

City Council Chamber, City Hall, Wednesday, September 4, 2013

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, September 4, 2013, Mayor Annise Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. Dave Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director, and Ms. Stella Ortega, Agenda Office, present. Council Member Dave Martin absent on city business.

At 8:24 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:06 a.m. Mayor Parker called the meeting to order, and recognized Council Member Adams for the innovation and pledge of allegiance. Council Member Noriega absent.

At 9:15 a.m. the City Secretary to called the roll. Council Member Martin absent on city business. Council Member Noriega absent.

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

Mayor Parker recognized Council Member Gonzalez for a procedural motion. Council Members Brown, Adams, Rodriguez and Noriega absent.

Council Member Gonzalez moved that the rules be suspended for the purpose of considering Item Numbers 1, 2 and 3 prior to the Monthly Operations and Financial Report, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Noriega absent. MOTION 2013-0597 ADOPTED.

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON COMMISSION ON DISABILITIES**:

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| Position One | - KAREN BAYS PETTY , appointment, for a term to expire July 26, 2015 |
| Position Three | - ALAN "A.J." MORTON , appointment, for a term to expire July 26, 2015 |
| Position Five | - TISHA SHANEL GOINGS-FOWLER , appointment, for a term to expire July 26, 2015 |
| Position Six | - CORNELIUS K. BOOKER , appointment, for an Unexpired term ending July 26, 2014, and to serve as Chair |
| Position Seven | - JO ANN FORMBY , reappointment, for a term to expire July 26, 2015 |
| Position Nine | - ROLAND G. BIENVENU , appointment, for a term to expire July 26, 2015 |
| Position Ten | - MONTE OSBURN , appointment, for a term to expire July 26, 2014 |
| Position Eleven | - EDDIE R. JESSIE , appointment, for a term to expire July 26, 2015 |
| Alternate Position One | - MATTHEW P. DICKENS , appointment, for a term to expire July 26, 2015 |
| Alternate Position Three | - TAMIRA ANTWIONETTE COLE , appointment, for a term to expire July 26, 2015 |

Alternate Position Four - **BETHANNE ROLLINS FRANCO**, appointment,
for an unexpired term ending July 26, 2014

- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. Council Members Brown, Adams, Rodriguez and Noriega absent. MOTION 2013-0598 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of **JESSE A. RODRIGUEZ** for Position Ten to the **HOUSTON MEDIA SOURCE BOARD OF DIRECTORS**, for an unexpired term ending December 31, 2014 - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. Council Members Brown, Adams, Rodriguez and Noriega absent. MOTION 2013-0599 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **INDEPENDENT POLICE OVERSIGHT BOARD**:

Panel A1 - **MARGARET A. NOSEK**, for an unexpired term ending
October 26, 2014

Panel B2 - **DON HARRIS**, for an unexpired term ending October 26, 2013

Panel D2 - **GWENDOLYN J. SAMPLES**, for an unexpired term ending
October 26, 2013

- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. Council Members Brown, Adams, Rodriguez and Noriega absent. MOTION 2013-0600 ADOPTED.

Mayor Parker stated that they just affirmed appointments to three City boards or commissions, first was the Houston Commission on Disabilities, and asked that members present in the Chamber please come forward; that they appreciated their service to the City of Houston, they were tasked with making sure the City was aware of the needs of those with disabilities in their community and that they respond to those needs as appropriate, but also that they raise awareness throughout the community of the needs of those with disabilities and thanked them for that service as well. Council Members Brown, Adams and Noriega absent.

Mayor Parker stated that they also affirmed the appointment of a new member of the Houston Media Source Board and did not believe he was present, and three new members of the Independent Police Oversight Board and believed Mr. Don Harris was present; that they appreciated his service, that it was a board that took a lot of time and she appreciated his commitment and his willingness to do that. Council Member Brown absent.

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Mayor Parker recognized Mr. Kelly Dowe, Director of Finance and Mr. Ronald Green, City Controller for the Monthly Operations and Financial Report.

Mr. Green and Mr. Dowe reviewed the Monthly Operations and Financial Report, a copy of which is on file in the City Secretary's office for review.

Council Member Pennington stated that he had a couple of questions about the

Controller's estimates, that he knew that \$2.7 million on the base they were talking about was a very small number, but the Sales Tax Revenue of \$9.3 million was lower, that he would like to see the basis for it, just the number on a page did not mean anything, that it would be instructive to him if they could tell him why they were using lower estimates, that maybe give him the historical amounts, and Mr. Green stated that he would get that information to him, along with Dr. Gilmore's full report.

Council Member Costello stated that he liked the format and looked forward to seeing what the new format was going to be on the Quarterly Report as well.

Council Member Costello moved to accept the Monthly Operations and Financial Report, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2013-0601 ADOPTED.

Mr. Green, City Controller, stated there was a press release that each of them had before them, today their office was going live on their new Investor Relations Website, and was something that he thought he had talked to most of them about, when they had their investor conference last year they announced they would be bringing all of the information regarding the City's finances into one page, they had a lot of information, that he got a lot of kudos for all of them because it was very transparent and they had a lot of this information out there, but today they had a new page that was devoted mostly to their investors who buy their City bonds, which obviously fund all of those projects that they had in the community, for any one who wanted to buy City bonds or if they wanted to find out what the status was of their debt portfolio and all of their finances they would find it today in a probably more user friendly atmosphere, that in about an hour that site would be going live, if they had any questions to feel free to ask them, if people wanted to know in real time about the City's finances and all of their ratings they would be on the Investor Relations Website, that it would become more robust as time went along as well.

Mayor Parker stated that it was worth noting that all of the rating agencies had favorable evaluations of their debt and their financial status, they did not have to rebut some of the rumors, it was done by independent agencies, and Mr. Green stated that it would be accessible for all of those individuals to see.

Council Member Pennington stated he knew that in following the enforcement cases the City could be liable not only for information that it put or not put in the official statement, but for information like this, that he did not now how they were coordinating that with disclosure counsel or what they were doing with that, and he did not mention it in his presentation, but thought they should be concerned about it, and Mr. Green stated that they had been working on this since March 2013, because of disclosure counsel and it was a good thing that it had taken this long to put it together, they were right along with them, that they would be upgrading the website periodically, that it would be a continuous process, before they put anything on the site it would go through disclosure counsel and through the City's Legal Department as well.

At 9:30 a.m. Mayor Parker stated they would move to the public session.

Dr. Alkebu Motapa, 5022 Crosby, Houston, Texas 77021 (713-741-5150) had reserved time to speak, but was not present when his name was called.

Mr. Steven Williams, (No Address) (No Phone) had reserved time to speak, but was not present when his name was called.

Mr. Joe Sherman, 6526 Crosswell, Houston, Texas 77087 (713-645-4008) appeared and stated that he was present to address the walking track at Law Park, located on Vassar Road in southeast Houston, their walking track was in need of an overlay of asphalt, there had been

several injuries in the past two months, they especially appealed to Council Member Rodriguez, District I Council Member, that he had visited their neighborhood civic club meetings on a couple of occasions, that Mayor Parker had touted her excellent record on the City's creation of new parks and bicycle trails, that they had made repeated calls to different City departments in the last four years, only to be told there was no money . Council Member Costello absent.

Mayor Parker stated the good news was that Law Park was already on the scheduled overlay list, it would be done this fall, before the end of the year, that she could assure him that Council Member Rodriguez had been on top of this and advocating to make sure the trail at Law Park was redone, that as they had indicated to the neighborhood in the past, they understood it had problems and as soon as the resources were available they were going to address it, so he could go back to the neighborhood association and report that it would be overlaid before the end of the year. Council Member Costello absent.

Council Member Rodriguez stated that Law Park was in Council Member Adams district, but they did work closely together, that he had been to the park and many of his constituents utilized it, that the trail was very similar to the one they had at Garden Villas Park in his neighborhood so they definitely were in need of some repaving and hopefully they could get some other material that was more user friendly out there, that he would be happy to assist the district Council Member on this.

Council Member Adams stated that prior to redistricting Law Park was in District E and now was in District D, that she thought in the last six years the park had tremendously grown and was thankful for the taxpayer dollars and the vision of the Parks Director to make sure that park had all the amenities as any other park in the City of Houston. Council Members Hoang and Pennington absent.

Mr. Joseph Omo Omuari, 3939 North Frwy, No. 210, Houston, Texas 77022 (832-696-9204) appeared and stated that he would suggest an upgrade on the clock in the Council Chamber; that he was present to talk about sexually oriented business and the Astrodome, that he had an epiphany that since Houston had sexually oriented businesses they needed to have sexually oriented business identification cards and continued to voice his personal opinions on sexually oriented businesses and the Houston Astrodome until his time expired. Council Member Pennington absent.

Mr. Charlie Jones, 4307 South Acres, Houston, Texas 77047 (832-474-1178) had reserved time to speak, but was not present when his name was called. Council Member Pennington absent.

Mr. /Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (FA34511) had reserved time to speak, but was not present when his name was called. Council Member Pennington absent.

Ms. Renee Vaughn, 470 Wedgewood, Bellaire, Texas 77401 (940-300-3514) appeared and presented a handout in which she expressed her opposition to "One Bin for All". Council Members Adams, Hoang, Pennington and Noriega absent.

After discussion by Council Members Bradford, Burks and Adams, Council Member Adams moved that the rules be suspend for the purpose of continuing questions of Ms. Renee Vaughn, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Noriega absent. MOTION 2013-0602 ADOPTED.

After further discussion and questions by Council Member Adams, Mayor Parker stated

that what they were studying was several years of, they were studying whether they could create a pilot process and improve the technology, that secondly, that they just doubled the number of households in Houston that had recycling, but they still only had half of the households covered, so they had a long way to go on recycling, and third, the revenue recovered from recyclable materials only covered a fraction of the cost of operating a recycling operation, they did not do recycling because it made financial sense, it was cheaper to send it to a landfill, she would show them the numbers, they did it because it saved room in the landfill, because it was better for the planet, there were a number of reasons why they did it, and finally, she did not think there had ever been any kind of contemplation that the entire waste stream of the City of Houston would go into this one bin process, they were still going to have large office buildings where it would make sense to separate out the paper products and the recyclable materials, that it was not designed to do away with personal recycling. Council Members Green and Noriega absent.

Ms. Katy Rowe, 3100 Richmond, Houston, Texas 77098 (940-300-3514) appeared and presented a handout in which she expressed her opposition to "One Bin for All". Council Members Adams, Hoang, Pennington and Noriega absent.

Council Member Gonzalez stated that as Mayor Parker stated they were still some time away from any of this actually being developed, but wanted to point out that the RFQ that was released clearly stated that no incineration technologies were going to be utilized. Council Members Rodriguez, Green and Noriega absent.

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he was requesting more time to address his case, that he had not pursued a process of challenge to the City, and continued to voice his personal opinions until his time expired. Council Members Rodriguez and Noriega absent.

At 9:58 a.m. Mayor Parker stated they would move to the consent agenda. Council Members Rodriguez and Noriega absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 28

MISCELLANEOUS - NUMBER 5

5. RECOMMENDATION from the Director of Finance for approval of supplementary budgets submitted by the **HOUSTON ARTS ALLIANCE, MILLER THEATRE ADVISORY BOARD, INC, THE HOUSTON MUSEUM DISTRICT ASSOCIATION, and THEATER DISTRICT IMPROVEMENT, INC** pertaining to a true-up of additional Hotel Occupancy Tax funds received during FY2013 – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. Council Members Rodriguez and Noriega absent. MOTION 2013-0603 ADOPTED.

ACCEPT WORK - NUMBERS 7 through 11

7. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$273,698.00 and acceptance of work on contract with **GULF COAST LANDSCAPE SERVICES, INC** for Miller Outdoor Theatre Irrigation Improvements - 5% over the original contract amount and within the 5% contingency - **DISTRICT D - ADAMS** – was presented, moved by Council Member Gonzalez, seconded by Council Member

Bradford. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. MOTION 2013-0604 ADOPTED.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,432,581.55 and acceptance of work on contract with **TOTAL CONTRACTING LIMITED** for West Bellfort Paving and Drainage from South Wilcrest to South Kirkwood - 1.15% over the original contract amount and under the 5% contingency amount **DISTRICT F - HOANG** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. MOTION 2013-0605 ADOPTED.
9. ORDINANCE appropriating \$5,755.15 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to contract between the City of Houston and **GIN-SPEN, INC** for Legend Lane Lift Station Replacement (Approved by Ordinance No. 2011-0851); providing funding for construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G – PENNINGTON** - was presented. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. ORDINANCE 2013-0777 ADOPTED.
- 9a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$863,610.40 and acceptance of work on contract with **GIN-SPEN, INC** for Legend Lane Lift Station Replacement - 5.70% over the original contract amount - **DISTRICT G - PENNINGTON** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. MOTION 2013-0606 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,498,718.45 and acceptance of work on contract with **RESICOM, INC** for FY11 Water Distribution System Rehabilitation and Renewal (10873-06) - 1.8% over the original contract amount and under the 5% contingency amount – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. MOTION 2013-0607 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,675,355.37 and acceptance of work on contract with **BLASTCO TEXAS, INC** for Rehabilitation of Water Storage Tanks - 2.85% under the original contract amount - **DISTRICTS A - BROWN; C - COHEN and G - PENNINGTON** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. MOTION 2013-0608 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 15

12. ORDINANCE appropriating \$349,435.08 out of Fire Consolidated Construction Fund to Purchase Construction Services for Installation of Standing-Seam Metal Roof Systems at Fire Station Nos. 29 & 42 for the General Services Department on behalf of the Houston Fire Department **DISTRICTS B - DAVIS and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. ORDINANCE 2013-0778 ADOPTED.

- 12a. **BASELINE PAVING AND CONSTRUCTION, INC** for purchase of Construction Services for Installation of Standing-Seam Metal Roof Systems at Fire Station Nos. 29 & 42 through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for the General Services Department on behalf of the Houston Fire Department - \$527,622.00 and contingencies for a total amount not to exceed \$569,831.76 - \$220,396.68 Fire Consolidated Construction Fund previously appropriated - **DISTRICTS B - DAVIS and I - RODRIGUEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. MOTION 2013-0609 ADOPTED.
13. **AMEND MOTION #2009-275, 05/13/09, TO INCREASE** award amount of \$736,400.00 to \$920,500.00 for purchase of Learning Management System Software and Installation Services from General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program under Section 211 of the Government Act of 2002 for the Human Resources Department, awarded to **PCM GOV., INC** - \$184,100.00 - Central Service Revolving Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. MOTION 2013-0610 ADOPTED.
14. **ALL TIRE SUPPLY COMPANY** for Automotive Tire and Tube Materials and Repair Services for Various Departments - \$248,830.00 - 3 years with two one-year options - Fleet Management and General Funds – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. MOTION 2013-0611 ADOPTED.

ORDINANCES - NUMBERS 16 through 28

16. ORDINANCE relating to the Rescheduling or Postponement of certain City Council Meetings - was presented. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. ORDINANCE 2013-0779 ADOPTED.
17. ORDINANCE approving and authorizing Third Amendment to the Hermann Park Pedal Boat and Other Concessions Agreement between the City of Houston and **HERMANN PARK CONSERVANCY - DISTRICT D – ADAMS** - had been pulled from the Agenda by the Administration, and was not considered.
18. ORDINANCE approving and authorizing Second Amendment to the Hermann Park Development Agreement between the City of Houston and **HERMANN PARK CONSERVANCY - DISTRICT D – ADAMS** - had been pulled from the Agenda by the Administration, and was not considered.
20. ORDINANCE approving and authorizing First Amendment to contract (Approved by Ordinance No. 2008-0892) between the City of Houston and **THE FIERRO GROUP LTD. CO. d/b/a FENCEMASTER OF HOUSTON** for Metal and Wood Fence Installation and Repair Services for Various Departments - was presented. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. ORDINANCE 2013-0780 ADOPTED.
22. ORDINANCE approving and authorizing Compromise & Settlement Agreement between the City and **VERIZON WIRELESS** to settle a disputed claim and making an appropriation out of Limited Use Roadway & Mobility Capital Fund in the amount of \$73,413.56 - was

presented. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. ORDINANCE 2013-0781 ADOPTED.

23. ORDINANCE approving and authorizing Amendment No. 1 to Toll Road/Airport Connector Agreement between the City of Houston and **HARRIS COUNTY, TEXAS** - Revenue - **DISTRICT B - DAVIS** - was presented. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. ORDINANCE 2013-0782 ADOPTED.
24. ORDINANCE authorizing the Mayor to accept funding in an amount not exceeding \$11,005,966.00 by executing an Other Transaction Agreement by and between the City of Houston and the Department of Homeland Security Transportation Security Administration for the Checked Baggage Recapitalization Screening Construction Project at William P. Hobby Airport (Project No. 690B) - **DISTRICT I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. ORDINANCE 2013-0783 ADOPTED.
26. ORDINANCE appropriating \$155,881.00 out of Fire Consolidated Construction Fund and awarding Design/Build Contract between the City of Houston and **BARTLETT COCKE GENERAL CONTRACTORS, LLC** for Fire Station No. 67 Expansion and Renovation; providing funding for the Civic Art Program and for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT B - DAVIS** - was presented. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. ORDINANCE 2013-0784 ADOPTED.
28. ORDINANCE approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Rehabilitation or Replacement of Westerland Drive Bridge at HCFCD Ditch - **DISTRICT F - HOANG** - was presented. All voting aye. Nays none. Council Member Martin absent on city business. Council Member Rodriguez absent. ORDINANCE 2013-0785 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. RECOMMENDATION from the Director of Finance to place the proposed 2013 tax rate of \$.63875/\$100 of value on the October 16, 2013 Council Agenda, or such other date that meets the requirements of the Texas Property Tax Code, call three public hearings at which interested persons will be given the opportunity to be heard on the proposed tax rate and provide for the publication of the notice of such hearings and other related information - **SUGGESTED HEARING DATES:**
 - 6:00 P.M. - Tuesday - September 17, 2013;
 - 6:00 P.M. - Tuesday - September 24, 2013; and
 - 9:00 A.M. - Wednesday - October 2, 2013- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. MOTION 2013-0612 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for payment of Annual Fees for **WATER ENVIRONMENT RESEARCH FOUNDATION** for Subscription Year 2013 - \$86,735.00 - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. MOTION 2013-0613 ADOPTED.

PURCHASING AND TABULATION OF BIDS

15. **KEY MAPS, INC** for Directories, Street Guides for Various Departments - \$318,863.00 - 3 years with two one-year options - General, Fleet Management, Enterprise and other Funds, moved by Council Member Gonzalez, seconded by Council Member Bradford.

Council Member Christi asked if key maps were archaic GPS available, and Mayor Parker stated that she asked the same question and the answer was that there were power failures, and one of the places where they kept the key maps was in the Houston Emergency Center and in fire trucks and in places where they might need them, if they had to get some place and the power was down and could not get a cell signal; that it was an appropriation and did not know that they would actually spend the dollars, that she had originally said why did they not buy them as needed on P Cards, but because they could end up buying them in batches and they did not want to violate the bid laws, so it was just cleaner to bring it to Council this way, they would only buy them as they needed them, but they wanted to give everybody a heads up that they were doing it.

After further discussion by Council Members Burks, Noriega, Gonzalez, Bradford and Brown, Council Member Brown stated that they really needed to look at the way they kept tapping into the Drainage Fund, just because they had the new fee they needed to not be spending, for instance \$34,000 from the Dedicated Drainage and Street Renewal Fund, and Mayor Parker stated that respectfully the Dedicated Drainage and Renewal Fund included a number of other sources of funds including 11.8 cents of ad valorem tax revenue, General Fund Revenue, so it was not just the drainage fee, yes, they spend it exactly the same way, they just gave it a new title.

A vote was called on Item No. 15. All voting aye. Nays none. Council Member Martin absent on city business. MOTION 2013-0614 ADOPTED.

ORDINANCES

19. ORDINANCE approving and authorizing contract between the City of Houston and **TASER INTERNATIONAL INC** for purchase of Taser Devices, Accessories, Supplies and Repair Services for the Houston Police Department; providing a maximum contract amount \$9,500,000.00 - 5 years - \$2,800,953.50 - Asset Forfeiture Fund - Initial Allocation – was presented. All voting aye. Nays none. Council Member Martin absent on city business. ORDINANCE 2013-0786 ADOPTED.
21. ORDINANCE appropriating \$8,000,000.00 out of Equipment Acquisition Consolidated Fund for the Municipal Courts Case Management System (C-SMART) originally approved by Ordinance No. 2011-176 – was presented.

After discussion by Council Member Christi, a vote was called on Item No. 21. All voting aye. Nays none. Council Member Martin absent on city business. ORDINANCE 2013-0787 ADOPTED.

25. ORDINANCE approving and authorizing the Second Amendment to Lease Agreement between **HARTMAN 601 SAWYER, LLC., SUCCESSOR-IN-INTEREST TO R. M. CROWE HOUSTON PORTFOLIO III, L.P.**, as landlord, and the City of Houston, Texas, as tenant, for the leased space at 601 Sawyer Street, Houston, Texas for use by the Housing & Community Development Department - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Martin absent on city business. ORDINANCE 2013-0788 ADOPTED.

27. ORDINANCE appropriating \$2,941,209.00 out of Street & Traffic Control and Storm Drainage DDSRF as an additional appropriation for an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of Clinton Drive from the Port of Houston Authority Gate 8 Entrance to IH-610 (Approved by Ordinance No. 2011-0541) and approving and authorizing an amendment to the contract; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF - **DISTRICTS B - DAVIS and H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Martin absent on city business. ORDINANCE 2013-0789 ADOPTED.

NON CONSENT AGENDA - NUMBERS 29 through 31

MISCELLANEOUS

29. RECEIVE nominations for Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY**, for a two year term – was presented.

Council Member Bradford stated that they had before them a handout reflecting the committee's nomination of Mr. Theldon R. Branch III for Position 3 of the Port of Houston Authority of Harris County and Mr. Kamal Rasheed for Position 4 of the Wastewater Capacity Reservation, and moved that the Council accept the report of the committee, seconded by Council Member Burks. All voting aye. Nays none. Council Member Martin absent on city business. MOTION 2013-0615 ADOPTED.

Mayor Parker asked if there were any other nominations for Item No. 29, and hearing none requested a motion to close nominations.

Council Member Costello nominated Mr. Theldon R. Branch III for Position 3 of the Port of Houston Authority of Harris County, and distributed his resume.

Council Member Bradford moved to close nominations for Position 3 Port of Houston Authority of Harris County, seconded by Council Member Burks. All voting aye. Nays none. Council Member Martin absent on city business. MOTION 2013-0616 ADOPTED.

30. RECEIVE nominations for Position 4 of **WASTEWATER CAPACITY RESERVATION REVIEW BOARD**, for the remainder of the designated two year term – was presented.

Council Member Green nominated Mr. Kamal Rasheed for Position 4 of the Wastewater Capacity Reservation, and distributed his resume.

Council Member Burks moved to close nominations for Position 4 Wastewater Capacity Reservation Review Board, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Martin absent on city business. MOTION 2013-0617 ADOPTED.

31. REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by Richard L. Rothfelder, Attorney at Law, on behalf of Bright Light Sign Service, Inc. regarding sign located at 10410 Westheimer – was presented, and tagged by Council Member Pennington.

Mayor Parker stated that as a reminder to Council Members this was an appeal on the record, they were not allowed to contact any of the parties, they were only allowed to review the written record as presented to them.

Council Member Laster asked if Mayor Parker could remind them how this hearing process would work, would there be a presentation by the administration or was it just solely their responsibility to read, review and then vote, or would there be some level of discussion, and Mayor Parker stated that this was not about the item itself so she did not think it was in violation of the tag, it was a procedural question, and stated no, there was no presentation, an appeal on the record, was on the record, and was in the written folder that they each received, it was like an appellate process, an appellate judge did not go back and hear testimony over again.

Mr. Feldman stated that the Council rules simply said that they review the record.

Council Member Brown stated that she had asked Council Member Pennington to remove his tag for the purpose of discussion and he had agreed to that, and stated that she agreed with the tag, she would like another week so she could make a good decision on this because the gentleman presenting the appeal had some valid arguments about the faults, the problems with the Sign Ordinance, and when they work perhaps on changing the ordinance to be more business friendly, because if they were allowing two manual sign price change signs that was something that they needed to consider, if they could have manual signs and could not replace with an identical sign just to have a diversion of changing it out, if they were going to consider this, they grant variances in the Planning Department all the time, they had not, she thought, granted a variance with the Sign Ordinance, if they had a process to grant a variance she thought they should consider doing a variance request when they felt it was a good argument in favor of this company, and not only making a decision on this particular case, but having this as an opportunity for them to talk about changing or amending the Sign Ordinance accordingly.

Mayor Parker stated that Council Member Brown raised an excellent point, the question was not if they had the authority to grant a variance or not, the question was if the Sign Code was applied properly and if what Bright Light Sign Service was contemplating was it in compliance with the Sign Code as it existed today, that she was not arguing that they might want to revisit the Sign Code going forward.

After discussion by Council Member Brown, Mayor Parker stated that the question was what they were asked to decide was whether the decision of the Appeals Board was in compliance with the ordinance as it existed, they could choose to do anything when it came to the body.

Mayor Parker stated that Item No. 31 was tagged by Council Member Pennington.

MATTERS HELD - NUMBERS 32 and 33

32. ORDINANCE approving and authorizing an agreement between the City of Houston and the Metropolitan Transit Authority of Harris County, Texas for the use of 4 city owned parcels of land located on Griggs Road at the Palm Center and authorizing the Houston Business Development, Inc. ("HBDI") to sell to Metro 2 HBDI owned parcels of land located on Griggs Road at the Palm Center, for the purpose of a public right of way to improve access to public transportation, specifically in connection with Metro's Southeast Corridor Light Rail Line - **DISTRICT D – ADAMS – (This was Item 12 on Agenda of August 28, 2013, TAGGED BY COUNCIL MEMBER BRADFORD)** – was presented. All voting aye. Nays none. Council Member Martin absent on city business. ORDINANCE 2013-0790 ADOPTED.
33. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to certain improved single-family residential lots within **A&K CUSTOM HOMES ON ARBOR COURT, ABST 212 J CHRISTY, ALMEDA**

PLACE, ALMEDA PLACE ANNEX, ARBOR SQUARE AMEND, AUSTIN COURT, AUSTIN GREEN, AUSTIN STREET T/H AMEND, BALCOR, BLODGETT PARK T/H, BLODGETT PARK TOWNHOMES SEC 2, CALUMET PARK, CAROLINE MANOR, CAROLINE OAKS, CATCO CRAWFORD PARK, CRAWFORD STREET MANORS, DAYBREAK HOMES ON WICHITA STREET, FIVE THOUSAND ONE HUNDRED AND SIX CRAWFORD STREET T/H, FORTY NINE HUNDRED CAROLINE BOULEVARD, GALWAN T/H, GRAYWOOD PLACE, HAMPTON T/H, HERMANN PARK, JACKSON STREET, JACKSON STREET T/H SEC 2, JACKSON T/H, LA BRANCH PALMS, LABRANCH PLACE, MACGREGOR & DEMERITTS SOUTHMORE SEC 2 R/P, MACGREGOR BLODGETT PARK SEC 1, MACGREGORS BLODGETT PARK SEC 2, MACGREGORS BLODGETT PARK SEC 2 PAR R/P 3, MACGREGORS BLODGETT PARK SEC 3, MANORS OF AUSTIN GREEN, MARELIA HOMES AT PROSPECT STREET, METRO LOFTS AT CHENEVERT, METRO LOFTS AT PROSPECT STREET, MUSEUM GALLERIE AMEND, MUSEUM WALK R/P, NEC SOUTHMORE AND JACKSON, OAKDALE AVENUE, OAKDALE PLACE, OAKDALE TERRACE, OAKS AT CAROLINE, OAKS OF SOUTHMORE, PALM AVENUE T/H, PALM PLACE AMEND, PAWL TERRACE, PROSPECT STREET T/H, PROSPECT TOWNHOMES SEC 1, REGENTS GREEN, ROSEDALE AVENUE PLACE, ROSEDALE AVENUE PLACE SEC 2, ROSEDALE PARK, ROSEWOOD, ROSEWOOD GREEN, ROSEWOOD LOFTS, ROSEWOOD MIDTOWN, ROSEWOOD TERRACE, ROSEWOOD TOWNHOMES, ROSEWOOD VILLAS, RUTH STREET MANOR, RUTH STREET T/H, SOUTHMORE 106, SOUTHMORE 107, SOUTHMORE 108, SOUTHMORE 116, SOUTHMORE 117, SOUTHMORE 118, SOUTHMORE GARDENS AMEND, SOUTHMORE OUTLOT 109, SOUTHMORE SEC 2 PAR R/P, SOUTHMORE T/H U/R SOUTHMORE 118, SOUTHMORE TERRACE AMEND, SOUTHMORE TWO VILLAS, STOECKLI PLACE ANNEX, SUTTON PLACE PATIO HOMES SOUTHMORE 108 R/P, THURMAN MANORS, TRACT 11, HOLMAN OUTLOT 68, TRACT 4, BLOCK 24, EMPIRE, TRINITY AT CHENEVERT, TUSCAN ONE, VILLAS AT ROSEDALE, W D SIMPSON NO. 1, WENTWORTH HOMES, WHEELER PLACE, WHEELER PLACE R/P, WICHITA JACKSON T/H, AND WICHITA RIDGE to prohibit the parking of vehicles in the front or side yards of such residences - DISTRICT D – ADAMS – (This was Item 21 on Agenda of August 28, 2013, TAGGED BY COUNCIL MEMBER BRADFORD) – was presented. All voting aye. Nays none. Council Member Martin absent on city business. ORDINANCE 2013-0791 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Laster announced events he attended or would be attending; and stated that he wanted to extend to all of their Jewish friends and residents, La Shanah Tovah as they began the commemoration of Rosh Hashanah. Council Members Hoang and Noriega absent.

Council Member Gonzalez stated that he wanted to give his condolences to the family of Harris District Attorney Mr. Mike Anderson, that he was sad to hear about his passing and asked for a moment of silence in remembrance of Mr. Anderson. Council Members Hoang and Noriega absent.

Council Member Adams thanked Council Member Gonzalez for the remembrance of Mr. Anderson, that he served really well in the term he was allowed; that she wanted to thank Council Member Laster for all he had done as Vice Chair of the Housing Committee; and announced events she attended or would be attending; and stated that she wanted to wish Pastor Remus Wright a Happy Birthday. Council Members Brown, Hoang and Noriega absent.

Council Member Green announced events he attended or would be attending; and stated that he wanted to wish all his Jewish constituents and friends a La Shanah Tovah, Happy New

Year, Rosh Hashanah, the Year of 5773 would begin at sundown. Council Members Brown, Hoang and Noriega absent.

Mayor Parker stated that she enjoyed joining Council Member Green for the dedication of the Caodai Temple, it was a beautiful facility, they had so many amazing shrines, temples and churches tucked away in Houston, they needed to put them on an architectural tour, and Council Member Green stated they were saying this was the first time the Mayor or anyone had come to one of their events for the Vietnamese Temple, they were extremely pleased. Council Members Brown, Hoang and Noriega absent.

Council Member Davis announced events he attended or would be attending; and stated that he wanted to congratulate the Kashmere concerned citizens, they stepped up the plate, one of the grocery stores in their neighborhood that they were not pleased with, Fiesta, they called them to the table and brought members from the company and showed them pictures of how they had flies hanging on the seafood and other infractions that they thought was not in their best interest as far as servicing the constituents in the community, that hopefully Fiesta got the word, that he wanted to say kudos to the constituents in that area. Council Members Brown, Hoang and Noriega absent.

Council Member Cohen announced events she attended or would be attending; and stated that she wanted to thank Council Members Laster and Green for their acknowledgement of the Rosh Hashanah Holiday, but in particular she wanted to compliment them on their Hebrew pronunciation, that it translated to "have a good and sweet New Year", that was part of their tradition, they celebrated by having apples because they represented the circle of the new year, with honey, that while her offices would be closed tomorrow, as some Jews celebrated one day, some celebrated two days, on Friday, when her office was open, she intended to have some apples and honey so anyone could come in, that she wished all people around the world a happy and healthy New Year. Council Members Brown, Hoang and Noriega absent.

Mayor Parker stated that she thought it was appropriate for them to make note of the incident at Spring High School this morning, there was a stabbing at the school, apparently one student was killed and there were others injured, there were suspects in custody and the students at Spring High School were released at 10:00 a.m. as that continued to be a crime scene and they were working through the issues, that she would ask everyone to keep those students in their prayers today. Council Members Brown, Hoang and Noriega absent.

There being no further business before Council, the City Council adjourned at 10:33 a.m. Council Member Martin absent on city business. Council Members Brown, Hoang and Noriega absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary