

City Council Chamber, City Hall, Tuesday, October 2, 2012

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 2, 2012, Mayor Annise Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, 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; Ms. Marta Crinejo, Agenda Director and Ms. Stella Ortega, Agenda Office present. Council Member Wanda Adams absent on city business. Council Member James G. Rodriguez absent on personal business.

At 1:44 p.m. Mayor Parker stated that they would now begin presentations and called on Council Member Christie who invited those present for his presentation to the podium and stated that Dr. Mavis Kelsey would be celebrating his 100th birthday Sunday and Dr. Kelsey was founder of the Kelsey-Seybold Clinic, a group practice; and he and Mayor Parker presented Dr. Kelsey a Proclamation commending him on his accomplishments, commitment to health and wellness and education to the community. Council Members Davis, Sullivan, Hoang, Pennington, Laster, Green, Burks and Bradford absent. (NO QUORUM PRESENT)

Mayor Pro Tem Gonzalez, Council Members Noriega, Pennington and Bradford complimented Dr. Kelsey, thanked him for all he had done and wished him well. Council Members Sullivan and Hoang absent. Mayor Pro Tem Gonzalez presiding.

Mr. Tom Kelsey thanked all for honoring his Father and introduced all family members. Council Members Sullivan and Hoang absent. Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Bradford called on Mayor Pro Tem Gonzalez for the next presentation; and Mayor Pro Tem Gonzalez invited those present for his presentation to the podium and stated that Janie and Frumencio Reyes were two icons in the community and among other things; and Council Member Noriega stated that Mr. Reyes was instrumental in creating single member districts for the City of Houston and Mrs. Reyes contributions led to various awards; and Mayor Pro Tem Gonzalez stated that today they were being recognized for their outstanding dedication and service and as recipients of the 2012 Mayor's Hispanic Heritage Award for Lifetime Achievement; and Mayor Parker presented both a Proclamation proclaiming today as "Janie and Frumencio Reyes Day" in Houston, Texas. Council Members Sullivan and Laster absent. Vice Mayor Pro Tem Bradford presiding.

Mrs. Reyes stated that this was an honor for them today and thanked all for the recognition; and Mr. Reyes recognized and thanked his wife and family and thanked Council for the honor. Council Member Sullivan absent. Vice Mayor Pro Tem Bradford presiding.

Vice Mayor Pro Tem Bradford, Council Members Laster, Green, Burks and Pennington stated that their recognition was well earned, congratulated them on their award and thanked them for their service. Council Member Sullivan absent. Vice Mayor Pro Tem Bradford presiding.

At 2:12.m. Mayor Parker called on Council Member Brown who invited Father Lawrence Jaswick of Co-Cathedral of the Sacred Heart to lead all in the invocation and Council Member Brown led all in the pledge.

At 2:18 p.m. the City Secretary called the roll. Council Member Adams absent on city business. Council Member Rodriguez absent on personal business. Council Member Sullivan absent.

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

Mayor Parker stated that she would remind all to take part in National Night Out activities tonight starting between 5:30 p.m. and 6:00 p.m. Council Member Sullivan absent.

Council Member Bradford stated that on a point of personal privilege there were two boy scouts present from Troop 1650 working on their Eagle Scout ranking; and asked that they stand to be recognized. Council Member Sullivan absent.

Council Member Green moved the rules be suspended for the purpose of hearing Ms. Linda Scurlock, Ms. Robin Allen and Mr. Ray Washington at the top of the three minute list of speakers, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on city business. Council Member Rodriguez absent on personal business. Council Member Sullivan absent. MOTION 2012-0708 ADOPTED.

Council Member Noriega stated that on a point of personal privilege she wanted to welcome to the Chamber the high school speech class from Lighthouse Baptist Academy; and asked they stand to be recognized. Council Member Sullivan absent.

Council Member Cohen moved the rules be suspended for the purpose of hearing the speakers in the following order, Reverend Lisa Hunt, Ms. Paige Pecore and Mr. Tom Cordell, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on city business. Council Member Rodriguez absent on personal business. Council Member Sullivan absent. MOTION 2012-0709 ADOPTED.

At 1:44 p.m. the City Secretary began calling the public speakers.

Reverend Lisa Hunt, 841 W. 24th, Houston, Texas 77008 (713-528-6665) appeared and stated that she was the director of St. Stephens Episcopal Church and president of the school board and was present asking for Council to grant the 1,000 foot alcohol free zone around their school for the safety of their children; that there was a death across from the church from a drunk driver. Council Members Sullivan and Hoang absent.

Council Member Pennington stated that he was concerned as it would affect property rights; and upon questions, Reverend Hunt stated that she did not know where the person driving under the influence came from and it was irrelevant to their claim; that it was her understanding it would not impact existing businesses. Council Members Sullivan, Hoang and Noriega absent.

Council Member Cohen stated that they had met with civic clubs; and upon questions, Reverend Hunt stated that they were unanimous in their support; that other private schools had been granted the zone; and Council Member Cohen stated that it was her understanding two were granted in 2011 by a unanimous vote of Council. Council Members Sullivan and Hoang absent.

Council Member Gonzalez stated that this process was available to anyone who fell under the criteria for an alcohol free zone; and upon questions, Reverend Hunt stated that this was not an unusual request and they met with city members who agreed to bring this forward. Council Members Sullivan and Hoang absent.

Mayor Parker stated that they had granted the prohibition six times previously including two times last year for private schools. Council Members Sullivan and Hoang absent.

Council Member Bradford moved the rules be suspended for the purpose of extending the time for questions of Reverend Lisa Hunt, seconded by Council Member Laster. All voting aye. Nays none. Council Member Adams absent on city business. Council Member Rodriguez absent on personal business. Council Members Sullivan and Hoang absent. MOTION 2012-0710 ADOPTED.

Upon questions by Council Member Davis, Reverend Hunt stated that the area was predominately residential; that there was already a 1,000 foot zone around Lanier Middle School which incorporated a significant amount of the property and the businesses she understood were grandfathered and would not be affected. Council Members Sullivan and Hoang absent.

Council Member Noriega stated that she was correct there were homes there and probably few restaurants which served alcohol; and this restriction was a matter of course with public schools. Council Members Sullivan and Hoang absent.

Ms. Paige Pecore, 2222 Ross, Houston, Texas 77098 (832-721-6756) appeared and stated that she was a parent and volunteer at St. Stephens on the board of trustees and present to urge Council to grant the alcohol free zone for their school; and the statutes for it were already in place. Council Members Sullivan and Hoang absent.

Mr. Tom Cordell, 2253 Troon Road, Houston, Texas 77019 (713-547-2027) appeared and stated that he was a volunteer board member at St. Stephens Episcopal School and was present asking for Council's support of a 1,000 feet alcohol free zone around their campus pursuant to the Texas Alcohol Beverage Code and Houston Code of Ordinances; that much of the area overlapped from an already approved alcohol free zone for Lanier Middle School. Council Members Sullivan, Hoang and Gonzalez absent.

Upon questions by Council Member Laster, Mr. Cordell stated that the requirements for a private school were laid out in the state statute and ARA visited with them and determined they satisfied all requirements. Council Members Sullivan and Hoang absent.

Ms. Susan Wright, 8800 Woodway Drive #16, Houston, Texas 77063 (713-997-3728) had reserved time to speak but was not present when her name was called. Council Members Sullivan and Hoang absent.

Ms. Carolyn Ginther, 8800 Woodway Drive #5, Houston, Texas 77063 (713-997-0990) had reserved time to speak but was not present when her name was called. Council Members Sullivan and Hoang absent.

Mr. Armand Hess, 8800 Woodway Drive #11, Houston, Texas 77063 (832-251-8798) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Hoang absent.

Ms. Joanna Torok, 602 Fairbanks, Houston, Texas 77009 (832-858-5228) appeared and stated that she was co owner of a mobile food unit and all agreed health and safety were important, but they heard the Bureau Chief of Consumer Health and the Houston Fire Chief say the ordinance changes could be regulated; that all should pay attention to issues at hand and ask were they really discussing health and safety or pushing boundaries and trying to protect businesses in a free market; and urged the changes be approved. Council Members Cohen, Sullivan and Noriega absent.

Council Member Hoang stated that she wanted to earn a reasonable living and it was right; and upon questions, Ms. Torok stated that she had been in the mobile business three years;

that it was not as successful as she hoped and many others in the business had to shut down; and Council Member Hoang stated that he supported the changes, but all sides needed to be balanced; that he did not support overregulation; and upon questions, Ms. Torok stated not all would be happy, but ordinance changes being presented were under the guise of health and safety and they were told it could be regulated safely and competition should not be hindered. Council Members Cohen, Sullivan and Noriega absent.

Council Member Burks read news clippings which were examples of propane tank dangers and stated that he did not care who said what, it could be catastrophic. Council Members Cohen, Sullivan and Noriega absent.

Council Member Burks moved to suspend the rules for the purpose of extending the time for questions of Ms. Joanna Torok, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Adams absent on city business. Council Member Rodriguez absent on personal business. Council Members Sullivan and Noriega absent. MOTION 2012-0711 ADOPTED.

Council Member Burks stated that a propane tank increased from 20 pounds to 40 pounds was dangerous and he had the information, he was not fine with any propane tanks; and Ms. Torok stated that restaurants in downtown had propane in their heaters now with an extra pulled permit; and they would be happy to pull permits also and the Fire Marshall said he was okay with it and if he did not believe him it was a major internal issue; and Council Member Burks stated that he spoke to him and he would tell her privately what he said. Council Members Sullivan, Pennington and Noriega absent.

Ms. Linda Scurlock, 4747 Knotty Oaks Trail, Houston, Texas 77045 (713-433-5737) appeared and stated that she was president of the South Houston Concerned Coalition and present regarding the Rebuild Houston Shell Game that Houston was perpetrating on residents in the Hiram Clarke Area; that the White Hether sewer project began under Council Member Edwards so how was it now a Rebuild Houston Project; and urged the right thing be done for their area. Council Members Sullivan, Pennington and Noriega absent.

Mayor Parker stated that she was surprised Council Member Green had not explained better, but everything they were doing now was under Rebuild Houston; that they were required to put all money in the common pot so it did not matter if it was previously planned; that no projects could use debt, they were all pay as you go and that was for every street and drainage project. Council Members Sullivan, Pennington and Noriega absent.

Council Member Green stated that he and Mayor Parker had conversations on the issue and he understood all projects prior to Rebuild Houston were put under this, but he thought she was talking of federal dollars for this project; and Mayor Parker stated that all street and drainage dollars go into the common pot and called Rebuild Houston; and Council Member Green stated that he toured the area and sidewalks were not complete on one end and next to those with curb and gutter and he understood it was a challenge and also understood she was not happy. Council Members Sullivan and Pennington absent.

Ms. Robin Allen, 13918 Catina, Houston, Texas 77045 (713-433-0958) appeared and stated that she was also present on the White Heather Project, it needed to be funded as Council Member Green just stated they had half projects completed; and they would ask the Mayor and Council Members go to the area and see what they referred to; that they voted for Rebuild Houston and received nothing so how could they vote now for bond packages. Council Members Sullivan and Pennington absent.

Mayor Parker stated that if she remembered the project correctly there were federal dollars

and half the neighborhood drained one direction and half drained the other direction; that federal dollars allowed repaving and drainage for one side and not the other. Council Members Sullivan and Pennington absent.

Council Member Green stated that Ms. Allen was president of their civic club and he appreciated her and others for coming today. Council Members Sullivan and Pennington absent.

Mr. Ray Washington, 14907 Bathurst, Houston, Texas 77053 (713-434-0954) appeared and stated that he was a resident of the Wild Heather Subdivision and president of Super Neighborhood 40 and was present on the same matter as the two previous speakers; that the White Heather/Wild Heather Storm Sewer Project was originated by him after 20 years of flooding; that Phase One was in Wild Heather and Phase Two started and was good, but Phase Three was a disaster, the streets were not draining properly and the contractor stated they may have to go back and put drainage and inferior concrete was used; and today was asking for support and have the White Heather/Wild Heather removed from Rebuild Houston. Council Members Sullivan, Hoang and Christie absent.

Mayor Parker stated that this was the first she had heard of improper construction and she would appreciate him speaking with Mr. Gary Norman who was present, give him the address of the improper construction, but taking it out of Rebuild Houston could not happen as all street and drainage was in the Charter in one category of funding which was Rebuild Houston; and the issue of sidewalks they would have to follow-up with her. Council Members Sullivan, Hoang and Christie absent.

Council Member Green stated that he, the contractor and Public Works attended a monthly meeting and the issue of running out of concrete was addressed and he thought Public Works addressed the issue of sidewalks and driveway, if it had not been addressed they would; and he appreciated him making all aware of this; and whoever said do half the street and not the other half was just wrong; and he was asking this Mayor and Council to step in. Council Members Sullivan, Hoang and Christie absent.

Mr. Andrew Patterson, 6207 Fondren, Houston, Texas 77036 (832-276-1712) appeared and stated that he was present regarding the situation a couple of weeks ago where a double amputee was shot by a Houston police officer; that there was inconsistency with the county and city regarding how to handle situations; that if they would put in the database addresses of disabled people then when called whether it be an emergency or not they would be aware of the situation; that the county was revamping their information technology system and he mentioned they should implement this; and urged all use the information. Council Members Sullivan, Hoang, Burks, Noriega and Christie absent.

Council Member Gonzalez stated that he felt strongly about the issue and agreed with him; that they were actively working on this, looking at the issue and trying to come up with a proposed ordinance for Council's consideration and they were doing this before the unfortunate incident which had raised more light to the need. Council Members Brown and Hoang absent.

Mr. Daniel Morgan, 2600 W. Lazy Hollow #1102, Houston, Texas 77063 (361-701-1251) had reserved time to speak but was not present when his name was called. Council Members Brown and Hoang absent.

Ms. Ruby Dixon, 5105 Airline Drive, Houston, Texas 77022 (713-691-0191) appeared and stated that she was founder of the Citizens with Disabilities Review Board; that a badge was an honor and gave the right to protect and intervene on behalf of those who were weak in society, it was not a permit to kill; and expressed displeasure with the recent shooting of Mr. Brian

Claunch, a person with disabilities. Council Members Brown, Sullivan and Hoang absent.

Council Member Christie stated that Ms. Dixon gave one of the most eloquent presentations he had heard in the Council Chamber. Council Members Brown, Sullivan and Hoang absent.

Council Member Gonzalez stated that it was a sad and difficult tragedy for the entire city and from this they needed to assess what they could do better; that due diligence was needed for all investigations; that training had progressed through the years and her words inspired them to continue learning. Council Members Brown, Sullivan, Hoang and Laster absent.

Ms. Gyuler, Abram, 12415 Berry Laurel Lane, Houston, Texas 77014 (832-272-2262) had reserved time to speak but was not present when her name was called. Council Members Brown, Sullivan, Hoang, and Laster absent.

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, Sullivan, Hoang and Laster 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 Brown, Sullivan, Hoang and Laster absent.

Ms. Maria Palacios, 7307 Autumn Grove, Houston, Texas 77072 (832-419-8548) appeared and stated that she was speaking on behalf of the Houston Center for Independent Living and the community of persons with disabilities; that the shooting of Brian Claunch did not have to escalate to police involvement; that the personal group home attendant should have been properly trained and sensitized to the needs and rights of people with disabilities; that personal care homes had no oversight or regulations to ensure respect and safety of residents; that Mr. Claunch only asked for a soda and cigarette and had every right to feel upset when not allowed to choose something so simple for himself; that the disability community was aware of the childlike approach to their needs and it was insulting and demeaning; and the recent actions sent the message that they were disposable and not worthy of respect, but their lives were worth protecting. Council Members Brown, Sullivan, Hoang, Laster and Costello absent.

Council Member Noriega stated that she was impressed with her eloquence; that it was always about respect and commonsense; that she did not want to interfere with investigations, but she was sorry and appreciated all who came today to speak on the issue. Council Members Brown, Sullivan, Hoang, Laster and Costello absent.

Council Member Gonzalez thanked Ms. Palacios for coming and speaking passionately about the issue; and she and the disabled community was very respected and all should be reminded of challenges resulting of public policies and identify how to make things better; and they had his commitment. Council Members Brown, Sullivan, Hoang, Laster, Green and Costello absent.

Upon questions by Council Member Bradford, Ms. Palacios stated that she believed the City of Houston wanted to do the right thing in setting rules and doing investigations, but it was important to realize they were not an invisible minority and all would eventually join the disabled community through the aging process; and with respect they could accomplish so much more. Council Members Brown, Hoang, Laster and Costello absent.

Ms. Tanganika Bossett, 777 Bateswood Drive, Houston, Texas 77079 (832-489-9140) had reserved time to speak but was not present when her name was called. Council Members Brown, Hoang, Laster and Costello absent.

Ms. Louise L. Young, 5339 Willowbend Boulevard, Houston, Texas 77096 (713-729-3344) had reserved time to speak but was not present when her name was called. Council Members Brown, Hoang, Laster and Costello absent.

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) appeared and stated that he was present regarding the death of Shawna Huebner, 29 years of age, at the Mykawa Jail in August of 2012; that she was taken to jail on a Class C Public Intoxication; that she was bleeding when she went to the jail clinic, but was not taken to the hospital; that soon individuals alerted the guards she was having problems staying conscious whereupon the guards took her to an isolation cell; and according to reports she hung herself and she was on a monitor, but apparently no one was watching the monitor; that mistakes were made here. she should be alive; and IAD had a video and they were asking for that video. Council Members Brown, Sullivan, Hoang, Pennington and Costello absent.

Ms. Kathryn Huebner, 22306 FM762, Needville, Texas 77461 (281-455-9557) appeared and stated that Mr. Kallinen was speaking about her daughter, Shawna, that August 15th she received a call from the Airport an officer said to come pick her up in three hours at the Mykawa City Jail and she was there at 6:50 p.m. and there was no activity and then a big panic behind where officers were running around and she had already been there 30 minutes and was told to leave; that when she received the death certificate she had already passed away at 6:28 p.m., she was in jail less than 2-1/2 hours, what went on; that she did not believe her child injured herself and much needed to be explained and she believed there was a reason they would not give her the video or medical records requested. Council Members Brown, Sullivan, Hoang, Pennington and Costello absent.

Mayor Parker stated that she could not begin to imagine what she was going through and how hard it had been, respectfully the incident happened in mid-August and was still under investigation and there was no possible way to release any evidence until it was concluded; that she was impressed and amazed with the information she was able to piece together in the letter received; and when the investigation concluded the data would be released to her. Council Members Brown, Davis, Sullivan, Hoang and Noriega absent.

Council Member Burks stated that he was sorry and expressed condolences. Council Members Brown, Davis, Sullivan, Hoang and Noriega absent.

Council Member Gonzalez stated that he was sorry for their loss; that he would point out the medical report would be through the Harris County Medical Examiners Office. Council Members Brown, Davis, Sullivan, Hoang and Noriega absent.

Mr. Fred Huebner, 610 Asbury, Houston, Texas 77007 (281-686-3510) appeared and stated that he was present as any Father would be trying to understand how such a vibrant young women as his daughter Shawna in a city jail for a few hours had her life tragically end; and they were trying to get the video, etc., to understand and console their hearts. Council Members Brown, Davis, Sullivan, Hoang and Noriega absent.

Ms. Melody Rountree, 15022 Rain Shadow Court, 77070 (832-655-7299) appeared and stated that she was Shawna's Aunt and no one was supposed to bury their children; that they needed answers and openness; and needed help. Council Members Brown, Davis, Sullivan, Hoang and Noriega 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, Davis, Sullivan, Hoang, Costello and Noriega absent.

Ms. Johnell Collins, 7449 Parker Road, Houston, Texas 77016 (281-728-6693) had reserved time to speak but was not present when her name was called. Council Members Brown, Davis, Sullivan, Hoang and Noriega absent.

Mr. Al Marcus, 5218 Braesvalley, Houston, Texas 77096 (832-651-2636) had reserved time to speak but was not present when his name was called. Council Members Brown, Davis, Sullivan, Hoang and Noriega absent.

Mr. Robert Underwood, 2221 Wentworth, Houston, Texas 77004 (832-868-7219) appeared and stated that he was present regarding his water bill; that his bill said he had a \$3,500 credit because his meter was out of whack and the next month was told he owed \$5,000; that he also had a problem with Center Point Energy adding hundreds of dollars to his gas bill which they could not validate; and he needed to know how to get these remedied. Council Members Brown, Davis, Sullivan, Hoang and Noriega absent.

Upon questions by Council Member Green, Mr. Underwood stated that someone in Public Works got in touch with him today and said they would try and get something for him to follow-up and Center Point seemed to make up things as they went along; and Council Member Green stated that he was in Council Member Adams's district; that his office would work with him and generally Public Works researches and would work with him. Council Members Brown, Davis, Sullivan, Hoang and Noriega absent.

Mayor Parker stated that gas was Center Point, but Mr. Gary Norman was present and could speak with him before he left. Council Members Brown, Davis, Sullivan, Hoang and Noriega absent.

Mr. Gary Mosley, 615 E. 5th, Houston, Texas 77007 (281-748-7538) appeared and stated that he was a resident of the Heights and business owner; that Sunday a sign was placed in front of his home and apparently a developer was trying to open the dead-end street where he lived to gain access to their land; that he owned half of 5th Street and a trucking union owned the other half; that they should have been able to voice opinions, city engineers had issues about the variance; that if the builder built a bridge he would have about a 20 foot bridge at his backyard. Council Members Brown, Sullivan, Hoang, Pennington and Noriega absent.

Upon questions by Council Member Laster, Mr. Mosley stated that Frasier Street was access to the particular parcel; that 5th Street was a dead-end and he owned half behind the barricade and the union owned the other half; then it transferred to the Alexan Apartment Complex so the builder went to the complex and bought just a little piece; that apparently a decision was made without their knowledge, they thought this was over, but Sunday found out plans were submitted to open the street; and upon questions by Council Member Laster, Mayor Parker stated that she was not familiar with the issue; that apparently it was a dead-end street and ravine and a complex and owner on the other side wanted to put a bridge over the ravine to punch through what was a dead-end street; that it would go through the Planning commission and in Council Member Cohen's district and he could defer to her. Council Members Brown, Sullivan, Hoang, Pennington and Noriega absent.

Council Member Cohen stated that she knew about this and had conversations with Mr. Mosley; that she looked again last week at the property and as far as she knew nothing had happened, it did have to go through the Planning Commission to get a variance and the fact of the matter was Frasier would have gone over the bike path and that was the big problem so they were looking for another recourse which was to go down 5th; and if the city did open it a big problem would be caused, there were serious issues. Council Members Brown, Sullivan, Hoang, Pennington and Noriega absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2800) appeared and stated that he was a witness to the police shooting of the handicapped male; and continued expressing his personal opinions until his time expired. Council Members Brown, Sullivan, Hoang, Pennington and Noriega absent.

At 3:51 p. m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, October 3, 2012. Council Member Adams absent on city business. Council Member Rodriguez absent on personal business. Council Members Brown, Sullivan, Hoang, Pennington and Noriega absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, October 3, 2012, with Mayor Annise D. Parker presiding and Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, 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, and Ms. Stella Ortega, Agenda Office, present. Council Member Wanda Adams out of the city on city business.

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

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

At 9:07 a.m. Mayor Parker called the meeting to order and stated that the first item on the agenda would be the Monthly Operations and Financial Report and recognized Mr. Chris Brown, Chief Deputy City Controller, and Mr. Kelly Dowe, Director of Finance. Council Members Davis, Sullivan, Green, Burks and Noriega absent.

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

Mr. Brown and Mr. Kelly reviewed the Monthly Operations and Financial Report, a copy of which is on file in the City Secretary's office for review. Council Members Sullivan, Burks and Noriega absent.

Council Member Costello moved to accept the Monthly Operations and Financial Report, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan, Burks and Noriega absent. MOTION 2012-0712 ABSENT.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 33

MISCELLANEOUS - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON ZOO, INC BOARD OF DIRECTORS**, for terms to expire June 30, 2015

Position Three - **ZEINA FARES**, appointment
Position Four - **STEPHEN M. KAUFMAN**, reappointment
Position Six - **JIM POSTL**, appointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan, Burks and Noriega absent. MOTION 2012-0713 ADOPTED.

2. RECOMMENDATION from Director Administration & Regulatory Affairs for the designation of residential parking permit areas in the Super Neighborhood of Greater Uptown - **DISTRICT G - PENNINGTON** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. MOTION 2012-0714 ADOPTED.

Mayor Parker and Council Members Hoang, Noriega, Gonzalez and Pennington congratulated Ms. Fares on her new appointment and thanked her for her service to the City of Houston. Council Members Sullivan, Burks and Noriega absent.

ACCEPT WORK - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,225,284.10 and acceptance of work on contract with **ISI CONTACTING, INC** for Paving Improvements of Long Point Road at Wirt Road Intersections and Approaches - 0.84% over the original contract amount and under the 5% contingency amount **DISTRICT A - BROWN** - was presented, moved by Council Member Gonzalez, seconded by Council Member Laster. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Cohen, Sullivan and Burks absent. MOTION 2012-0715 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 7A

5. **SCOTT TECHNOLOGIES, INC dba SCOTT SAFETY** for Thermal Imaging Cameras, Accessories and Replacement Parts for the Houston Fire Department - 3 Years with two one year options - \$669,035.20 - General Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Cohen, Sullivan and Burks absent. MOTION 2012-0716 ADOPTED.
7. ORDINANCE appropriating \$900,000.00 out of Water & Sewer System Consolidated Construction Fund for Emergency Sanitary Sewer Force Main Repairs at Renwick Drive and Bissonnet Street for the Public Works & Engineering Department - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Cohen, Sullivan and Burks absent. ORDINANCE 2012-0865 ADOPTED.
- 7a. **T CONSTRUCTION , LLC** for Emergency Sanitary Sewer Force Main Repairs for the Department of Public Works & Engineering - **DISTRICT J - LASTER** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Cohen, Sullivan and Burks absent. MOTION 2012-0717 ADOPTED.

ORDINANCES - NUMBERS 13 through 33

13. ORDINANCE appropriating \$898,705.00 out of Police Consolidated Construction Fund as an additional appropriation for contract between the City of Houston and **BL TECHNOLOGY, INC** approved by Ordinance No. 2007-0972 for Security System Installation and Repair Services for the General Services Department - **DISTRICTS B - DAVIS; D - ADAMS and F - HOANG** - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0866 ADOPTED.
17. ORDINANCE approving and authorizing second amendments to contracts between the City of Houston and **DRC EMERGENCY SERVICES, LLC**, and **OMNI PINNACLE, LLC** for Disaster Debris Removal Services for the Solid Waste Management Department - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0867 ADOPTED.
20. ORDINANCE approving and authorizing Revised and Restated Agreement between the City of Houston and **SEVERN TRENT ENVIRONMENTAL SERVICES, INC** (Approved by Ordinance 2010-582) for the Greater Northeast Houston Service Area Water and Wastewater Utilities and Facilities - 1 Year with two consecutive one-year options - \$356,493.00 - Enterprise Fund **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0868 ADOPTED.
21. ORDINANCE consenting to the addition of 46.0732 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0869 ADOPTED.
23. ORDINANCE establishing the north and south sides of the 3500-3600 block of Parkwood Drive within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0870 ADOPTED.
24. ORDINANCE appropriating \$230,000.00 out of Street & Traffic Control and Storm Drainage DDSRF as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **MCDONOUGH ENGINEERING CORPORATION** for Local Drainage Project Negotiated Work Orders (Approved by Ordinance No. 2010-0230, as amended); providing funding for CIP Salary Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0871 ADOPTED.
25. ORDINANCE approving the change of control of **A-AFFORDABLE VACUUM SERVICE, A TEXAS SOLE PROPRIETORSHIP**, that holds 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 City of Houston, Texas Ordinance No. 2011-426 - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0872 ADOPTED.

26. ORDINANCE granting to **EVERETT DEE HENLEY dba SERVICE FIRST GREASE RECYCLING/TRAP, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0873 PASSED FIRST READING IN FULL.
27. ORDINANCE granting to **ENVIROLINK, 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 Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0874 PASSED FIRST READING IN FULL.
28. ORDINANCE No. 2012-843, passed first reading September 26, 2012
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 - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0843 PASSED SECOND READING IN FULL.
29. ORDINANCE No. 2012-844, passed first reading September 26, 2012
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 **SECOND READING** - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0844 PASSED SECOND READING IN FULL.
30. ORDINANCE No. 2012-845, passed first reading September 26, 2012
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 - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0845 PASSED SECOND READING IN FULL.
31. ORDINANCE No. 2012-846, passed first reading September 26, 2012
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 **SECOND READING** - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0846 PASSED SECOND READING IN FULL.

32. ORDINANCE No. 2012-847, passed first reading September 26, 2012
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 - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0847 PASSED SECOND READING IN FULL.
33. ORDINANCE No. 2012-848, passed first reading September 26, 2012
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 - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0848 PASSED SECOND READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$957,439.50 and acceptance of work on contract with **BLASTCO TEXAS, INC** for Rehabilitation of Water Storage Tanks - 2.93% under the original contract amount **DISTRICTS B - DAVIS and F – HOANG** – was presented, moved by Council Member Gonzalez, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Sullivan and Burks absent. MOTION 2012-0718 ADOPTED.

PURCHASING AND TABULATION OF BIDS

6. ORDINANCE appropriating \$20,394.66 out of Fleet Equipment Special Revenue Fund for Purchase of Forklift for the Fleet Management Department - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan and Burks absent. ORDINANCE 2012-0875 ADOPTED.
- 6a. **AMEND MOTION #2011-432, 6/1/11, TO PURCHASE** additional Forklifts for a total increase of \$52,618.91 for the Fleet Management and Public Works & Engineering Departments, awarded to **MITSUBISHI CATERPILLAR FORKLIFT OF AMERICA, INC d/b/a MITSUBISHI FORKLIFT TRUCKS OF HOUSTON** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Sullivan absent. MOTION 2012-0719 ADOPTED.

ORDINANCES

8. ORDINANCE establishing City of Houston election precincts and designating polling places for the City of Houston Special Election to be held on November 6, 2012 - was presented. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan absent. ORDINANCE 2012-0876 ADOPTED.

9. ORDINANCE approving and authorizing agreement between the City of Houston and the **VILLAGE LEARNING CENTER, INC.**, to provide a grant of \$314,000.00 in Community Development Block Grant Funds for acquisition of a facility, located in the vicinity of 3930 Glade Valley Drive, Houston, Texas, which will be used to provide services to low to moderate income individuals with developmental disabilities - **DISTRICT E - SULLIVAN** - was presented. Council Member Brown voting no, balance voting aye. Council Member Adams absent on city business. Council Members Sullivan absent. ORDINANCE 2012-0877 ADOPTED.
10. ORDINANCE appropriating \$47,609.50 out of Parks Consolidated Construction Fund and approving and authorizing the Purchase and Sale Agreement between **RON ALIEZER, AVI RON, and AVISHAL RON (Sellers)** and the City of Houston (Purchaser) for the purchase of 0.1127 acres of land located at 2312 Dennis Street, Houston, Harris County, Texas, for the purchase price of \$86,719.00 plus additional expenses of \$8,500.00 for the Houston Parks and Recreation Department - \$47,609.50 Grant Fund - **DISTRICT D - ADAMS** - was presented. Council Member Brown voting no, balance voting aye. Council Member Adams absent on city business. Council Members Sullivan absent. ORDINANCE 2012-0878 ADOPTED.
11. ORDINANCE authorizing Purchase and Sale Agreement between **JOHN A. HENDLMYER, TRUSTEE, Seller**, and the City of Houston, Texas, Purchaser, and Lease Agreement between the City of Houston, Texas, Landlord, and **HOUSTON PRECIOUS METALS, LTD., Tenant**, relating to the purchase of 5,031 square feet of land located at 607 Chenevert, Houston, Texas; designating the property as a "Leased Premises" under the Lease Agreement between the City of Houston, Texas, and **HOUSTON FIRST CORPORATION, Formerly HOUSTON CONVENTION CENTER HOTEL CORPORATION**, pursuant to Ordinance No. 2011-390 - was presented. Council Member Brown voting no, balance voting aye. Council Member Adams absent on city business. Council Members Sullivan absent. ORDINANCE 2012-0879 ADOPTED.
12. ORDINANCE authorizing Purchase and Sale Agreement between **HOUSTON PROFESSIONAL MUSICIANS LOCAL NO. 65-699, A. F. of M., Seller**, and the City of Houston, Texas, Purchaser, relating to the purchase of 5,662 square feet of land located at 609 Chenevert, Houston, Texas; designating the property as a "Leased Premises" under the Lease Agreement between the City of Houston, Texas, and **HOUSTON FIRST CORPORATION, FORMERLY HOUSTON CONVENTION CENTER HOTEL CORPORATION**, pursuant to Ordinance No. 2011-390 - was presented. Council Member Brown voting no, balance voting aye. Council Member Adams absent on city business. Council Members Sullivan absent. ORDINANCE 2012-0880 ADOPTED.
14. ORDINANCE approving and authorizing submission of an application for grant assistance to the **U.S. SOCCER FOUNDATION** for Soccer Field Improvements at Milby Park; declaring the availability of matching funds; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process and to accept such grant funds, if awarded - **DISTRICT I - RODRIGUEZ** - was presented. Council Member Brown voting no, balance voting aye. Council Member Adams absent on city business. Council Members Sullivan absent. ORDINANCE 2012-0881 ADOPTED.
15. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **TEXAS STATE UNIVERSITY- SAN MARCOS** for the Tobacco Enforcement Program administered by the Texas Department of State Health Services, Mental Health Services Division Program for the Houston Police Department - \$120,000.00 - Grant Fund - was presented. Council Member Brown voting no, balance voting aye. Council Member Adams absent on city business. ORDINANCE 2012-0882 ADOPTED.

16. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **PUMPS OF HOUSTON, INC** (Approved by Ordinance 2007-0813) for Submersible Pump Repair Services for the Public Works and Engineering Department – was presented, and tagged by Council Member Green.
18. ORDINANCE issuing a permit to **HFOTCO LLC, dba HOUSTON FUEL OIL TERMINAL COMPANY**, to operate, maintain, improve, repair and replace one existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which the permit is issued - **DISTRICT E – SULLIVAN** – was presented, and tagged by Council Member Noriega.
19. ORDINANCE appropriating \$7,000.00 out of Metro Projects Construction DDSRF; approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Bringham Bridge Crossing at Union Pacific Railroad - **DISTRICT B - DAVIS** - was presented. All voting aye. Nays none. Council Member Adams absent on city business. ORDINANCE 2012-0883 ADOPTED.
22. ORDINANCE consenting to the addition of 300.89 acres of land to **HARRIS-MONTGOMERY COUNTIES MUNICIPAL UTILITY DISTRICT NO. 386**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Adams absent on city business. ORDINANCE 2012-0884 ADOPTED.

MATTERS HELD - NUMBER 34

34. RECOMMENDATION from Director Administration & Regulatory Affairs for adoption of Alcohol Free Zone for St. Stephens Episcopal School at 1805 West Alabama - **DISTRICT C – COHEN** – **(This was Item 2 on Agenda of September 19, 2012, POSTPONED BY MOTION #2012-696)** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford.

After discussion by Council Members Costello, Cohen, Laster and Burks, Mayor Parker stated that this item should be brought to Council Member Adams committee and they would bring it forward to the appropriate committee.

A vote was called on Item No. 34. Council Member Pennington voting no, balance voting aye. Council Member Adams absent on city business. MOTION 2012-0720 ADOPTED.

Mayor Parker stated that they would convene at 6:00 p.m. for a public hearing on the City bonds; that she wanted to thank all of the neighborhood associations last night who held National Night Out events, that she knew that Council Members were out hitting multiple events, that she thought it was a great event and from what she heard they had wonderful participation across the City.

Council Member Sullivan stated that he was available to come to the last evening public hearing, but would not be present tonight, just so that they could make sure they still had a quorum, they were tight last time.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sullivan stated that last night was National Night Out and the District E team was out, that he took Summerwood, which was in one of their contract areas in the north end and the rest of the staff was in the Clear Lake area; that they had a townhall meeting scheduled for next Monday, October 8, 2012 in Clear Lake at the University of Houston Clear

Lake, Garden Room, Bayou Building at 6:00 p.m. and following the meeting Marie Flickinger, Owner of the South Belt Ellington Leader, would host a candidates forum for the candidates running for the District E seat; that he along with Boeing Company had invited Texas Alliance for Minorities and Engineering, TAME, Trailblazer to City Hall, that the Trailblazer was a 40 foot exhibit trailer that housed a variety of engineering and science exhibits which engaged students, teachers and parents through hands on activities, that it visited schools and community events helping raise students awareness off and motivation to pursue careers in science and engineering, that it was the only interactive science and engineering museum on wheels in Texas, that he urged everyone to stop by the trailer and take part in the education benefits that it had, that it would be here next Tuesday, October 9, 2012, 11:00 a.m. to 4:30 p.m., it would be parked curbside at Walker and Bagby.

Council Member Gonzalez stated that he wanted to thank all of the residents in District H that turned out for National Night Out, they had great turnouts throughout the district, that he wanted to thank the District H team as well for helping them cover as many as possible, that it reinforced the importance of community, many times they focused from the outside in and think that only municipal government or any government was the ultimate problem solver, but they definitely needed to make sure they were also working with their constituents, that neighborhoods were accountable as well to help solve the problems in their communities and by coming together they were definitely taking a step in the right direction, that he wanted to thank departments who had representatives at various events and Metro. Council Members Hoang and Rodriguez absent.

Council Member Noriega stated that a few weeks ago they had a vigil on the City Hall steps for the Sikh Community, after the shooting in Wisconsin, and after that event she lost her scheduler, Raji Kar, who was part of the group who helped organize that, that she was Sikh and she and her family invited her to go to their place of worship a few Sunday's ago, that she and her husband attended a service and she was very struck by the whole experience, they presented extraordinary hospitality and they met everyone in the group, that the Sikh Community had a very strong commitment to defend the weak and promote justice and equality and after the service was over they had a communal meal, that not only was it delicious but everyone sat on the floor together and the symbolism was that everyone, a king, a prince or a beggar on the street were the same, that no one's head was any higher than anyone else's, that apparently any Sikh Temple had food after a service and people were welcome all over the world, that she wanted to thank the Sikh Community for reaching out to all of them in that vigil and time and sharing some of their pain with them, but she also wanted to thank them for reaching out to her personally and her family and allowing her to have some insight into what it was that they were and what they did. Council Members Sullivan, Hoang, Rodriguez and Burks absent.

Council Member Pennington stated that he wanted to mention the death of Bland McReynolds, that he lived in Houston in District G for many years and lived his last years in retirement in New Braunfels, that he was Chairman of the Planning Commission during the administration of Mayor Louie Welch, that Bland, as all of them knew him, walked with a cane but was certainly not disabled in any way, that he accomplished a lot; that on Monday he attended the ribbon cutting for a new facility, 70,000 square foot facility for TMK, which was a Russian Company that was in the business of manufacturing steel and also testing steel, that they took a tour of the place, he and Council Member Brown, as well as Senator Ellis and the Secretary State of Texas and a number of other visitors, that it reminded them how sophisticated their energy business was, that it was a great honor to have them in Houston; that he was out last night to the Wesleyan Place National Night Out, that it was kind of an exemplary area, he thought. Council Members Sullivan, Hoang, Rodriguez and Burks absent.

Mayor Parker stated that she wanted to thank Council Member Pennington for

representing the City officially at the event, that as a reminder to Council countries, in order, that did business directly with the City of Houston, China, Brazil and Russia, which was a surprise to a lot of folks, that they did a lot of business with Russia, that 25% of the total business that Russia did with the U.S. was with Houston. Council Members Sullivan, Hoang, Rodriguez and Burks absent.

Council Member Green stated that on Thursday, September 27, 2012, he attended the 2012 HISD Bond meeting at Dowling Middle School, that HISD was hosting community meetings during the next two weeks to discuss the HISD Bond Proposal, that both Dowling and Madison High School would be getting new schools if the bonds passed; that on Sunday, September 20, 2012, their office attended the Willow Meadows Civic Club Annual Fall Picnic, that it served as the kickoff for the National Night Out event, that it was held at Willow Park; that on Monday he participated in the Houston Police Department Citizens Advisory Council's Annual Brave Run Store Front Golf Classic at Bear Creek Country Club, that his team consisted of Directors Harry Hayes, Charles Thompson and Scott Minnix, that it was a successful event; that last night he participated in National Night Out throughout the district, that he wanted to thank all of the District K Communities who participated in National Night Out activities, that he wanted to thank Mayor Parker who attended three of the National Night Out events in District K; that on October 4, 2012, he and the Public Works Department would facilitate an informational meeting for the Brentwood Community, that they would highlight the Phase 4 of the White Heather Storm Sewer Project; that on Saturday, October 6, 2012, the District K Office, along with the South Houston Concerned Citizens Coalition had partnered to host a "Get Out the Vote Rally"; that the Braes Oaks Super Neighborhood would host their monthly meeting on Tuesday, October 9, 2012, at the Braeswood Assembly God of Church at 7:30 p.m., that guest presenter would be Director Harry Hayes, Solid Waste Department, who would be discussing the department's new heavy trash route schedule that would go into effect on November 1, 2012. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Davis stated that he received mail at home telling him that his heavy trash day had been moved; that last week they had their first Illegal Dumping Task Force meeting and he wanted to thank everyone who came out, that he understood that it was a City and County wide issue, that he felt it was a success; that yesterday they had their kickoff for Walking Towards Literacy, they did a press conference at Atherton Elementary in the Fifth Ward, that they were reading to 20 students at eight schools, that he wanted to thank all of the Council Members who had agreed to come and read to the children, as well as their staff, that they would be having their "Walking Towards Literacy" on October 27, 2012 at Tidwell Park, that according to statistics about 69% of the people in District B were without diplomas, to go along with the 49% that made less than \$25,000 per year, so they understood there was a problem, that again he wanted to thank all of the organizations that were coming together to make a change in their district; that tomorrow night they would be having the bond issue townhall meeting at the Fifth Ward Missionary Baptist Church, 4300 Noble Street; that the Acre Homes Open House and Tour would be this week, the City completed the construction on that facility at the end of July so they wanted to welcome everyone out to enjoy and look at the beautiful work that the contractors had done. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Brown stated that she wanted to thank all of the residents of District A and community leaders who participated in National Night Out last night, that there were over 50 in the neighborhoods of District A; that she made it to the Korean Community's Evening With the Educators of Spring Branch at the Westin City Center; that she also wanted to share her condolences to the family of Bland McReynolds. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Cohen stated that last Saturday she attended two events, one, Positive

Coaching Alliance Houston, their Scholarship and Awards Banquet, that it highlighted outstanding athletes and the coaches, and two, Making It Better Event, the program that Council Member Davis was the CEO of, that it was outstanding; that this weekend was the Greek Festival at Annunciation Greek Orthodox Church on Yoakum; that last night she and her staff were able to cover about 37 neighborhood association meetings; that this month was Breast Cancer Awareness and Domestic Violence Months, both of which she was very passionate about, that next month she would be a 43 year Breast Cancer Survivor and she had spent 18 years working in the domestic violence field, that there was a relationship between domestic violence and Breast Cancer, that many of the women who underwent domestic violence situations never took the time to check themselves, that she would urge them to do what ever they could to heighten those issues with their communities. Council Members Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Burks stated that Council Member Green mentioned a golf tournament that was held Monday; that Breast Cancer awareness was something that he had gone through with his Mom, that on the 12th of this month his Mom would be 86 years old; that Housing and HUD, there had been some problems in the past about repairs of homes being adequate, shoddy work being done, that they needed to do something about this because people could not live into their eighties and have people come in and do shoddy work; that for National Night Out he had 16 events last night and met with 7 of those 16 personally, that he wanted to thank all of the volunteers and his staff who worked hard to get to where he could not get to last evening; that last Saturday he held a voter registration drive at the Emancipation Park Community Center in the Third Ward, that despite the rain they along with hard working volunteers were able to register over 50 individuals, that many of the newly registered voters had recently turned 18 and would be casting ballots for the first time this year; that he had discussed the need for elected officials to work across the traditional lines to find solutions in a recent trip to Washington, D.C., that he worked with both Democrats and Republicans to insure that \$30 million were brought back to Houston for their Veterans in science and engineering jobs. Council Members Davis, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent.

Council Member Bradford stated that he wanted to raise a public safety issue and it had to do with the Yale Street Bridge, south of Interstate 10, the Texas Department of Transportation had said the bridge could stay open as long as the new load limits were in place and enforced, that the load limits had been reduced from 8,000 lbs per axle to 3,000 per axle, that most citizens did not know the weight of their vehicle and even if they knew the weight they could not control things such as traffic backups that could occur on the bridge, standing traffic that could happen on the bridge and most SUVs, mini pickup trucks and those trucks with auxiliary fuel tanks were carrying heavy tool boxes, were going to exceed the 3,000 lbs per axle on the bridge, that he thought it was fair to expect citizens to know the difference, that they knew there were different restrictions regarding weight limits in place for cars, passenger vehicles in general versus commercial vehicles and industrial type vehicles, but now they were asking citizens to distinguish between passenger cars, pickup trucks, vans etc., he thought it was not reasonable and posed a serious safety issue to leave the bridge open with 3,000 lbs load limits per axle, that citizens were not going to read the weight specifications for their particular vehicles and they simply were not going to have Houston Police Officers stationed at that bridge 24 hours per day, that he would encourage the City of Houston and the Texas Department of Transportation to reconsider the clear and present danger in leaving the bridge open with unenforceable load limits in place. Council Members Davis, Sullivan, Hoang, Pennington, Rodriguez and Noriega absent.

Mayor Parker stated that for the benefit of the public, load limits on the bridge had been reduced, that she agreed completely with Council Member Bradford early comments on that, that it was a concern and they had posted the appropriate signage around the bridge and Public Works and begun mobilizing for some relatively inexpensive repairs to the bridge that would

restore the previous load limits, that the bridge, under TXDOT rules, was in the repair category and scheduled for complete bridge replacement in about 3 years, which was longer than they would like but with appropriate use of the bridge and the repairs that Public Works would be implementing shortly it would extend the life of the bridge until TXDOT completed its repair work, but they were well aware of the issue of the bridge, that she wanted to thank Council Member Bradford for raising the issue. Council Members Davis, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Laster stated that he and his staff were able to attend up to nine different functions in the district, that one of the things that really surprised him was that at every event he went to the faces from all over the world were in those communities and the thing that bond them together was the care for their own local neighborhood and community, that he thought the future of the City was bright because of that sort of commitment and he was very encouraged by it. Council Members Davis, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Burks stated that for National Night Out he wanted to thank all of the civic clubs and super neighborhoods volunteers who worked to put on a great event; that he would like to make a clarification regarding his position on the proposed changes to the Food Truck Ordinance, that they had a number of speakers come before the Council and make their cases for food trucks, that he thought food trucks were a good thing for Houston, they encouraged entrepreneurs and added to their local economic benefit, that he did not however feel that food trucks belonged in their densely built downtown area. Council Members Davis, Cohen, Sullivan, Hoang, Rodriguez and Noriega absent.

Mayor Parker stated that 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, October 3, 2012, with Mayor Annise D. Parker presiding and Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Melissa Noriega and Jack Christie, D.C.; Ms. Carolyn Hanahan, First Assistant City Attorney; Ms. Marta Crinejo, Agenda Director, and Ms. Stella Ortega, Agenda Office, present. Council Member Wanda Adams out of the city on city business.

HEARING - 6:00 P.M.

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

At 6:02 p.m. Mayor Parker called the public hearing to order and stated that it was addressing the City of Houston's Public Improvement Bond Propositions A through E, that they would hear from the public specific to those items. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Mr. Jose Sanchez, 3915 Chenevert, Houston, Texas 77004 (832-715-5975) appeared and stated that he was with Free Houston Workers Center, that the reason they were present was that they were really interested and looking forward to the bonds because they knew that if it went through \$410 million was going to create a lot of jobs and contracts that the City was going to be giving out, that they wanted to know what mechanisms were going to be in place for a lot of the contracts and jobs created by the bonds to insure that workers were going to be paid their proper wages, that the safety and health concerns were addressed and that they were not giving their taxpayer money to contractors or businesses that were cheating the workers or had records of health and safety violations or other issues that would make them undeserving of the trust and taxpayer money of their City. Council Members Sullivan, Hoang, Pennington, Burks

and Bradford absent.

Council Member Noriega stated that she thought that Mr. Sanchez's points were very well taken and thought that those were the type of questions that were legitimate for groups that represented workers to ask, that she thought it needed to be the beginning of a conversation, that she appreciated Mr. Sanchez bringing his questions forward. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Council Member Laster stated that he looked forward to hearing from Mr. Sanchez in the future. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Mr. Jose Gerrero, 7418 Hemlocke, Houston, Texas 77012 (713-862-8222) appeared and stated through a translator that he was present as part of the Down with Wage Theft Campaign and asked how were they going to insure the working conditions of these workers and healthy conditions for all of the workers that would hopefully be getting a job as a result of the bonds, that how were they going to insure that these companies and contractors would be deserving of the trust and monies from the City of Houston with their money, and include that the City revise the records and history of all of these contractors and company's to make sure if they owed money to the City or had a criminal history of if they had violated the law in paying people. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Ms. Diana Gomez, 1231 Pecan Green Way, Houston, Texas (832-646-2888) appeared and stated that she was also with the Wage Theft Campaign, that one of their concerns was that they saw many workers at the Fair Justicia Justice Center and even though they followed the right procedures and filed in small claims, once they won, the system was very broken and they did not get paid what they had won, so they saw some of the systems that were already in place very broken, that they would like to know, since they had already proposed some ways to fix some of the problems, how in conjunction were they going to work together in order to have the system be something where they could have some accountability in order for these workers to have their money paid back. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Council Member Noriega stated that they had a whole group of people with the same group and she wanted to offer them all the same ability, that she thought what they were going to need to do was start having a conversation with the Council about exactly what they were bringing forward, that there were some thing's they already did and were going to have to make sure that all of them understood what was already in place, and then figure out what else they needed to do moving forward, and Ms. Gomez stated that they had already submitted an ordinance and they had spoken to many of the City Council Members and that was why she was asking how else could they work together in order to have the ordinance passed. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Mayor Parker stated that to be clear the issue was not necessarily on City contracts and wages paid to workers on City jobs because there were mechanisms in place to prohibit wage theft in those conditions, that these were in third party in general across the City of Houston that they wished to have an ordinance, and Ms. Gomez stated that many of the systems that they had in place right now were not working in the favor of their workers, but Mayor Parker stated that specifically to her question there were protections for those who actually worked on City projects, such as the bond backed projects, that she had met perhaps with Ms. Gomez's organization, she had a meeting on wager theft and it dealt with non City projects and the issue of wage theft in the private sector, and Ms. Gomez stated that yes Mayor Parker had met with their organization but they hoped that they moved forward on the ordinance that they had proposed. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Mr. Michael Kubosh, 1701 Lubbock, Houston, Texas 77007 (281-850-0172) had reserved time to speak, but was not present when his name was called. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Mr. Paul Kubosh, 1619 Lubbock, Houston, Texas 77007 (281-850-0171) had reserved time to speak, but was not present when his name was called. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Mr. Gerson Bonilla, 14210 Alaman Dr., Houston, Texas 77090 (281-862-8222) had reserved time to speak, but was not present when his name was called. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Mayor Parker asked if there was anyone else who wished to address the City Bonds, Propositions A through E. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Ms. Roslyn Johnson appeared and stated that the Texas Organizing Project was a grassroots statewide membership organizing initiative and their work was around issues that affected their community in a negative manner, that TOP would send to them a letter with questions that they had regarding with the upcoming bond campaign, that first they would like to obtain the full detailed bond positions, including the limiting language, setting out exactly the eligible uses and limitations for each of the propositions; that TOP was reaching out to over 8,500 voters this year, having over 11,000 conversations with registered voters, that TOP was grateful to Mayor Parker and HUD, the initiative to revitalize four low income neighborhoods using Round Two of Federal Disaster Monies, that it was their hope that the \$15 million on the bond dedicated to demolition was targeted in neighborhoods of opportunity, which would further help an overall initiative and stabilizing their neighborhoods, that they would receive the letter via email. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Mayor Parker stated that they would be bringing out a copy of the ballot language and the backup that was publicly available, but she would make sure she had a copy before she leaves. Council Members Sullivan, Hoang, Pennington, Burks and Bradford absent.

Ms. Chrishell Palay, appeared and stated that she was with the Texas Low Income Housing Information Service, that they had seen the presentation that had been prepared by the City providing a summary explanation of the proposed bond issue, that she was present to support the specific request of the Texas Organizing Project, that she had a copy to submit. Council Members Sullivan, Hoang, Pennington and Bradford absent.

Mayor Parker stated that as they did with the previous speaker she would be happy to give her the full backup language before she leaves. Council Members Sullivan, Hoang, Pennington and Bradford absent.

Mr. Jim Matujec appeared and stated that he was with HOPE and they had one question and it was with the bayou and fixing it up and the matching funds, that there was a section in there about the maintenance and it was going to be outsourced, he believed, and they were wondering if there was any stipulation as far as having Parks and Recreation perform any of that work, that he was not sure what all the maintenance included in the bonds. Council Members Sullivan, Hoang, Pennington and Bradford absent.

Mayor Parker stated that it would be subject to future negotiation on the individual trails segments, that it was intended that City of Houston trails segments connected to private trails segments connect to County trail segments, etc., and each of those discrete segments would be subject to individually negotiated maintenance agreements. Council Members Sullivan,

Hoang, Pennington and Bradford absent.

Ms. Roslyn Johnson re-appeared and further stated that she misspoke in saying that they had had conversations with 11,000, it was 1,100 people per day. Council Members Sullivan, Hoang, Pennington and Bradford absent.

Mayor Parker stated that it was still an impressive number; and asked if there was anyone else who wished to address these issues, and hearing none stated that the Chair would entertain a motion to close the public hearing. Council Members Sullivan, Hoang, Pennington and Bradford absent.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Burks. All voting aye. Nays none. Council Member Adams absent on city business. Council Members Sullivan, Hoang, Pennington and Bradford absent.

There being no further business before Council, the City Council adjourned at 6:20 p.m. Council Member Adams absent on city business. Council Members Sullivan, Hoang, Pennington and Bradford absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary