteers and did so much to represent Houston and he wanted to thank them publicly; that Solid Waste Management's Harry Hayes and Gary Reardore helped him with an issue and he wanted to acknowledge the great job they did; that the Houston Police Officers Union held their first Family Day Picnic on Saturday and over 1,300 police officers and their families attended. Council Members Hoang, Rodriguez and Noriega absent.

Council Member Gonzalez stated that on Saturday, September 29, 2012 from 10:00 a.m. to 2:00 p.m. the Houston Police Department would be partnering with the Drug Enforcement Administration for the Fifth Annual Prescription Drug Take Back Day; that he and the District H team were excited to celebrate National Night Out with neighbors and friends on Tuesday, October 2, 2012, that there would be many festivities throughout District H and he would encourage all residents to participate; that last weekend during an emergency response call an incident involving a disabled individual in a mental health care group home and an HPD Officer resulted in the death of Mr. Brian Claunch, as with any shooting involving an officer the Houston Police Department's Homicide and Internal Divisions were investigating, as well as the Harris County District Attorney's Office Civil Rights Division, that further Chief McClelland had asked the Federal Bureau of Investigation, FBI, to monitor and look into the incident, that he would commend Chief McClelland for his commitment to insuring that there was an open and transparent investigation into this unfortunate loss of life, that it was always important for a police officer to have as much information as possible before entering any situation, in particular

one which involved mental health care patients, that their City was currently reviewing the way that they monitored and tracked group homes to insure that HPD, the City of Houston and other parties had access to information and that citizens continued to receive the best service from their police force. Council Members Sullivan, Hoang, Rodriguez and Costello absent.

Council Member Noriega that an article caught her attention this week that was from the Chicago Sun Times, written by Jesse Jackson, that he talked about the loss of life expectancy in this Country, particularly for American women, that one of the things he said was that there had been a five year loss of life expectancy with Anglo American Women without high school diplomas, that was actually a shocking number, and that American Women were dead last in developing nations in terms of life expectancy, that life expectancy was a measure of society's public health, it looked at what options were available for health care and emergency care, what nutrition availability there was, actual safety issues, whether people were in danger of accidents or violence, it looked at prenatal care and what was available to seniors, but women were taking a hit here and they as a City, she thought, had a responsibility to look at their facilities, to make sure that their ambulances and EMT facilities were the best that they could be, of which Houston had the best emergency medical response of anywhere in the Country or the world, that going after things like Medicare or Medicaid when that was the only way that people could have health care, except for going to the emergency room, was not a way to address this, and so they as elected officials, and they as a community, in Houston, had a responsibility to look at this and to do everything they knew how to do because some groups had more problems than others, but all women took a hit since 1993, that it was almost half again as many women who did not have access to health care, so she would just mention this because they had elections coming up, they had things they had to make decisions about and public health was part of that, it was a significant part of what they did and it could be lost in the shuffle . Council Members Sullivan, Hoang, Gonzalez and Rodriguez absent.

Council Member Adams stated that she wanted to remind all City of Houston employees about their health assessment which was due by September 30. 2012 and many of them knew if they did not complete their health assessment they would be assessed a \$25 fee; that on Monday, September 24, 2012 she had the opportunity to celebrate Alfred Brently's birthday, that he was always at the Mayor's Office of Special Events, setting up all of the microphones; that on Monday, September 24, 2012 the Rice Design Alliance presented the results of the concerns presented to Rice University School of Architecture Neighborhood teams to provide various input for the Super Neighborhood Park area and it was held at Asia House, that she wanted to thank the Museum Park Super Neighborhood and the Rice Design Alliance for their presentation on how they could make a better museum area for walkable and pedestrian friendly community; that they wanted to thank the University of Houston, Student Government Association, as well as the Texas Southern University Student Government Association and the NAACP, who were partnering with their office for a big, "Get Out to Vote", last chance Party in the Park, Peggy Park next Saturday, to come out and encourage the students about the importance of voting, that it would be on October 6, 2012, starting at 10:00 a.m. and running to 2:00 p.m.; that she wanted to remind them about next Tuesday, National Night Out; that on Saturday, September 29, 2012, Yolanda Adams would be hosting a health fair from 10:00 a.m. to 2:00 p.m. at the Sunnyside Park, 3205 Bellfort; that she wanted to thank the Community Youth for the wonderful t-shirts and to remind the staff and community who were interested in attending the Community Youth Learning Together to Strengthen Neighborhoods on Saturday, September 29, 2012, from 8:00 a.m. to 1:15 p.m. at the United Way of Greater Houston, 50 Waugh Drive, that there was a \$5 fee per person; that she wanted to ask the community to continue to keep the officers who were injured yesterday in their prayers, that she knew that Mayor Parker and Chief McClelland were at the hospital and her understanding was that one of the officers was still in critical condition; that Healthy Hearts Spirit of Heart Week in Houston, Texas, on behalf of the Friends of Emancipation Park and the National Black Cardiologist of Americas, that this would be Spirit of Heart Week, that doctors would visit 5 Houston churches

this weekend to bring awareness to the high rate of African Americans who die from heart disease. Council Members Davis, Sullivan, Hoang and Rodriguez absent.

Council Member Pennington stated that last Wednesday he attended the monthly HPD Midwest PIP Meeting, headed by Captain Jennifer Evans; that last Thursday he attended the monthly Westside PIP meeting, that Captain Skiller gave an informed presentation on their activities out there; that next month he would attend the Central Command meeting; that last Friday he attended the Houston West Chamber of Commerce Health and Wellness Luncheon, several Westside doctors gave fascinating presentations on services that were now available on the Westside that formally were just available in the Medical Center; that yesterday he attended the Monthly Rebuild Houston Oversight Committee Meeting, that Chairman Noriega had invited the committee to give input to the Council committee that would make a final decision on the principles and the ten year plan to be adopted; that last night he attended the Briar bend Home Owners Association Semi Annual Meeting, that their sidewalks unfortunately had not held up after their road reconstruction so he looked forward to helping them on that; that he would be attending the Rice and University of Houston Football Game at Reliant Stadium, Council Members Davis, Sullivan, Hoang and Rodriguez absent.

Council Member Green stated that on Thursday, September 20, 2012, the District K Office attended the first official Braeswood Super Neighborhood meeting, that in addition Council Member Cohen attended the meeting, the Braeswood Super Neighborhood consisted of both District C, North Braeswood, and District K, South Braeswood; that on Thursday he attended the South Houston Concerned Citizens Coalition Meeting where the guest speakers were HISD administrators to address the up coming HISD Bond issue; that on Saturday, September 29, 2012, the Willow Water Hole Green Space Conservancy would host their Harvest Moon Festival; that on Sunday, September 30, 2012, the Willow Meadow Civic Club would host their annual Fall Picnic, which would serve as the kickoff for their National Night Out activities later in the week; that on Monday, October 1, 2012, the Houston Police Department Citizens Advisory Council would host their annual Brave Run Store Front Golf Classic at Bear Creek Golf Club; that this past Wednesday he attended the Westbury Civic Club Annual Meeting, that he wanted to thank Council Members Costello and Christi for being in attendance, that with regard to Westbury there was a serious issue that he thought they needed to get a handle on, the issue of the Westbury Community Garden, that Westbury wanted to keep their community garden where it was, that his understanding was that the Housing Authority, as well as the administration, were looking at alternatives that included Haviland Park, that he and the Westbury Community were not interested in moving the community garden, that there was a big "facebook" war with regards to this issue, that it was unfortunate that his office had to hear about a planned project in his district from community residents, that he would as that with regard to this and any issue that he be given the opportunity to dialog not only with the administration and the Housing Authority as they moved forward. Council Members Davis, Sullivan, Hoang, Rodriguez and Noriega absent.

Mayor Parker stated that everybody knew it was not the Houston Housing Department, it was the Houston Housing Authority, which was an independent government entity that actually owned the land and had been loaning the land for the Westbury Gardens, that she believed it had been there for two years, that it was a great garden, but not a community institution, that she had concerns about what the Housing Authority may build there and she would certainly request that they keep both of them informed as they moved forward, but they all had to realize that they actually owned the property, the City of Houston did not, and they would have to receive value from it if they were to release it, and Council Member Green stated that he thought the community was ready to purchase or provide that value, but the dialog was coming around and not including the Council office on the next steps, and Mayor Parker stated that she would request that they keep the Council office in the loop, and she would love to hear further from Council Member Green if the community had the wherewithal to purchase the land, that

she thought they could have productive dialog with the Housing Authority. Council Members Davis, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Brown stated that she thought that abortion did not need to be considered as a religious matter or a political matter, that it was a human matter, that today was the first day of "Forty Days for Life", a prayer vigil of love and support for the woman of the United States, that she would invite them to join even for a moment, now until November 4, 2012, at the Planned Parenthood on the Gulf Freeway, help to make a positive difference in one woman's life. Mayor Parker and Council Members Davis, Sullivan, Hoang, Rodriguez, Green and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Member Christi stated that he wanted to thank the administration for reversing the Workman's Comp deal for a Houston Police Officer who was severely injured in the line of duty, Police Officer Roy, that they would take care of their own for the people on the beat risking their lives, that he appreciated that move. Council Members Sullivan, Hoang, Pennington, Rodriguez, Green and Noriega absent.

Council Member Burks stated that last week he attended the Congressional Black Caucus in Washington, D.C. to assist the City's aero space economy and an excellent opportunity and important projects and programs for the City's veteran's issues; that Congressman Ted Poe had a bill coming that was coming up that gave tax credits to any employer who hired a veteran, from the Houston area especially, so they could put them back to work using Houston First, that Congressman Al Green had passed a bill in the House that helped the remodeling of homes for veteran's that were disabled, that it was for \$200 million, to make them fit the needs of the veteran; that they met with NASA Officials to knock out the myth of JSC closing, that he and Council Member Adams and Controller Green met with NASA and talked about NASA's future, that Congressman John Culberson had a bill that was going to reorganize NASA. Council Members Sullivan, Hoang, Pennington, Rodriguez, Green and Noriega absent.

Council Member Bradford stated that he wanted to reiterate what had been said about National Night Out next Tuesday, October 2, 2012, that activities would start around Houston generally about 5:30 p.m. and go until 9:00 p.m. or 10:00 p.m., that it was an opportunity for their neighbors to enhance or strengthen the relationship between neighbors and also with police officers and neighbors; that he thought it was important this cycle around because there had been incidents that had occurred which were contributing to what he would call a dwindling level of trust between segments of the public and the Houston Police Department, that there would always be questions about police officers training and discipline and he could say clearly that Houston Police Officers were adequately trained, that if they needed to change the process he would encourage them to separate the need to change the process from any particular incident that may be at hand, that they had worked really hard over decades to try to get all Houston citizens involved in the process, that they had been successful in some instances, some instances they had not, that they had citizens protesting City Hall yesterday and spoke at public session yesterday and it clearly left him to believe that there was work to be done still, that the victim this past week was a tragic incident for the family, his sympathy went out to the family of the victim and also to the Houston Police Officer involved in the incident. Council Members Sullivan, Hoang, Pennington, Rodriguez, Green and Noriega absent.

Council Member Laster stated that every year hundreds of thousands of teenagers in the United States quit high school or drop out without ever receiving a diploma, that at Houston's Sharpstown High School once described as a notorious drop out factory a high stakes experiment was underway to rescue students from the edge, that Public Broadcasting Systems Frontline Program had spent a semester immersed in Sharpstown to produce a portrait of four students in crisis, and the teachers, counselors and principle waging a daily personal struggle to get them to graduation, that the show premiered last night on Channel 8, KUHT, and would be

shown again on Sunday, September 30, 2012 at 8:00 p.m. and he believed it would also be available in some instances on line, that he hoped they would take the time to watch the program and powerful presentation and he hoped that each of them would be moved to not only encourage those educators to do the great work they were doing but maybe offer themselves to help out, that he wanted to thank in particular Principal Gasparello and his whole team, they were again heroes for Sharpstown and southwest Houston; that he hoped they would join him and the Sharpstown Civic Association for their annual Candidates Night Out on Thursday evening at 6:30 p.m. at the Sharpstown Recreation Center at Harbortown Boulevard, that he wanted to thank Mayor Parker for being out there with them last week as they turned dirt on the Bellaire Reconstruction Project. Council Members Sullivan, Hoang, Pennington, Rodriguez, Green and Noriega absent.

Council Member Davis stated that the New Pleasant Grove Missionary Baptist Church installed a new pastor; that the Houston Ballet brought in Atherton Elementary out of the Fifth Ward Kashmere Garden area, that it was interesting how they combined history with dance, they would show pictures on the screen, talk about the continents and then they would come out with a dance from that particular region, that it was very informative and the kids received it very well, that he wanted to applaud the Fine Arts Division and the Houston Ballet for their work in helping out and trying to educate their kids; that he and a staff member went to Dallas last week, they wanted to get an understanding of some of the things they were doing in Dallas, that one of the things they were doing were community courts, that he was going to continue to investigate, bring that up and try to figure it out because they were doing a lot of work with the community and constituents, that he had been to 1400 Lubbock a few times to visit and pay off a couple of tickets and it was crowded and this was one of the ways, he thought, that the City of Houston could alleviate and use it as an overflow and do outreach efforts and things like that, that he would be hearing more about community courts, that he thought they would be able to establish that out of the Illegal Dumping Task Force, because it kind of went hand in hand and how they could actually have some great impact within their community by using the people that were in the community and made the offense in the community to go back out and work in the community and have positive outcomes. Council Members Sullivan, Hoang, Pennington, Rodriguez, Green and Noriega absent.

Council Member Burks stated that this Saturday he, along with the Houston CME Minister Alliance, would host a voter registration drive at Emancipation Park, from 11:00 a.m. to 2:00 p.m., that he wanted to thank Susan Christian and her team from the Mayor's Office for Special Events, for insuring that the drive had audio equipment and shaded covers for their volunteers; that on Monday he played in the North Houston Association Annual Golf Tournament, that he was joined by a number of elected officials; that he was in Washington and did not know about the incident with the police officers and he wanted to extend his condolences to the family members of the gentleman who lost his life, unfortunately by a police officer, that he wanted to say that something needed to happen, that in these times things were changing so fast and their police officers did a great job. Council Members Brown, Sullivan, Hoang, Pennington, Rodriguez, Green and Noriega absent.

Council Member Davis stated that he wanted to thank the Planning Commission, that in the ETJs they had a business open up, Smash Burger, which was far north, down I-45, so now high school kids would have an opportunity to get after school jobs and understand the value of money and not have to go into their parents pocket. Council Members Brown, Sullivan, Hoang, Pennington, Rodriguez, Green and Noriega absent.

Mayor Parker stated that she wanted to remind Council Members that they had a public hearing at 6:00 p.m. and they were in recess until 6:00 p.m. Council Members Brown, Sullivan, Hoang, Pennington, Rodriguez, Green and Noriega absent.

The Houston City Council reconvened at 6:00 p.m., Wednesday, September 26, 2012, with Mayor Annise D. Parker presiding and Council Members Wanda Adams, Mike Sullivan, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Stephen C. Costello, Melissa Noriega and Jack Christie, D.C.; Ms. Carolyn Hanahan, First Assistant City Attorney; and Ms. Marta Crinejo, Agenda Director, present. Council Member Ellen R. Cohen absent on personal business.

**HEARING - 6:00 P.M.**

30. **PUBLIC HEARING** relating to Public Improvement Bond Propositions “A” through “E” to be submitted to voters at a Special Election on November 6, 2012 – was called. Council Members Brown, Davis, Hoang, Green, Burks and Bradford absent.

The City Secretary stated that no one had reserved time at the Office of the City Secretary to be heard at the hearing. Council Members Brown, Davis, Hoang, Green, Burks and Bradford absent.

Mayor Parker asked if there was anyone present who wished to speak specifically to the City of Houston Bond, Propositions A through E. Council Members Brown, Davis, Hoang, Green, Burks and Bradford absent.

Mr. Judson Bryant appeared and stated that a notice called “Financial Analysis of Bond Election” was in the paper recently and asked if they were all familiar with it. Council Members Brown, Davis, Hoang, Green, Burks and Bradford absent.

Mayor Parker asked if he was talking about the Houston Chronicle, and Mr. Bryant stated that the bond issue was being advertised as having no tax increase associated with it, and Mayor Parker stated that was correct, and Mr. Bryant asked if there was a tax effect because according to the analysis there was a tax effect, and Mayor Parker stated no if that was his question, that there were three different bond elections, one from the Houston Community College, the Houston Independent School District and one for the City of Houston, that the two other bond elections both would require a tax increase if implemented, that the City of Houston’s Bond Election, under all current scenarios for revenue did not require a tax increase to implement it, and Mr. Bryant asked if it required a tax effect, and Mayor Parker stated “no”, Mr. Bryant asked if they could read the article and tell him where he was in error in reading, that it was courtesy of the Houston Chronicle. Council Members Brown, Davis, Hoang, Green, Burks and Bradford absent.

Mayor Parker asked if someone could retrieve the article from Mr. Bryant and stated that the direct answer to Mr. Bryant answer again was that they used tax revenue to pay the bonds, that they used bond revenue to pay back the money they borrowed, that it would not require a tax increase based on all current projections for the bonds, that yes they did publish the notice in the paper and there was no analysis, it was simply a stating of the economic facts of the issue going forward, that the Finance Director was present if there was a particular concern or question that Mr. Bryant had. Council Members Brown, Davis, Hoang, Green, Burks and Bradford absent.

Mr. Bryant stated that as he read it, at peak, there was going to be a 1.5 cent tax effect, that he thought the Finance Director should fully understand that. Council Members Brown, Davis, Hoang, Green, Burks and Bradford absent.

Mr. Kelly Dowe, Finance Director, stated that for Council and the public, there was a tax effect, they used Ad Valorm taxes to pay the bonds, that the key was that their projection showed that it would fit within the existing Ad Valorem Tax Levy when added to the current

taxes, but then as they retired other debt that they would not require a tax increase to pay for the bonds they were issuing, a tax effect yes, a net tax increase no, that there would be taxes levied to pay for these bonds, and Mayor Parker stated that there would not be any new taxes levied to pay for these bonds, and Mr. Dowe stated no, it would be under the current tax levy that the City assesses to pay back their existing Ad Valorem Tax Bonds. Council Members Brown, Davis, Hoang, Green, Burks and Bradford absent.

Mayor Parker asked if Mr. Bryant had any other questions, and Mr. Bryant asked if he would be correct in saying that there would be an absence of a tax decrease, and Mr. Bryant stated okay, they were in agreement, and Mayor Parker stated that they voted today to keep the same tax rate for the next year, that it was not going up or going down, and Mr. Bryant stated that he understood, that he wanted to make sure he was reading it correctly. Council Members Brown, Davis, Hoang, Green, Burks and Bradford absent.

After discussion by Council Member Noriega, Mr. Bryant stated that one of his concerns was that the City had over \$6.2 billion in unfunded pension and medical benefits, that he thought it needed to be addressed, that he was reaching the conclusion that it very possibly should be addressed instead of spending some of the money that was allocated to the bond issue, but he would develop it later. Council Members Brown, Davis, Hoang, Green and Bradford absent.

Mayor Parker stated that she believed it needed to be addressed as well and had proposed several things to do that, but it was not the subject of this particular discussion. Council Members Brown, Davis, Sullivan, Hoang, Green and Bradford absent.

Council Member Costello stated that their current tax rate was .63875 cents, and Mr. Dowe stated that was correct, and Council Member Costello stated that for discussion purposes of that amount of money about 16 cents was used for Debt Service, and Mr. Dowe stated that historically between 16 cents and 18.5 cents, that it varied depending on Debt Service that year, and Council Member Costello stated that the implications were that the tax effect was if it was raised up by 1.5 cents it was still within their total tax structure, but it was just changing how much they were allocating to Debt Service, and Mr. Dowe stated that was correct, but it still was within the historic rate of 18.5 cents to 16 cents. Council Members Brown, Davis, Sullivan, Hoang, Green and Bradford absent.

Council Member Laster stated that he wanted to thank Mr. Bryant for being present, that he raised an issue and thought that there was a distinction for the public that might be helpful, that he specifically asked the question, was their a tax effect, and asked Mr. Dowe to explain the difference between a tax effect and a tax increase or lack of increase, was there an answer to that, and Mr. Dowe stated yes, they would use Ad Valorem Taxes to pay back these bonds, that was the tax effect of issuing bonds was that they pay them back with Ad Valorem Taxes, was there a tax increase, to Council Member Costello's point, they had .63875 cents of which they only used, this year, roughly 16 cents, well within that total tax levy that the City had, and Mayor Parker stated that taxes would not go up and taxes would not go down, and Council Member Laster stated that as he understood the distinction was that the tax effect was the fact that they would be using tax monies to pay for this as they had always talked about. Council Members Brown, Davis, Sullivan, Hoang, Green and Bradford absent.

Mayor Parker asked if there was anyone else who specifically wished to address this issue. Council Members Brown, Davis, Sullivan, Hoang, Green and Bradford absent.

Mr. Paul Kubosh appeared and stated that he wanted to read from the final report of the Long Range Financial Management Task Force, Executive Summary, "This report forecasts a deficit for each fiscal year through 2017 in all scenarios, even in the baseline, assuming no

additional external sources of funds are identified, General Fund cash balances will be exhausted by 2014, based on the forecasted financial results, City leadership has both an immediate 2014 General Fund balancing issue and medium and longer-term budget balancing challenges”, that this debt, the \$410 million of debt flew directly in the face of their own long-term financial report and he thought they already knew that, that they already had it on the ballot so it was going to go forward, but to say that this would not increase taxes was just a joke, that they may not raise taxes this year, but in light of this report, unless these guys were wrong, he thought they had been deficit spending before 2004, before any of them had actually gotten on, so it was something that was instituted, the deficit spending, so to say that was just not true, that it was a shame, it was just mismanagement and he was very disappointed, that he wanted to let them know that he was against the issuance of this debt. Council Members Brown, Davis, Sullivan, Hoang, Green and Bradford absent.

Council Member Pennington stated that he wanted to thank Mr. Kubosh for coming forward, that he had raised those same issues when this matter was discussed, that he thought it was a very genuine concern and was looking forward to the Mayor’s plan to escape the financial predictions that were in that committee report. Council Members Brown, Davis, Sullivan, Hoang, Green and Bradford absent.

Mayor Parker asked if there was anyone else who wished to address the issue, hearing none she would take a motion to close the public hearing. Council Members Brown, Davis, Sullivan, Hoang, Green and Bradford absent.

Council Member Laster moved to close the public hearing, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Cohen absent on personal business. Council Members Brown, Davis, Sullivan, Hoang, Green and Bradford absent. MOTION 2012-0707 ADOPTED..

There being no further business before Council, the City Council adjourned at 6:17 P.m. Council Member Cohen absent on personal business. Council Members Brown, Davis, Sullivan, Hoang, Green and Bradford absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary