

City Council Chamber, City Hall, Tuesday, October 11, 2011

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 11, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Ann Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; and Ms. Marta Crinejo, Agenda Director, present. Council Members Jarvis Johnson, Stephen C. Costello and Sue Lovell absent on personal business.

At 1:40 p.m. Mayor Parker stated that presentations would begin with Council Member Sullivan. Council Member Sullivan invited those present with Clear Creek ISD to the podium and stated that schools were the foundations of good communities and CCISD was a high performing and fast growing district that continued to do more with less and produce excellent students; that today they were acknowledging that as once again they were granted recognized status; and Mayor Parker presented a Proclamation to the group proclaiming today as "Clear Creek Independent School District Day" in Houston, Texas. Council Members Stardig, Clutterbuck, Hoang, Pennington, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

A Spokesperson for the group introduced representatives and stated that on behalf of the Clear Creek Independent School district they appreciated all support in their recognition today. Council Members Stardig, Clutterbuck, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Gonzalez and Council Member Pennington thanked and congratulated the group on their good work and recognized status. Council Members Stardig, Clutterbuck, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Adams invited Ms. Sherry Mose to the podium and stated that this week was Save For Retirement Week and she was the appointed Council Member to the 457 Deferred Compensation Committee for the City of Houston and she took pleasure working with all monthly on ways to increase savings and encourage employees to continue to retire; and Mayor Parker stated that saving for retirement was critical for all citizens to do and presented a Proclamation to Ms. Sherry Mose proclaiming the week of October 16 through 22, 2011, as "Save For Retirement Week" in Houston, Texas. Council Members Stardig, Clutterbuck, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Ms. Mose, Deferred Compensation Administrator for the City of Houston, stated that this was dear to her heart, they were looking forward to educating employees next week with a good lineup of speakers; and invited all to the event. Council Members Stardig, Clutterbuck, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that this was a message worthy of recognition; that all needed to save more and there were great opportunities for employees in the City of Houston. Council Members Stardig, Clutterbuck, Noriega, Bradford and Jones absent.

Council Member Gonzalez invited representatives with Marshall Middle School to the podium and stated that today they were also joined by the Principal of Jeff Davis High School in District H, Mr. Castaneda who was having a birthday today; and wished him a Happy Birthday and continued he was present with a community leader of Project Grad Mr. Moheka; that today he was congratulating the Marshall Middle School Orchestra and Principal Harrison and Orchestra Director Natalie Murray for achieving first place in the 2011 University Inner

Scholastic League Competition in categories of Concert Music and Cite Readings; and presented a Certificate of Recognition to the group extending congratulations and continued success and stated that a Proclamation would be coming. Council Members Stardig, Bradford and Jones absent.

Ms. Murray stated that the orchestra started about two years ago with about 27 students and now they had about 100; and thanked all for the recognition. Council Members Stardig, Bradford and Jones absent.

At 1:59 p.m. Mayor Parker called on Council Member Rodriguez who led all in the prayer and the pledge. Council Members Stardig, Clutterbuck, Bradford and Jones absent.

At 2:01 p.m. the City Secretary called the roll. Council Members Johnson, Costello and Lovell absent on personal business. Council Members Stardig, Bradford and Jones absent.

Council Members Gonzalez and Hoang moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Johnson, Costello and Lovell absent on personal business. Council Members Stardig, Clutterbuck, Bradford and Jones absent. MOTION ADOPTED.

At 2:02 p.m. the City Secretary began calling the public speakers. Council Members Stardig, Clutterbuck, Bradford and Jones absent.

Mr. Allen Hill, 606 Highland, Houston, Texas 77009 (713-864-4801) appeared and stated that he was present urging Council's strong consideration of the noise ordinance revisions proposed; that sound needed to be measured objectively with scientific measuring devices, decibel meters, to enforce the code. Mayor Parker, Council Members Stardig, Bradford and Jones absent. Vice Mayor Pro Tem Gonzales presiding.

Mr. Omar Afra, 1640 Vassar, Houston, Texas 77006 (713-527-0014) appeared, congratulated the Marshall Middle School Orchestra and stated that he was publisher of Free Press Houston and one of the producers of the largest outdoor festivals in the city; that he heard the current noise ordinance was being revisited and was encouraged, unfortunately the proposed revisions were less verifiable than the existing statutes and expecting an officer to issue violations based on what they heard was kin to asking one to write speeding tickets based upon what they saw; that a set decibel level and set bass level would allow all a clear and concise criteria. Mayor Parker, Council Members Stardig, Bradford and Jones absent. Vice Mayor Pro Tem Gonzales presiding.

Vice Mayor Pro Tem Gonzalez stated that he did read Mr. Afra's email and forwarded his information and concerns to Mr. Newport who was present; and suggested he visit with him on it since he had been leading the stakeholder groups on the issue. Mayor Parker, Council Members Stardig, Bradford and Jones absent. Vice Mayor Pro Tem Gonzales presiding.

Ms. Lelia Rodgers, 2010 Waugh Drive, Houston, Texas 77006 (713-857-4094) appeared and stated that she was owner of a British Pub on Waugh Drive and had lived with the old noise ordinance since its inception and never ticketed, but on the other hand she had been harassed, unfairly and repeatedly complained about, by a single complainant while adhering to the ordinance; that such nuisance complainants made police weary of calls and they enjoyed protection of amenity; that the ordinance already had potential for unintended consequences which would get worse with the proposed change if there were not better measurements; and described a festival event in 2003 which cost her over \$2,000 after kicking off at 1:00 p.m. and police arriving at 1:30 p.m. citing a complaint and causing her to call it a day and move back inside; that the noise ordinance needed to be reasonable with a quantifiable methodology for

enforcement and businesses should have some recourse against people who abuse the law to their own end. Council Members Stardig, Bradford and Jones absent.

Mr. John So, 6633 Buffalo Speedway, Houston, Texas 77005 (832-326-8749) appeared and stated that he was present with concerns of the noise ordinance, the particular provision was to establishing bass levels as there was a justification police should be able to issue citations without the use of sound meters because the meters were in short supply; that when they wanted it easier to write citations and punish people because there was not adequate funds to purchase equipment to verify a violation it was a dangerous precedent, it was treading on people's rights without evidence a violation occurred and what made it worse was that was in tandem with increasing penalties from \$500.00 to \$1,000.00 if passed as is it would have unintended consequences and a lot of wasted time by all; and urged not passing the ordinance. Council Members Bradford and Jones absent.

Mayor Parker stated that to be clear the proposed ordinance did mandate a sound meter for non-bass violations so it was only bass standards that would be up to the hearing of the officer; and Mr. So stated that was correct. Council Members Bradford and Jones absent.

Council Member Clutterbuck stated that as they struggled and grappled with making an ordinance all could live with and gives predictability to those using amplified sound and relief to residents; that she did struggle with specific issues Mr. So raised and the concern he had in the ordinance was in the definition of what "plainly audible" meant; that she wanted to support changes in the noise ordinance and would like to have an objective standard required; and Mayor Parker stated that she could ask Legal to respond to this, but in order to issue a citation it required use of a sound meter except for base sounds and that was why they had the definition "plainly audible" and it was more subjective, but for Mr. So to say there was no objective basis for anything in the ordinance was absolutely not the case; and Council Member Clutterbuck stated that perhaps it should say that on the "plainly audible" that bass was the issue; and Mr. So stated that for point of clarification he agreed there was a standard for treble highs, etc., but measuring the bass level it was not clearly articulated on a scientific level, there was not a statute and a better way to approach this would be that you actually could establish bass level decibel limits and several cities had done it; and Council Member Clutterbuck stated that was an excellent suggestion and they would copy his language and submit it as an amendment. Council Members Noriega, Bradford and Jones absent.

Ms. Margaret Poissant, 5102 Center, Houston, Texas 77007 (713-880-5553) appeared and stated that she was representing Westwood Grove Civic Association and they were requesting the noise ordinance be tabled for reasons already described; that their experience in their neighborhood was meters did not measure the noise and that was why no citations were issued and the statute was not currently enforced and they saw the same issue arising with the proposed changes; that they would like the proposed statute amended to delete the annual permit, it seemed it gave permission for \$1,000.00 a year to be able to not only raise the decibel level but to do it in residential areas and it was seen as a continued problem; that other city building codes allowed for sound measurement at the point of origination which was what they believed the standard should be here and that the building code should help all get along with such things as insulation in commercial buildings, etc., double doors and patios insulated; that the statute needed more work and they were willing to work toward that end and even three months would allow all to come together and work on compromises. Council Members Noriega, Bradford and Jones absent.

Council Member Clutterbuck thanked Ms. Poissant for coming and bringing good suggestions; and stated that this was the second week hearing from the public about this issue and last week she heard things she did not know such as on I Phones one could purchase a sound meter app and she felt it important to know when to actually call to report a violation and

regarding the annual permit she learned from Mr. Feldman that it was a constitutional issue and amplified sound was a constitutional right and they had to provide a permit for certain levels; and the City Attorney had stated they struggled with the ability to determine what the ambient noise was in the City of Houston and they did not have money for testing, but it occurred to her METRO had already done so as they were required to do sound studies all along their routes to report in their environmental impact statements and they were recent and already paid for by tax dollars and perhaps they could use it to make enforcement of the ordinance better. Council Members Noriega, Bradford and Jones absent.

Mr. Geoffrey Walker, 1705 N. Boulevard, Houston, Texas 77098 (713-220-4787) appeared as others stood in support and stated that they were worried about the construction process for the proposed Ashby High-rise Project on a too small site with too small streets and it was surrounded by too close residences, first was safety, if they could imagine sitting in their house and a giant crane erecting a 23 story tower was as close to them as they were to them now; that it was dangerously close; and second was the traffic, the two sides of the site not bounded by houses were narrow busy streets and it would be clogged by hundreds of truck loads of construction materials they had no place to store. Council Members Noriega, Bradford and Jones absent.

Council Member Rodriguez stated he would like Mr. Walker to conclude his statement; and Mr. Walker stated that the construction would last months and city government would need clear and satisfactory solutions to the problems before they could responsibly allow construction to begin and they were present today asking the Mayor and Council to consult with the City Attorney and let the public know how the problems would be addressed before it ever began. Council Members Noriega, Bradford and Jones absent.

Ms. Franci Crane, 1314 S. Boulevard, Houston, Texas 77006 (713-526-7522) appeared and stated that "Baby Huey" had struck again, she as a resident of the affected neighborhood thought of the Ashby High-rise plan as a "Baby Huey" looming over a tranquil neighborhood in a historic and residential area of this city; that since the issue raised its head years ago traffic had increased and it was hard to think of the traffic nightmare which would be created if the high-rise were built and it was an artery leading to the medical center; that this was so important to safety it should be given another look with current conditions. Council Members Noriega, Bradford and Jones absent.

Council Member Clutterbuck thanked Ms. Crane and all neighbors who came today; and stated Ms. Crane should complete her statement; and Ms. Crane stated that they should not let a non-resident developer's desire to make a buck trump the legitimate concerns of so many, many people who would be seriously and adversely affected by "Baby Huey". Council Members Noriega, Bradford and Jones absent.

Mr. Michael Clark, 1810 Bissonnet, Houston, Texas 77005 (713-907-2348) appeared as others stood in support and stated that he did not think any developer should be able to propose or implement a project which negatively affected their neighborhood without compensating neighbors fully in return, they should not be able to profit at their neighborhood's expense and they should have to compensate the taxpayers for the additional infrastructure and affect being imposed. Council Members Noriega and Bradford absent.

Council Member Clutterbuck thanked Mr. Clark for coming and stated that he was the person to whom Mr. Walker referred who would have his kitchen chair as close to the construction as they stood to Council today; that Ms. Crane also brought up an excellent point, since the application was still pending in the application office circumstances had changed since the last permit was issued and it was important to have a traffic study to reflect current circumstances. Council Members Noriega and Bradford absent.

Dr. Ann Stiles, 3000 Richmond Avenue #400, Houston, Texas 77098 (832-325-0467) appeared, presented information and stated that she was the executive director of Project Grad in Houston, an 18 year nonprofit partner with the Houston Independent School district and joining her today was Mr. Jaime Castaneda the Principal of Davis High School where Project Grad began; that their partnership reached the community served by Davis, Yates, Wheatley, Reagan and Sam Houston High Schools and their pipeline of elementary and middle schools; that their mission was to improve high school graduation rates and college enrolment and graduation rates; that this Saturday, October 15th they would hold their annual Walk For Success where they went out to the homes of new ninth graders in partnering schools and offer them the promise of their scholarship by the time they graduate; that over 5,500 students enrolled with their scholarships and were attending and graduating from universities and colleges; that they worked in collaboration and needed the partnership of the community, parents, generous philanthropic community of Houston and the school district; that Davis was once known as a dropout factory in Houston and today it had the lowest dropout rate of all comprehensive high schools in HISD; that Davis and Reagan now for every 100 new ninth graders entering schools over 80 graduate and that too was a significant achievement. Council Members Noriega and Bradford absent.

Council Member Gonzalez thanked Dr. Stiles for coming and upon questions; Ms. Stiles stated that their website was [projectgradhouston.org](http://projectgradhouston.org) and they needed volunteers every year to go to the homes of new ninth graders to help hold the conversations with their parents about the importance of education, it was essential in making families know what was available to them at the school and they could connect the hopes for education with their promise of a scholarship. Council Members Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Prophet Lance Hardy, Jr., 5206 Ridgewest, Houston, Texas 77053 (832-352-2461) appeared and stated that he was present when Mayor Bill White was in office and he left while he was speaking and did not hear about what was done to him in the Department of Criminal Justice, but they put him under a tranquilizer when they were to do a (CAT) scan of his head and he died and came back to life; that he talked to the Harris County Ambulance District and he was told they did not do them anymore and he needed to talk to Mayor Parker or someone higher. Council Members Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

Mayor Parker stated that the city did not do any direct healthcare in the City of Houston, they did preventive care such as immunizations and she had no authority to help him get a (CAT) scan, Harris County did all the direct healthcare; and if he wanted to convey something more personally he could speak with Citizens Assistance and they could also point him in the right direction for healthcare. Council Members Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Ms. Hattie Morgan, 2828 Collingsworth #48, Houston, Texas 77022 (832-405-6855) had reserved time to speak but was not present when her name was called. Council Members Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 3939 N. Freeway #210, Houston, Texas 77022 (832-696-9204) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) appeared and stated that he was present speaking about the recent protest in front of city Hall which moved to Eleanor Tinsley Park; that protestors enjoyed first amendment rights which included

freedom of expression and speech, but it also included freedom of assembly and to petition your government to redress grievances; that the Houston police asked the assembled to take down tents and tents could be first amendment freedom of expression when protesting something such as homelessness; that Houston had a civility ordinance where homeless could not sleep in parks or on sidewalks when in fact there were approximately 10,000 more homeless than shelters to maintain them and they had to be somewhere; and directed the Council to two cases and urged police not ask people to take down tents in the future or prevent them from sleeping. Council Members Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mayor Parker stated that she was not aware they were not allowed to sleep in the park; and Mr. Kallinen stated that they were asked to remove four tents from Eleanor Tinsley; and Mayor Parker stated that she wanted to make sure they were treated no differently than the homeless. Council Members Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Council Member Jones stated that she would like copies of the cases he referred to; and Mr. Kallinen stated that he had one copy of each case which she may have. Council Members Sullivan, Hoang, Rodriguez, Noriega and Bradford absent. (NO QUORUM PRESENT)

Mr. Brian Blackledge, 4299 San Felipe, Houston, Texas 77017 (440-263-6689) appeared, presented information and stated that he was a representative of HOPE from the state of Ohio and he worked with AFSCME; that last week they had a discussion about HOPE's access policies in different departments and what he presented to Council Members was a copy in which access was asked and granted and reviewed each page of what was turned in and all which surrounded the meeting which was to be held at 1245 Judiway until his time expired. Council Members Sullivan, Hoang and Bradford absent.

Council Member Adams thanked Mr. Blackledge for coming; and upon questions, Mr. Blackledge stated that he did not think there was failure in communication about their coming as Mr. DeMarcus Glass who was standing there saying he could not post on the bulletin board, he was not to be there, but when he pulled up the email sent to him, he was then asked if he was being disrespectful; and after reporting to Mr. Reid and Mr. Hayes were told in their report it was found they were impatient and did not wait when they stayed an hour and a half longer than what they were supposed to have even had; and Mr. Glass had put his hand on his shoulder asking if he was being disrespectful and he kept his distance and temper; and they had the same situation of being denied in Neighborhood Protection; and Council Member Adams stated that all needed to know the rules of the contract and should abide by them. Council Members Sullivan, Hoang and Bradford absent.

Ms. Jozette Dowdell, 4299 San Felipe, Houston, Texas 77017 (713-403-8888) appeared as others stood in support and stated that she too was from another state, Georgia, and here since July, discussed a meeting they were to hold October fourth at Cullen Public Works facility where an office administrator took notes and asked questions and then took her to a cafeteria where three workers were and she cut into her presentation time with her questions, etc. and after 7:00 arrived she opened the door and said it was time for her to leave, but she said she would like to wait for the one paper still being filled out and was told her access was from 6:30 to 7:00 and she had to leave; that she also told her workers were generally upstairs so why then did she take here were the workers were not. Council Members Adams, Sullivan, Hoang and Bradford absent.

Upon questions by Mayor Parker, Ms. Dowdell stated that she organized in other states as well and she knew the city had a Labor Management Committee to hear these issues so they could be addressed and they would be going there; and Mayor Parker stated that since they

worked very hard to create a mechanism for all these things to go through a formal process by contract it was frustrating they kept coming to Council and not going through the process. Council Members Sullivan, Hoang and Bradford absent.

Council Member Jones stated that she liked hearing about these things before they were in a final state and it seemed they heard complaint after complaint and they were doing all they could to stifle HOPE in organizing and it was problematic to her; that when they had problems she would like them to bring them to her, she wanted to know how the process was working and applied so maybe they could fix what was not right; and she looked forward to helping them resolve issues. Mayor Parker, Council Members Sullivan, Hoang and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Upon questions by Council Member Gonzalez, Ms. Dowdell stated that when they submitted the request for specific times they were doing it because it was times most convenient for the workers and would suggest there times be honored because it was per contract or give notice the time had changed; and Vice Mayor Pro Tem Gonzalez stated that her suggestion should also be given to the Labor Management Committee so the process could be in place. Mayor Parker, Council Members Sullivan, Hoang and Bradford absent. Vice Mayor Pro Tem Gonzalez presiding.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated galvanize and occupy Houston; full moon in Aries, he was running for Council Member At-Large Position One; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Hoang and Bradford absent.

Mr. Angel Rivera, 7606 Marnett, Houston, Texas 77074 (713-771-6908) appeared and stated through an interpreter that he was having a problem with the homeowners association in Sharpstown; that he built a carport and received a letter saying he needed a permit to build so he completed the application and sent his payment and was denied; now after the fact he received letters from an attorney saying he was to take the carport down; that he requested a meeting with the homeowners association and they requested a survey and he paid for the services and they still denied the permit and now he received letters stating they would take him to court; that he had the rectified survey and evidence presented to the homeowner association; that he received a red tag from the City of Houston and did not know why when he already spoke to permitting; that he was seeking guidance as his house was the best in the block. Council Members Sullivan, Hoang, Pennington, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Mayor Parker stated that she would like Mr. Espitia and Mr. Nelson to sit with him; that she could not help with the homeowner association but the city did intervene on violation of deed restrictions and he did need to permit his carport. Council Members Sullivan, Hoang, Pennington, Rodriguez and Bradford absent. (NO QUORUM PRESENT)

Council Member Gonzalez thanked Mr. Rivera for coming and stated that the issue could be complicated because of deed restrictions in place and they needed to navigate through the issues; and that Mayor Parker stated Mr. Espitia and Mr. Norman would review his situation; and Mr. Rivera stated through the interpreter that his neighbor also had a car port and he felt he was being racially profiled. Council Members Sullivan, Hoang, Rodriguez and Bradford absent.

Ms. Keiandra Lemons, 16215 Diamond Ridge, Houston, Texas 77053 (713-483-0295) appeared and stated that she felt she was being harassed by CPS, they were trying to put marijuana in her family for the longest time and used her mom's situation against her and took her daughter and son; that they continued in court while she was in the hospital and they kept coming with case after case and when one would close they would open another and they now

had her going to classes and she felt she did not need to be harassed. Council Members Sullivan, Hoang, Rodriguez and Bradford absent.

Mayor Parker stated that CPS was not a city agency and they had no direct authority. Council Members Sullivan, Hoang, Rodriguez and Bradford absent.

Council Member Jones stated that the city could not make CPS do anything but would suggest she get a lawyer; that if CPS had her in courts they would appoint her a lawyer; and Ms. Lemons stated that they did appoint her a lawyer but they would not work with her; and Council Member Jones stated that she would have to get her a lawyer and maybe talk with her state representative or senator because CPS was not a city agency; and Ms. Lemons stated that she was told she could not fire her court appointed lawyer unless she filed indigence and her little girl had a knot on her chest now; and Council Member Jones stated that she had to hire a lawyer if she did not like the one appointed. Council Members Sullivan, Hoang, Rodriguez and Bradford absent.

Ms. Rita Lemons, 16215 Diamond Ridge, Houston, Texas 77053 (713-483-0295) appeared and stated that she had been arrested falsely two times and it began ten years ago when she was robbed of \$405,782.19; that because she wanted her money they retaliated against her on a closed case; that after she filed her lawsuit the government attorney intentionally broke the law to get her case dismissed and after filing a complaint against him they retaliated accusing her of forging her clients names from the case which closed three years prior; that when they falsely arrested her they impounded her car and then she was told they could not find the cause number and she could not get her vehicle released; that they took her grandbabies when her daughter was in the hospital and in CPS custody they now looked so sad and she had a knot like she was punched; and she had filed complaints and went to state reps and wrote the president; and she wanted help. Council Members Sullivan, Hoang, Pennington and Rodriguez absent.

Mr. Joseph Omo Omuari, 3939 N. Freeway #210, Houston, Texas 77022 (832-696-9204) who was previously not present when called, was now present and appeared and stated that it would be nice for Council to have a time clock they could see; that today his topic was Houston construction company provided discrimination opportunity for blue collar workforce, something festered and went on a longtime in the City of Houston, how could people go work for Halliburton over seas and not be qualified to work for a company hired by taxpayers in Houston, Texas; that this was a powder keg, an explosive situation because of corporate greed, political neglect and oversight; that he had a claim against a company who did not have one Black man in a managerial position; and continued expressing his personal opinions until his time expired. Council Members Sullivan, Hoang, Pennington and Rodriguez absent.

President Joseph Charles, P. O. Box 524373 #227, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he needed more time and his national crime victim case needed to be cleared; and continued to express his personal opinions until his time expired. Council Members Sullivan, Hoang, Pennington and Rodriguez absent.

Ms. Paula Harrison, 14410 Brunswick Point Lane, Houston, Texas 77047 (713-549-2585) appeared, presented information for Council Member Bradford and stated that she was again present on public housing downtown in high-rise skyscraper buildings for minorities, there were no such buildings downtown on the public housing authority list; and read her list of six buildings which were read in previous meetings. Council Members Sullivan, Hoang, Pennington and Rodriguez absent.

Ms. Caroline Klinglesmith, 4299 San Felipe, Houston, Texas 77027 (281-224-0459) had reserved time to speak but was not present when her name was called. Council Members



Sullivan, Hoang, Pennington and Rodriguez absent.

At 3:22 p.m. Vice Mayor Pro Tem Gonzalez stated that City Council was recessed until 9:00 a.m., Wednesday, October 12, 2011. Council Members Johnson, Costello and Lovell absent on personal business. Council Members Sullivan, Hoang, Pennington and Rodriguez absent.

City Council Chamber, City Hall, Wednesday, October 12, 2011

The Houston City Council reconvened at 9:00 a.m. Wednesday, October 12, 2011, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, 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, Legal Department; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office, present. Council Member Al Hoang absent due to being ill.

At 8:27 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:07 a.m. Mayor Parker called the meeting to order and stated that the first item on the agenda was a public hearing.

#### **HEARINGS - 9:00 A.M.**

1. **PUBLIC HEARING** relative to the creation of **REINVESTMENT ZONE NUMBER TWENTY-THREE, CITY OF HOUSTON, TEXAS (HARRISBURG ZONE) - DISTRICTS B - JOHNSON; H - GONZALEZ and I - RODRIGUEZ**

The City Secretary stated that they had two speakers, the list had been distributed, and Mr. Ralph De Leon, Finance Department, would make remarks concerning the hearing.

Mr. De Leon stated that in accordance with Section 311003 of the Texas Tax Code before a municipality could adopt an ordinance creating a reinvestment zone the municipality must hold a public hearing, that the hearing today was for the creation of Reinvestment Zone Number Twenty-Three, the Harrisburg Zone, consisting of an area of approximately 1,600 acres, the proposed reinvestment zone was located in a district of the City commonly referred to as the East End and generally bounded by Sampson Street/York Street couplet on the west, Buffalo Bayou on the north, 75th Street on the east and Lawndale Street on the south; that existing conditions within the proposed boundaries of the zone included Brownfield sites and active landfills, abandoned dock lands, industrial properties, railroads, various commercial properties and large tracts of undeveloped land, that public infrastructure could be characterized as the lack of adequate roads, sidewalks, storm sewer, waste water and water systems, that a Project Plan and Reinvestment Zone Financing Plan for the Harrisburg Zone had been developed and distributed to each Council office, that multiple objectives had been identified in the proposed plan, perhaps the most notable were the construction of the grade separated interchange at the intersection of Union Pacific East Rail Line, Hugh Street and Metro's Harrisburg Light Rail alignment, that when constructed the underpass would provide pedestrian and vehicular safety and encourage economic development, that other public recommendations included in the proposed plan consisted of the design and construction of public utility systems, the design and construction of major and minor roadways and streets, cultural and public facility improvements including historic preservation, parks and recreational facilities and economic development programs, that the proposed term of the zone was projected to be 30 years, that the City of Houston would participate at 100% of its tax rate for the first 10 years of the life of the zone, 90% for the second ten years and 80% for the remaining 10 years of the zone, that it was

projected that the zone would generate an estimated \$104 million in increment revenue over the 30 year period, that in closing City staff would later bring forth a recommendation for City Council to approve the designation of Reinvestment Zone Number 23.

After discussion by Council Members, Council Member Noriega stated that she believed this represented a little bit of a change in the City's participation, rather than being 100% for the whole time they were stepping down a little bit and asked if that was new, was it the first time they had done that, and Mr. De Leon stated that the City participated in a .00231 per \$100 of assessed valuation and the Part C Annexation of the Main Street TIRZ, the Pavilion annexation, was about 36% of the tax rate, and Council Member Noriega stated that was not actually what the question was, that the way she understood it was that they were going to be dropping the participation as the property value went up so that the City had a piece of it as well, and was she correct in the fact that this was the first time they had done that, and Mr. De Leon stated that was correct.

Mayor Parker requested the City Secretary to call the first speaker.

Ms. Diane Schenke, 3211 Harrisburg, Houston, Texas 77003 (713-928-9916) appeared and stated that she was the President of the Greater East End Management District, that she knew that many of them had been spending a lot of time in the East End recently and it was always good to have them in the East End, that they wanted to thank Mayor Parker for her hard work since the election in crafting the deal that led to the underpass on the East End Rail Line, that as they knew that was an infrastructure improvement that was sought by the East End and very much appreciated by the East End and this TIRZ would contribute towards making that piece of infrastructure a reality, that other improvements in infrastructure that would be enabled by this TIRZ were improvements to the METRO investment of \$483 million, that what they would be doing with the TIRZ was putting pedestrian improvements into reality that would make rider ship go up along the METRO Rail, that as they knew that East End Light Rail Line construction was well underway and that light rail was in the process of transforming not only Harrisburg, but the entire East End, that in connection with METRO's work the East End Community was committed to the infrastructures that would create safe pedestrian and biking environments adjacent to the Light Rail, that Council Members Gonzalez, Noriega, Lovell and Rodriguez were in the East End on September 29, 2011 for a groundbreaking of a federal grant of \$5 million which would be used to create shaded streets, easy connections to buses, trails, benches and pedestrian lighting, that the sidewalks were now under construction, that the management district had also committed two and a quarter million of it's own reserved funds that had been paid by local business assessments to insure shaded streets and attractive sidewalks along Harrisburg, that this was accompanying the construction of Metro's East End Light Rail investment, they had been working in close partnership with METRO for over a year to insure that Harrisburg would be a pedestrian friendly boulevard, that the reason for all of these improvements was that 34% of the Second Ward Community used transit, walked or biked to work and school, that the community that lived in the East End was solidly behind these improvements and had been involved in their 9 public hearings and 35 small group meetings with stakeholders since they started their livable center's project back in 2007, that in addition to the people that lived in the neighborhood they had met with major businesses and land owners and the management district had consulted with them during the course of working with the City and the East End District as they had worked on creating this TIRZ, that as they knew the infrastructure in the East End was either missing or aging, that in order for the development and revitalization that they all saw coming to occur the community saw a need to create a public financing tool to facilitate the rebuilding of the infrastructure, that she wanted to pass out letters of support from the Port of Houston Authority, which she thought many of them received yesterday.

Council Member Noriega stated that she really appreciated the work that she had down

and the rest of the community and thanked her for bringing up METRO as well, they deserved commendation for their participation in part of that as well, that she wanted to thank them for all of their hard work.

Council Member Pennington stated that looking at the proposed expenditures they had railroad and sidewalk improvements it was a large number \$55 million, that obviously would be raised over time from cash or through debt, what was their plan for that, and Ms. Schenke stated that most of the METRO expenditures were going to happen and were happening right now as METRO was doing the construction, and in fact they were going out for additional grants to try to finish that up in real time as METRO was doing the construction, that many of these additional roadway and sidewalk improvements were on streets intersecting the light rail improvement and going to community centers away from METRO so they could occur over time and as the increment developed within the TIRZ, so they did not need to happen right now, and Council Member Pennington asked approximately how much was being spent as she described, and Ms. Schenke stated that they figured they needed a total of about \$6 million to do Harrisburg, and as she said they had \$2.25 million in management district reserves, so they were out looking for the rest of it to finish Harrisburg, that she did not think they would have any basis for issuing debt right off and were obligated to come up with the money for the underpass right off, that was where the first increment payment would be going, for the underpass, that it was \$2.5 million, and Council Member Pennington asked if the management district levied an additional fee of some kind to the properties in the management district, and Ms. Schenke stated that the management district was 15 cents per \$1,000, and Council Member Pennington stated that he noticed \$1.5 million over the life of the TIRZ for overhead and Ms. Schenke stated yes, for 30 years, that the plan was for the management district to serve as the staff for the TIRZ, that was one thing she thought the City felt very strongly about, that there not be a lot of administrative cost required to staff up the TIRZ, that the salaries would be shared with the management district and the TIRZ, that they had not gotten to the degree of trying to split them up yet. Council Member Sullivan absent.

Ms. Francis Dyess, 19 Estelle, Houston, Texas 77003 (713-926-3774) appeared and stated that she was the President of the East End Chamber of Commerce, that the Harrisburg TIRZ would influence businesses to relocate and or open new locations in the Houston East End, that with business relocating and opening more residential development would occur as people wanted to relocate near an economic development growth and lessen their commute, that with greater economic development they hoped to get a larger tax base to fund area schools and help improve those, that the return on their investment was high and hoped that the City would encourage economic development in the East End to compliment the expansion of the Port of Houston and the Panama Canal expansion, that without encouraging economic development the expansion could be inhibited, the success, and with the lack of infrastructure they may not be able to sustain that growth, they believed that the Harrisburg TIRZ was in the best interest of everyone to encourage economic development in the East End so that Houston was prepared for decades to come, that once approved they looked forward to working with the diverse Board of Directors and continuing their motto that the East End was a place to live in, work and do business in, that she also had a letter of support from Trans Western that she would like to share with everyone and hoped again that they would encourage the support of the Harrisburg TIRZ. Council Member Sullivan absent.

Council Member Stardig asked if they had indicators that showed that with the creation of the TIRZ that they saw new business moving to the area, and Ms. Dyess stated that they did have some that they could not disclose now that depending on if it was approved they would actually move in and grow in the East End, but without that it was hindering their decision on whether to move here or not, that they did not have the number of businesses or potential revenue but they could get that information back to them.

Mayor Parker stated that she would point out that there were a lot of business decisions that hinged on the grade separation on Harrisburg, whether over or under the land was landlocked by railroads and if they could get the grade separation that was a huge factor for a lot of companies as well.

Council Member Adams stated that that Council just received a letter from the Port of Houston Authority, even though they were not in their district and said they strongly supported the creation of the Harrisburg TIRZ.

Mayor Parker stated that she thought that Council Member Stardig's question was just answered by the letter from Trans Western, \$50 million in investment and 400 residential hosing units were hinging on this.

Council Member Johnson stated that this was what TIRZ were supposed to all be about, they were supposed to drive businesses into areas that historically businesses otherwise would shy away from so this in itself was what they needed to do in those communities where the tax base was low, so he did support this particular designation and hoped that it became one of the more successful ones, that he thought it was important that they put these TIRZ in areas that certainly needed them to drive more businesses there to stabilize the tax base, to drive jobs there and bring more business opportunities there, that all of those things happening at one time they would recognize that crime goes down, hosing goes up and civic engagement goes up and stabilizes the community which would stabilize Houston.

After further discussion by Council Members, Council Member Gonzalez moved to close the public hearing, seconded by Council Member Stardig. All voting aye. Nays none. Council Member Hoang absent due to being ill. MOTION 2011-0764 ADOPTED.

### **MAYOR'S REPORT**

Mayor Parker recognized Council Member Johnson for a point of personal privilege.

Council Member Johnson stated that he wanted to introduce to City Council a group of young people who were present from Nimitz High School, from the Nimitz Business Professionals of America, the Parliamentary Procedure Team, that they came to watch City Council follow "Roberts Rules of Order", and asked that Briana, Rhea, Rya, Krishia, Lindsey, Leonard, Andrew, Irma and their teacher Mr. Courtney Williams to stand and be recognized.

Council Member Lovell moved to suspend the rules to consider Item No. 28 after the consent agenda, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Hoang absent due to being ill. Council Member Noriega absent. MOTION 2011-0765 ADOPTED.

### **CONSENT AGENDA NUMBERS 2 through 27**

#### **MISCELLANEOUS** - NUMBER 2

2. RECOMMENDATION from Director Human Resources Department for approval of payment of \$57,000.00 to **GOVERNMENT JOBS.COM (NEO GOV)** for the Neo Gov Applicant Tracking System and Interface Maintenance Agreement - General Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Hoang absent due to being ill. MOTION 2011-0766 ADOPTED.

#### **ACCEPT WORK** - NUMBER 4

4. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$6,695,396.09 and acceptance of work on contract with **PYRAMID CONSTRUCTORS, LLP** for Hurricane Ike Permanent Repairs at William P. Hobby Airport and Ellington Airport, Project No. 630 - 2.7% over the original contract amount - **DISTRICTS E - SULLIVAN and I - RODRIGUEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Adams. All voting aye. Nays none. Council Member Hoang absent due to being ill. MOTION 2011-0767 ADOPTED.

**PROPERTY** - NUMBERS 5 through 7

5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Gilbert Guzman, Land Maps and Surveys, Inc., on behalf of Homer Hinojosa, for abandonment and sale of Melwyn Street, from Fisk Street to Sharman Street, and sale of ±3,095 square feet of excess fee-owned Cavalcade Street right-of-way, in exchange for the conveyance to the City of 8.89 feet of right-of-way for the widening of Sharman Street, a full-width storm sewer easement over the subject portion of Melwyn Street, and a full-width water line easement over the subject portion of Cavalcade Street, all in the Unrecorded Sharman Subdivision, John Austin Survey, A-1, Parcels SY11-059A, SY11-059B, AY12-040, LY12-006 and KY12-041 - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent due to being ill. MOTION 2011-0768 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Daniel E. Rowsey, for abandonment and sale of a 5-foot-wide water line easement within Lot 1, Block 13, Sunset Terrace Addition, Section 12, out of the A. C. Reynolds Survey, Parcel SY12-009 - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent due to being ill. MOTION 2011-0769 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** – NUMBER 10.

10. **BEVCO COMPANY, INC** to furnish Rotary Lobe Sludge Pumps for Department of Public Works & Engineering - \$67,900.00 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Adams. All voting aye. Nays none. Council Member Hoang absent due to being ill. MOTION 2011-0770 ADOPTED.

**ORDINANCES** - NUMBERS 12 through 27

12. ORDINANCE **AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Lake Houston; containing findings and other provisions relating to the foregoing subject; containing a repealer; containing a savings clause; providing for severability; providing an effective date – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. ORDINANCE 2011-862 ADOPTED.
13. ORDINANCE supplementing the City of Houston, Texas Master Ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the Bonds; authorizing the defeasance,

final payment, and discharge of Certain Combined Utility System First Lien Revenue Refunding Bonds, Series 2008D-3; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for Certain Escrowed Securities; authorizing Bond Insurance, Escrow Verification and Engagement of an Escrow Agent, a Co-Bond Counsel Agreement, and a Special Disclosure Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. ORDINANCE 2011-863 ADOPTED.

14. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to the Joint Election to be held on November 8, 2011; providing a maximum contract amount - \$714,377.00 - General Fund – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. ORDINANCE 2011-864 ADOPTED.
15. ORDINANCE establishing City of Houston election precincts and designating polling places for the City of Houston General Election to be held on November 8, 2011 – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. ORDINANCE 2011-865 ADOPTED.
16. ORDINANCE establishing the north and south sides of the 1900-2000 block of Norfolk Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. ORDINANCE 2011-866 ADOPTED.
17. ORDINANCE establishing the north and south sides of the 1900-2000 block of Norfolk Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. ORDINANCE 2011-867 ADOPTED.
18. ORDINANCE approving and authorizing second amendment to Lease Agreement (Contract No. 55833) between **1415 NLW, LLC, as landlord**, and the City of Houston, Texas, as tenant, for space at 1415 North Loop West, Houston, Texas, for use by the Internal Affairs Division of the Houston Police Department - 5 Years with one three-year option - **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. ORDINANCE 2011-868 ADOPTED.
22. ORDINANCE approving and authorizing first amendment to Interlocal Purchasing Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY** for Cooperative Purchasing (Approved by Ordinance No. 2011-0457) – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. ORDINANCE 2011-869 ADOPTED.
23. ORDINANCE awarding contract to **ENVIROWASTE SERVICES GROUP, INC** for Sewer Stoppage Cleaning and Television Inspection; 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 a maximum contract amount for Envirowaste Services Group, Inc and engineering testing - 2 Years with a one-year option \$3,361,600.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. ORDINANCE 2011-870 ADOPTED.

24. ORDINANCE appropriating \$3,128,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Texas Avenue Lift Station Upgrade and Force Main Replacement; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. ORDINANCE 2011-871 ADOPTED.
25. ORDINANCE appropriating \$2,569,164.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LLC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method; 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 Hoang absent due to being ill. ORDINANCE 2011-872 ADOPTED.
26. ORDINANCE appropriating \$2,771,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **SCOHIL CONSTRUCTION SERVICES, LLC** for Water Line Replacement in Watonga Area; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, CIP Cost Recovery, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG and G - PENNINGTON** – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. ORDINANCE 2011-873 ADOPTED.
27. ORDINANCE No. 2011-0854, passed first reading October 5, 2011  
ORDINANCE granting to **JIANQI AN d/b/a GREENLAND WASTE COLLECTION, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. ORDINANCE 2011-854 PASSED SECOND READING IN FULL.
28. ORDINANCE **AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to noise and sound level regulation; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing a penalty therefor; providing for severability – **(This was Item 5 on Agenda of October 5, 2011, TAGGED BY COUNCIL MEMBERS JONES, BRADFORD, RODRIGUEZ, GONZALEZ, NORIEGA, ADAMS, HOANG, STARDIG and PENNINGTON)** – was presented.

After discussion Council Member Pennington stated that he would offer the following written motion to amend Item No. 28:

“I move to amend item number 28 on the October 12, 2011, City Council Agenda by amending Sections 30-16(7) to read as follows:

**Sec. 30-16. (7)** The sound was produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 8:00 p.m., provided the device did not produce a sound exceeding 85 dB(A) when measured from the property line of the nearest residential property where the sound is being received and was used for the maintenance or upkeep of the property on which it was operated.”

After discussion by Council Members, Mayor Parker stated that this was in the current ordinance, there was a proposal to change it and this took it back and the administration fully supported the motion.

A vote was called on Council Member Pennington’s written motion to amend Item No. 28. All voting aye. Nays none. Council Member Hoang absent due to being ill. MOTION 2011-0771 ADOPTED.

After further discussion by Council Members, Council Member Gonzalez stated that he would like some kind of update through this process where they could access through committee or another means to see how effective it was and how affective their Legislative intent was to really improve the quality life of all citizens in the City.

Mayor Parker stated that they did review other cities ordinances as they updated their own, they would be happy to bring it back in six months to the appropriate Council committee, that she would ask Ms. Crinejo to calendar that, to give them a little bit of time to compile a track record, that the stakeholder committees could be reassembled at that time as well as part of that review.

Upon further discussion by Council Members, Council Member Stardig stated that these were some of the things that she had echoed in the past, best practices, that they have a follow up report on things that they implement at Council, that they track any complaints and then come back to Council with a report.

After further discussion by Council Members, Council Member Bradford asked how did they get around the kind of arbitrary and very subjective nature of enforcement, and Mr. Feldman stated that courts had dealt with this issue in other jurisdictions with ordinances that had used similar type of terms, some cities they say raucous or loud, but the bottom line was that the standard that was applied was a reasonable person’s standard and they took pains to set forth a definition in the proposed revisions that gave some specific meaning to plainly audible, that the only way that this kind of ordinance could work was by application of a reasonable person’s standard and the evidence was going to vary from case to case as to whether or not a particular officer, and given an instance if the officer was the sole witness it rendered a judgment which was based on a reasonable person’s standard, that it was going to come down to enforcement, and in most instances they would certainly like to see evidence, supporting evidence, perhaps by another witness, but it was going to come down to testimony in each individual case.

After further discussion by Council Members, a vote was called on Item No. 28 as amended. Council Member Sullivan voting no, balance voting aye. Council Member Hoang absent due to being ill. ORDINANCE 2011-874 ADOPTED AS AMENDED.

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

**MISCELLANEOUS**



3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of payment of FY 2012 Membership dues for the Water Research Foundation - \$252,183.58 Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Costello. All voting aye. Nays none. Council Member Hoang absent due to being ill. MOTION 2011-0772 ADOPTED.

### **PROPERTY**

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Roksan Okan-Vick, Executive Director of Houston Parks Board, in collaboration with Harris County Flood Control District, for abandonment and sale of (1) Wheeler Street, from Deems Street to Lidstone Street; (2) Wheeler Street, from Lidstone Street to Brays Bayou; (3) Wheeler Street, from the southern boundary line of Tract 37 to Old Spanish Trail; and (4) ±58,229 square feet of fee-owned Wheeler Street, from Brays Bayou to the northern boundary line of Tract 37; (5) Lidstone Street, from the former Lidstone Street to Brays Bayou, in exchange for the conveyance to the City of a (1) a 20-foot-wide storm sewer easement; (2) ±24,148 square feet of right-of-way for the relocation of Lidstone Street; (3) four fee-owned parcels for park purposes; and (4) right-of-way for and construction of a cul-de-sac in Renshaw Street north of Old Spanish Trail, all located in the W. L. Edmundson Fifth Addition and/or the Resubdivision of a part of the W. L. Edmundson Seventh Addition, out of the Luke Moore Survey, Abstract 51, Parcels SY11-105A through SY11-105C, SY12-014 through SY12-016, AY11-250 through AY11-252, AY12-045, LY12-005, BY11-002 through BY11-005 **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent due to being ill. MOTION 2011-0773 ADOPTED.

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

8. APPROVE spending authority to Address Emergency Repair of Water Line Breaks in an amount not to exceed \$512,598.12 for the Department of Public Works & Engineering, to **TIKON GROUP** - \$209,872.64, **DESERT EAGLE, LLC** - \$138,362.64, **CONGO, LLC** - \$92,852.84 and **BOND RESTORATION, INC** - \$71,510.00 - Enterprise Fund - was presented, moved by Council Member Costello, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent due to being ill. MOTION 2011-0774 ADOPTED.
9. APPROVE spending authority for Rental of Various Types of Construction Equipment through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities to Address Emergency Repair of Water Line Breaks for the Department of Public Works & Engineering, to **HERTZ EQUIPMENT RENTAL CORPORATION** in an amount not to exceed \$754,568.00 Enterprise Fund - was presented, moved by Council Member Adams, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent due to being ill. Council Member Rodriguez absent. MOTION 2011-0775 ADOPTED.
11. **HOV SERVICES, INC** for Mail Processing Services from the Texas Procurement Support Services' Contract through the Texas Procurement and Support Services Cooperative Purchasing Program for the Department of Public Works & Engineering - \$564,000.00 - Enterprise Fund - was presented, moved by Council Member Adams, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Hoang absent due to being ill. Council Member Rodriguez absent. MOTION 2011-0776 ADOPTED.

## **ORDINANCES**

19. ORDINANCE approving first amendment to the Economic Development Agreement between the City of Houston, Texas, and **INTOWN HOMES, LTD.** approved by Ordinance No. 2010-716 **DISTRICTS A - STARDIG and H – GONZALEZ** – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. Council Member Rodriguez absent. ORDINANCE 2011-875 ADOPTED.
20. ORDINANCE approving and authorizing the commission of an art installation entitled “A Timeline of Jones Hall” to be located at Jesse H. Jones Hall for the Performing Arts; approving and authorizing Professional Artist Services Agreement between the City and **CORE STUDIO, LLC, d/b/a CORE DESIGN STUDIO**; and de-accessioning a work of art known as the “Gazebo Roof” located in Root Square Memorial Park - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. Council Member Rodriguez absent. ORDINANCE 2011-876 ADOPTED.
21. ORDINANCE approving and authorizing sole source contract between the City of Houston and **NOVASYS TECHNOLOGIES, INC** for the Development and Maintenance of the Electronic Client-Level Integrated Prevention System for the City of Houston Health & Human Services Department; providing a maximum contract amount - 2 Years with two one-year options \$263,030.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. Council Member Rodriguez absent. ORDINANCE 2011-877 ADOPTED.

## **MATTERS HELD** - NUMBERS 29 and 30

29. ORDINANCE awarding sole source contract to **IDEA INTEGRATION dba IDEA** for Software and Hardware Technical Support and Maintenance Services for the City’s Data Collection Mobile Unit for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$419,418.00 - Dedicated Drainage & Street Renewal Fund – (**This was Item 10 on Agenda of October 5, 2011, TAGGED BY COUNCIL MEMBER JONES**) – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. Council Member Rodriguez absent. ORDINANCE 2011-878 ADOPTED.
30. ORDINANCE amending Ordinance No. 2006-0975 to increase the maximum contract amount for contract between the City of Houston and **OIL PATCH-BRAZOS VALLEY, INC** for Fuel Transportation Services for Various Departments - \$240,000.00 - Fleet Management Fund – (**This was Item 11 on Agenda of October 5, 2011, TAGGED BY COUNCIL MEMBER JONES and HOANG**) – was presented. All voting aye. Nays none. Council Member Hoang absent due to being ill. Council Member Rodriguez absent. ORDINANCE 2011-879 ADOPTED.

## **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Gonzalez first

Council Member Gonzalez stated that he wanted to offer some comments on behalf of Council Member Rodriguez, who had to step away briefly, that he wanted to thank NAMC for hosting a successful 2011 Zenith Awards Dinner, with special guest Valerie Jarrett, Senior Advisor to President Barack Obama, that they honored two of the very hard working City employees, Houston Airport Director Mario Diaz, and Office of Business Opportunities, External Affairs Manager, Roger Harris, that Director Diaz received the Department of the Year Award for his leadership in insuring that small businesses continued to be a priority in the procurement process, that Mr. Harris received the Spirit Award for the extra effort and time he had invested

their small and minority businesses, that Council Member Rodriguez wanted to thank Library Director, Dr. Rhea Lawson, GSD Director Scott Minnix, Director Carlecia Wright, Director, Office of Business Opportunities, Controller Ronald Green and Mayor Parker for attending and showing their support; that he wanted to say Happy Birthday to Principal Jaime Castaneda, Jeff Davis High School, that he appreciated Principle Castaneda and his staff's dedication to their children and community; that on Saturday Project Grad would be hosing their annual Walk for Success from 9:00 a.m. to 1:00 p.m. at the following high school, Jeff Davis, Sam Houston, John Reagan, Phyllis Wheatley and Jack Yates, that Project Grad was committed to making sure that all of their kids were college bound and currently reached over 44,000 students in 64 HISD schools, for more information they could contact Hugo Mojica at 713-909-0375; that he appreciated the efforts of the Woodland Heights Civic Club and all of the neighbors who attended last night's public safety meeting, that he also sincerely appreciated Central Command Captain Darren Edwards and his team, the Harris County Sheriff's Office and Precinct 1 for engaging their communities and forging better relations between neighbors and their public safety officers; that he wanted to thank the Marshall Middle School Orchestra who performed at City Hall yesterday, that they were UIL Champion, the orchestra had grown significantly and had encouraged more kids to stay in school and in the arts; that he wanted to congratulate the organizers, planners, participants and visitors of the 40th Bayou City Arts Festival, even though rainfall took them all by surprise there were still lines of people who came downtown to enjoy the festivities, that Kelly Kindred and her team did a fantastic job, that he wanted to thank Capital One Bank for their continued commitment to make the festival a nationally recognized success, for more information on this and future events please go to [www.bayoucityartsfestival.com](http://www.bayoucityartsfestival.com), that every year as a result of the proceeds received historically they had given millions of dollars to a lot of Houston based non profits in the community that did great work. Council Members Stardig, Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Mayor Parker stated that she wanted to thank Council Member Gonzalez for making the announcements for Council Member Rodriguez, that he was on the board of the Texas Municipal League, which was having it's convention in Houston, and he was representing the City there, that they were pitching this morning for them to come back in 2014, that he wanted to go over there and make sure he delivered that message. Council Members Stardig, Johnson, Clutterbuck, Sullivan and Rodriguez absent.

Council Member Noriega stated that she was surprised to see in today's daily deal in the Chronicle the Eastwood Historic Home Tour, which was Saturday October 15, 2011 and Sunday, October 16, 2011, from noon to 5:00 p.m., that the tickets could be picked up at Eastwood Park, 5000 Harrisburg, they were going to have brochure, maps and information about the homes, they had six remodeled and historic homes, but what was most interesting was that they were also going to have tours of Cage Elementary School built in 1910 and they had been discussing putting it to a different use, that they were going to have tours of the Maximus Coffee Plant, which was built in 1915, that she would encourage them to come and have a look at some of the interesting early twentieth century architecture. Council Members Stardig, Johnson, Clutterbuck, Sullivan, Rodriguez and Lovell absent.

Council Member Adams stated that October was National Disability Awareness Month and on Friday they kicked it off, that she wanted to thank the Department of Neighborhoods for making Friday a wonderful day at the Multi Service Center; that she wanted to remind everybody about the Career Mentoring Day in Houston, October was National Disability Awareness Employment Month, that the Career Mentoring Day in Houston would begin October 19, 2011, sponsored by the Collaborative for Action, MHMRA Harris County, participants would report to a work site for the minimum of four hours on Wednesday, October 19, 2011 from 9:00 a.m. to 12:00 p.m., if they were interested in participating in the program they could call Shirley Glover in the Human Resource Department, 713-837-9421 for more information; that she wanted to thank the Worthing High School students who came to Council last week, they were

trying to raise money for their senior trip through the GIVE Program; that tonight there would be a South Acres Civic Club meeting at 6:30 p.m. at 11800 Scott Street at the Betsy Swindle Community Center; that she had the opportunity to speak on a national level at the NUSA Conferences and she and Donald Perkins, Planning Department, would always travel to host seminars on Super Neighborhoods and how to build strong communities, and out of this came the Community You Conference, so she just wanted to thank Donald Perkins for taking the charge on this and always considering her to partner with him when they went to NUSU, for those who would like to attend it would be at the United Way of Greater Houston, 30 Waugh Drive, from 8:00 a.m. to 1:00 p.m., "Lessons in Neighborhood Organizing"; that last Saturday was Yates Homecoming Parade and this Saturday was Worthing High School Parade at 9215 Scott Street at 9:00 a.m., that she wanted to salute to the Kashmere Rams, her high school, and they would be celebrating their homecoming as well; that on Saturday would be the Walk for Success Project Grad and she would be participating at Jack Yates High School beginning at 10:00 a.m.; that on Sunday the Greater Zion Baptist Church would celebrate their 130th Anniversary at 3203 Trulley beginning at 10:00 a.m.; Sunday would be the grand opening of the Legacy Montrose Clinic at 1415 California Street; that "Save for Retirement" would begin next week and she wanted to thank Shirley Mosley for heading up the event and encouraged all of the employees to look into the Deferred Compensation Plan to improve their retirement for the future. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Stardig stated that the Third Annual Disability Month would continue after Council at the Farmers Market at the Reflection Pond, the Woodhaven Deaf Choir would perform Amazing Grace in a duet choreographed in American Sign Language, that Woodhaven Baptist Church was located 9920 Long Point in District A; that tomorrow the 10th Annual Memorial Service would be held for Houston Fire Department Captain Jay "Jaybird" Jahnke, that Captain Jahnke was a 20 year veteran with HFD who died during a multiple alarm fire on October 13, 2001, the memorial service would be held at the Jahnke Fire Station No. 2, located at 5880 Woodway Drive at 12:30 p.m.; that yesterday she was joined by Mayor Parker, Fire Chief Terry Garrison and General Services Director Scott Minnix at Fire Station No. 38 in District A to celebrate the arrival of various furniture that was purchased through her unspent 2011 funds, that she was able to reallocate \$23,000 to seven different fire stations within District A for the purchase of mattresses, sofas, dining tables and chairs with the support of the administration and her colleagues through budget amendments, that she wanted to thank Mayor Parker for her support in this purchase and to Mr. Minnix for making sure that it was delivered timely; that she wanted to thank her colleagues for their support of evaluation of all of their fire and police stations. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Lovell and Noriega absent.

Council Member Jones stated that she wanted to congratulate Texas Southern University for having their Inaugural Student Government Banquet; that she and Council Member Adams went to the Top 25 Women's Award at the Houstonian; that she and Council Member Adams had a bunch of fun at the Yates Homecoming Parade last weekend, they encouraged people to support neighborhood schools so that their children would have a high school to go to in their neighborhood, kudos to everyone who participated in that; that she wanted to offer her condolences to the family and friends of Elder Delaney, who would come to Council and always have something relevant to say about issues that were going on in the City; that the Wheatley High School Parade was this weekend where she would be the Grand Marshal at 10:00 a.m. at 4000 Lyons; that she wanted to welcome all of the elected officials who were in Houston for TML and a special welcome to the members of the Texas Association of Black City Council Members, where she was the Region 14 Director in Houston, that at 11:00 a.m. she would be Mistress of Ceremonies at a tour of the great TSU and HBCU, a historic Black College and University; that her cousin was a teacher at Marshall Middle School and she spoke at their 8th Grade Graduation; that her son, who was a sophomore in college, told her he was going to get a 4.0 this semester, that he got in a senior level class and did not do so well on the first test and

went to talk to the professor and was getting tutoring and had made 100's since then, that she was thankful and proud of her child; that there was going to be Houston Habitat for Humanity Application Fair on Saturday, October 15, 2011, 8:00 a.m. to 12:00 p.m. Council Members Clutterbuck, Sullivan, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Costello stated that he would like to remind everyone that the City had begun its 2012 Combined Municipal Campaign, CMC, where Houston employees came together to raise money for numerous charities, that he wanted to personally thank Council Member Stardig and her staff for the excellent job they did for the 2011 Campaign, that as part of CMC the City of Houston was getting ready for their Fifth Annual Bowl-A-Rama on October 28, 2011, all City departments were invited and encouraged to attend, that proceeds for the bowling tournament would benefit the Coalition for the Homeless, to RSVP please contact Dillon Osbourn of Council Member Lovell's office, that they were also holding a "Have a Heart Contest", a friendly competition between Council offices, that some of them have noticed that the piggy banks were back out in the lobby area, that loose change dropped in the piggy banks would be donated to the HART Program, a local non profit that provided vocational training for adults with developmental disabilities, the Council Member with the most donations would be invited to present the contribution check to HART at City Council, that CMC was a great opportunity to give back to the community and help others, for example, the Water Fund, a fund that was created to help people who were unable to pay the water bill, it was created many years ago and was recently expanded to address the drainage fee and had been historically funded by City employees, over \$60,000 of the money that was in the fund today was actually from their own City employees, that he hoped all of his colleagues and their staff would join him and his office in participating in this year's CMC's great success. Council Members Johnson, Clutterbuck, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Bradford stated that he wanted to thank Patrick McIlvane, the Houston Walk for Mental Health Awareness would be on Saturday, October 15, 2011, 8:00 a.m. to 12:00 p.m. at 1031 Stude Drive at Stude Park, between Studewood and Taylor Streets, it was a 5K Walk, that it would start and end at the Stude Park Community Center. Council Members Johnson, Clutterbuck, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Sullivan stated that he had a townhall meeting last Monday in Kingwood and wanted to thank Council Member Bradford for coming and other City representative who participated, Rita Moreno of his office for putting it together and Woodridge Baptist Church for allowing them to use their facilities; that there would be a City candidates forum in Kingwood on Monday night October 17, 2011 from 6:00 p.m. to 8:00 p.m. at Lone Star College; that one of the budget amendments that he proposed and passed called for the City to conduct inspections and assessments of all City Fire Stations within 6 months of passage and he wanted to know where they were on that and what kind of progress they were making. Council Members Johnson, Clutterbuck, Pennington, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that she would make sure the director would get that to him. Council Members Johnson, Clutterbuck, Pennington, Rodriguez, Lovell and Noriega absent.

Council Member Adams stated that the memorial program for Elder Delaney would be on Friday, 10/14/11, 6:00 p.m. to 9:00 p.m., viewing on Saturday, 10:00 a.m. to 11:00 a.m. and the funeral at 11:00 a.m. at the Metropolitan Christian Methodist Episcopal Church, 8955 South Freeway at the corner of Highway 288 and Reed Road; that she liked to attract conferences to Houston on an annual basis, that she wanted to thank the Greater Houston Visitors Bureau for allowing her to speak to the National Executive Board last Friday of the Delta Sigma Theta and to speak on how great Houston was, that they were vying for the convention of 2015. Council Members Johnson, Clutterbuck, Pennington, Rodriguez, Lovell and Noriega absent.

Mayor Parker stated that Council Member Rodriguez had just called and stated that yes, they had gotten the TML Convention for 2014. Council Members Johnson, Clutterbuck, Pennington, Rodriguez, Lovell and Noriega absent.

There being no further business before Council, the City Council adjourned at 10:30 a.m. Council Member Hoang absent due to being ill. Council Members Johnson, Clutterbuck, Pennington, Rodriguez, Lovell and Noriega absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary