

City Council Chamber, City Hall, Tuesday, March 8, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 8, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Ann Clutterbuck Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Ms. Carolyn Hanahan, First Assistant City Attorney, Legal Department Mr. Nelson Espitia, Director Citizens Assistance; and Ms. Marta Crinejo, Agenda Director, present.

At 1:35 p.m. Mayor Parker stated that presentations would begin with Council Member Pennington. Council Member Pennington invited representatives with the Bayou Preservation Association to the podium and stated that the Bayou Preservation cleaned the bayous and raised money for them and kept them in their natural state; and Mayor Parker presented a Proclamation to the group proclaiming March as "Bayou Month" in Houston, Texas. A Spokesperson for the group thanked all for the recognition. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Lovell, Noriega, Bradford and Jones absent.

Council Member Costello stated that he did not have a Proclamation, but this was very unique; that this was the second year for Camp Houston Fire, a community outreach led by the HFD Sirens, a female group of firefighters who partnered with the Houston Fire Department; that it was a weeklong camp sponsored by donations; that their mission was to encourage young girls in serving in the Houston Fire Department; and invited two engine operators to the podium, Ms. Laura Hunter and Ms. Kim Phillips. Ms. Phillips stated that brochures were passed to Council Members and this year they were applying for a 501c3; that this year 21 young ladies applied and of those five have enrolled to continue their career in the fire service and were in fire school, a 20% return, and there were only 5% women in the nation who were firefighters; and Ms. Hunter stated that she was responsible for their budget and their sponsors were local businesses and some government officials; that they would love support from Council Members and the camp was scheduled for March 25 and Council Members were given an invitation to the graduation. Council Member Costello stated that he would challenge his colleagues and would write a \$500 check to bridge part of the gap. Council Members Johnson, Sullivan, Rodriguez, Lovell, Noriega and Jones absent.

Council Members thanked them for their initiative and for coming today; and Mayor Parker stated that she would donate also if they would visit her office; and if any girls were watching who wanted to attend or anyone who would like to sponsor they could go to their website; and this was something the women firefighters thought of and put together. Council Members Johnson, Sullivan, Pennington, Rodriguez and Jones absent.

Mayor Parker invited representatives of Half Price Books to the podium and stated that this was the continuation of an ongoing activity Council Members have had experience with; that Half Pint Libraries were created to give children and their families the chance to read and share books while staying at pediatric clinics and community centers across the nation and all books collected during the six week drive would be donated to local nonprofit and community organizations for children in the community; that anyone could donate books at any Half Price Books location from February 14 to March 31, 2011, and they accepted any children's books including Spanish language as long as they were in good condition; and encouraged all to give books to the Half Pint Library Drive; and presented a Proclamation to a representative proclaiming March 8, 2011, as "Half Price Books Half Pint Library Day" in Houston, Texas. A Representative of Half Price Books thanked all for the recognition and stated that they appreciated their support; and books were gathered from Council Members at the Council Table. Council Members Johnson, Clutterbuck, Pennington, Lovell and Jones absent.

At 1:54 p.m. Mayor Parker called on Council Member Sullivan who led all in the prayer and pledge. Council Members Johnson, Pennington and Jones absent.

At 1:55 p.m. the City Secretary called the roll. Council Members Johnson, Pennington and Jones absent.

Council Members Bradford and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Johnson, Pennington and Jones absent. MOTION ADOPTED.

Council Member Noriega moved the rules be suspended for the purpose of hearing Mr. Vidal Martinez at the top of the three minute Agenda Speakers List, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Stardig, Johnson, Pennington and Jones absent. MOTION 2011-0164 ADOPTED.

At 1:56 p.m. the City Secretary began calling the public speakers. Council Members Stardig, Johnson, Pennington and Jones absent.

Ms. Lori Valencic, 256 E. 5th, Houston, Texas 77007 (713-880-8061) appeared and stated that she lived in Heights South over 25 years and today was asking Council to accept their historic district without modifications; that they met all requirements wanting to make sure they would not be modified or denied during the reconsideration process. Mayor Parker, Council Members Johnson and Jones absent.

Ms. Paula Swain, 1432 Ashland, Houston, Texas 77008 (713-861-6292) had reserved time to speak but was not present when her name was called. Council Members Johnson and Jones absent.

Mr. Skipper Lee Frazier, 4610 S. Wayside, Houston, Texas 77087 (713-644-1166) appeared and stated that he was alarmed when he heard many city employees would be laid off because of finance; that he got an establishment license fee from the Funeral Commission and he paid \$500.00 a year so he thought the City of Houston should initiate an establishment license fee and keep everyone working. Council Members Johnson and Jones absent.

Mayor Parker stated that the City of Houston did have an occupancy license. Council Members Johnson and Jones absent.

Council Member Noriega stated that it was so refreshing to have someone come and ask for a fee to keep people employed; and thanked him for coming; and Mr. Frazier stated that the occupancy license the Mayor spoke of was a one time thing, but they should send out a bill yearly for an establishment fee. Council Members Johnson and Jones absent.

Council Member Bradford stated that he did not want to drive more businesses out of Houston with fees, some Council Members thought businesses had already too many fees, etc., to pay; and Mr. Frazier stated that they were doing okay. Council Members Johnson and Jones absent.

Mayor Parker stated to the audience that no one was allowed to cheer, clap or boo. Council Members Johnson and Jones absent.

Council Member Pennington moved the rules be suspended for the purpose of hearing Miss Celesta Diaz, Miss Melissa Ayala, Mr. Anthony Martinez and Mr. Jose Cano to the top of the Non-Agenda Speakers List, seconded by Council Member Costello. All voting aye. Nays none. Council Members Johnson and Jones absent. MOTION 2011-0165 ADOPTED.

Mr. Hassan Nikooei, 1318 Beaujolais, Houston, Texas 77077 (713-705-5920) had reserved time to speak but was not present when his name was called. Council Members Johnson and Jones absent.

Mr. Jeff Harris, 1120 Springrock, Houston, Texas 77055 (713-464-8120) had reserved time to speak but was not present when his name was called. Council Members Johnson and Jones absent.

Mr. Vidal Martinez, 875 Fisher, Houston, Texas 77018 (713-705-1310) appeared and stated that he was present on the redistricting lawsuit, he was the lawyer who argued the case on behalf of the plaintiffs before the Fifth Circuit and he was puzzled by statements as the city was in a lawsuit now; that the plaintiffs had to wait for the establishment of a 2.1 million population and in the Proposition I lawsuit still ongoing the city took the position they were over 2.2 million; that the Fifth Circuit said to wait in this lawsuit and if they would listen to the case they would see this city was sitting in a very weak position; that over one million Latinos were in a city with no Mayor, County Judge, Commissioner and only two of fifteen Council Members and no Congress persons and they were way under represented. Council Members Johnson and Jones absent.

Upon questions by Council Member Noriega, Mr. Martinez stated that this was not an issue of entitlement, but a compliance issue with a court order, City Charter and consent decree with the Department of Justice and they had no choice. Council Members Johnson and Jones absent.

Upon questions by Council Member Gonzalez, Mr. Martinez stated that in the litigation before the Fifth Circuit the plaintiffs had about \$300,000 in legal fees and their discussion was that after the 2010 census and in 2011 the city would add the other two Council Members and it was a promise to the courts and the Court based its decision on telling them to wait based on the promise and if it was not fulfilled he would be back with at least a \$300,000 in attorney fees to collect and then keep the fight going; that the city was given one chance to do this right. Council Members Johnson and Jones absent.

Ms. Maryand Cayce, 619 Sul Ross, Houston, Texas 77006 (713-632-1793) appeared and stated that she was present on behalf of the First Montrose Commons residents, not as an elected official of their association, asking that Council please leave their district intact as created by those who lived there. Council Members Johnson and Sullivan absent.

Upon questions by Council Member Pennington, Ms. Cayce stated that they had no deed restrictions, but were a desirable area and they tried to get deed restrictions but were not able to get them back after they first expired; that their biggest threat would be when HSPVA moved somewhere and she assumed HISD would have to get the highest and best price; and Mayor Parker stated that they did not have to keep it as a school, but there would be some high-end set back restrictions by being in the historic district. Council Members Johnson, Sullivan and Noriega absent.

Mr. Mark Williamson, 1433 Columbia, Houston, Texas 77008 (713-864-4230) appeared and stated that his home was in the Houston Heights Historic District East and he was asking that the boundaries be maintained as originally created and accepted by the City Planning Commission and City Council and also that the boundaries of the other five districts be kept as originally created except a single tract off First Montrose Commons which applicants never intended to include; and accept the Planning Director's recommendations for the six existing districts that underwent reconsideration. Council Members Johnson, Sullivan and Noriega absent.

Council Member Gonzalez stated that this was a hard issue as both sides for and against felt the process was not fair; and upon questions, Mr. Williamson stated that he was disappointed when the process was provided for new historic districts to come up; that their long process of gathering petitions was dumped for a 15 day period for support ballots and he did not think there should be a new set of rules for judging historic districts. Council Members Johnson, Sullivan and Noriega absent.

Council Member Adams moved the rules be suspended for the purpose of adding Mr. Adam Mena to the bottom of the three minute Agenda Speakers List, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Johnson and Sullivan absent. MOTION 2011-0166 ADOPTED.

Upon questions by Council Member Pennington, Mr. Williamson stated that his house was contributing just having celebrated its 100th anniversary three years ago; that he redid his house a little, but those who bought it from the second owners did work on the underside and exterior and won an award; that he had columns milled as the originals before the historic district was created and since had done restoration on the inside; that his neighbors were contributing and if the ordinance was not amended they would see more houses as down the street a French chateau and a brick box. Council Members Johnson, Clutterbuck, Sullivan, Noriega and Jones absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending time for questions of Mr. Mark Williamson, seconded by Council Member Pennington. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Sullivan, Noriega and Jones absent. MOTION 2011-0167 ADOPTED.

Upon further questions by Council Member Pennington, Mr. Williamson stated that if others did go to West University, etc., to build then there would be a proper historic district in Houston Heights. Council Members Johnson, Clutterbuck, Sullivan and Noriega absent.

Mr. Lawrence Rennell, 520 Omar, Houston, Texas 77009 (713-880-2977) appeared, presented information and stated that he lived in Woodland Heights and their historic district was pending approval by Council and discussed the process which got them to the point they were now at; that his information presented was his analysis of the Planning Departments reconsideration memorandum which demonstrated they had less than the required 51% of the tract owners in support of the proposed district; that in June there was 56.3% in favor, but in ensuing months he along with 43 other residents changed their minds and signed retractions and additional petitions were added and they went before HAHC in November and the Planning Commission in December and they were standing now at 47.3% and clearly less than the required 51%; that they played by the rules and were asking the application be denied. Council Members Johnson, Clutterbuck, Sullivan, Lovell, Noriega and Jones absent.

Upon questions by Council Member Pennington, Mr. Rennell stated that they no longer had 51% and he presented arguments to the Historical and Planning Commissions and was turned down and was appealing to Council. Council Members Johnson, Clutterbuck, Sullivan, Hoang, Lovell and Noriega absent.

Mr. Bill Baldwin, 205 Bayland, Houston, Texas 77007 (713-862-1600) appeared and stated that he was present as resident of the pending Woodland Heights Historic District and opposed to it as recommended by the Planning Department; that neighbors now avoided one another and Council had put the biggest restriction on his property rights; that Council did not know the level of support in the districts as the process was flawed and he did support the stronger preservation ordinance as it was adopted with 67% support of homeowners; and urged Council vote down the contentiousness of the districts, modify the ordinance and allow districts

with 67% to come back later this year and apply. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Lovell and Noriega absent.

Upon questions by Council Member Pennington, Mr. Baldwin stated that he had restored a number of homes and initially found it extremely cumbersome waiting months for decisions; and landmark designation should be made at 50 years old. Council Members Stardig, Sullivan, Hoang, Lovell, Noriega and Jones absent.

Upon questions by Council Member Gonzalez, Mr. Baldwin stated that Council should vote down the districts where it was contentious and then get the 67% support. Council Members Stardig, Sullivan, Hoang, Lovell, Noriega and Jones absent.

Mr. Mark Williams, 1710 W. T.C. Jester #5208, Houston, Texas 77008 (281-7887628) appeared and stated that there was an effort in the ordinance to compromise, but instead of a ballot going out a no vote was sent, there was never a mechanism to show a level of support; that the process was flawed and he would challenge Council to not approve the current districts as they did not demonstrate ongoing support. Council Members Stardig, Sullivan, Hoang, Lovell and Noriega absent.

Ms. Mary Wassef, 1127 Winston, Houston, Texas 77009 (713-398-8718) appeared, presented information and stated that she lived in the Norhill District; that the survey presented was supposed to be a ballot and it only allowed for a no vote and there was nothing gauging the level of support in the districts, the ordinance was not executed according to the rules; that they had deed restrictions and now they may not be renewed; and urged a no vote to any district that Planning could not provide proof of majority in agreement. Council Members Stardig, Sullivan, Hoang, Lovell and Noriega absent.

Upon questions by Council Member Gonzalez, Ms. Wassef stated that her neighborhood's appeals were fairly large because there were more elderly and more Spanish speaking and many were saying if they had to have both the district and deed restrictions they would not resign for restrictions. Council Members Stardig, Sullivan, Hoang, Lovell and Noriega absent.

Upon questions by Mayor Parker, Ms. Wassef stated the renewal was in the near future, but she did not know the exact date. Council Members Stardig, Sullivan, Hoang, Lovell and Noriega absent.

Ms. Natasha Thompson, P. O. Box 1302, Houston, Texas 77251 (281-467-7270) appeared and stated that she had been an advocate and representative for municipal employees and today was standing as the voice of her clients; that in the new ordinance the emphasis on job performance instead of seniority left too much room for supervisors and directors to rate subordinates in a way to put them high on the layoff list and requested before 2,300 employees were laid off for Council to follow options such as continuing to reduce hours for hourly employees, have across the board salary reductions for exempt employees, etc. and urged a not vote on the layoff ordinance. Mayor Parker, Council Members Stardig, Sullivan, Hoang, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Adams, Ms. Thompson stated that her clients were municipal employees and she advocated for them and insured their rights were protected; that HOPE had been absent throughout this process and she did not know what they did; that she did not believe HOPE went out and spoke to city workers, many employees did not know how this would impact them; that she had 12 clients and they were speaking for city employees in general. Council Members Stardig, Clutterbuck, Sullivan, Hoang, Gonzalez, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Thompson stated that she was an attorney representing city employees and they did not know how this would affect them; that she spoke to about 30 who had no knowledge how this would affect them; that she had been a dispute resolution director at HOPE but she had not been there for about a year. Council Members Stardig, Clutterbuck, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Ms. Frances Daniels, 9127 Twin Hills, Houston, Texas 77031 (832-729-8594) appeared and stated that she was present trying to explain degradation and isolation she encountered as an airport operation coordinator; that she had received fully successful EPEs until she filed an OIG complaint and her administrative duties were taken away and she was placed in a hostel environment; that she was placed in a lower classification and told she was indefinitely suspended but not given any documentation or told when she would have a hearing; that she received a decision of termination in January and appealed it and then told in the hearing she forfeited her opportunity to grieve the two low EPEs and she wondered if supervisors had to follow procedures; that the city had also attempted to hinder her from collecting unemployment. Council Members Stardig, Clutterbuck, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Daniels stated that she was against the layoff ordinance as it would affect everyone, but today was speaking about what happened to her. Council Members Stardig, Clutterbuck, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Lovell absent. (NO QUORUM PRESENT)

Ms. Daphine Ballard-Jones, P. O. Box 682968, Houston, Texas 77268 (832-646-5416) appeared and stated that she was present regarding the treatment of her husband by the Solid Waste Department and their refusal to place him in his previous position after being reinstated by the Civil Service Commission; that he was reinstated to his previous position but since his return he had been assigned very labor intensive assignments and none of which were with his educational credentials or his experience and since his new supervisor his ratings fell from strong to needing improvement; that he used the chain of command to remedy concerns but received verbal harassment; that she found this measure retaliatory; and requested he be returned to his previous position and not face retaliatory measures because of her appearance before Council. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mayor Parker stated that they had a current layoff ordinance which was very strict, last and first out, to allow them to also consider performance, but to address new supervisor, not getting along, etc., they did it over three EPE periods which would be a three year period average and not a one time EPE. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Reverend Willie Davis, 6701 Eastwood, Houston, Texas 77021 (713-204-4252) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Ms. Tammy Betancourt, 12018 Wood Hollow Lane, Houston, Texas 77043 (713-203-0726) appeared while others stood in support and stated that she was with the Houston Building Owners and Managers Association and present to express opposition to the Rebuild Houston fees Council would soon be considering; that they recommended no fees be enacted until a project and spending plan was in place so justification for the fees could be seen in a transparent light; and they hoped all would be treated equally, burdening homes and

commercial property only would be unfair and double taxation; that the Rebuild Houston initiative sent one more message that Houston was bad for business. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Mayor Parker, Ms. Betancourt stated that they did not want this, but if it was done they wanted no exemptions. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Gonzalez, Ms. Betancourt stated that they wanted to see details in the plan and they wanted businesses to want to relocate to Houston and as fees were added it would not happen; that they were proponents of great drainage and would support a plan, but they had not seen one for any projects as yet and she would like accountability for over one hundred million a year. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Upon questions by Council Member Gonzalez, Mayor Parker stated that for the next four years it would be existing CIP, because of the nature of the drainage fee there was no new projects; that for the next five years they were operating off the existing CIP and it could be viewed. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Ms. Pat Smith, 1650 Highway 6 #460, Sugarland, Texas 77478 (281-980-3434) appeared while others stood in support and stated that she was with the Houston Automobile Dealers Association and whenever it came to the betterment of the City of Houston their body was glad to do what they could, but when it came to Proposition I they did not feel the citizens of Houston were given enough information to make an informed decision, the ballot language did not adequately describe what the citizens were being asked to vote on and they deserved much disclosure, etc., and this was unfair to ask and Proposition I should go back to the drawing board and laid out clearly. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Costello stated that he was insulted that because a voter did not agree with her she would say they were not intelligent enough to decipher the issue; that it was debated over and over, it was an infrastructure issue and long-term vision and they were not the first city to do this and they would move forward and do it the right way and improve the quality of life. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent.

Upon questions by Council Member Gonzalez, Ms. Smith stated that no one knew how much this would cost them and they did not believe the citizens knew exactly what all this would entail, how much the cost or what would be fixed and would like it back at the drawing board and voters given another chance to vote on it; and Mayor Parker stated that they published the rate and it was 3.2¢ per square foot of impervious cover and unless they did exemptions it would not change, the ordinance would hold steady for 10 years. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Council Member Gonzalez yielded to Council Member Jones who stated that she believed there was a meeting in the morning on this issue and she was curious herself to find information; and upon questions, Mayor Parker stated that it was tomorrow, a public hearing, to hear from the public. Council Members Stardig, Johnson, Sullivan, Hoang and Noriega absent.

Council Member Bradford moved the rules be suspended for the purpose of extending the time for questions of Ms. Pat Smith, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Stardig, Johnson, Sullivan, Hoang and Noriega absent. MOTON 2011-0168 ADOPTED.

Council Member Bradford stated that the exact cost was still unknown and who paid what had yet been determined; that some would offer amendments and her position was well taken in his view; that they could have made decisions before the vote as they had four months but did not and their ordinance was in draft form; that he spoke to no one opposed to improvements, but it should have been made clear. Council Members Stardig, Johnson, Sullivan, Hoang and Noriega absent.

After applause by the audience Mayor Parker stated that she had given a warning three times in the meeting and would have an officer escort the next person out who did not abide by the rules; and requested the City Secretary read the Rules of Council regarding out loud expressions of approval or disapproval. Council Members Stardig, Johnson, Sullivan, Hoang and Noriega absent.

Mr. Gabriel Allen, 4300 Bay Area Boulevard, Houston, Texas 77058 (281-830-0443) appeared and stated that Council Member Bradford pointed out the substantial unknowns here and one was cost and how it would be spent; that he had no information for his constituents; and Mayor Parker stated that they had as much information in this as they did in a bond election and here they at least specified the money went into a dedicated fund and could be spent only on streets and drainage and they specified an amount to be raised by this fund so it was comparable. Council Members Johnson, Sullivan, Lovell and Noriega absent.

Council Member Jones stated that she would ditto what Council Member Bradford said, a number of Council were asking for finite things before the election and they still had a lot of questions and they had so many different ideas on what should be impervious; and she was hoping at the hearing tomorrow they could get a gauge on what they did and did not agree on; and encouraged all to come in tomorrow and let Council hear them. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Noriega absent.

Mr. Gabriel Allen, 4300 Bay Area Boulevard, Houston, Texas 77058 (281-830-4043) appeared while others stood in support and stated that he had served as County Commissioner and on the Public Works and Solid Waste Committees, etc., and was present with a few suggestions; that one flash point was the potential huge amount of money which would be gathered and they were going from a pay as you go to a pay through the nose and if it was not to be voted down he would like it capped at \$125 million a year and from the perspective of faith based organizations they had a recovery rate of about eight times higher than the best state run institutions; that everyone sounded off about religious organizations, but they shouldered way more than their fair share; and if this was passed he would encourage Council to consider exemptions for schools and faith based and non profit organizations. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Noriega absent.

Ms. Ann Givens, 1813 Wycliffe, Houston, Texas 77043 (713-465-1744) appeared and stated that she was president of the Glenwood Civic Association and on the Board of Directors for TIRZ 17 and present asking for Council to vote against the sale of the parcel of land to McGinnis Property off Sherwood and Hazlehurst as many were concerned with the loss of green space, if the sale went through the most the city would acquire was \$150,000 and that was at the high end of the property value and not so much for the city budget; that the area was primarily residential and they would like a pocket park. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Noriega absent.

Council Member Jones stated that Ms. Givens was a pleasant surprise on the TIRZ 17 Board; that there was a lot of flooding there and discouragement and she would encourage her to continue doing what she did; and thanked her for coming. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Noriega absent.

Council Member Stardig thanked Ms. Givens for coming and stated that it was a small piece of land but it built up; that there was a great need for drainage in this area and they were working hard for attention. Council Members Johnson, Clutterbuck, Sullivan, Lovell and Noriega absent.

Mr. Joe Padilla, 7418 Alderson, Houston, Texas 77020 (713-674-8317) appeared and stated that he was present to speak on redistricting and on the Denver Harbor community; that they would like it put back together as it had been split in half and no one knew why; that they wanted one Council Member and a petition was circulating as he spoke and he wanted to read the main part and when it was completed he would take it to a Council Member Gonzalez's meeting or to the Mayor. Council Members Johnson, Sullivan, Noriega and Jones absent.

Council Member Gonzalez stated that Mr. Padillo and his wife were icons in the community and they had been behind much supporting them; and upon questions, Mr. Padillo read from their petition asking that they be unified and Denver Harbor be considered as a whole. Council Members Johnson, Sullivan, Noriega and Jones absent.

Council Member Rodriguez thanked Mr. Padillo for coming and for all his and his wife's efforts and he looked forward to seeing their petition and hearing their discussions. Council Members Stardig, Johnson, Adams, Sullivan, Lovell, Noriega and Jones absent.

Mr. Adam Mena, who was previously added to the Speakers List, appeared and stated that he came from Solid Waste at Judiway and he had been with them 4-1/2 years; that today he was speaking for the little people, single parents like him, laying them off was not good and they were top heavy and he was asking that supervisors, etc., be checked, some were not even qualified and they made all the money; that the union was trying to pass the revised layoff and he was a member of HOPE 4-1/2 years and knew nothing until today and this was ridiculous; that a large percentage wanted to leave the union as they were doing nothing for them, but they were told they could not drop out; and urged Mayor Parker to look into this for him. Council Members Stardig, Johnson, Sullivan, Lovell, Noriega and Jones absent.

Mayor Parker stated that the union was not passing the ordinance and was against laying people off, but they did work with her to make it fairer. Council Members Stardig, Johnson, Sullivan, Lovell, Noriega and Jones absent.

Upon questions by Council Member Adams, Mr. Mena stated that he was a member of HOPE and he talked to many employees in Solid Waste and none knew of the layoff ordinance and they should not vote on things and not tell their members; that they were really upset and they worked hard daily and made little and he was hyper and spoke his mind and they gave him drug tests three times a week; and Council Member Adams stated that she would ask the Administration to look at the part about EPEs, she was not accusing anyone, but from what she was shown and told was some employees in lower paying jobs were here for years and received consistent high EPEs but then after a disagreement with their supervisor they dropped low and she wanted a check and balance, she did not want this used as a tool to get rid of people with a conflict of interests. Council Members Stardig, Johnson, Sullivan and Noriega absent.

Council Member Adams moved to extend the time for questions of Mr. Adam Mena, seconded by Council Member Jones. A vote was not called, but questions were allowed to

continue. Council Members Stardig, Johnson, Sullivan and Noriega absent.

Council Member Jones stated that she would be interested to hear from Mr. Hughes on who he spoke to, etc.; and Mayor Parker asked if she would like a motion to hear from Mr. Hughes; and Council Member Jones moved the rules be suspended for the purpose of adding Mr. Melvin Hughes to the List of Speakers, seconded by Council Member Costello. All voting aye. Nays none. Council Members Stardig, Johnson, Sullivan and Noriega absent. MOTION 2011-0169 ADOPTED.

Upon questions by Council Member Gonzalez, Mr. Mena stated that he would like credentials of directors, etc., checked and he spoke Spanish and did not get bilingual pay; that he was not in the click; that they also wanted him to train people with no training pay and those he trained already became trainers; that he would like their email addresses and phone numbers as he wanted to tell them the story he had to tell. Council Members Stardig, Johnson, Sullivan and Noriega absent.

Mayor Parker stated that the union did not support the layoff ordinance, but worked with her to moderate what she wanted and their job was to discuss with employees what was in the ordinance; and Council Member Jones stated that in the backup she thought she saw where the union supported it and all in caps. Council Members Stardig, Johnson, Sullivan and Noriega absent.

Mr. Melvin Hughes, president of HOPE, who was previously added to the Speakers List, appeared at the podium; and upon questions by Council Member Jones, Mr. Hughes stated that at no time did HOPE support layoffs, but they did believe this to be fair to all employees; that he shared it with HOPE city employees through the city email and phone blasts; that he made sure the information got out and it was up to them to respond; that they were glad to be a part of this as Council Member Adams said previously, they wanted it fair, if a layoff came they wanted it fair. Council Members Johnson, Sullivan and Noriega absent.

Mayor Parker stated that they were sharing with her the actual language of the RCA; and Council Member Jones stated that her office was running over to her what she read, because what they were sharing was just the ordinance, but they were bringing her the backup. Council Members Johnson, Sullivan and Noriega absent.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Mr. Melvin Hughes, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Johnson, Sullivan and Noriega absent. MOTION 2011-0170 ADOPTED.

Upon questions by Council Member Adams, Mr. Hughes stated that when a city employee was laid off it would go to the MIC (Municipal Employees Union); that this was the first time city employees would be able to sit at the table and say look at the evidence and let the record speak for the city employee and look at the EPE; that he thought HR would sit on one side at the HOPE union would sit on another and that had never been done and he thought it fair; and Mayor Parker stated that the actual RCA said Legal advised that the Houston Organization of Public Employees was consulted and they found the content of the amendment acceptable in the event layoffs were to be implemented. Council Members Johnson, Sullivan and Noriega absent.

Miss Celesta Diaz, 8440 Westpark, Houston, Texas 77063 (713-203-8796) appeared and stated that she wanted to thank Council for sidewalks at their school; that they came to Council at the beginning of the year to plead for one and they were happy to see they were listened to and it was acted on so quickly; and thanked all for their concerns, consideration and help; and

read thanks from one of their teachers. Mayor Parker, Council Members Johnson, Sullivan and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Lovell stated that because they came and asked for it was the reason they probably knew of it; that she said they should chronicle their adventure and she hoped that they did as this was a fine demonstration on coming to your government and getting what you asked for. Mayor Parker, Council Members Johnson, Sullivan and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Pennington, Miss Diaz stated that they went to school from 7:20 a.m. to 5:00 p.m.; and Council Member Pennington stated that he knew it would pay off and congratulated them on their dedication. Mayor Parker, Council Members Stardig, Johnson, Sullivan and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Hoang stated that this was what they asked for, but also public safety; and hopefully she would get a good education and become a Council Member. Mayor Parker, Council Members Stardig, Johnson, Sullivan and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Rodriguez, Miss Diaz stated that she hoped to get into law; and Council Member Rodriguez stated that they taught every student at KIPP would go to college. Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Sullivan and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Council Member Jones stated that her son went to KIPP and was in college, but they were there way past 5:00 p.m. with extra curricular activity and sometimes doing homework at 2:00 a.m.; that they worked very hard. Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Sullivan and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Miss Melissa Ayala, 8440 Westpark, Houston, Texas 77063 (713-203-8796) appeared and stated that she attended KIPP Sharpstown and they were present thanking all for their attention and concern; that they were given their sidewalk after hearing how dangerous it was without one; that students were grateful and it made her feel she made a difference. Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Sullivan, Rodriguez and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. Anthony Martinez, 8440 Westpark, Houston, Texas 77063 (713-203-8796) appeared and stated that he was present to thank all for the sidewalk recently built for their school keeping students and faculty safe; that it was greatly needed and they appreciated it being done so quickly. Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Jose Cano, 8440 Westpark, Houston, Texas 77063 (713-203-8796) appeared and stated that he also attended KIPP Sharpstown and from students and faculty they thanked all and they had presented gifts for Council that fourth graders had made them. Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Lovell thanked Mr. Cano for the gifts and thanked the Public Works Department; and asked Mr. Cano if he would like to introduce their principal; and Mr. Cano stated that Mr. Foo was their principal for four years now and he stood to be recognized. Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Kofi Taharka, 2428 Southmore, Houston, Texas 77004 (713-962-0284) appeared and stated that he was present today to show support and say thank you to Council Member Jones for being a voice to the voiceless and raise questions on a variety of issues, particularly police brutality and taxpayer money should be spent on getting racists and thugs out of HPD instead of spending to investigate her and he wondered how such investigations were brought about. Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez asked that Legal speak to opening an OIG investigation; and Ms. Hanahan stated that there was an executive order 1-39 that provided circumstances under which an OIG investigation would be conducted and the Inspector General handled it not Legal; that anyone could file an OIG complaint and whether it met the criteria would be determined by that office. Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Bradford stated that it was his understanding the OIG was a part of the Legal Department; and Ms. Hanahan stated that it was located there and came under the supervision of Mr. Feldman but as a matter of course they did not participate in the investigation; that if Mr. Dogium the director, needed advise from his supervisor he could speak with him, Mr. Feldman; and Council Member Bradford stated that they may want to have discussion on what may be a conflict, if the Legal Department gave advise and at the same time had oversight over the investigations and he did not think Mr. Taharka's question was answered as yet, who gave the final say so on whether they would be opening a file; and Ms. Hanahan stated that it was her recollection it was the decision of the Inspector General; and Mr. Taharka stated that he had information on a citizen review board with prosecutorial power in New York and would leave it for Council to review. Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Council Member Jones thanked Mr. Taharka for coming and stated that her "Know Your Rights" started before she became a Council Member, she always gave seminars since 1999 and handed out materials since 2000; that since someone opened the investigation she had received at least 500 calls for seminars, etc., and she did not practice law out of her Council Office and there was nothing improper. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Mr. Charles X. White, 8607 MLK, Houston, Texas 77033 (713-292-3436) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Mr. Ali Muhammad, 5012 Winetka, Houston, Texas 77021 (832-881-0215) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Ms Mary Delaney, 4919 Wayne, Houston, Texas 77026-2735 (713-674-2670) had reserved time to speak but was not present when her name was called. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Mr. Dewayne Lark, 10954 Buffam, Houston, Texas 77051 (281-513-5340) had reserved time to speak but was not present when his name was called. Council

Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Dr. Grace Butler, 4460 Beechnut #102, Houston, Texas 77096 (713-436-1273) appeared, presented information to Council Members and stated that she was present representing an organization Hope through Grace on a health issue with a high incident of mortality rates and a preventable disease, colorectal cancer, their goal was to provide education and heighten awareness and she believed the City of Houston could do a better job of informing and access to care; that they covered the costs for screening and about half screened found an abnormality; that they raised funds and would be having a Walk A Thon March 26th and in the packets presented to Council Members was information and a blue star to wear showing awareness of the disease; and presented Mayor Parker with a gift of recognition for supporting their cause. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Upon questions by Council Member Adams, Dr. Butler stated that if the city would notify all employees at age 50 or over, including retirees, it would be more cost effective to all if more were screened as finding it early it could be pretty much cured. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Council Member Clutterbuck thanked Dr. Butler for appearing again and stated it was important for her to show up yearly and remind them. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Council Member Jones thanked Dr. Butler and stated that a friend's brother was 21 when he died from it and it was something to be paid attention to. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Mr. Hassan Nikooei, 1318 Beaujolais, Houston, Texas 77077 (713-705-5920) who was present when his name was called but had not heard, appeared and stated that he bought property in the Historic Houston Heights hoping to build there one day, unfortunately his dream was being taken away because of the process taking place; that if it continued all he could look forward to was collecting a little rent and it was not enough to pay for his cost and efforts of upkeep and he did not know of anyone who would want to buy the old house with all the restrictions going with it; that he hoped Council would see the light and help reverse the process and property owners there would be able to vote without confusion; and yesterday he received a phone call. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Upon questions by Council Member Jones, Mr. Nikooei stated that he received a call last night from a woman with Mayor Parker's Office wanting to know what he was going to say and whether he was for or against it and he said against it, but later found he did not have to tell her and it upset him, then this morning he received a call apologizing for asking; that he did not think they should have asked. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that she did not think it appropriate for anyone to ask; that they called to see that they were appropriately placed on the Agenda and to see if things could be taken care of, to get more information for when they appeared, but she had them call and apologize. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Upon questions by Council Member Pennington, Mr. Nikooei stated that he had a duplex and he had received confusing flyers, the house was old and had termites and next door was a

beautiful Victorian house and he hoped to build something like that for his family, but now he could only collect rent and according to information received you had to leave all as is and he would be able to replace a light bulb and paint his house; that he could not demolish. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that you would not be able to demolish and rebuild; that you could get your house down to the studs inside, but to tear down the outside walls you would need a signoff from the Archeological and Historical Commission, however, there was an economic hardship provision and if in fact it was termite infested there was a mechanism and suggested he call the Historic Preservation staff and have them walk him through the ordinance. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Mr. David Johnson, 2104 Canal, Houston, Texas 77003 (832-305-2182) appeared and stated that he was general manager for Power Max and they were very excited as they were about to make Houston the largest manufacturing city for their company; that they wanted to start operating in about six months and bringing in about 1,000 jobs averaging between \$35,000 and \$45,000 a year and they were excited about the opportunity and wanted the city to work with them through the 380 Program and hoped their process would be completed by Thursday. Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Noriega absent.

Ms. Darlene King, P. O. Box 87784, Houston, Texas 77287 (832-892-3278) appeared and stated that she was part owner of the Texas Youth Commission News, a community news letter published in Houston and was part owner of Kudo Emergency Ready Wallet which was a patented item to be used for your vital papers and in the event of an emergency you would grab it and go; that they would work with the Department of Emergency Management and she would like direction on who to speak with to be guided. Council Members Stardig, Clutterbuck, Johnson, Sullivan, Hoang, Rodriguez and Noriega absent.

Mayor Parker stated that the city did not endorse products and they would not be purchasing the product, but if she thought the city may be interested in purchasing it for some reason she could speak with the Purchasing Director; and Ms. King stated that she was seeking to be a partner and Emergency Management stated that they were interested, but she had not heard anything. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mr. William Beal, 5814 Overdale, Houston, Texas 77033 (no phone) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

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 Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mr. Will Hill, 924 Prosper, Houston, Texas 77088 (281-964-5388) appeared and stated that he came to Council about two weeks ago and about every time he called in he received a call from police; that he had five rent houses and he got injured by officers

and he had been to Austin and let it pass when Memorial Hermann shot him up with the wrong drugs; that he was stopped again by police and he tried to say they had the wrong man and charged him with cocaine even though he had none; and he spoke to Council Member Jones; and continued expressing his personal opinions until his time expired. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Ms. Kesha Rogers, 9100 SW Freeway #241, Houston, Texas 77074 (713-830-9052) had reserved time to speak but was not present when her name was called. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mr. Timothy Vance, 6625 Ariel, Houston, Texas 77074 (713-93309911) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Ms. Pia Maelzer, 9100 SW Freeway #241, Houston, Texas 77074 (832-215-4141) had reserved time to speak but was not present when his name was called. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mr. Ian Overton, 9100 SW Freeway #241, Houston, Texas 77074 (832-226-3960) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Ms. Patricia Martin, P. O. Box 26045, Houston, Texas 77207 (832-339-0330) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Mr. Clyde Bryan, 10802 Pepper Lane, Houston, Texas 77079 (281-266-6464) appeared and stated that he proposed a question at Council Member Stardig's CIP meeting about Council Members having contracts with the city; and Mayor Parker stated that she opened an OIG investigation the next morning and it was under investigation and it was in their hands and he was working with deliberate speed; and Mr. Bryan stated that he found Council Member Costello had a large contract in his neighborhood and he found it to be a conflict of interests, he signed it right before he was elected; and Mayor Parker stated that he had raised the question and she turned it over to OIG, but as he said it was before he was elected. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Mr. Norman Adams, 427 W. 20th, Houston, Texas 77008 (713-869-8346) appeared and stated that he was back to remind all that the ballot was misleading, nothing talked about \$125 million or that the Star of Hope or churches or schools would be taxed; that he thought a vote was needed on the issue. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Mr. Don Hooper, did not wish to give address (713-553-8955) appeared and stated that he had gone back and forth on numbers METRO owned the city and he wanted to see if there was a number they could agree on as he knew they were owed \$94 million;

and asked they collect and put the money toward the drainage, Proposition I. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Mayor Parker stated that he would be pleased to know that every bit of money received from METRO would go into the new Street and Drainage Dedicated Fund and they had provided the number over and over again and she asked her staff to bring it down and hand it to him while he was here and it showed what METRO owed and what the status was. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Council Member Pennington stated that the question had been raised and he asked the Financial Director to look up the information and then he was sent an email stating METRO was current; and Mr. Hooper stated that they were current on what the city had asked for, but they were not current on what they owed under the agreement where they owed the city 7.3% of sales tax due, that was \$94 million; and Mayor Parker stated that he was correct in that they were current for the money the city asked them for; that they had a different arrangement with METRO, to their detriment, than other cities which got their check off the top; that the city had to do their projects and METRO was on a payment plan and she was trying to get the numbers. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Ms. Robin Givens, 15011 Bathurst, Houston, Texas 77053 (713-434-2703) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Mr. Michael Omowale Haggerty, 6643 Sterns, Houston, Texas 77021 (713-402-8052) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Ms. Donna Bennett, 528 Harvard, Houston, Texas 77007 (713-868-6979) had reserved time to speak but was not present when her name was called. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Mr. Calvin Simper, 1410 Thornton, Houston, Texas 77018 (713-868-5192) had reserved time to speak but was not present when his name was called. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Mr. Tony Sanchez, 1802 North Boulevard, Houston, Texas 77098 (713-818-4141) appeared, presented information and stated that he passed to Council Members an analysis of support in opposition on his block to the historic district in Boulevard Oaks; that if the city had issued a yes/no card he would not be doing this, but without it the best way to determine continued support was to look at the initial support and on his block the support of 11 had dwindled to 7; and requested his block be carved out of the district. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Council Member Clutterbuck stated that thanks to his due diligence which highlighted errors from the Planning Department she was extremely concerned and she would suggest Council Members do the same due diligence so they could vote on accurate information; that Mr. Sanchez showed the map for his area had inaccuracies and thanked Mr. Sanchez for his information; and upon questions, Mr. Sanchez stated

that private property rights were important and they were taking them away. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Mayor Parker stated that she now had the information Mr. Hooper requested but saw he was gone and apparently he was not interested in the information. Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent.

Council Member Jones stated that people brought information and it did contradict what Planning had and she would like to see his map of what could be carved out; that Ms. Gafrick kept referring to things on the outskirts as donuts and it clearly did not create donuts and she was struggling with a historic district when there was less than 50%. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Pennington, Mr. Sanchez stated that he had two lots with an old house in the middle and now he had a family and it was a small house; that his footprint on the land was 8% which was an unheard of ratio. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Ms. Rebecca Standridge, 1509 Oxford, Houston, Texas 77008 (832-628-8221) appeared, presented information to Council Members and stated that last week she provided evidence the report relied upon by Council to approve the original designation of Heights East as a historic district contained falsified data and the same numbers were presented again in the current report even though it was widely known the 2008 numbers were falsified; that the Planning Department failed to implement the ordinance and the map of Heights East showed 43% signed opposition and an additional 21% signed nothing, if they did not support it then was there reason to think they would support it today. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Jones, Ms. Standridge stated that both maps were similar and explained the color coding. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Gonzalez, Ms. Stardig stated that she was asking Council to reject the report and allow the community to come back and show support in smaller areas at the 67%; that she did not believe the survey process was sufficient and they had evidence of 43% in Heights East saying no. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr. Mark Standridge 1509 Oxford, Houston, Texas 77008 (832-368-0104) appeared and stated that in looking at the maps it clearly showed there was not support for a historic district and when the district was established the 51% was not met and the data continued being presented to Council; that he would ask they look at the maps it clearly showed areas needing to be eliminated, there was clearly no support. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Kathleen Powell, 1224 Columbia, Houston, Texas 77008 (713-862-5335)

appeared, presented information and stated that there was some deed restrictions in the Heights and conservation districts Galveston just adopted; that there was a way to get preservation without taking away property rights and she would ask Council to reject the recommendations. Mayor Parker, Council Members Stardig, Johnson, Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Ms. Powell stated that she would ask Council to reject the recommendations and have them show 67% support and allow other alternatives to be considered such as conservation districts with restrictions decided by the community and still allowing for revitalization of the neighborhood; and she had an article from the Houston Chronicle she could provide her. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Pennington, Ms. Powell stated that she was a realtor and the more restrictions there were in neighborhoods like the Heights the more problems there were, you lowered the value. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

At 5:16 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, March 9, 2011. Council Member Clutterbuck out of the city. Mayor Parker, Council Members Johnson, Sullivan, Hoang, Rodriguez, Lovell, Noriega and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, March 9, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David Feldman, City Attorney; and Ms. Marta Crinejo, Agenda Director and Stella Ortega, Administrative Assistant, present. Council Member Wanda Adams absent on personal business.

At 8:30 a.m. City Secretary read the descriptions or captions of items on the Agenda.

At 9:08 a.m. Mayor Parker called the meeting to order and stated that they would open the Council meeting with a series of public hearings. Council Members Johnson, Sullivan, Pennington and Jones absent.

The City Secretary stated that a list of speakers had been provided and inasmuch as many of them were speaking on Item Numbers 1 and 2 she would call the hearings on Item Numbers 1 and 2 at the same time.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** in accordance with Section 552.045 (c) of the Texas Local Government Code regarding adopting a new Article XIV to Chapter 47 of the Code of Ordinances creating a Municipal Drainage Utility System – was called. Council Members Sullivan and Noriega absent.

2. **PUBLIC HEARING** in accordance with Section 552.045 (c) of the Texas Local Government Code regarding proposed rates and exemptions to establish and levy a schedule of drainage charges for property subject to implementation of a Municipal Drainage Utility System – was called. Council Members Sullivan and Noriega absent.

Council Member Pennington moved to suspend the rules to move Mr. Hank Coleman to the top of the three minutes list, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Sullivan and Noriega absent. MOTION 2011-0171 ADOPTED.

Council Member Gonzalez moved to suspend the rules to add Mr. Andy Teas to the end of the speakers list, seconded by Council Member Stardig. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Noriega absent. MOTION 2011-0172 ADOPTED.

Mayor Parker stated that for those who had not heard they were going to open the public hearings for both the ordinance and the rate together so they would not have to make an artificial distinction about what people were talking about, that she thought a lot of people wanted to talk about both. Council Member Noriega absent.

Council Member Johnson moved to suspend the rules to add Pastor Manson Johnson to speakers list for three minutes, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Noriega absent. MOTION 2011-0173 ADOPTED.

Mr. Hank Coleman, 1803 South Blvd., Houston, Texas 77098 (713-254-8730) appeared and stated that he was testifying on behalf of the proposed ordinance, on behalf of Proposition I and on behalf of the Rebuild Houston Program; that no great city could exist on top of crumbling infrastructure; and gave examples of where the city took charge in other such programs such as the Ship Channel and Intercontinental Airport. Council Members Lovell and Noriega absent.

Ms. Linda Scurlock, 4747 Knotty Oaks Trl., Houston, Texas 77045 (713-433-5737) appeared and stated that she was president of the South Houston Concerned Citizens Coalition and present against any exemptions for churches and school districts. Council Members Lovell and Noriega absent.

Mr. Mateo Lucio, 6106 Sidney, Houston, Texas 77021 (713-906-3424) appeared and stated that he was present for exemptions of churches; that churches taught him to strive and be a productive citizen; that a church was a group of citizens who already paid taxes and should be exempted. Council Members Lovell and Noriega absent.

Mr. Josue Martinez, 1418 Ogilvie, Houston, Texas 77017 (832-287-7937) appeared and stated that he was a resident of District E; that local churches, schools and non-profits could not be burdened as they so readily unburdened the heavy laden and it was unjust. Council Members Lovell and Noriega absent.

Mr. Juan Perez, 9830 Bamboo Rd., Houston, Texas (832-206-5924) appeared and stated that he was for exemption of churches; that it was a mistake to take money away from church programs which helped so many; and he was alive and well educated because of them. Council Members Lovell and Noriega absent.

Ms. Vivian Harris, 13906 Regg Dr., Houston, Texas 77045 (713-433-4597) appeared and stated that churches had a free ride for a longtime; that many churches were businesses now and that was how they should be treated, she went to a mega church for help for a family and

received nothing; that she was not willing to pick up their cost or cost of schools. Council Members Lovell and Noriega absent.

Council Member Costello moved to suspend the rules to add Mr. Steven Hupp to the speakers list for 3 minutes, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Pennington, Lovell and Jones absent. MOTION 2011-0174 ADOPTED.

Mr. Clyde Bryan, 10802 Pepper Ln., Houston, Texas 77079 (713-266-6464) appeared and stated that he spoke at several CIP Meetings and this was a bad proposition having to do with special interests; that the chairman had a \$1.7 million contract with the city and it was conflict of interest, he was a Council Member; and this was a huge money grab by engineering companies who stood to profit \$1.2 billion the first 20 years. Council Members Pennington and Lovell absent.

Mr. Al Hartman, 2901 Hillcroft, Houston, Texas 77057 (281-380-0770) appeared and stated that he was opposed to Proposition I as it would hurt churches, nonprofits and the poor; that Houston was rated 8 in the whole country and it was not crumbling as the first speaker alleged; that Steve Craig a highly recognized economist said jobs and people would leave Houston with this as they were trying to solve a regional problem by paying for it on a local basis; and the ballot clearly had deceptive language and there was plenty of money from METRO which could be used and they could not vote yes when they were under a legal challenge. Council Members Pennington and Lovell absent.

Mr. Roger Hord, 314 Sugarberry Circle, Houston, Texas 77024 (713-784-0443) appeared and stated that he was representing the West Houston Association as president and CEO, its board of directors and members and supporting the creation of the Municipal Utility District and adoption of its creating ordinances; that they were concerned with infrastructure and growth and pleased Rebuild Houston would address the crumbling streets and drainage system; and they supported this with a fee be implanted and dedicated expressly to drainage and streets; the user fee be applied to all Houston properties; and projects identified by the program be done so in an objective way with funds allocated in that manner with worst drainage first. Council Member Lovell absent.

Council Member Johnson moved to suspend the rules to add Mr. Robert Johnson to the speakers list for 3 minutes, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Lovell absent. MOTION 2011-0175 ADOPTED.

Mr. Wyatt Wainwright, 1615 Hwy. 6, No. 400, Sugarland, Texas 77478 (281-980-3434) appeared and stated that he was with the Houston Automobile Dealers Association representing more than 175 Houston area new car dealerships with over 90 inside city limits; that they supported a multitude of programs in the city and he was present with concern of Prop. I Rebuild Houston and its impact; that even today the actual cost was not certain; and urged Prop I go back to the drawing board. Council Member Lovell absent.

Mr. David ~~Weekley~~ Welch, 34218 Sanders Rand Rd., Magnolia, Texas 77355 (832-688-9166) appeared and stated that he would correct the list as he was not Weekley but Welch; that he was present to address ballot language which had no mention of a fee or taxing churches and schools; that they distributed a chart referencing other cities with drainage fee and Austin was the only one higher than Houston's proposed fee and they had a 200 fold increase since beginning in 1973; that four cities had capped rates; and they were asking for transparency from city government and Council Member Costello with his position called for an OIG investigation. Council Members Lovell and Jones absent.

Mr. Ed Young, 6400 Woodway, Houston, Texas 77057 (713-465-3408) had reserved time to speak but was not present when his name was called. Council Members Lovell and Jones absent.

Council Member Pennington moved to suspend the rules to allow Pastor Lee Maxey to speak in place of Mr. Ed Young, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Lovell and Jones absent. MOTION 2011-0176 ADOPTED.

Pastor Lee Maxey appeared and stated that he was with Second Baptist Church and present with their concerns of Proposition I and Renew Houston; that the amendment voted on mentioned improvement of streets and drainage and a "pay as you go" fund, but the verbiage was ambiguous and some thought deceiving; that they believed the correct way to address this was to first develop a master plan with a study by a group not to benefit by money and other counties and villages impacted by flooding should be brought in. Council Members Lovell and Jones absent.

Council Member Noriega thanked Pastor Maxey and their church for contributions they made to the City of Houston and would be interested in his whole plan if he had it or they could copy it; and thanked all in the Chamber for coming with their thoughts and concerns; and upon questions, Pastor Maxey stated that there was potentially an issue in Houston for drainage and streets, but there was a proper way to do it and there should be a Master Plan by an independent group and all should be included and get a master budget and how it would be funded. Council Members Lovell and Jones absent.

Upon questions by Council Member Sullivan, Pastor Maxey stated that Second Baptist had approximately 56,400 people he was representing today; that now they paid a fee for use of water and sewage for two campuses located there, but did not pay taxes for any services within the city, state or federal level; that history was churches were tax exempt and they did hold funerals for police and fire. Council Members Johnson, Lovell and Jones absent.

Upon questions by Council Member Pennington; time expired and Council Member Noriega moved to suspend the rules to continue questions of Pastor Lee Maxey, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Johnson, Lovell and Jones absent. MOTON 2011-ADOPTED.

Upon questions by Council Member Pennington, Pastor Maxey stated that dollars paid on the fee would be dollars not going into the ministry; that they supported 40 ministries in the city and those funds may not be available in the future. Council Members Johnson, Lovell and Jones absent.

Council Member Bradford thanked Pastor Maxey for their doors being opened for many acts of kindness, it was appreciated and for that reason he appreciated all members of the clergy and there was no need for an additional burden on them or their place of worship; and would do all he could to get schools and places of worship exempted. Council Members Johnson, Pennington, Lovell and Jones absent.

Mayor Parker stated that respectfully there were Rules of Council they were observing in the Chamber and she would say standing was perfect in expressing support, but they could not have cheering and clapping; and thanked Pastor Maxey for coming. Council Members Johnson, Pennington, Lovell and Jones absent.

Mr. Norman Adams, 427 W. 20th, Houston, Texas 77008 (713-869-8346) had reserved time to speak but was not present when his name was called. Council Members Johnson, Pennington, Lovell and Jones absent.

Mr. Brett Williams, 5847 San Felipe, Houston, Texas 77057 (713-255-2303) appeared and stated that he worked for Thomas Properties and was a board member with Houston Building Owners and Managers Association representing over 200 million commercial square feet in Houston with over \$4 billion in tax revenue paid and was present against Prop. I and exemptions on the table because of impacts to his industry; that fees would be passed on to tenants and the Charter amendment was passed with promise of no exemptions be granted for any property; and attracting business was essential to commercial real estate industry and the fee was in contrast and no new projects would come of this for years as it would be placed for projects already on the books; that they were concerned with "green" initiatives and would ask considerations be looked into as far as abatement and collection of rain water and if there would be exemptions for that. Mayor Parker stated that respectfully there were Rules of Council they were observing in the Chamber and she would say standing was perfect in expressing support, but they could not have cheering and clapping; and thanked Pastor Maxey for coming. Council Members Pennington, Lovell and Jones absent.

Upon questions by Council Member Sullivan, Mr. Icken stated that numbers they showed in the CIP presentation were 2.1% for churches and 2.5% for schools so if churches were exempted it would be another 2.1% on everyone else and with exemption of schools it would be a total of 4.6% for all other property owners; that the ordinance had to be designed to reach a minimum of \$125 million. Council Members Stardig, Lovell, Noriega and Jones absent.

Council Member Costello stated that he wanted to clarify something which Mr. Williams said which was inaccurate, the drainage user fee being discussed today could not be used for debt service, the provision in the Charter language and provision of Rebuild Houston was the 11.8¢ of debt service they were currently doing would continue to pay for the past debt and the drainage user fee by law could only be used for drainage purposes; and Mr. Williams stated that it was their understanding it was being paid for existing projects already on the books; and Council Member Costello stated that it was not used to be paid for debt service. Council Members Stardig, Lovell, Noriega and Jones absent.

Mr. Don Hooper, (did not wish to give address) (713-553-8955) appeared and stated that to start where he left off last night METRO was not paying their fair share of the fee and Mr. Knox was going to bring him numbers but he would ask Council Member Bradford ...; that government agencies were required by law, under a 2003 referendum, to pay for streets and storm drains and it went uncollected for years and Mayor Parker stated that it would be collected and he would ask it go toward the \$125 million; that METRO owed the city \$94 million and they were trying to collect it from others; that adding METRO money would reduce the fee for all others. Council Members Lovell, Noriega and Jones absent.

Mayor Parker stated that Mr. Hooper came yesterday and asked for numbers and she said if he would wait they would had them to him, but he immediately left and she did have his numbers and he was correct METRO did owe money and they were on a payment plan. Council Members Lovell, Noriega and Jones absent.

Council Member Bradford stated that it took 8 votes of Council to get action and he was pleased the new METRO Board was on a payment plan to get money back and it raised the issue of transparency on who was paying what; that schools and churches were paying their share and would not get a free pass if exempted. Mayor Parker, Council Members Clutterbuck, Lovell, Noriega and Jones absent. Vice Mayor Pro Tem Gonzales presiding.

Mr. Gabriel Allen, 4300 Bay Blvd., Houston, Texas 77058 (281-830-4043) appeared and stated that if the motion came before his committee when he was on the Public Works Committee he would have had it shot, it was very vague; that he knew they had to do something as it was passed and would ask for a reasonable cap, master plan and in the meeting earlier speakers spoke of how they were saved by the church from gangs, etc., and there was a dollar cost savings to that and when placing the fee on the church they were hamstringing their ability to generate such cost savings when it came to crime, homelessness, divorce, etc., and would ask churches be exempted.

Mr. David Bryan, 1828 Bissonnet, Houston, Texas 77005 (713-524-2292) had reserved time to speak but was not present when his name was called.

Mr. Jack Drake, 16945 North Chase, Houston, Texas 77060 (281-874-1213) appeared and stated that he was representing the Greenspoint Board and 800 property owners with nearly \$2 billion in property value; the Greens Bayou Corridor Coalitions Board and members; the North Houston Association and TAG the Transportation Advocacy Group, Houston Region and as chair of the Greater Houston Partnerships Airport Taskforce he was a member of the special committee evaluating and recommending Proposition I; that they were united in support of the proposed ordinance and its immediate implementation. Council Members Lovell and Jones absent.

Mr. Don Sumners, 1001 Preston, Houston, Texas 77002 (713-368-2766) appeared and stated that he was the Harris County Tax Assessor Collector and present with a different take; that he sent Mayor Parker and Council Members a letter in January questioning the math in Rebuild Houston and received no response, but that his request was sent to the Attorney General and he had a hard time understanding why it needed to be sent to the Attorney General; that this was a 13% ad valorem tax increase if it was a tax and it would impact the economy of the city and the county; and urged figures be checked as figures in the presentation would generate \$35 million more than what they said they would do; and was all this to go to drainage as it said and no streets and what if someone did not pay the fee. Council Members Lovell and Jones absent.

Upon questions by Council Member Johnson, Mr. Sumners stated that they had a press release and all figures and the math did not add up; that if they took square footage and times the rate it did not add up to what they showed would be collected; that all information was on the Harris County Website under current news with a power point presentation pin pointing the discrepancies and it was hard to tell if there was a math error, it appeared to be one, and that was why he asked for additional information to see if he was correct with figures and his assumptions. Council Member Lovell absent.

Upon questions by Council Member Pennington, Mr. Sumners stated that values for 2011 were projected to be down by about 3% and 2012 no better than a break even situation, first increases were being projected to be in 2013. Council Members Johnson and Lovell absent.

Mayor Parker stated that was why they rapidly adjusted down the spending projections. Council Member Johnson absent.

Council Member Bradford stated that they were in the process of determining an implementation ordinance as relating to Proposition I and Mr. Sumners requested information and the city had not released the information, but instead sought protection advice from the Attorney General's Office; and upon questions, Mr. Feldman stated that there were two lawsuits filed against the city seeking to invalidate Prop I and Mr. Sumners information request was problematic for two reasons, he sought information which would relate to the litigation and the city has no obligation to provide any information when it related to members of the public when

it related to pending litigation for obvious public policy reasons and they were required by law to seek an Attorney General's Opinion; and some of his requests was in the form of interrogatories and not for documents and they would address those issues in the litigation; and Council Member Bradford moved to suspend the rules to extend time to question Mr. Don Sumners, seconded by Council Member Costello. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Johnson absent. MOTION 2011-0178 ADOPTED.

Upon further questions by Council Member Bradford, Mr. Feldman stated that there were two reasons the request was dealt with as it was which was some requests were interrogatories and not documents and beyond that his recollection was nothing was requested which would have been germane to this Council's consideration of the implementation ordinance; that it was unusual as it was an argumentative request and it was clear to him information sought was information which related to the pending litigation and in defense and protection of this city he could not in good conscious agree to release the information to him; and Council Member Bradford stated that he wanted to go on record with what he had requested and that it was his conclusion on Mr. Feldman's part to say it was not relevant on the Council Member's decision making process. Council Members Johnson and Costello absent.

Mayor Parker stated that it was very unusual for a fellow elected official to send a request, most called and they shared the information openly and willingly and as a matter of courtesy if he wanted to sit and go through numbers she was happy to do that. Council Members Johnson and Costello absent.

Council Member Sullivan stated that discussion on the issue was something he was going to bring up during the vote today; and Mayor Parker stated that this was a hearing and the vote was for the next Council Meeting; Council Member Sullivan stated that in his research he ran across a Chronicle blog posting which was related to what Mr. Sumners was saying and he read the blog which stated the City of Houston made a \$35 million math error in its public pronouncements on how it intended to collect the drainage fee; and Council Member Sullivan moved to suspend the rules to extend time to question Mr. Don Sumners, seconded by Council Member Jones. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Johnson, Rodriguez and Noriega absent. MOTION 2011-0179 ADOPTED.

Council Member Sullivan continued reading the article which quoted Mr. Sumners and he believed what he asked for was critical information; and Mr. Feldman stated that he would request he review the request for information before he drew conclusions on what it pertained to; and Council Member Sullivan stated that he would read it if he sent it; and Mr. Feldman stated that he would send it to every Council Member. Council Members Johnson, Rodriguez and Noriega absent.

Upon questions by Council Member Jones, Mr. Feldman stated that there were requests for information under the Public Information Act and as to them they related to pending litigation and it was his duty to follow provisions of that Act and seek an opinion from the Attorney General which they did and some other requests were not requests under the Act and were interrogatories like in a lawsuit and they happened to have a lawsuit pending to which those interrogatories would have been relevant and as to those he did not seek an opinion because he did not have to, they were just interrogatories and therefore they did not respond; that information sent to the Attorney General was done so under Chapter 552 of the Local Government Code, Texas Public Information Act; and he would forward that information to her. Council Members Johnson, Rodriguez and Noriega absent.

Council Member Gonzalez stated that he hoped if Mr. Sumners had a valid point of

numbers he hoped they were looking at them as well and keeping an open and honest process; and Mr. Icken stated that they did fully intent to deal with the numbers submitted in the press release yesterday and give Council a full explanation of how they calculated the fee and he would reference Mr. Sumners information in the press release. Council Members Johnson, Rodriguez and Noriega absent.

Upon questions by Council Member Bradford, Mr. Icken stated that the issue from Mr. Sumners in January was not a math issue, but a conversation Mr. Feldman commented on; that the issue which came out yesterday he was responding to; and Mr. Sumners stated that all information was on the Harris County website including the letter he sent and letters received and both his and the city's calculations. Council Members Johnson, Rodriguez and Noriega absent.

Council Member Bradford moved to suspend the rules to extend time to question Mr. Don Sumners, seconded by Council Member Jones. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Johnson, Rodriguez and Noriega absent. MOTION 2011-0180 ADOPTED.

Upon further questions by Council Member Bradford, Mr. Sumners stated that his January letter did point out discrepancy for one category with a difference of \$7.something billion. Council Members Johnson, Rodriguez and Noriega absent.

~~Mr.~~ Pastor Joseph Keenan, 8012 Fuqua, Houston, Texas 77075 (713-303-0930) appeared and stated that he was with Gulf Meadows Church and was against churches being charged a drainage fee; that they had a food pantry and rental assistance, etc., and he did not know any residence which did. Council Members Johnson, Rodriguez and Noriega absent.

Council Member Sullivan stated that he issued a press release asking the Mayor to accept schools and churches from the Prop I fees and he was standing with them. Council Members Johnson, Rodriguez and Lovell absent.

Upon questions by Council Member Hoang, Pastor Keenan stated that with the fee they would have to cut programs; and Council Member Hoang stated that they were trying to amend and keep them from the fees. Council Members Johnson, Rodriguez and Lovell absent.

Mayor Parker stated that they had conversation here about this fee and only one other city had exempted churches and they required churches exempted to participate in a homeless outreach program; and upon questions, Pastor Keenan stated that he saw some wisdom in what she was saying, but he would not want to be known as the Mayor which began to control what churches did or did not do. Council Members Johnson, Rodriguez and Lovell absent.

Council Member Jones stated that she and three colleagues campaigned against Prop I and obviously lost, but because they had concerns and she was also concerned for seniors; time expired; and Council Member Jones moved the rules be suspended for the purpose of extending the time for questions of Pastor Keenan; and Vice Mayor Pro Tem Gonzales stated that there were not enough Council Members to extend. Mayor Parker, Council Members Johnson, Clutterbuck, Rodriguez and Lovell absent. Vice Mayor Pro Tem Gonzales presiding.

Mr. Paul Bettencourt, 13622 Apple Tree, Houston, Texas 77079 (713-236-6100) appeared and stated that he was speaking on behalf of the Coalition for Greater Houston and Prop I has and will be very bad public policy; that they objected to many items and one was nothing in the ballot said they would be paying \$125 million minimum fee and right out of the shoot the minimum tax was almost equal to the tax which had taken 23 years to implement in Austin which had an average rate of about \$24,000 per 10 acres for improved property; that already

the City of Houston was number two and they were so far ahead of other cities there was no question churches and schools must be exempted, but the question was how to do it; that the city lobby team buried Rep. Dutton's Bill which would have exempted churches and schools; that if Council exempted it then it would fall on the backs of taxpayers and he was calling the Mayor out to have the city lobby team redirect their paid efforts to help taxpayers and do the right thing. Mayor Parker, Council Members Johnson and Lovell absent. Vice Mayor Pro Tem Gonzales presiding.

Council Member Jones stated that she was concerned about seniors, churches and schools and charities; that the four who campaigned against it and lost had concerns about not knowing specifics; and would request all Council Members questions be answered; and Mr. Bettencourt stated that there was no exemption in this fee and someone should answer whether there was a \$35 million mistake; and Council had already raised water rates by 40% through 2013 and Houston would have the highest water rates in the nation except for San Diego and the second highest drainage tax in the state and because it was a minimum fee it could only go up, it could not be lowered; and again called on the Mayor to get the city lobby team to lobby for exemption of churches, schools, counties and charities and reduce the amount to collect on Prop I. Council Members Johnson and Lovell absent.

Council Member Hoang stated that he supported the exemption of churches and schools and charities if possible; and upon questions, Mr. Bettencourt stated that they were setting a drainage utility without having public hearings to set the rate and that was the problem and language in the Charter Amendment and not on the ballot said \$125 million a year minimum and the Legislature could change it with an exemption Bill and not put it on taxpayers. Council Members Johnson and Lovell absent.

Council Member Pennington stated that he thought his idea of Legislature was an excellent one, the reason this initiative was proposed was because of the infrastructure here; and upon questions, Mr. Bettencourt stated that because of the way Prop I was written they were 60% higher than Ft. Worth more than twice as high as Dallas and three times higher than San Antonio and continued with examples of comparison on drainage fee until his time expired. Council Members Johnson and Lovell absent.

Council Member Pennington moved to suspend the rules to extend time to question Mr. Paul Bettencourt, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Johnson and Lovell absent. MOTION 2011-0181 ADOPTED.

Council Member Pennington stated that the City Attorney advised they were faced with the minimum requirement of the \$125 million; and Mr. Bettencourt stated that he was not aware of other cities with a minimum fee and if it had been on the ballot he was certain it would not have passed. Council Members Johnson and Lovell absent.

Upon questions by Council Member Bradford, Mr. Bettencourt stated that in his opinion his predecessor, the Tax Collector, was correct and there was a problem with the math; that a bipartisan Bill was filed in the Legislature, but surprisingly it was sent to a different committee to kill it; that they were told the city lobby team spoke to someone on the speaker staff and they buried the Bill in another committee and he was against public taxpayer money being used to lobby against them. Council Member Lovell absent.

Council Member Sullivan moved to suspend the rules to extend time to continue questions of Mr. Paul Bettencourt, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Lovell absent. MOTION 2011-0182 ADOPTED.

Mayor Parker stated that the legislation was referred to the Water Resources Committee and actually dealing with water resources and as she would accept the compliment that the city's lobby team had that much power, but it was a stretch. Council Member Lovell absent.

Council Member Costello stated that it was misleading when all facts were not presented and that was the City of Houston was multiple size times bigger than half the cities he mentioned and they also got 48 inches average rainfall which was four to five times of some of the other municipalities and taking that into consideration you would see on a per square mile basis they would no longer be the second largest and the need was there. Council Member Lovell absent.

Upon questions by Council Member Sullivan, Mr. Bettencourt stated that Senator Patrick filed a Bill which was companion to Mr. Dutton's Bill and attempting to exempt churches, schools, county, etc., and it would not affect those paying. Council Member Lovell absent.

Upon questions by Council Member Sullivan, Mr. Icken stated that administering the program would be done within the fees collected in the program; that it did prohibit them from issuing debt and debt was defined under state law any paper longer than one year; and Mayor Parker stated that short term commercial paper was allowed, but you did it for cash flow purposes and she could not imagine they would need to do it, it was not prohibited if shorter than one year, but not part of any proposal discussed. Council Members Lovell and Jones absent.

Council Member Bradford moved to suspend the rules to extend time to continue questions of Mr. Paul Bettencourt, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Lovell absent. MOTION 2011-0183 ADOPTED.

Council Member Bradford stated that Council Member Costello mentioned the charts and size of Houston; and upon questions, Mr. Bettencourt stated that size did not matter when you did it on a per acre basis and a public policy point was Public Works had \$2 billion worth of projects and yet they were funding \$8 billion and if there was a list relating to difficulties he would love to see it. Council Member Lovell absent.

Mr. Neal Meyers, 2822 Briar Hurst Dr., Houston, Texas 77057 (832-858-3218) had reserved time to speak but was not present when his name was called. Council Member Lovell absent.

Pastor Brian Gowan, 3807 Saxon Hollow Ct., Friendswood, Texas 77546 appeared and stated that he was an executive pastor at Grace Community Church and had worked at Methodist Hospital where he was involved in community outreach and research by Ben Taub on cost of crime in Houston; quoted cost to taxpayers on assault, stabbed and gunshot victims; and his point was to tax churches and nonprofits and charity organizations was placing another burden on the city as it reduced their ability to help. Council Member Lovell absent.

Council Member Noriega thanked Pastor Gowan for their church being such a gracious host to funerals for police and firefighters; and his point of limited resources, etc., she did not disagree with. Council Member Lovell absent.

Council Member Sullivan thanked Pastor Gowan for coming and for their church's support. Council Members Johnson and Lovell absent.

Council Member Bradford thanked Pastor Gowan for his service and stated that as he said

earlier Second Baptist and Grace were at the frontline for opening doors for funerals for police and firefighters and there outreach was another reason for not placing another burden on places of worship. Council Members Johnson and Lovell absent.

Mr. Andy Teas, who was previously added to the Speakers List, appeared and stated that he was present on behalf of the Houston Apartment Association, a nonprofit trade association which represented owners and managers of about 500,000 apartment units in the Houston area and he was present to urge that they resist the temptation to exempt people from the drainage fee; that a fee was different than a tax and the decision on the drainage fee had been made for them in the City Charter and if anyone was exempted then everyone else had to pay their share and the other people's share as well. Council Member Lovell absent.

Council Member Sullivan stated that he would like the City Attorney to give the difference on a tax and a fee; and Mr. Feldman stated that it depended on what type of tax as in Texas only certain taxes were recognized and this fee did not come under any tax category, but in definition a tax would be an assessment generally applied without a specific purpose for the use of funds whereas a fee was designed to collect money to accomplish a specific purpose. Council Members Lovell and Noriega absent.

Council Member Pennington stated that it was suggested there was legislation which would exempt churches, etc., and not require the city to makeup the loss of revenues from assessments from others; and upon questions, Mr. Teas stated that they had not taken a position on those Bills, but would be opposed as filed because they would have to pay more. Council Member Noriega absent.

Council Member Jones stated that she struggled because of anyone was exempted someone else would have the burden and she was extremely concerned with seniors and she hoped to get more information; and upon questions, Mr. Feldman stated that ultimately they were obligated under the Charter to implement the program and state law provided the process by which they would do it, if Council were unable to agree they could be compelled. Council Member Noriega absent.

Council Member Jones moved to suspend the rules to extend time to question Mr. Teas, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Noriega absent. MOTION 2011-0184 ADOPTED.

Mr. Feldman continued that technically if they were unable to agree to an implementation ordinance or to a rate then ultimately it could become the province of a court to order them to reach an agreement and they would have to go at it until an ordinance was adopted. Council Member Noriega absent.

Reverend Manson Johnson, who was previously added to the Speakers List, appeared and stated that he was at the Holman Street Baptist Church in the Third Ward and was present to restate the golden rule which was do to others as you would have them do unto you and Council was responsible for fairness to the people and he hoped they would remember the future of Houston as they moved forward as what they would do today would be really pronounced in the future; that people could not be left out of the equation and become a profit driven society. Council Member Noriega absent.

Mayor Parker thanked Reverend Johnson for coming and stated that she had enjoyed worshipping with him many times; and she trusted he was saying to exempt churches; and Reverend Johnson stated that he was wanting schools and churches exempt. Council Members Stardig and Noriega absent.

Council Member Bradford thanked Reverend Johnson for coming; and upon questions, Reverend Johnson stated that the burden of this fee and what he saw it doing was the parent at school, the citizen, those in church were all being taxed; that they used 28 ministries to promote positive imagery within the city, tutoring young people, adult education, seniors, etc., and with no charge. Council Members Stardig and Noriega absent.

Council Member Costello moved to suspend the rules to extend time to question Reverend Johnson, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Lovell and Noriega absent. MOTION 2011-0185 ADOPTED.

Council Member Jones thanked Reverend Johnson and stated that they did wonderful things; and upon questions, Reverend Johnson stated that social services would have to be cut if fees rose. Council Members Lovell and Noriega absent.

Council Member Sullivan stated that this was not related to the speaker, but he wanted to recognize there were a number of blue people in the room and at the last hearing there was a serious mischaracterization that the blue people were here for wrong reasons, but he saw police and fire and thanked them for being present. Council Members Rodriguez, Lovell and Noriega absent.

Mr. Steven Hupp, who was previous added to the Speakers List, appeared and stated that he was the Water Quality Director for the Bayou Preservation Association and they had been a consistent supporter of the drainage infrastructure, discussion today was who should benefit and they felt all society should benefit and share in the cost; that they were looking at a utility and if they went to exemptions those exempted would not participate in having less impervious service or in managing their drainage; that their group would also like to see the water be cleaned as well, address the bacteria, etc., within the design. Council Members Rodriguez, Lovell and Noriega absent.

Mr. Robert Johnson, who was previously added to the Speakers List, was not present when his name was called. Council Members Rodriguez, Lovell and Noriega absent.

Mr. David Bryan, 1828 Bissonnet, Houston, Texas 77005 (713-524-2292) who was not present when previously called, appeared and stated that he was present regarding Proposition I dba and commercial real estate as rain tax; that there was a national recession and a global financial crisis like never before and money was hard to come by; taxes proposed were not equitable in this proposition and why should West University or Southside Place, etc., be exempt, this was a regional issue and all should share cost; and why should a 74 floor tower be taxed the same as a one story building on a similar footprint, it should be based on an assessed value. Council Members Rodriguez, Lovell and Noriega absent.

Council Member Jones stated that yesterday there was not a large police presence and with standing room only there should be the same amount of presence regardless of the issue; that she was thankful to see them today; and appreciated Mr. Bryan coming today; and upon questions, Mr. Bryan stated that tall towers had more people and received more benefit and should be taxed accordingly, to make it equitable those with the most value on the property should pay the most for benefits received. Council Members Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that state law prohibited the use of appraised value as a method for assessing a drainage fee and that was why it was not included. Council Members Rodriguez, Lovell and Noriega absent.

Upon questions by Council Member Jones, Mr. Icken stated that the drainage utility they were setting up was actually made up of four components, one of which was determined by assessed value; that for the road and bridge piece which would be a part of the system an assessed value would contribute more based on assessed value, the drainage fee was just on their proposal which was impervious cover so both came into play in the proposal; and he could go to her office for discussion. Council Members Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that they asked both fire marshals and police to come any time the number of speakers exceeded the capacity of the Chamber. Council Members Rodriguez, Lovell and Noriega absent.

Council Member Lovell moved to remain in session beyond the scheduled noon recess to continue the agenda, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Johnson and Sullivan absent. MOTION 2011-0186 ADOPTED.

Council Member Bradford moved to close Public Hearing Numbers 1 and 2, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Johnson and Sullivan absent. MOTION 2011-0187 ADOPTED.

3. **PUBLIC HEARING** relating to proposed amendments to Article VI, Chapter 9 of the Code of Ordinances, to amend land use regulations in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport - **DISTRICTS B - JOHNSON; E - SULLIVAN and I – RODRIGUEZ** - was called. Council Members Johnson and Sullivan absent.

The City Secretary stated that Mr. Eric Potts would make remarks and no one had reserved time with the City Secretary's office to be heard. Council Member Johnson absent.

Mr. Potts stated that the Houston Airport System staff had been working on amendments to the City's Airport Compatible Land Use Regulations, which were codified in Chapter 9 of the City Code, that these regulations were originally adopted in December 2008 and regulated compatible land uses near the City's three airports, that the Airport Commission had held two public hearings and issued the final report with a recommendation on the amendments, which was included in their Council agenda packet, that State Law required that the Council hold one public hearing after receiving the report, they asked that they hold it today and it had been properly noticed as required by law, that this proposal amended the existing ordinance primarily to accomplish the following, number one, allow public assembly in sensitive land uses in Tier 1 for all three airports subject to the conditions that the use was located in a building that could be sound attenuated to 45 DBL and that the land owner provide an abdication easement and release from airport related claims, that in connection with that the definition of sensitive use was amended to delete a reference to public assembly use; number two, make technical amendments to conform certain procedural aspects of the Compatible Land Use Ordinance to the Hazard Area Ordinance that was adopted in 2009, that following the close of the public hearing there was also an action item on this agenda for them to consider the adoption of the proposed amendments and they would ask for Council to approve the ordinance. Council Members Gonzalez and Bradford absent.

Council Member Rodriguez moved to suspend the rules to hear from Ms. Dusti Hyde, who was left off of the speakers list, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Clutterbuck, Gonzalez and Bradford absent. MOTION 2011-0188 ADOPTED.

Ms. Dusti Hyde appeared and stated that she wanted to thank the Council Member and the Mayor for giving them an opportunity to speak about the amendment, that she was a resident of Garden Villas and they were directly on the north corner of Hobby Airport, that she was present speaking for Garden Villas Community Association, that they ask that the District I Council and the 5 At-Large Council Members ask to postpone this amendment to the City Ordinance 2008-1052 for the land use of the Sensitive Land Use Ordinance, that they ask as constituents to give more time and personal research into the already existing ordinances in effect, that they had found a large disconnect from HAS, Houston Aviation, and had established an ordinance adding a new amendment currently would show no purpose, they ask the Council to notice that the wording had changed from the first reading specifically 9-395A, regarding wording which would be in Real Property Records of Harris County, instead they had removed it into the department and they ask which department this was, they would also like Council to ask HAS how many sound attenuation meters they owned, also known as decibel meters, that they also ask City Council to ask HAS if they had any trained personnel to read the meters in the Permitting and Public Works Office who enforced some of these ordinances, that depending on their response they would say in summary HAS had limited meters and training, how would HAS and Permitting enforce such an amendment. Council Members Clutterbuck and Bradford absent.

Council Member Noriega stated that this was a quick hearing on something that probably was going to blow right through and had just turned into something, that she would appreciate understanding what this was about and what they needed to do if anything, that they may or may not want to address that today and she may not have that same response from any of her colleagues, but that was a lot of specific data that she did not feel qualified to address right now and unless they could do it immediately she would appreciate some feedback. Council Members Clutterbuck and Bradford absent.

Ms. Debra McAbee, Legal Department, stated that with reference to the use of the use of the Decibel Meters, when they adopted the ordinance in 2008 for the Sound Continuation Standard for structures that were allowed in the various tiers, they also amended the Building Code at the same time, so compliance with the Sound Attenuation Standard was determined at the time of the Building Permit by meeting the Building Material Standards that were in the Building Code now, so it was not necessary to enforce the ordinance through the use of a Decibel Meter it was enforced at the Building Permit stage by compliance with building materials that the Building Permit Department believed would accomplish the Sound Attenuation. Council Members Clutterbuck and Bradford absent.

Council Member Noriega stated that did not sound to her like it was Ms. Hyde's concern, and Ms. Hyde stated no, that she would ask City Council to ask the Airport System how many permits had been issued through their department that had not gone into the criteria they had set forth on the Sound Attenuation, and Council Member Noriega asked if Ms. Hyde was having problems with Hobby Airport and asked if that was what this was about, and Ms. Hyde stated yes, and Council Member Noriega stated that it may or may not be that they needed to specifically address the permits when the building was built, but it sounded like there was something that needed to be addressed; and Council Member Noriega asked Council Member Rodriguez if there was something that he knew about this and wanted to share, that was his neighborhood too. Council Members Clutterbuck and Bradford absent.

Council Member Rodriguez stated that it was his neighborhood too, that he added Ms. Hyde as a courtesy but he wanted to hear a response to her question, and Council Member Noriega stated that she too wanted to hear a response but was not sure that was a response. Council Members Clutterbuck and Bradford absent.

Mr. Potts stated that he thought the Legal Department had described that as they went through the process they did go back and make sure that the Building Codes associated with any home or any business were associated with this so that they could meet the decibel levels that were prescribed in the ordinance so that was where it was covered. Council Members Clutterbuck and Bradford absent.

Council Member Noriega stated that what she just heard Mr. Potts say was if people had problems from the airport that should have been dealt with when they built their house, and Ms. Hyde stated that was an issue but that was not what it was about, they were asking for an amendment to an ordinance already passed in relationship to the use of the Airport Systems to get millions of dollars worth of funding regarding land use, that they had applied a criteria of three tiers, whether they were in Tier 1, 2 or 3, that Tier 1 was people who had a direct association with sound issues, but in her experience, with her community association, they were having difficulties in multiple areas of getting permits for items that may or may not be against their own deed restrictions, going through some process that they could not find out where the process was going, so they were asking why were they going to give an amendment to expand their reach when they could not enforce the ones they had on the books, and Council Member Noriega asked Ms. Hyde if issues in her neighborhood that they needed permits for were somehow being affected by airport sound requirements for permits, and Ms. Hyde stated that they were not being affected. Council Members Clutterbuck, Gonzalez and Bradford absent.

Council Member Jones moved to suspend the rules to continue questions of Ms. Hyde, seconded by Council Member Rodriguez, and no vote was called. Council Members Clutterbuck and Gonzalez absent.

Mayor Parker stated that there was an action item on the agenda and there was no reason it could not be tagged if they wanted more information, they were indicating that they did not think that Ms. Hyde's issues had anything to do with this agenda item, and Council Member Noriega stated that she did not want to cause a problem, neither did she want to take a lot of time when they had a huge hearing all day, but she would like to be crystal clear about what they were doing and what the issues were, that it sounded like she had a neighborhood that had a concern and that was pretty close to the airport neighborhood, and Ms. Hyde stated that it was about 2,000 feet from the runway, that the issue was that there were permits being given out, but they did not meet the airport standards. Council Members Clutterbuck and Gonzalez absent.

Upon questions by Council Member Jones, Mayor Parker stated that it was a Building Permit issue and it was whether they were enforcing their own ordinance and she thought did the left hand know what the right hand was doing, that Ms. Hyde had made her comment and if they could have an opportunity to go off line with her to find out what the problem was; and Council Member Jones asked Council Member Rodriguez if they had any meetings with the community association related to this item or anything like that, that it was not her intention to pass off Ms. Hyde and not Council Member Noriega's intention either they just wanted to make sure that in this venue if they could just talk to her and figure out what the issue was and come back and inform City Council prior to the item coming up on the agenda this afternoon. Council Members Clutterbuck and Gonzalez absent.

After further discussion by Council Members, Council Member Rodriguez stated that he was very familiar with the concerns and issues as related to Hobby Airport, that he had spoken with Ms. Hyde on several occasions about other issues in the neighborhood but thought the frustration was that they had a multi family property close proximity to the airport, which he believed was 6702 Telephone Road, that it had been to Building and Standards Commission for demolition and was boarded up, they had a new owner come in and start utilizing old permits so basically there was some fraud there and they had talked to Mr. Icken's office about it, that they

were now remodeling the building that was scheduled for demolition which he believed was very close to the zone in Tier 1 so how were they allowed to get a permit for multi family, that he thought there were some issues like that that Ms. Hyde and some of his other neighbors had talked to Public Works and Mr. Icken's office about, that he thought it was part of that discussion, that listening to his constituent he would be tagging the item so they could have the opportunity to discuss it a little more in depth. Council Members Clutterbuck, Gonzalez and Lovell absent.

After further discussion by Council Members, Mayor Parker stated that the action item was Item No. 3A, it was entirely taggable, it did not appear to be related to the item, but they should get it taken care of, that it would be two week delay because they were not meeting next week. Council Members Clutterbuck and Gonzalez absent.

Council Member Lovell move to close the Public Hearing listed as Item No. 3, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Clutterbuck and Gonzales absent. MOTION 2011-0189 ADOPTED.

- 3a. **ORDINANCE AMENDING ARTICLE VI OF CHAPTER 9 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Airport Compatible Land Use Regulations; making findings and containing other provisions relating to the foregoing subject; providing for an effective date; providing for severability – was presented, and tagged by Council Members Rodriguez, Noriega, Jones and Johnson. Council Members Clutterbuck and Gonzalez absent.

At 12:00 p.m. Mayor Parker stated that they would move to the consent agenda. Council Member Gonzalez absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 4 through 19

ACCEPT WORK - NUMBERS 5

5. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$33,838,605.61 and acceptance of work on contract with **WEBBER, LLC (Formerly W. W. WEBBER, LLC)** for Rehabilitation of Runway 9-27 at George Bush Intercontinental Airport/Houston, No. 423 - 7.5% over the original contract amount - **DISTRICT B – JOHNSON** – was presented, moved by Council Member Lovell, seconded by Council Member Costello. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Gonzales absent. MOTION 2011-0190 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 8

7. ORDINANCE appropriating \$247,500.00 out of C & E Construction Fund for Escalator Parts at the George R. Brown Convention Center for Convention & Entertainment Facilities Department – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Gonzales absent. MOTION 2011-0178 ADOPTED.
- 7a. **KONE, INC d/b/a KONE SPARES, INC** for Escalator Parts from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Convention & Entertainment Facilities Department – was

presented, moved by Council Member Lovell, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Gonzales absent. MOTION 2011-0191 ADOPTED.

8. **TERRAIN SOLUTIONS, INC** for project management and construction oversight services in connection with Underground Storage Tank Removal and Cleanup at 28 Fire Stations - \$146,000.00 - Fire Consolidated Construction Fund – was presented, moved by Council Member Lovell, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Gonzales absent. MOTION 2011-0192 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 19

11. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **WOOLSEY AVIATION, INC d/b/a MILLION AIR - HOUSTON**, for certain premises at William P. Hobby Airport and concurrently terminating Lease Agreement No. 30552, as assigned, by and between the City of Houston and Woolsey Aviation, Inc d/b/a Million Air - Houston - Revenue **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Sullivan and Gonzales absent. ORDINANCE 2011-0179 ADOPTED.
16. ORDINANCE amending Ordinance No. 99-0161, as amended, (Passed by City Council February 24,1999) to increase the maximum contract amount for the contract between the City of Houston and **FROST NATIONAL BANK** for Automated Filing Fee Payment Services for the Houston Police Department - \$90,000.00 - General and Dangerous Building Consolidated Funds – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Sullivan and Gonzales absent. ORDINANCE 2011-0180 ADOPTED.
18. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath three tracts of land containing 18.180 acres commonly known as 800 Burnett Street, Houston, Texas and portions of Keene Street, Trentem Street (a/k/a Trentham Street), North Main Street, Naylor Street, Vine Street, and Daly Street rights of way, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Sullivan and Gonzales absent. ORDINANCE 2011-0181 ADOPTED.
19. ORDINANCE appropriating \$2,231,093.00 out of Water & Sewer System Consolidated Construction Fund, rejecting apparent low bidder; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for FY11 Water Distribution System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Sullivan and Gonzales absent. ORDINANCE 2011-0182 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. RECOMMENDATION from Director Planning & Development Department to accept reports on the reconsideration of the following six historic districts - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and H - GONZALEZ:**

| | |
|------------------------|--------------|
| Avondale West | Heights East |
| Boulevard Oaks | Heights West |
| First Montrose Commons | Norhill |

- was presented, and tagged by Council Member Johnson. Council Members Sullivan and Gonzalez absent.

Council Member Pennington stated that he thought one of the options that they had under the item was to refer the matter back to the Planning Department and that was what he would like to do, that he would like to make some suggestions or requirements of the Planning Department when it was referred back. Council Member Sullivan absent.

Council Member Noriega asked if they had a tag on an item did they have the ability to refer it back, and Mayor Parker stated no, and Council Member Johnson stated that he would remove his tag on Item No. 4 for the purpose of discussion. Council Member Sullivan absent.

Council Member Pennington stated that he thought they started out with 17 or 18 Historic Districts and worked through a lot of them, that he thought the ones they had left, except for First Montrose Commons and Boulevard Oaks, there was not a majority support for the remaining 4, that he thought they had flawed hearings and thought the voting had possibly not been in accordance with the ordinances, they had not circulated the information about the voting in the relevant languages and he suggested that they return, and of course he had asked Ms. Gafrick several times had she investigated the impact of the ordinances on the individual homes, that he would like to refer the matters for Avondale West, Heights East, Heights West and Norhill back to the Planning Department and ask them to look at the impact of the ordinance on a minimum of 25 homes and make the best effort to look at 50 to revert to the old ordinance during that period of time, and also to investigate community based regulations, including conservation districts, additional deed restrictions, lot sizing, more flexible regulations and so forth, and for her to report back when the work was done, that he thought, in his view at least, they did not have the majority support in the areas that were left, that they ought to do the due diligence so the Council could be informed of the impact, that they could possibly resolve the very severe community divisions. Council Member Sullivan absent.

Council Member Bradford stated that he would second the motion, and Mayor Parker stated that there was not motion, that Council Member Johnson removed his tag for discussion purposes only. Council Member Sullivan absent.

Council Member Clutterbuck stated that she was in the queue to offer her own motion, and Mayor Parker stated that unless Council Member Johnson was going to be removing his tag permanently, but he removed his tag for discussion purposes as a courtesy to Council Members, and Council Member Clutterbuck stated that she would respectfully request her colleague Council Member Johnson to remove his tag for all purposes and then possibly be able to tag at the end the various motions, that she was hoping to make a motion to divide the question and to remove Boulevard Oaks for separate consideration. Council Member Sullivan absent.

Mayor Parker stated that Council Member Pennington wanted to send everything back, and Council Member Clutterbuck would like to divide the question to remove Boulevard Oaks, and Council Member Pennington stated that he did not include Boulevard Oaks or First Montrose Commons in his suggested motion. Council Member Sullivan absent.

After further discussion by Council Members, Council Member Noriega moved to suspend the rules to extend time for discussion of Council Member Pennington's motion, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Stardig and Costello absent. MOTION 2011-0193 ADOPTED.

After further questions and discussion by Council Members, Mayor Parker stated that they had done the work, created a process, it was up to Council Members to decide whether it was sufficient, that if, for example, Council Member Pennington's motion were to pass, he did not reject everything, for whatever reason, he rejected the report as to certain districts, that the motion itself would have to instruct some new action to be taken on the part of the Planning Department, they operated under what was in the ordinance, they had made the report, that what Council could do was accept all of the report or reject all of the report and ask for more work, or accept the report as it applied to any one district, they had no further plans to do any further action.

Council Member Lovell stated that she heard Council Member Pennington state that he wanted to send it back and revert back to the way it was and she would like a ruling from the City Attorney, they voted on the ordinance and it was in place and it was the law, they could not just send it back and say they wanted to ignore that ordinance, and asked Mr. Feldman if that was correct, and Mr. Feldman stated that "yes" that was correct.

After further discussion by Council Members, Council Member Lovell stated that she would tag Item No. 4. Council Members Stardig and Costello absent.

After further discussion by Council Members, Mayor Parker stated that the item had been tagged and would be brought up at the next Council meeting, that Council Member Pennington's motion was not received, they did not have motions accepted, that she was challenged on this week, that once an item is tagged discussion ceases, that Council Member Johnson removed his tag for the purposes of discussion, that Council Member Lovell had now added her tag, so no motions could be accepted, that Council Member Johnson attended the item immediately, that as she had indicated, both Council Member Pennington and Council Member Clutterbuck attempted to make motions, Council Member Johnson removed his tag only for the purposes of discussion, not to allow motions.

Mayor Parker requested the City Secretary to call the next item.

- 4a. RESOLUTION amending Resolution No. 2010-39; changing the boundaries of the First Montrose Commons Historic District – was presented, and tagged by Council Members Clutterbuck and Jones.

ACCEPT WORK

6. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$145,222.00 and acceptance of work on contract with **AIA GENERAL CONTRACTORS, INC** for Underground Storage Tank Remediation, Removal and Installation at Fire Station 28 - 4.69% below the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, and tagged by Council Member Jones.

PURCHASING AND TABULATION OF BIDS

9. ORDINANCE appropriating \$2,766,738.74 out of Equipment Acquisition Consolidated Fund for Purchase of Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for

Various Departments – was presented, and tagged by Council Members Clutterbuck, Jones, Hoang, Pennington and Noriega.

- 9a. **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD** - \$3,006,220.00, **RON CARTER AUTOMOTIVE** - \$671,943.00, **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET** - \$627,321.00, **TOMMIE VAUGHN MOTORS, INC** - \$466,896.00, **JOHNSON WHITESBORO FORD d/b/a HOLIDAY FORD** - \$492,866.83, **FRED HAAS TOYOTA COUNTRY** - \$409,136.00 and **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY FORD** - \$61,635.00 for Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for a total of \$5,736,017.83 for Various Departments - \$2,969,279.09 - Enterprise, Stormwater and Other Funds – was presented, and tagged by Council Members Clutterbuck, Jones, Hoang, Pennington and Noriega.

RESOLUTIONS AND ORDINANCES

10. RESOLUTION amending Resolution No. 2010-54 approving and authorizing nomination of **CAMERON INTERNATIONAL CORPORATION** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project **DISTRICT G – PENNINGTON** – was presented. Council Member Noriega voting no, balance voting aye. Council Member Adams absent on personal business. RESOLUTION 2011-0004 ADOPTED.
12. ORDINANCE approving and authorizing various contracts between the City of Houston and 1) **CONNECTICUT GENERAL LIFE INSURANCE COMPANY** for an Administrative Services Agreement related to the administration of various health plans; 2) **NATIONAL PACIFIC DENTAL, INC** related to the Managed Care Dental Agreement; 3) **UNITEDHEALTHCARE INSURANCE COMPANY** related to the Group Dental Indemnity Agreement; 4) **AMERICAN FAMILY LIFE ASSURANCE COMPANY OF COLUMBUS** related to the agreement for voluntary supplemental insurance coverage and administration of flexible spending accounts; and 5) the amendment and restatement of the City of Houston Employees' Section 125 Plan, including healthcare and dependent care reimbursement arrangements, all effective May 1, 2011; approving and authorizing various health care plans, dental plans and supplemental insurance benefits for City employees, retirees, deferred retirees, survivors and certain dependents, effective May 1, 2011 - 3 Years with two one-year options - \$84,000,000.00 - Health Benefits Fund – was presented, and tagged by Council Members Jones, Bradford, Rodriguez, Johnson, Noriega and Hoang.
13. ORDINANCE amending Ordinance No. 97-1167 and approving and authorizing an amended and restated Subrecipient Loan Agreement between the City of Houston and **HOUSTON BUSINESS DEVELOPMENT, INC (HBDI)** to consolidate the original Loan Agreement and the prior amendments thereof for HBDI to implement and administer for the City the Micro-Enterprise Loan Program and the Small Business Loan Program pursuant to the City's Section 108 Loan Guarantee Assistance Contract with the United States Department of Housing and Urban Development - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0183 ADOPTED.
14. ORDINANCE approving and authorizing City of Houston to enter into first contract amendment with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to add three school sites and to provide an additional \$60,000.00 to administer an After School Achievement Program - Grant Funds **DISTRICTS C - CLUTTERBUCK and D - ADAMS** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0184 ADOPTED.

15. ORDINANCE approving and authorizing contract between the City of Houston and **AKIN GUMP STRAUSS HAUER & FELD LLP** for representation before the United States Congress and Federal Agencies; establishing a maximum contract amount - 3 Years - \$828,000.00 - General Fund - was presented, and tagged by Council Members Jones, Rodriguez and Sullivan.
17. ORDINANCE awarding contract to **PHONOSCOPE, INC** for High-Capacity, Fiber Circuit Services for the Information Technology Department; providing a maximum contract amount - 3 Years with two one-year options - \$2,463,732.33 - Central Service Revolving Fund – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0185 ADOPTED.

MATTERS HELD - NUMBERS 20 through 28

20. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$5,324,322.44 and acceptance of work on contract with **GILBANE CONSTRUCTION COMPANY** for Construction of Fire Station 37 - 4.07% over the Guaranteed Maximum Price **DISTRICT C - CLUTTERBUCK – (This was Item 4 on Agenda of March 2, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented, moved by Council Member Lovell, seconded by Council Member Hoang. Council Member Jones voting no, balance voting aye. Council Member Adams absent on personal business. MOTION 2011-0194 ADOPTED.
21. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,673,574.53 and acceptance of work on contract with **ALSAY INCORPORATED** for Rehabilitation of Existing Water Wells - 3.99% over the original contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; D - ADAMS; F - HOANG and G - PENNINGTON – (This was Item 6 on Agenda of March 2, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented, moved by Council Member Lovell, seconded by Council Member Gonzalez. Council Member Jones voting no, balance voting aye. Council Member Adams absent on personal business. MOTION 2011-0195 ADOPTED.
22. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ryan L. Dennard, on behalf of McGinnis Cadillac (Kevin McGinnis, Owner), for sale of ±8,840 square-foot portion out of a ±5.7-acre tract of fee-owned land, comprised of Tracts 7, 8, 8A, 9A and 10, Block 4, Sherwood Estates Section 2, out of the E. Williams Survey, A-834, Parcel SY11-028 - **DISTRICT A - STARDIG – (This was Item 8 on Agenda of March 2, 2011, TAGGED BY COUNCIL MEMBER STARDIG)** – was presented.

After discussion by Council Member Stardig a vote was called on Item No. 22. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0196 ADOPTED.

23. ORDINANCE appropriating \$679,470.20 out of Equipment Acquisition Consolidated Fund for the Purchase of Earth Moving Equipment for Various Departments - \$729,316.78 - Enterprise Fund – **(This was Item 14 on Agenda of March 2, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented. Council Member Jones voting no, balance voting aye. Council Member Adams absent on personal business. ORDINANCE 2011-0186 ADOPTED.
- 23a. RECOMMENDATION from Purchasing Agent to award to **JOHN DEERE COMPANY - A**

Division of Deere & Company - \$178,367.98, HI-WAY EQUIPMENT COMPANY - \$615,919.00 and DOGGETT HEAVY MACHINERY SERVICE, LLC \$614,500.00 for Purchase of Earth Moving and Street Maintenance Equipment through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for Various Departments – **(This was Item 14A on Agenda of March 2, 2011, TAGGED BY COUNCIL MEMBER JONES)** – was presented, moved by Council Member Sullivan, seconded by Council Member Gonzalez. Council Member Jones voting no, balance voting aye. Council Member Adams absent on personal business. MOTION 2011-0197 ADOPTED.

24. RECOMMENDATION from Purchasing Agent to **AMEND MOTION #2008-129, 2/13/08, TO INCREASE** spending authority from \$264,391.66 to \$370,148.32 for Chemicals, Lawn, Garden and Insecticide for Various Departments, awarded in part to **PRO ALLIANCE - \$105,756.66** General Fund – **(This was Item 16 on Agenda of March 2, 2011, TAGGED BY COUNCIL MEMBERS JONES and ADAMS)** – was presented, moved by Council Member Hoang, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2011-0198 ADOPTED.
25. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS BY AMENDING CHAPTER 14, SECTION 140 through 149** relating to layoffs; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 17 on Agenda of March 2, 2011, TAGGED BY COUNCIL MEMBER JONES, STARDIG and PENNINGTON)** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0187 ADOPTED.
26. ORDINANCE determining the population of the City; making findings and containing provisions related to the subject; providing for severability – **(This was a portion of Item 18 on Agenda of March 2, 2011 (the question was divided by Motion #2011-160), TAGGED BY COUNCIL MEMBERS SULLIVAN, BRADFORD, JONES, CLUTTERBUCK and STARDIG)** – was presented.

Council Member Pennington offered the following written motion to amend Item No. 26:

“I move to amend Item 26 by amending the proposed ordinance to delete the last three recitals; to amend Section 2 to omit the words “2.1 million” and insert the number “2,099,451”; and to add a new Section 3 to the Ordinance and renumber the remaining sections accordingly, said new Section 3 to read as follows

Section 3. The City Council directs the Mayor to move forward with an appeal to the U.S. Census Bureau to appeal the Bureau’s findings with regard to the City’s population; and furthermore, the City Council directs the Mayor to proceed with the redrawing of Council District boundaries on the basis of a population of 2,099,451, until such time as the U.S. Census Bureau determines the outcome of the City’s appeal.”, tagged by Council Member Costello.

After discussion by Council Members, Council Member Sullivan moved to override the tag on the motion by Council Member Pennington to amend Item No. 26 and a roll call vote was called.

ROLL CALL VOTE:

| | |
|---------------------------------------|------------------------------------|
| Mayor Parker voting no | Council Member Gonzalez voting no |
| Council Member Stardig voting aye | Council Member Rodriguez voting no |
| Council Member Johnson voting no | Council Member Costello voting no |
| Council Member Clutterbuck voting aye | Council Member Lovell voting no |

Council Member Adams absent on
personal business.
Council Member Sullivan voting aye
Council Member Hoang voting no
Council Member Pennington voting aye

Council Member Noriega voting no
Council Member Bradford voting no
Council Member Jones voting no
MOTION 2011-0199 FAILED.

After discussion by Council Members, Council Member Johnson moved to call the question on Item No. 26, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Pennington absent. MOTION 2011-0200 ADOPTED.

A roll call vote was called on Item No. 26.

ROLL CALL VOTE:

Mayor Parker voting aye
Council Member Stardig voting no
Council Member Johnson voting aye
Council Member Clutterbuck voting aye
Council Member Adams absent on
personal business.
Council Member Sullivan voting aye
Council Member Hoang voting aye
Council Member Pennington voting aye

Council Member Gonzalez voting aye
Council Member Rodriguez voting aye
Council Member Costello voting aye
Council Member Lovell voting aye
Council Member Noriega voting aye
Council Member Bradford voting aye
Council Member Jones voting aye
ORDINANCE 2011-0188 ADOPTED.

- 26a. ORDINANCE ordering the redrawing of council district boundaries in compliance with the City Charter; making findings and containing provisions related to the subject; providing for severability – **(This was a portion of Item 18 on Agenda of March 2, 2011 (the question was divided by Motion #2011-160), TAGGED BY COUNCIL MEMBERS SULLIVAN, BRADFORD, JONES, CLUTTERBUCK and STARDIG)** – was presented.

A roll call vote was called on Item No. 26a.

ROLL CALL VOTE:

Mayor Parker voting aye
Council Member Stardig voting aye
Council Member Johnson voting aye
Council Member Clutterbuck voting aye
Council Member Adams absent on
personal business.
Council Member Sullivan voting no
Council Member Hoang voting aye
Council Member Pennington voting aye

Council Member Gonzalez voting aye
Council Member Rodriguez voting aye
Council Member Costello voting aye
Council Member Lovell voting aye
Council Member Noriega voting aye
Council Member Bradford voting aye
Council Member Jones voting aye
ORDINANCE 2011-0189 ADOPTED.

27. ORDINANCE amending Ordinance No. 2010-066 relating to Single Family Home Repair and Reconstruction; appropriating an additional \$250,000.00 out of TIRZ Affordable Housing Fund (Fund 2409) and reallocating certain Community Development Block Grant Funds and Community Development Block Grant - Disaster Recovery Funds in connection therewith; reducing the number of houses demolished and reconstructed from 33 to 28 – **(This was Item 21 on Agenda of March 2, 2011, TAGGED BY COUNCIL MEMBER ADAMS)** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0190 ADOPTED.
28. ORDINANCE approving and authorizing contract to between the City of Houston and **BURSON-MARSTELLER, LLC** for Advertising, Marketing and Public Relations Services

for the Houston Airport System; providing a maximum contract amount - 1 Year with 1 one-year option \$928,500.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ - (This was Item 28 on Agenda of March 2, 2011, TAGGED BY COUNCIL MEMBERS JONES and ADAMS)** – was presented.

Council Member Sullivan stated that the Aviation System may need to reserve this money and some more for paying Prop One, that he did not know if there was any discussion going on within the various departments as to how they were going to actually pay for Prop One, that they needed to make sure that money was being set aside, reserved or addressed in some way, that this was not just a no protest vote, and Mayor Parker stated that the point was taken, and certainly the Enterprise Funds were very well aware of the cost, that the primary cost of Prop One would fall on the Enterprise, there was a lot of payment at the airport and they were working that into their budget.

A vote was called on item No. 28. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2011-0191 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Johnson requested a moment of silence and for each of them to offer prayers for Candice Felix, who worked in his office and recently lost her 3 month old baby to the unfortunate SIDs. Council Members Costello and Bradford absent.

Council Member Clutterbuck stated that she wanted to thank Council Member Johnson for bringing that tragedy to their attention because they would keep Candice in their prayers; that she would like to request and urge that perhaps they could have a briefing from the City Attorney to enlighten all of them and to bring the veterans up to speed or refresh their memories on some of the procedural rules at Council, as well as inform those of them who were new to the body about what the Council Rules were, that Marty Stein was always fabulous in giving them a briefing on that and Marta was doing a terrific job as well, but she thought that one document from their Legal Department about what the rule was with regard to discussion when there was a tag, as well as what the effect of removing a tag was, that it was her understanding that one could not just remove a tag for discussion purposes only and not allow motions, but she would like a legal opinion on that so that they could better know what the effects of the tag were based on the City Charter and Rules of Council, as well as Roberts Rules of Order, so that they could understand better what the effects of their procedural motions were and she thought that would be a good thing to hand out to new Council Members in the future as well as refresh their memory going forward, that she would just like to have something instructive to which they could all refer and be a little more well informed, that she looked forward to visiting with the Mayor about historic preservation and going forward. Council Members Gonzalez, Rodriguez, Costello and Bradford absent.

Council Member Hoang stated that he wanted to remind all of his constituents that there would be a CIP meeting of District F this evening at 6:00 p.m. at 6600 Harbor Town, Sharpstown Community Center, that they would be joined by Mayor Parker and the Public Works representatives would provide information on the implementation of the Rebuild Houston; that last night he spoke before the Catalina Square Home Owners Association, that there were about 50 folks were there and they asked him a lot of questions about the Rebuild Houston, the implementation of the ordinance; that last week the Houston Police Department Vice Team announced that they arrested five suspects following a lengthy undercover investigation into 8 liner game rooms operating in various locations throughout Houston, Harris, Fort Bend and Brazoria Counties, that a couple of those locations were in southwest Houston in Districts F and C, that vice officers conducted surveillance in undercover operations that netted more than \$1.5 million in currency and nearly \$200,000 in bank account assets, property taken were guns, jewelry, various vehicles, etc., that he wanted to congratulate and his compliments to the HPD

Vice Squad. Council Members Sullivan, Gonzalez, Rodriguez, Costello and Bradford absent.

Council Member Stardig stated that she and Council Member Rodriguez presented Dress for Success Houston a proclamation last week kicking off the suit drive within City Hall; that since her colleague, the Chair of the Neighborhood Protection and Quality of Life Committee was out she would be stepping in at 2:00 p.m. to Chair the topic on dangerous buildings; that she respected everyone's positions on the issues today and how everyone was very respectful and she thought that was very much a part of being a Houstonian; that this Thursday, on behalf of Mayor Parker, she would be presenting the American Red Cross with a proclamation recognizing the community involvement for the past 94 years. Council Members Clutterbuck, Hoang, Gonzalez, Rodriguez, Costello and Bradford absent.

Council Member Pennington stated that Monday night he attended the Centennial Celebration of the laying of the corner stone of Lovett Hall at Rice University, that the Mayor was unable to attend so he represented the City, that Mayor Parker made a wonderful video speaking not only as a 1978 Rice grad but also as the Mayor of Houston and it was very well received, that the building was now known as Lovett Hall in honor of it's first president, Dr. Lovett; that today was Ash Wednesday, which signified the beginning of the Holy Season of Lent; that the community townhall meeting on redistricting for their district would be held March 21, 2011 from 6:30 p.m. to 8:00 p.m. at Briargrove Elementary, 6145 San Felipe Street. Council Members Stardig, Clutterbuck, Hoang, Gonzalez, Rodriguez, Costello, Lovell and Bradford absent. (NO QUORUM PRESENT)

Council Member Jones stated that the Greater Houston Coalition for Justice had a reception in the East End, that a number of people won awards for doing well in the justice arena; that one of her high school classmates, Diana Adams, recently died, that they went to school together, that it was from Diana's family that she learned that Longhorns and Aggies could get along, that Diana was a District Attorney in Fort Bend, that she recently died and her family donated her organs so she would live on, that she wanted to offer condolences to Mr. and Mrs. Adams and family; that she wanted to thank Council Member Johnson for bringing up a moment of silence for Ms. Felix's baby, that her niece died of SIDs and it profoundly affected her family, that their organization offered grief counseling to parents who have lost their children to SIDs, that they also try to provide monitors for future children born to parents who have lost children to SIDs; that she went to the School at Saint George's Place, they had an event this past week celebrating the life and death of a kindergartener named Jet Ogansoy, that he was killed by someone who sped through that school zone, that they had an awareness campaign last week and had all of the kids come out and they were teaching them about safety, that she intended to work with Council Member Pennington because it was his district and she happened to be there because her niece attended that school, that she was talking with the HISD School Board Member of that school, that he was there as well, they were talking about speed bumps and crossing guards and he informed her that there was some kind of Interlocal Agreement between the City and school zones and that the City pays for the crossing guards, that she wanted to know how that worked, because they needed crossing guards, that she did not know if the City was responsible for them or not, that she wanted to do the research, but she knew that cost money and did not know if that was a possibility, but certainly speed bumps, that she knew they were in a budget crunch, but she also knew they found a way to get sidewalks by KIP and these kids deserved to be safe when they go to school, that Jet lived across the street from the school, that she would like to talk further with the administration about that. Council Members Stardig, Hoang, Gonzalez, Rodriguez, Costello, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mayor Parker stated that the City did pay for some crossing guards, that it was money from violations in school zones that went into a special fund, but it was capped by the amount of money that went into the fund, that they would get the information to her. Council Members

Stardig, Hoang, Gonzalez, Rodriguez, Costello, Lovell, Noriega and Bradford absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that Kingwood would be having a mobile BOBA, an electronic waste collection event on Saturday, March 26, 2011, from 10:00 a.m. to 2:00 p.m. at the Kingwood Metro Park-N-Ride at 3210 West Lake Houston Parkway, that she wanted to thank Solid Waste Management for helping them get this put together, as well as a couple of community groups, Keep Kingwood Green in particular who had taken an active interest role; that he wanted to thank Council Member Pennington for recognizing that today was Ash Wednesday; that last night prior to their townhall meeting on redistricting in Clear Lake he ate at Fire Station No. 94 and they also had some firefighters from Station No. 72 join them, that it was nice listening to the men talk about their work and challenges that they face out on the street everyday; that tomorrow March 10, 2011 the Houston Fire and Police Departments were planning a railcar explosives demonstration at the Fire Academy on Braniff, across the street from the southern border of Hobby Airport; that he wanted to recognize Charlie Scott with KPRC TV who covered City Hall, that he had been there 39 years and was recognized by receiving the Trail Blazer Award from the Houston Association of Black Journalists, that Charlie was either the first or second black photographer in the news media business in Houston. Council Members Stardig, Johnson, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that tonight would be the Annual Gala of the Urban Harvest, a nonprofit organization that supported a network of urban gardens, farms and orchards and promoted education about gardening in the City, that the gala was called Taste of the Garden; that she wanted to say congratulations to Adam Ashman, who used to work with many of them on Council as Vice President of Government Affairs for the Greater Houston Builders Association, that he had now accepted a position with Strategic Public Affairs, a Houston based public affairs firm that specialized in PAC development, communications, advocacy, lobbying and government relations. Council Members Stardig, Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:27 p.m. Council Member Adams absent on personal business. Council Members Stardig, Johnson, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)
DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary