

City Council Chamber, City Hall, Wednesday, November 14, 2012

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 14, 2012, with Mayor Pro Tem Edward Gonzalez presiding and with Council Members Helena Brown, Ellen R. Cohen, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega and C. O. "Brad" Bradford; Mr. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director and Ms. Stella Ortega, Agenda Office present. Mayor Annise Parker out of the city on city business. Council Member Jerry Davis absent on personal business. Council Member Jack Christie, D. C. absent on city business.

At 8:20 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:17 a.m. Mayor Pro Tem Gonzalez called the meeting to order and called on Council Member Costello who led all in the invocation and pledge of allegiance. Council Member Burks absent.

At 9:18 a.m. the City Secretary called the roll. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. Council Member Burks absent.

Council Members Bradford and Laster moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. Council Member Burks absent. MOTION ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 22

PURCHASING AND TABULATION OF BIDS - NUMBER 5

5. **TACTICAL ELECTRONICS AND MILITARY SUPPLY, LLC (aka TACTICAL ELECTRONICS)** for Training Services for the Houston Police Department - \$72,443.00 - Grant Fund – was presented, moved by Council Member Bradford, seconded by Council Member Adams. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. Council Member Burks absent. MOTION 2012-0784 ADOPTED.

RESOLUTIONS AND ORDINANCES – NUMBER 10

10. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a variable-width utility easement, a variable-width water main easement, two 6-foot-wide fire hydrant easements, and an 8-foot-wide water meter easement in the South Post Lane Apartments Addition, Harris County, Texas; vacating and abandoning the easements to TPG (Post Oak) Acquisition, LLC, owner, in consideration of its conveyance to the City of Houston, Texas, of a 20-foot-wide water line easement, payment to the City of \$187,215.00, and other consideration - **DISTRICT G - PENNINGTON** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0986 ADOPTED.
12. ORDINANCE relating to terminating the cable television franchise granted to **TVMAX HOUSTON, L.P.** by City of Houston, Texas Ordinance No. 2005-582 as amended by

Ordinance No. 2010-559, approving a compromise, settlement & installment agreement relating thereto; containing findings and other provisions relating to the foregoing subject – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

1. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,285,482.46 and acceptance of work on contract with **MILLIS DEVELOPMENT AND CONSTRUCTION, INC** for Stuebner Airline Park and Metropolitan MSC Adaptive Recreation Trail 4.99% over the original contract amount and under the 5% contingency - **DISTRICTS B - DAVIS and C - COHEN** – was presented, moved by Council Member Bradford, seconded by Council Member Pennington. Council Member Brown voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. MOTION 2012-0785 ADOPTED.
2. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$356,469.60 and acceptance of work on contract with **INLAND ENVIRONMENTS, LTD.**, for Asbestos/Lead Abatement and Demolition at Department of Public Works & Engineering Water Plants - 54.10% under the original contract amount – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. MOTION 2012-0786 ADOPTED.
3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$488,639.16 and acceptance of work on contract with **ARANDA BROTHERS CONSTRUCTION, GP.**, for Elgin Street and Glenbrook Valley Drainage Improvements - 14.93% under the original contract amount - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented, moved by Council Member Bradford, seconded by Council Member Adams. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. Council Member Costello absent. MOTION 2012-0787 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,396,107.00 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Lime Feed System at the Northeast Water Purification Plant - 0.20% under the original contract amount - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Bradford, seconded by Council Member Burks. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. Council Member Sullivan absent. MOTION 2012-0788 ADOPTED.

Council Member Noriega stated that she had a parliamentary inquiry, that it looked to her that all of the speakers were non-agenda and asked if that was correct and was it unreasonable to ask if they could hear from the agenda related or had they already passed that agenda item, that she did not mean to slow down the speed of things, but if there was somebody present to speak to an agenda item and listening to them after the agenda item was voted on did not seem like the thing to do, and Mayor Pro Tem Gonzalez stated that there was only one and it was in

Matters Held, Item No. 24, and Council Member Noriega stated that she just wanted to bring it to everyone's attention.

PURCHASING AND TABULATION OF BIDS

6. **IxREVEAL, INC** for uReveal Crime Analysis Software, Installation, Training and Maintenance for the Houston Police Department - \$233,400.00 - Grant Fund – was presented, moved by Council Member Bradford, seconded by Council Member Burks. Council Member Brown voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. MOTION 2012-0789 ADOPTED.
7. APPROVE spending authority for Purchase of Various Types of Computer Hardware Equipment through the Texas Department of Information Resources for Various Departments, in an amount not to exceed \$7,000,000.00 on award to **HEWLETT-PACKARD COMPANY** – was presented, moved by Council Member Laster, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. MOTION 2012-0790 ADOPTED.

RESOLUTIONS AND ORDINANCES

8. RESOLUTION designating the **ELLER WAGON WORKS-PITTSBURGH PLATE GLASS BUILDING** at 101 Crawford Street and the **WESTERN ELECTRIC COMPANY BUILDING** at 100 Jackson Street within the City of Houston as protected landmarks - **DISTRICT I - RODRIGUEZ** – was presented. Council Member Sullivan voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. RESOLUTION 2012-0033 ADOPTED.
9. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Cherry Street, from the north property line of Lot 52, Block 4, Industrial Center Subdivision, Harris County, Texas, south to its terminus, and an unnamed street in the Industrial Center Subdivision abutting the Bureau of Animal Regulation and Care of the City of Houston, Texas, from the east property line of the City's property to Cherry Street; vacating and abandoning the streets to the City of Houston, abutting owner, and dedicating a 25-foot-wide utility corridor and a full-width utility corridor - **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0987 ADOPTED.
11. ORDINANCE approving and authorizing Lease Agreement between the City of Houston, as Lessor, and **APACHE CORPORATION, as Lessee**, for certain premises located at George Bush Intercontinental Airport/Houston - **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0988 ADOPTED.
13. ORDINANCE amending Ordinance No. 2011-1010 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS**, for the purchase of Employee Transit Fare Media – was presented. Council Member Sullivan voting no, balance voting aye. Mayor Parker out of the city on city business. Council

Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0989 ADOPTED.

14. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **FUSION CONSULTING, INC** for SAP Consulting Services for Houston Information Technology Services (Approved by Ordinance No. 2010-0709) – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0990 ADOPTED.
15. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SPRINT SOLUTIONS, INC** for Next Generation Wireless Devices and Services for the Houston Information Technology Services (Approved by Ordinance No. 2011-0627) – was presented.

Council Member Adams stated that she still had a question about the original contract and asked how much had they saved on this particular contract with Sprint and did they have that answer.

Mayor Pro Tem Gonzalez stated that they were aware that she had requested it and they apologized that they did not have an answer yet.

Council Member Adams stated that she would tag Item No. 15 until they got the information, and Council Member Bradford stated that he would also tag the item.

16. ORDINANCE approving and authorizing contract between the City of Houston and **POLICE EXECUTIVE RESEARCH FORUM** for an Operational Staffing Model for the Houston Police Department; providing a maximum contract amount -\$97,919.00 - Police Special Services Fund – was presented, and tagged by Council Member Bradford.
17. ORDINANCE approving and authorizing second amendment to Lease Agreement between **BRE RETAIL RESIDUAL OWNER 1, LLC, a Delaware Limited Liability Company, as Landlord**, and the City of Houston, Texas, as Tenant for the leased space at 5180 Aldine Mail Route, Houston, Harris County, Texas - \$517,650.00 - Grant Fund – was presented. Council Member Brown voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0991 ADOPTED.
18. ORDINANCE appropriating \$456,370.00 out of General Improvement Consolidated Construction Fund and \$910,000.00 out of Reimbursement of Equipment/Projects Fund; awarding Design/Build Contract between the City of Houston and **BALFOUR BEATTY CONSTRUCTION, LLC** for Houston HTV Municipal Channel Renovation; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund and the Reimbursement of Equipment/Projects Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0992 ADOPTED.
19. ORDINANCE appropriating \$151,497.50 out of Police Consolidated Construction Fund; awarding construction contract to **AAR INCORPORATED** for Asbestos Abatement and Demolition at HPD Jail Building; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for

asbestos and air monitoring services, and contingencies relating construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0993 ADOPTED.

20. ORDINANCE authorizing Interlocal Agreement between the City of Houston, Texas, and **HARRIS COUNTY FLOOD CONTROL DISTRICT (HCFCD)** relating to construction of the Homestead Storm Detention Basin Project and Maintenance by HCFCD of two drainage easements and an outflow channel into Hunting Bayou, Harris and Wilson Two League Grant, Harris County, Texas; finding and determining that public convenience and necessity no longer require the continued use of Darien Street, from the northern property line of the expanded basin south to its terminus, and Bennington Street; vacating and abandoning the rights-of-way to HCFCD, abutting owner, upon the satisfaction of certain conditions - **DISTRICT B – DAVIS** – was presented, and tagged by Council Member Costello.
21. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath one tract of land containing 9.608 acres commonly known as 5311 Clinton Drive, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT B - DAVIS** – was presented. Council Member Brown voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0994 ADOPTED.
22. ORDINANCE appropriating \$199,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Pump and Lift Station Renewal and Replacement (Approved by Ordinance No. 2004-0657) containing provisions relating to the subject; providing funding for CIP Salary Recovery to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - DAVIS; D - ADAMS; F - HOANG and J - LASTER** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. Council Member Sullivan absent. ORDINANCE 2012-0995 ADOPTED.

At 9:26 a.m. Mayor Pro Tem Gonzalez stated that they would move to the public session and requested the City Secretary to begin calling the public speakers.

Ms. Maria Jimenez, 7105 Sherman, Houston, Texas 77011 (713-213-1678) had reserved time to speak but was not present when her name was called.

Mr. Brad Greer, 14451 Twisted Oaks Lane, Houston, Texas 77079 (281-948-0689) had reserved time to speak but was not present when his name was called.

Ms. Sally Clark, 5402 Morning Breeze, Houston, Texas 77041 (713-703-2089) appeared, presented information and stated that she was present regarding safety on North Eldridge Parkway; that she was present regarding a one mile stretch between I-10 and Clay Road; that TxDOT data showed the number of vehicles involved in fatal accidents at the location was 30 and the number involved in serious accidents resulting in serious injuries was 208 and neither figure accounted for the number of people in the cars; that she drove the area daily and the number one concern for safety at major oil companies she spoke at was they wanted to be safer on the road and North Eldridge

came up many times; that they reached out to representatives who all agreed something should be done and Mr. Steve Radack said if Council would turn it over to him he would make something happen; and they were urging support of Council in getting something done. Council Member Adams absent.

Upon questions by Council Member Noriega, Ms. Clark stated that the hazard was there was four lanes with a curve and just a line down the middle; and upon further questions, Mayor Pro Tem Gonzalez stated that it was a city road and Public Works had been reviewing the situation; that the primary contributing factors were speed and failure to maintain a single lane, where people were drifting into another lane, the city reached out to Center Point for a commitment to install electric power but no time line had been committed to and the signal was scheduled for April 2013 pending availability of that power. Council Member Adams absent.

Council Member Brown stated that there was also a matter of area for right-of-way; and upon questions, Mayor Pro Tem Gonzalez stated that he was not familiar with measurements, etc., but he spoke with Mr. Norman to see that all were on the same page. Council Member Adams absent.

Ms. Melissa Scott, 5211 West Ridge Place, Houston, Texas 77041 (832-212-9339) appeared and stated that she was also present regarding the same issue and the information which was presented had a map showing the stretch in question between War Memorial and Patterson Road where most head-on collisions occurred; that she was in an incident and speed was not the only problem as a car was not at top speed but crossed the line, etc.; options they observed which may provide a safer drive would be some barrier down the center of North Eldridge Parkway such as the concrete wall, tension wire, curbing, reflectors and grooving which alerted due to noise; that the other issue was Patterson Road cut N. Eldridge at the curve; that they would like Patterson closed, but at least no left turn; that she knew they had a plan for April, but there was still no power. Council Member Adams absent.

Council Member Noriega stated that she appreciated them coming today and bringing solutions; that she believed their District Council Member had this, but she would lend assistance if she would like. Council Member Adams absent.

Council Member Pennington thanked all for coming and stated that growth related problems were in all districts; that he did not think money was allocated for predicting problems, but there should be a list so when money was available they could move on it; and Ms. Scott stated that Public works had the money but could not get Center Point to run the power and that was the bottleneck for two years and would like someone to push it to the next level. Council Member Adams absent.

Council Member Bradford moved the rules be suspended for the purpose of hearing a representative of Public Works relating to North Eldridge Parkway, seconded by Council Member Laster. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christie absent on city business. Council Members Adams and Noriega absent. MOTION 2012-0791 ADOPTED.

Council Member Brown stated that she concurred with Council Member

Pennington; that in Council's memo it indicated Public Works had done studies and determined this a relatively safe area, but at least reflectors should be put in; and Ms. Scott stated that was one solution, but they would like tension wire, something to stop others from crossing over and causing head-on collisions. Council Members Adams, Rodriguez and Noriega absent.

Upon questions by Council Member Burks, Ms. Scott stated that the project was planned for April 2013, but there was a problem with Center Point supplying the power for a signal light at Patterson Road to help prevent what happened to her which was someone trying to make a left turn onto the northbound side of Eldridge without the light and navigating at 50 mph. Council Members Rodriguez and Noriega absent.

Council Member Burks moved the rules be suspended for the purpose of extending time for questions of Ms. Melissa Scott, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christie absent on city business. Council Members Rodriguez and Green absent. MOTION 2012-0792 ADOPTED.

Upon questions by Council Member Burks, Ms. Scott stated that the speed was 50mph, but from what she saw it was not just speed, people crossed the line and maybe there was a problem with the grading of the road even though Public Works said it was safe at the posted speeds, but she saw a car under the posted speed take off hydroplane across and flip; and Council Member Burks stated there may be a design problem; and Ms. Scott stated that their proposed options did not include expanding road area as in was in a flood plain. Council Member Green absent.

Council Member Pennington stated that the first speaker stated the county commissioner was prepared to do something about this and it seemed Public Works should have discussions with Commissioner Radack. Council Member Green absent.

Ms. Patricia Herrera, 2802 Val Verde Court, Houston, Texas 77057 (832-731-5335) appeared and stated that she was asking for a commitment from Council to install a barrier device down the center of North Eldridge Parkway to reduce head-on collisions. Council Member Green absent.

Mayor Pro Tem Gonzalez stated that he was being told Mr. Gary Norman was not in a position to speak on any great length regarding the issue and they were reaching out to get Deputy Director Minendez or Mr. Jeff Weatherford who were more knowledgeable on the issue for questions. Council Member Green absent.

Mr. Jeffrey Hillard, 3030 Holly Hall, Houston, Texas 77054 (713-371-8445) had reserved time to speak but was not present when his name was called. Council Members Green and Laster and absent.

Ms. Yolanda Broussard, 11835 Murr Way, Houston, Texas 77048 (713-731-9188) appeared, presented information and stated that she was a certified peace officer which patrolled her area, Precinct 7, she was present with a concern of corrupt police activity and racial profiling; that it was officers acting under the color of tactical units, they were seizing weapons and drugs and not detaining subjects and searching innocent people

and releasing them without even a citation; and continued discussing distrust from the community until her time expired. Council Members Sullivan, Green and Laster absent.

Upon questions by Council Member Adams, Ms. Broussard stated that she was present as she would like something implemented to stop the activity in the community; that what she presented was her IAD report, but it had not been filed as yet; that Mr. Roberts the Director of Homicide had taken a report from her and turned it against her, but she would file this after leaving today. Council Members Sullivan and Green absent.

Upon questions by Council Member Burks, Ms. Broussard stated that she heard no racial slurs from officers, but she did see people pulled over and searched and then let go with no citation and thought it to be racial profiling; that she was a peace officer but not currently working and her intervention was by advising the individuals of their rights. Council Members Sullivan and Green absent.

Council Member Bradford stated that the best way to engage such complaints was to file a sworn statement and let the process get underway; and strongly encouraged her to do so. Council Members Adams, Sullivan, Hoang, Green and Costello absent.

Mayor Pro Tem Gonzalez stated that Sergeant Herndon was present and could speak with her at this time. Council Members Sullivan, Hoang, Green and Costello absent.

Ms. Evelyn Dupree, 5238 Canterway Drive, Houston, Texas 77048 (832-767-7405) appeared and stated that she was present regarding consistent injustice and harassment by Houston Police Officers K. Hubenak and Paldo; that her son worked at a barber shop and was falsely arrested November 7th; that he stepped out for a break and guys were out there already, two officers said they were under arrest for smoking marijuana and he told them he did not smoke and was on break; that he was arrested and the next day released on bond; that he took a drug test immediately and she had the results to show he was negative, but the officers painted all with the same brush; and one officer said he would continue to harass the barber shop. Council Members Sullivan, Hoang, Rodriguez, Green and Costello absent.

Council Member Adams stated that Ms. Dupree did a lot of outreach in District D; and upon questions, Ms. Dupree stated that she filed an IAD report with HPD; that her son had to go file his own but afraid to because of threats made; and Council Member Adams stated that Sergeant Herndon was present and could speak with her. Council Members Sullivan, Rodriguez and Green absent.

Council Member Burks stated that Ms. Dupree could go to the NAACP and file a complaint without going to HPD and suggested she do so; and upon questions, Ms. Dupree stated that she had an affidavit from a young man who was arrested and he was the one with the drugs; that her son's home was recently broken into, it was a home invasion and her grandchildren were put in the closet and her daughter-in-law was at gunpoint on the floor, her son was not there. Council Members Sullivan, Rodriguez and Green absent.

Mayor Pro Tem Gonzalez stated that Sergeant Herndon was present and could speak with her. Council Members Sullivan, Rodriguez and Green absent.

Mayor Pro Tem Gonzalez stated that Deputy Director Minendez and Mr. Rutherford were unavailable for questioning as previously requested and he would call Mr. Norman to the podium and see what information he could provide. Council Members Sullivan, Rodriguez and Green absent.

Mr. Norman stated that Public Works technical experts were not available to speak, but he would share information he had which was the experts had gone out to look at the roadway and determined it safe at posted speeds regardless of road conditions; that the signal at Patterson and North Eldridge did meet what was warranted for traffic installation; that they were looking at April 2013 before they would be able to install it; that the issue of widening was complicated as there was flood plain in the area and federal land, but several options were being evaluated; and Mayor Pro Tem Gonzalez stated that he would remind Council Members Mr. Norman was not the technical expert and if they had specific questions they could submit them in writing. Council Members Adams, Sullivan, and Green absent.

Council Member Bradford stated that he was concerned because in their correspondence Mr. Norman was indicated to be the person to go to and if he was not the person it should not be in writing; and upon questions, Mr. Norman stated that he was not sure of the posted speed and would check; and Council Member Bradford stated that there were a high number of accidents and fatalities and if they were saying it was safe, clearly objective data indicated otherwise; and Mr. Norman stated that from the objective data received from HPD it was indicated high or uncontrolled speed was contributing factors; that the lanes were close but he did not know the correct footage; and Council Member Bradford stated that he wanted questions answered and something did need to be done, not just a memo from Public Works as people were dying and a memo was unacceptable. Council Members Adams, Sullivan, and Green absent.

Council Member Pennington stated that he had the same concerns and with 30 fatal accidents since 2007 and 208 serious accidents there was something wrong and he hoped this would be addressed as a serious problem; and they should speak with the county. Council Members Adams, Sullivan, and Green absent.

Council Member Brown stated that her colleagues said it well, when you had this amount of fatalities and serious accidents it was not a safe condition and she looked forward to working with Public Works and Center Point and hoped to speed up the work with Center Point. Council Members Adams, Sullivan, Green and Noriega absent.

Council Member Burks stated that waiting until April 2013 was too long; and urged something be done. Council Members Sullivan, Green and Noriega absent.

Mr. Gary Moss, 4034 Piping Rock, Houston, Texas 77027 (281-831-0280) appeared and stated that he was a representative of landscapers and irrigators in the Green Industry Coalition in the Houston area; that he spoke last year as representative of the coalition and they had made progress with the Public Works Department and the Mayor's Conservation Taskforce; that Houston had a 20% growth following a record draught; that they were working to minimize water usage and promote conservation and had sent a request to Council Members in a letter requesting additional language be

added to City Code Chapter 47 regarding water shortage referencing drip irrigation and hand watering; that Public Works had been a team player and per their request it was removed; that they would like on record once they developed working guidelines for drip irrigation they would be requesting the language be added to the ordinances. Council Members Green, Burks, Noriega and Bradford absent.

Council Member Costello stated that Mr. Moss was a board member of the Memorial Park Conservancy and he had known him a long time; that he had volunteered his services and services of his company for many years at the park; and thanked him for all his efforts; and upon questions, Mr. Moss stated that the Permitting Center was a LED building recognized nationally and their coalition had been working with Steve Seltzer to educate them on programming, providing new technology and would be volunteering their services after the first of the year to redo the entire irrigation system at that building as well as re-landscape where necessary as a pro bono to the City and to the LEDs Department at Steve Seltzer's office . Council Members Green, Burks and Bradford absent.

Council Member Pennington thanked Mr. Moss for what they were all doing; and upon questions, Mr. Moss stated that during water restrictions new houses could not be closed on because they were unable to sod the yards. Council Members Green and Burks absent.

Ms. Dinah Boniaby Harris, 842 W. 19th, Houston, Texas 77008 (713-498-2057) appeared and stated that she was present to address the homeless, particularly the young generation; that many were living in the streets and she had ideas on how she could partner with the city and address their needs. Council Members Green and Burks absent.

Council Member Adams stated that she thanked Ms. Harris for coming on such an important matter; that the Mayor's Administration had put homelessness at the top of the Agenda; that she was Chair of the Housing and Sustainable Growth Committee and they wanted to make sure organizations had necessary funding to help people transition their housing, but there was not enough money; and if she would like to partner there were organizations she could work with. Council Members Sullivan, Pennington, Rodriguez, Laster and Green.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (no phone) had reserved time to speak but was not present when his name was called.

Mr. Alexander Zuniga, 22 Berry Road, Houston, Texas 77022 (832-646-0285) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Pennington, Rodriguez, Laster and Green.

Ms. Celeste Monforton, 102 Senisa Court, San Marcos, Texas 78666 (703-405-7577) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Pennington, Rodriguez, Laster and Green.

Mr. Hamilton Gramajo, 9623 Meadow Briar Lane, Houston, Texas 77063 (832-725-8054) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Pennington, Rodriguez, Laster and Green.

Ms. Bridget Jensen, 1920 W. Clay, Houston, Texas 77019 (713-524-1290) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Pennington, Rodriguez, Laster and Green.

Mr. Luis Matute, 6600 Chimney Rock, Houston, Texas 77081 (713-592-3386) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Pennington, Rodriguez, Laster and Green.

Pastor Janice Caslin, 14538 Minetta, Houston, Texas 77035 (713-728-8288) appeared, presented information to Council Members and stated that she was present on behalf of her church and shelter; that she had been at her location since 1993 and provided housing to the homeless; that September 11th the Fire Marshall came because of a call and gave them things to correct such as fire extinguishers, etc., which they had done all except get a vent hood because of the expense and she was given a verbal 30 day extension, but last Wednesday Mr. Foster came and said she had to immediately put all people out; that Thanksgiving and Christmas was near and she was asking Council help her get an extension as now they brought other issues to fix and she wanted to keep everyone in the building. Council Members Sullivan, Pennington and Rodriguez.

Council Member Green stated that from reports it was health and safety issues and why the city was extremely strict; that the residents did have a place to stay pending her building coming up to code, but it would be a liability; and Pastor Caslin stated that she understood they wanted additional exits, but there were fire alarms all over and it was the only home some had and there was security up 24 hours; and Council Member Green stated the objective was not to displace anyone and they found a place for all to go while she brought her place to code. Council Members Cohen, Adams and Burks absent.

Mayor Pro Tem Gonzalez thanked Pastor Caslin for her ministry and outreach; and stated that Council Member Green laid out the city's position and it was just temporary until she could complete her work. Council Members Cohen, Adams and Burks absent.

Ms. Josephine Pierce, 2001 Westheimer Road #404, Houston, Texas 77098 (815-477-2085) had reserved time to speak but was not present when her name was called. Council Members Cohen, Adams and Burks absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Cohen, Adams and Burks absent.

Mr. Joseph Omo Oumari, 3939 N. Freeway #210, Houston, Texas 77022 (832-696-9204) had reserved time to speak but was not present when his name was called. Council Members Cohen, Adams and Burks absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that Mayor Parker was an imposter and he was the U. S. President; and continued expressing his personal opinions until his time expired. Council Members Cohen, Adams and Burks absent.

Mr. Abraham Rodriguez, 6525 Renwick, Houston, Texas 77081 (978-551-7195) had reserved time to speak but was not present when his name was called. Council Members Cohen, Adams and Burks absent.

At 10:33 a.m. Mayor Pro Tem Gonzalez stated that they would return to the agenda.

The City Secretary stated that previously Item No. 12 had not been received and it had been requested by the Legal Department that it be considered prior to the Matters Held.

12. ORDINANCE relating to terminating the cable television franchise granted to **TVMAX HOUSTON, L.P.** by City of Houston, Texas Ordinance No. 2005-582 as amended by Ordinance No. 2010-559, approving a compromise, settlement & installment agreement relating thereto; containing findings and other provisions relating to the foregoing subject – was presented.

Mayor Pro Tem Gonzalez stated that he would recognize City Attorney Feldman to detail the situation with the item.

Mr. Feldman stated that as they would recall they had a discussion about this last week, that in lieu of terminating the TVMAX Franchise at this time the Legal Department endeavored to enter into an agreement with TVMAX where they could reduce their collection litigation that they had pending against them to an agreed judgment in the amount of \$700,000 so they would no longer contest the amount that was past due for prior Franchise Fees, and that in addition they would begin paying their current Franchise Fees as well as reducing the prior indebtedness, that because of the limited funds that the company apparently had available the best they were able to do in terms of initial payment was \$60,000, which represented \$30,000 for their October Franchise Fees and \$30,000 toward the reduction of the \$700,000 indebtedness, that he insisted that they would not present this to Council unless he had a cashier's check for the \$60,000 in hand, and he had the cashier's check, along with the settlement agreement that the Council had, which provided that TVMAX shall continue to pay their Franchise Fees on a monthly basis, not a quarterly basis anymore, along with \$30,000 each month to reduce the prior indebtedness and that upon their failure to pay either the monthly Franchise Fees or the \$30,000 then their Franchise would be automatically terminated pursuant to the terms of the agreement so that they would not have to come back to Council again, that he would ask that the Council consider the item favorably.

After discussion by Council Members a vote was called on Item No. 12. Council Member Brown voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0996 ADOPTED.

NON CONSENT AGENDA - NUMBER 23

MISCELLANEOUS

23. **SETTING A HEARING DATE** regarding the designation of **REINVESTMENT ZONE NUMBER TWENTY-FOUR, CITY OF HOUSTON, TEXAS ("GREATER HOUSTON ZONE") - DISTRICTS D - ADAMS and I – RODRIGUEZ - HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 28, 2012** - had been pulled from the Agenda by the Administration, and was not considered.

MATTERS HELD - NUMBERS 24 through 30

24. ORDINANCE **AMENDING CHAPTER 47, ARTICLE VII OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to water shortages; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefore; providing for severability – **(This was Item 7 on Agenda of November 7, 2012, TAGGED BY COUNCIL MEMBERS PENNINGTON, BURKS and HOANG)** – was presented. Council Members Brown and Sullivan voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0997 ADOPTED.
25. ORDINANCE amending City of Houston Ordinance Nos. 2010-372 passed May 12, 2010, 2011-281 passed April 25, 2011, and 2012-353 passed April 25, 2012, as amended, which approved and authorized the submission of the 2010 Consolidated Plan, and the 2011 and 2012 Annual Action Plans, respectively, to the United States Department of Housing and Urban Development, including grant applications for the Community Development Block Grant Program, among others \$10,000,000.00 - Grant Fund – **(This was Item 10 on Agenda of November 7, 2012, TAGGED BY COUNCIL MEMBER GREEN)** – was presented. Council Member Brown voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0998 ADOPTED.
26. ORDINANCE approving and authorizing substantial amendment to the Neighborhood Stabilization Program (“NSP3”) grant application, authorized pursuant to City of Houston Ordinance No. 2011-134, to reallocate funds among various activities - \$1,000,000.00 - Grant Fund – **(This was Item 11 on Agenda of November 7, 2012, TAGGED BY COUNCIL MEMBER GREEN)** - was presented.

Council Members Adams stated that both Item Numbers 25 and 26 had come before the Housing and Community Development Committee and she wanted to commend the Department of Neighborhoods and the Housing and Community Development Department for looking at ways that they could get monies available for demolition, that she knew there were concerns of what buildings were to be torn down and what districts, but she wanted to encourage the Department of Neighborhoods to interact with the various District Council Members to provide whatever list they deemed necessary so they could know what buildings were to be torn down, that she knew they could not do this until the buildings went before particular panels in the future.

Mayor Pro Tem Gonzalez stated that the Director was committed to meeting with the Council Members to give them that information.

Council Member Green stated that he was going to request a delay of a week for this item because he had not received the information from the Department of Neighborhoods, that he had received some information, that it would be helpful that prior to voting on items dealing with tearing down of homes in particular districts across the City that they would know specifically what homes there would be and what districts would be affected, that on the RCA it had that their district would be affected, but when he got the list they found that there were no homes on the list, that conflicting information put people like him in a bad position when it came down to making sure whether or not they were being responsive, that hopefully they could have better communications on issues like this.

Mayor Pro Tem Gonzalez stated that they apologized for not getting all of the information to him and the accuracy on who was being impacted, that he appreciated Council Member Green allowing the item to move forward, that they would make sure to get him the complete information that he requested.

A vote was called on Item No. 26. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-0999 ADOPTED.

27. ORDINANCE approving and authorizing substantial amendment to the Neighborhood Stabilization Program ("NSP1") grant application authorized pursuant to City of Houston Ordinance No. 2008-1051, as amended, to reallocate \$1,510,900 in NSP1 Funds to a new "demolition" activity - **DISTRICTS A - BROWN; B - DAVIS; D - ADAMS; H - GONZALEZ; I - RODRIGUEZ and K - GREEN** – (**This was Item 12 on Agenda of November 7, 2012, TAGGED BY COUNCIL MEMBER GREEN**) – was presented. Council Member Sullivan voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-1000 ADOPTED.
28. ORDINANCE authorizing the implementation of vehicle registration holds by the Municipal Courts Department for outstanding warrants for failure to pay a fine for traffic moving violations ("Scofflaw Services"); approving and authorizing an Interlocal Agreement between the City and the **TEXAS DEPARTMENT OF MOTOR VEHICLES** for Scofflaw Services; providing a maximum contract amount - 5 Years - \$102,331.00 - General Fund – (**This was Item 16 on Agenda of November 7, 2012, TAGGED BY COUNCIL MEMBER BRADFORD**) – was presented. Council Member Sullivan voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-1001 ADOPTED.
29. ORDINANCE terminating the cable television franchise granted to **TVMAX HOUSTON, L.P.** by City of Houston, Texas Ordinance No. 2005-582, as amended by Ordinance No. 2010-559 – (This was Item 43 on Agenda of November 7, 2012, POSTPONED BY MOTION #2012-781) – was presented.

Mayor Pro Tem Gonzalez stated that for procedural purposes the administration would entertain a motion to refer Item No. 29 back to the administration.

Council Member Noriega moved to refer Item No. 29 back to the administration, seconded by Council Member Laster. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. MOTION 2012-0793 ADOPTED.

30. ORDINANCE amending Ordinance No. 2011-0043 to increase the maximum contract amount for contract between the City of Houston and **CROWN PACIFIC, INC (Formerly Crown Relocations)** for Moving and Storage of Household Goods for the Housing and Community Development Department; approving and authorizing first amendment to the contract \$200,000.00 - CDBG Fund – (**This was Item 44 on Agenda of November 7, 2012, POSTPONED BY MOTION #2012-782**) – was presented.

After discussion by Council Members, a vote was called on Item No. 30. Council Members Brown, Green and Sullivan voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business. ORDINANCE 2012-1002 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Pennington announced events that he had attended or would attend in

his district. Council Members Brown, Sullivan, Hoang, Rodriguez and Burks absent.

Council Member Green announced events that he had attended or would attend in his district; and reminded them that the Solid Waste Department had re-routed it's heavy trash schedule for junk and tree waste effective November 1, 2012, for more information they could call the District K office at 832-393-3016. Council Members Brown, Hoang, Rodriguez and Burks absent.

Council Member Cohen announced events that she had attended or would attend in her district; and she wanted to make note that this would be the last meeting for Chris Moran, with the Chronicle, who was moving to Gainesville, Florida and would wish him the very best and thanked him for his contributions. Council Members Brown, Hoang, Rodriguez, Green and Burks absent.

Council Member Laster stated that he wanted to extend his congratulations and best wishes to Chris as well, and wished him and his family well; and announced events that he would attend in his district; and wanted to extend to all a very happy and safe Thanksgiving weekend. Council Members Brown, Hoang, Rodriguez, Green and Burks absent.

Council Member Sullivan stated that he agreed with everything Chris ever wrote, that it was always good to be friends with guys who bought ink by the barrel; and announced events that he had attended in his district. Council Members Brown, Hoang, Rodriguez, Green and Burks absent.

Council Member Noriega announced events that she attended or would attend; and stated that there was an article about the Port and the Sunset recommendations that had come out from the State of Texas Legislature's Interim Charges for the Sunset Committees, that Senator Whitmire had strong words for the Port and she had some concerns with some of the recommendations and thought that the County and City needed to come together and discuss some of what was being recommended, the Legislative Session would have a Sunset Bill that would drastically change the governance and the local control of the Houston Port and she had very serious concerns about it, that she was bringing it to her colleagues attention and thought there was an opportunity to work with the County to try to come up with something that she thought was more beneficial to the area, that they needed to be in that conversation and there were decisions made somewhere else about their regional economic engine, one of the most significant drivers of prosperity in the area, that in the face of big changes, like the Panama Canal, and many other things. Council Members Brown, Sullivan, Hoang, Rodriguez, Green and Burks absent.

Council Member Adams announced events that she had attended or would attend in her district; and stated that she wanted to wish Valerie Atara, in her staff, whose mother passed away and offered condolences to the family; and wanted to wish everyone a Happy Thanksgiving and her colleagues a safe Council break next week. Council Members Brown, Sullivan, Hoang, Rodriguez, Green and Burks absent.

Mayor Pro Tem Gonzalez stated that he wanted to remind them that they needed to meet briefly on Monday, November 19, 2012, to canvass the vote, that they would be sending out a reminder with the time. Council Members Brown, Sullivan, Hoang, Rodriguez, Green and Burks absent.

There being no further business before Council, the City Council adjourned at 11:19 a.m. Council Members Brown, Sullivan, Hoang, Rodriguez, Green and Burks absent. Mayor Parker out of the city on city business. Council Member Davis absent on personal business. Council Member Christi absent on city business.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary