

City Council Chamber, City Hall, Tuesday, February 18, 2014

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 18, 2014, Mayor Annise Parker presiding, with Council Members Brenda Stardig, Jerry Davis, Ellen R. Cohen, Dwight Boykins, Richard Nguyen, Oliver Pennington, Edward Gonzalez, Robert Gallegos, Mike Laster, Larry V. Green, Stephen C. Costello, David W. Robinson, Michael Kubosh, C. O. "Brad" Bradford and Jack Christie, D.C.; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division; and Ms. Marta Crinejo, Agenda Director, present. Council Member Dave Martin absent on personal business.

At 1:46 p.m. Mayor Parker called the meeting to order and called on Council Member Boykins for the first Council presentation. Council Members Davis, Cohen, Martin, Pennington, Gallegos, Green, Robinson and Bradford absent.

Council Member Boykins stated that he wanted to introduce a group of cowboys and cowgirls to the City of Houston, and before that would recognize a few people who were not part of the Four Trails, but were special to the trail, Mr. Freddy Garner, a Professional Bull Rider, who was inducted into the Cowboy Hall of Fame in 2011, Mr. Myrtis Dightman, Sr., who was not present, was inducted into the National Cowboy Hall of Fame in 1999, Mr. Peter Jordan, President, Quadrant Consultants, he and Mr. Jordan trail ride together and Reverend James Nash, who typically did the prayer for the cowboys; that the Four Trails of Houston was established in 2005 and consisted of the Prairie View Trail Riders Association, Southwestern Trail Association, Northeast Trail Association and Southwest Trail Association, and presented a proclamation to the Four Trails of Houston, and Mayor Parker stated therefore, she, Annise Parker, Mayor of the City of Houston, hereby proclaimed February 18, 2014 as Four Trails of Houston Day in Houston, Texas, and wished them a safe ride and fair weather. Council Members Davis, Cohen, Martin, Pennington, Gallegos, Green, Robinson and Bradford absent.

Mr. Myrtis Dightman, Jr., Prairie View, Ms. Rosetta Gray, Southwestern, Mr. Anthony Bruno, Northeast and Mr. Alex Prince, Southwest, appeared and expressed thanks to Mayor Parker, Council Member Boykins and the City Council for the proclamation. Council Members Davis, Cohen, Martin, Pennington, Gallegos and Robinson absent.

Council Member Stardig stated that they looked forward to riding with them in the Rodeo Parade. Council Members Davis, Martin, Pennington, Gallegos and Kubosh absent.

Mayor Pro Tem Gonzalez stated that he wanted to thank Council Member Boykins for the hospitality earlier in his office, that it was a wonderful team, and he asked them earlier if they ate well while out on the trail ride and they said they certainly did. Council Members Davis, Martin, Pennington, Gallegos and Kubosh absent.

Mayor Pro Tem Gonzalez recognized Mayor Parker for a special recognition honoring CMC. Council Members Boykins and Gallegos absent.

Mayor Parker stated that as Council Members knew each year the City of Houston conducted the Combined Municipal Campaign, it was their internal United Way style campaign to raise money for charities across the community, they had a very broad list of organizations that were supported by the millions of dollars that had been raised by City employees, that there were some employees that went above and beyond, and they considered above and beyond any employee who donated 1% of their salary, but there were employees who went beyond and those were the ones they were recognizing today, about a dozen employees who contributed 3% and above of their annual income to the charities of their choice, and asked that the City employees join her, and presented certificates to Mr. Alvin Watts, Public Works, contributed 6%, Ms. Anna Gorum Mackey, HPD, contributed 3%, Ms. Armendina Martinez,

Health Department, contributed 3%, Mr. Charles Vasquez, HPD, contributed 3%, Mr. Buddy Grantham, Fleet Management, contributed 6%, Mr. Arron Music, HPD, contributed 3%, Mr. George Eggleston, Houston Public Library, contributed 3%, Mr. Michael Dodson, Housing Department, contributed 3%, that the number one contributor was Ms. Narola Morgan, Houston Public Library, 9%, Mr. Ross Underhill, Aviation, contributed 3%, and Ms. Wendy Phillips, Public Works, 5%, that they sincerely appreciated their service and commitment to Houston. Council Members Boykins and Gallegos absent.

At 2:06 p.m. Mayor Parker recognized Council Member Stardig for the invocation and pledge of allegiance, and Council Member Stardig invited Pastor Arthur Craig, Woodhaven Baptist Deaf Church for the invocation, and Council Member Stardig led all in the pledge of allegiance. Council Members Boykins, Gallegos and Green absent.

At 2:10 p.m. Ms. Barbara Guzman, City Secretary's Office, called the roll. Council Member Martin absent on personal business. Council Member Gallegos absent.

Council Members Gonzalez and Green moved that the minutes of the previous meeting be adopted. All voting aye. Nays none. Council Member Martin absent on personal business. Council Member Gallegos absent. MOTION ADOPTED.

Ms. Guzman began to call the list of speakers. Council Members Davis and Gallegos absent.

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. Council Members Davis and Gallegos absent.

Ms. Hazard Buck-Jacobs, 1517 N. Shepherd, Houston, Texas 77008 – 713-501-6367 – had reserved time to speak, but was not present when her name was called. Council Members Davis and Gallegos absent.

Mr. Rodney Underwood, 2221 Wentworth, Houston, Texas 77004 – 832-868-7219 – had reserved time to speak, but was not present when his name was called. Council Members Davis and Gallegos absent.

Mr. John A. Williams, 1 Main St., A-700, Houston, Texas 77002 – 713-221-8437 – appeared and stated that he was a cyclist and motorist in Houston, that last August while riding his bike on Waugh he was hit from behind by a driver in a pickup truck, that he was maintaining a straight line in the middle of the right lane, the driver failed to see him in spite of his reflective clothing and bright lights, he admitted to having a vision impairment, described his injuries and expenses, and that four key factors needed their urgent attention to improve conditions for cyclists, one, education, two, awareness, three, infrastructure, all over the City bike lanes ended abruptly with no viable alternative and enforcement, since Safe Passage went into effect last May his case was the only one where a citation was issued to a driver, that HPD should crack down on motorists and cyclists alike. Council Members Davis and Gallegos absent.

After discussion by Council Members Gonzalez, Boykins and Pennington, Mayor Parker stated that the Police Department was preparing a plan for a period of zero tolerance enforcement, both for drivers and bicyclists to raise awareness of the problem and to try to educate. Council Member Davis absent.

Council Member Gonzalez moved that the rules be suspended for the purpose of extending time for questions of Mr. John A. Williams, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Martin absent on personal business.

Council Members Davis and Green absent. MOTION 2014-0134 ADOPTED.

After questions by Council Member Robinson. Mr. Williams stated that his accident was at 100 Waugh, just south of Washington St, and believed that the young lady, Ms. Chelsea Norman, was struck at West Gray, just blocks from where his accident occurred, and Council Member Robinson stated that his office had requested from Public Works and other sources an updated map of the hike and trail system. Council Members Davis and Green absent.

Mr. Fred Zapalac, 3302 White Oak, Houston, Texas 77007 – 713-802-1707 – appeared and stated that he was the owner of Blue Line Bike Lab, that he was present to talk about numbers, that for the last couple of years he had been following bike safety in the media quite a bit and it seemed every time a story came up where a cyclist was hit or hurt they asked for more infrastructure and more safety measures, there was a certain segment of the population who always came out and say that cyclist did not pay for anything, why should they build anything for cyclist because they did not contribute anything at all, no gas tax or vehicle registration, that he wanted to clear the air about what cyclists contributed to the City, that his store in the Heights, every year, generated about \$1.25 million in gross revenues and he collected right at \$100,000 in sales tax, at last count there were around 40 bicycle stores in the Houston area, that meant every year they were collecting \$4 million in sales tax that went directly into the local economy, that he employed 6 full time employees, that they knew that changes did not happen overnight. Council Members Davis and Green absent.

After discussion by Council Members Gonzalez, Kubosh and Stardig, Mayor Parker stated that his argument was much more basic than that in Houston, roads were paid for by Ad Valoem taxes, property taxes, everybody who lived in Houston, whether in an apartment or owned their own home contributed to not just the sales tax, but to the property taxes, so every bicycle rider who lived in the City of Houston contributed directly to the roads they rode on, that gas tax was State roads, the registration fee went to Roads and Bridges, that Houston roads were paid for by property taxes. Council Members Davis and Green absent.

Ms. Pamela Ferguson, 625 Harvard, Houston, Texas 77007 – 281-744-8897 – appeared and stated that she was speaking on behalf of cyclists and wanted to emphasize the importance of this topic and expressed her views on bike safety. Council Member Green absent.

After discussion by Council Members Boykins and Cohen, Mayor Parker stated that she knew there was a lot of desire to see more on road bike lanes, they would have that conversation, but she had been very frank and made her commitment to off road trails and with limited money that had been her priority and would continue to be her priority as Mayor, although she was committed to making the streets safer as well. Council Member Green absent.

Mr. Steve Williams, no address, no phone, had reserved time to speak, but was not present when his name was called. Council Member Green absent.

Ms. Jurate Kopecky, 1701 Post Oak Blvd., No. 176, Houston, Texas 77056 – 832-360-7072 – appeared and stated that she appreciated the implementation of the no smoking in public places Ordinance in the City of Houston, that her concern was that the ordinance should be extended to multiple dwelling properties as well, and continued to express her opinions until her time expired. Council Member Pennington absent.

Mayor Parker stated that she understood the problem that she articulated, they did recently, working with the Houston Housing Authority, outlaw smoking in all Housing Authority properties, but their ordinances did not extend to the private sector, that every apartment

complex had the ability to outlaw smoking on their properties, it was an ownership decision on a case by case basis, that she understood the problem it could cause on multiple dwellings and that was why they took the action at the Housing Authority, that she wanted to thank her for raising the issue. 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.

Mr. Calvin Simpson, 3717 Emmet Hutto Blvd., No. 608, Baytown, Texas 77521 - 862-202-5065 – had reserved time to speak, but was not present when his name was called. Council Member Pennington absent.

Ms. Geneva Torres, 1018 Eastlake, Houston, Texas 77034 – 713-941-7722 – appeared and stated that she lived in the Sun Valley Subdivision, that she got a notice on Friday, a citation for parking on a sidewalk, that the way houses were built in the late 1950s there was not enough room between the garage and street to park without blocking, what was considered, the sidewalk, that she had taken some pictures of the sidewalk around her house and the sidewalk of the house across the street from her, which she displayed, that she called the Mayor's office and they told her to park her car in her garage, that she called Council Member Martin's office and they told her they could not help her, she called Council Member Kubosh's office and they were able to get somebody from the City's Parking Management, when she called the Parking Management they looked up her house and proceeded to tell her she had a triple carport over her driveway and said she was infringing on City property with a post from her carport, that someone from the City was coming to look at her carport, but they were not addressing the driveway issue, that she ask that they be grandfathered, that there was nothing she could do other than park on the street and she was not parking her car on the street because it would not be there. Council Member Pennington absent.

Mayor Parker stated that she was sorry to hear that she received a ticket for blocking a sidewalk, whether or not people actually used the sidewalks in her neighborhood, they had a uniform ordinance across the City about parking across a sidewalk, she could not grandfather or waive the ticket, she would have to go through the process and would suggest that ignoring the ticket was not the best method of response, she did have the opportunity to go to a Parking Hearing and plead her case and may get some relief, but the ordinance applied citywide, that it was State Law, and Ms. Torres stated that she would like to know when the law was enacted, and Mayor Parker stated that they enforced State Law and beyond that there was an important reason they did and that was the Americans With Disabilities Act, it was designed to allow access to those in wheelchairs, those pushing baby strollers and so forth, they took it seriously. Council Member Pennington absent.

After discussion by Council Members Pennington, Kubosh and Stardig, Council Member Stardig moved that the rules be suspended for the purpose of extending time for questions of Ms. Geneva Torres, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Martin absent on personal business. MOTION 2014-0135 ADOPTED.

After further discussion by Council Member Green, Mayor Parker stated that Mr. Christopher Newport, ARA, was present and she would like to see a map showing where they issued these kind of citations, she found it hard to believe that they could not produce that; that again it was State Law, if she got another compliant, she would get another ticket so she urged her to take care of the ticket she had, and Ms. Torres stated that she would like to have it addressed, and Mayor Parker stated that she was going to have to not park and block the sidewalk.

Mayor Parker recognized Council Member Boykins for a procedural motion.

Council Member Boykins moved that the rules be suspended for the purpose of adding Mr. Kevin Coffey to the speakers list, seconded by Council Member Costello. All voting aye. Nays none. Council Member Martin absent on personal business. Council Member Green absent. MOTION 2014-0136 ADOPTED.

Mr. John Myers, 4222 Buck St., Houston, Texas 77002 – 713-227-2740 – had reserved time to speak, but was not present when his name was called. Council Member Green absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 – 713-528-2607 – appeared and stated that as they knew today was the start of early voting and he was the elected Republican Precinct Chair for Precinct 46 and also the appointed Alternate Judge for Precinct 46, that he was also a candidate for Mayor of Houston in 2015; that he was present to ask Mayor Parker and the City Council to immediately convene a special meeting and appoint a special panel to investigate who was spraying what chemicals over Houston and why, that he had taken many pictures and videos of the chemical trails; and continued to voice his personal experiences until his time expired. Council Member Green absent.

Ms. Tasha (no last name given) (did not wish to give address) had reserved time to speak, but was not present when her name was called. Council Member Green absent.

Mr. Michael Contello, 804 Fisher St., Houston, Texas 77018 – 713-664-2625 – appeared and stated that he drove party buses part time and on weekends, that he saw firsthand the epidemic of lack of law enforcement on streets and highways of Houston, as well as the enforcement of the laws that were on the books currently, and speaking about a tragedy Sunday before last, a drunk driver was doing over 100 miles an hour and flew over two or three lanes to take the Airport exit and catapulted a car with a husband, wife and two children in it, the one son and husband died because of a drunk driver, that he begged them to get police on the highways, especially on weekends. Council Members Laster and Green absent.

After discussion by Council Member Kubosh, Mayor Parker stated that they did drunk driver enforcement, they took it just as seriously as he did, the most important thing that they could do as a community was to take away the keys and help police themselves, but she assured him that the Police Department was out there doing drunk driving enforcement; that most folks were pleased that they did not duplicate resources and they maximized the availability of all of the various law enforcement agencies, they worked in close cooperation with other entities that could do traffic enforcement, they were proud of their working relationship with the DPS and the Sheriffs Department and other entities. Council Members Laster and Green absent.

Ms. Monica Roberts, 5155 Balkin St., Houston, Texas 77021 – 713-748-0301 – appeared and stated that she spoke about a month ago in terms of the proposed Non Discrimination Ordinance that would add sexual orientation and gender identity to their City Code, that she was very much in favor of that as a representative of the Trans Community, that she was disturbed by some of the commentary from their opponents in terms of their pimping what they called the bathroom myth, that it had no basis in fact and something they continually threw up that had never occurred in the 61 years of modern history, that all they were asking for was that members of the LGBT Community to have the same human civil rights that everyone else had. Council Members Nguyen, Laster and Green absent.

Council Member Cohen stated that she thought it was important that they had the actually facts so where people did have a tendency to get excited over things they could sit and explain to them that in fact this was not the problem, that pedophiles were not dressing as women so

they could sneak into woman's bathrooms and attack, what they were doing was driving around elementary schools to grab kids as they left the school, that she thought the other thing that was very important was for her and the other members of the Transgender Community have the names and contact information for people who shared her passion, who had been unfortunately marginalized, that she suspected this was going to be coming up in the near future in front of her and her colleagues, and Ms. Roberts stated that she would be happy to provide that. Council Members Davis, Nguyen, Laster and Green absent.

Mr. Kevin Caffey, 5330 Griggs Rd., B103-36, Houston, Texas 77021 – appeared, presented information, and stated that he was present to talk about the Mayor's Houston First Initiative, as it related to the Department of Housing and Community Development, and a blatant and open disregard and respect for City initiatives, that he would like to ask the City Council if they were aware that the Housing and Community Development Department was not paying attention to the Mayor's directive about Houston First; that in Housing they had \$131 million, of which \$61 million would be used for single family home building, that he was a single family home builder and lived in the community and his office was at Palm Center, that he could not understand how they would not allow access to bidding, which was against the law, that he did not have the capital or time to fight it, how were they ignoring them and not allow them to bid and do the work, that the 13 people that were on the list and being allowed to build the \$61 million of houses in his backyard had come to him and asked him to do the work, why would they want someone to build in his backyard and not be a part of it, but their tax dollars actually paid for it, that he would like to know what they were going to do to address his concerns. Council Members Davis, Nguyen, Laster and Green absent.

After discussion by Council Member Boykins, Mayor Parker stated that she did not know the answers to his questions, that clearly they had nothing to do with the GLO, General Land Office of the State of Texas, but she would make sure they would follow up with him and get to the bottom of this. Council Members Davis, Nguyen, Laster and Green absent.

After discussion Council Member Costello stated that he would like the Director to relay any information that he was going to provide to her as to the selection, and Mayor Parker stated that Ms. Maria Bolanos, COA, would take his information and she would share the answer with both him and Council Member Costello. Council Members Davis, Nguyen, Laster and Green absent.

Mr. Doug Smith, 12903 Brent Rock Dr., No. 703, Houston, Texas 77082 – 832-208-1498 – appeared and stated that he thought everyone would agree that the City of Houston had a very severe, unfunded pension liability problem, and voiced his personal opinions until his time expired. Council Members Davis, Nguyen, Laster and Green absent.

Mr. John Noflin, 12903 Brant Rock Dr., No. 703, Houston, Texas 77082 – 832-208-1498 – appeared and stated that he wanted to apologize for his outburst last week, and continued to voice his personal experiences until his time expired. Council Members Davis, Nguyen, Laster and Green absent.

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he was entitled to three minutes, and continued to express his personal opinions until his time expired. Council Members Davis, Martin, Pennington and Costello absent.

At 3:16 p.m. Mayor Parker stated that the City Council was recessed until 9:00 a.m., Wednesday, February 19, 2014. Council Members Davis, Nguyen, Laster and Green absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, February 19, 2014, Mayor Annise Parker presiding, with Council Members Brenda Stardig, Jerry Davis, Ellen R. Cohen, Dwight Boykins, Dave Martin, Richard Nguyen, Oliver Pennington, Edward Gonzalez, Robert Gallegos, Mike Laster, Larry V. Green, Stephen C. Costello, David Robinson, Michael Kubosh, C. O. "Brad" Bradford and Jack Christie, D.C.; Mr. Dave Feldman, City Attorney; and Ms. Marta Crinejo, Agenda Director, present.

At 8:25 a.m. Ms. Barbara Guzman, City Secretary Office, read the descriptions or captions of items on the Agenda.

At 9:01 a.m. Mayor Parker called the meeting to order and stated that as she was telling some of them when they were lined up and Ms. Guzman was reading, they read all of the captions at the beginning, before Council Members had to appear, otherwise they would read a caption and then vote, it would be a very long meeting for Council Members, that they appreciated the fact that the City Secretary's office came in and read all of those captions before they started, that they would begin the consent agenda.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 53**

#### **MISCELLANEOUS** - NUMBERS 1 through 7

1. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **EAST DOWNTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS**:
  - Position Six - **ANDRE BIJAN AZIZI**, for an unexpired term ending 6/1/2015
  - Position Ten - **JATIN PATEL**, for a term to expire 6/1/2017

- was presented, moved by Council Member Gonzalez, seconded by Council Member Green. All voting aye. Nays none. MOTION 2014-0137 ADOPTED.
2. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **GULFGATE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for terms to expire December 9, 2015:
  - Position One - **MICHAEL A. DOMINGUEZ**
  - Position Three - **MEDARDO "SONNY" GARZA**, and to serve as Chair
  - Position Five - **KARLOS C. ALLEN**

- was presented, moved by Council Member Gonzalez, seconded by Council Member Green. All voting aye. Nays none. MOTION 2014-0138 ADOPTED.
3. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **REINVESTMENT ZONE NUMBER EIGHT, CITY OF HOUSTON, TEXAS (GULFGATE) BOARD OF DIRECTORS**, for terms to expire December 9, 2015:
  - Position One - **MICHAEL A. DOMINGUEZ**
  - Position Three - **MEDARDO "SONNY" GARZA**, and to serve as Chair
  - Position Five - **KARLOS C. ALLEN**

- was presented, moved by Council Member Gonzalez, seconded by Council Member Green. All voting aye. Nays none. MOTION 2014-0139 ADOPTED.
4. REQUEST from Mayor for confirmation of the appointment of **PERRI LYN D'ARMOND** to Position Five of the **HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1**

**(MEMORIAL CITY MANAGEMENT DISTRICT) BOARD OF DIRECTORS**, for a term to expire June 1, 2015

- was presented, moved by Council Member Gonzalez, seconded by Council Member Green. All voting aye. Nays none. MOTION 2014-0140 ADOPTED.

5. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **CITY OF HOUSTON HIGHER EDUCATION FINANCE CORPORATION BOARD OF DIRECTORS**, for terms to expire January 1, 2016:

Position Two - **ANNE S. DAVIS**  
Position Four - **HARRY D. HOLMES**  
Position Six - **JAMES DONATTO, SR.**  
Position Eight - **MICHAEL E. ROME**

- was presented, moved by Council Member Gonzalez, seconded by Council Member Green. All voting aye. Nays none. MOTION 2014-0141 ADOPTED.

6. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **CITY OF HOUSTON INDUSTRIAL DEVELOPMENT CORPORATION BOARD OF DIRECTORS**, for terms to expire January 1, 2016:

Position Two - **ANNE S. DAVIS**  
Position Four - **HARRY D. HOLMES**  
Position Six - **JAMES DONATTO, SR.**  
Position Eight - **MICHAEL E. ROME**

- was presented, moved by Council Member Gonzalez, seconded by Council Member Green. All voting aye. Nays none. MOTION 2014-0142 ADOPTED.

7. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **WESTCHASE DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2017:

Position One - **AMY FUNK**, reappointment  
Position Two - **MARTIN WILTSHIRE**, reappointment  
Position Three- **DONNA J. FLOWERS**, reappointment  
Position Four - **ELIZABETH VAN WINKLE**, reappointment  
Position Five - **KEITH JOSEY**, reappointment  
Position Six - **JOHN KELLEY**, reappointment  
Position Seven- **DOUGLAS ELLIOTT**, reappointment  
Position Eight - **GREG BROOKE**, appointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Green. All voting aye. Nays none. MOTION 2014-0143 ADOPTED.

Mayor Parker stated that they had approved a number of Directors of Boards and Commissions and knew that Reinvestment Zone No. 8, Gulfgate Board of Directors, that Mr. Medardo "Sonny" Garza was present in the audience and asked that he come forward to be recognized, and stated that from the Planning Commission to the Reinvestment Zone they appreciated the hundreds of hours that he had contributed to the City of Houston, and thanked him for his service to the City of Houston.

Council Member Robinson thanked Mr. Garza for his long dedicated service to the City of Houston.



Mayor Parker asked if there were any other appointees present, and Ms. Perri Lyn D'Armond came forward and Mayor Parker, Council Members Stardig and Pennington thanked her for her service to the City of Houston.

**ACCEPT WORK** - NUMBERS 9 through 11

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,691,260.81 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for Water Line Replacement in Oak Forest Area - 2.68% over the original contract amount and under the 5% contingencies - **DISTRICTS A - STARDIG and C - COHEN** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2014-0144 ADOPTED
  
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,285,010.39 and acceptance of work on contract with **STATEWIDE TRAFFIC SIGNAL COMPANY** for 2011 Traffic Signal Construction - Group B - 4.74% under the original contract amount - **DISTRICTS A - STARDIG; B - DAVIS; C - COHEN; E - MARTIN and H - GONZALEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Green. All voting aye. Nays none. MOTION 2014-0145 ADOPTED.

Council Member Davis moved that the rules be suspended for the purpose of considering Item No. 54 out of order, seconded by Council Member Green. All voting aye. Nays none. MOTION 2014-0146 ADOPTED.

54. ORDINANCE supplementing the City of Houston, Texas Combined Utility System Master Ordinance; providing for the issuance of Combined Utility System First Lien Revenue Refunding Bonds, Series 2014B and Combined Utility System First Lien Revenue Refunding Bonds, Series 2014C in one or more series or subseries as may be further designated; 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 including the use of one or more Preliminary Official Statements and authorizing the preparation and distribution of one or more Official Statements and matters incident thereto; awarding the sale of the Bonds; authorizing the defeasance, final payment, and discharge of Certain Outstanding Combined Utility System First Lien Revenue Refunding Bonds; authorizing the execution and delivery of one or more Escrow Agreements; authorizing the purchase of and subscription for Certain Escrowed Securities; authorizing Escrow Verification and Engagement of an Escrow Agent; authorizing a Co-Bond Counsel Agreement, and a Special Disclosure Co-Counsel Agreement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and other related documents; making other provisions regarding such bonds; and declaring an emergency – **(This was Item 12 on Agenda of February 12, 2014, TAGGED BY COUNCIL MEMBER MARTIN)** – was presented.

After discussion by Council Members Pennington, Boykins, Martin, Davis and Bradford, Mayor Parker stated that selection of investment banks that did their bond underwriting was a negotiated process between the Mayor's office and the Controller's office, that they must agree, that she had clearly agreed or it would not be on the agenda, that there was spirited debate back and forth, as there often was and they had some philosophical differences, but she could assure them that they were not concerned that this bond transaction would not go off exactly as planned, that it was a philosophical difference not a difference in which they said they were not comfortable moving this project forward; that Siebert was not a Houston based firm, they had an office in Houston, the question as to the amount of analysis that had been done was

referenced to whether they had brought good ideas to the City and whether they had suggested to them how best to do this particular transaction, it had nothing to do with what they did in any other City, she did not care about what they did in any other City, it was about whether they had done good work for them, that Siebert Brandford had always done excellent work for the City of Houston, and the issues that Mr. Dowe raised were what they paid him to raise, his job was to ask questions, to make sure they got the best deal for the City of Houston, and she was completely comfortable with the work that he had done, the issue was whether because the size of the transaction was so large, whether a smaller firm had the capitalization to handle the deal, that because there was a syndicate put together to do the transactions, they were comfortable that they were going to get a good deal and that everybody would perform, that it was not that Siebert could not do the deal, it was that they felt that there other firms that had stepped up more and given them more ideas on the front end, that she wished she woke up every day and was happy with everything that she saw about the City of Houston in the Chronicle, that she could not tell them how many days it had given her heartburn; that she would point out that Siebert had done hundreds of millions of dollars' worth of work for the City of Houston over the years and had a long track record with the City of Houston, but any company that wanted to be the book runner was going to have a heighten level of scrutiny.

Council Member Bradford moved to call the question relating to Item No. 54, seconded by Council Member Costello. All voting aye. Nays none. MOTION 2014-0147 ADOPTED.

A vote was called on Item No. 54. All voting aye. Nays none. ORDINANCE 2014-0116 ADOPTED.

**PROPERTY** - NUMBERS 12 through 15

12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jack Carter, P. E., Dannenbaum Engineering, Inc., on behalf of Magenta Holdings, LP, [Magenta Holdings GP, LLC, (Paul W. Hobby, Manager), General Partner], for abandonment and sale of Morningside Drive, from South Boulevard north to its terminus, in exchange for conveyance to the City of a full-width sanitary sewer easement located in the portion of Morningside Drive to be abandoned and sold, both in the Monona Court Subdivision, out of the A. C. Reynolds League Survey, Parcels SY14-010 and DY14-009 - **DISTRICT C – COHEN** – was presented, moved by Council Member Pennington, seconded by Council Member Cohen. All voting aye. Nays none. MOTION 2014-0148 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracy Youngblood, Brown & Gay Engineers, Inc., on behalf of ATMA Memorial, LLC, (Tim L. Myers, Manager), for abandonment and sale of a ±400-square-foot sanitary sewer easement, located within the Memorial Lofts Subdivision, out of the Joel Wheaton Survey, A-80, Parcel SY14-055 - **DISTRICT G - PENNINGTON** – was presented, moved by Council Member Pennington, seconded by Council Member Cohen. All voting aye. Nays none. MOTION 2014-0149 ADOPTED.
14. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. Zafar, Inc., et al., Cause No. 1032297; for acquisition of Parcel AY12-162; for the **WEST LITTLE YORK PAVING AND DRAINAGE PROJECT (T.C. Jester - Alabonson/Deep Forest)** - **DISTRICT A - STARDIG** – was presented, moved by Council Member Pennington, seconded by Council Member Cohen. All voting aye. Nays none. MOTION 2014-0150 ADOPTED.

15. RECOMMENDATION from City Attorney to purchase property in connection with eminent domain proceeding styled City of Houston v. Arthur J. Fritz, Jr. & Barbara C. Fritz, Trustees, et al., Cause No. 1031940; for acquisition of Parcel AY12-163; for the **WEST LITTLE YORK PAVING AND DRAINAGE PROJECT (T.C. Jester - Alabonson/Deep Forest) - DISTRICT A - STARDIG** – was presented, moved by Council Member Pennington, seconded by Council Member Cohen. All voting aye. Nays none. MOTION 2014-0151 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 19 through 23

19. **AT&T CORP.** for approval of payment for Central Office Based Business Communications System Services (Plexar) for Houston Information Technology Services - \$334,071.95 - Central Service Chargeback Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. MOTION 2014-0152 ADOPTED.
21. **LUMENATE, LP** - \$775,077.28 and **HEWLETT-PACKARD COMPANY** - \$521,724.52 for purchase of an IT Infrastructure and Storage Environment through the Texas Department of Information Resources for the Houston Information Technology Services Department – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. MOTION 2014-0153 ADOPTED.
23. **RAY GARIETH DON, INC** for Top Soil, Bank Sand, Clay-Filled Dirt and Conditioners, Part II, for the Department of Public Works & Engineering - \$607,132.50 - Enterprise, Storm Water and Other Funds – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. MOTION 2014-0154 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 25 through 53

25. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide prescriptive sanitary sewer easement in the Studewood View Subdivision, Harris County, Texas; vacating and abandoning the easement to Bridgewood-Heights, LP, owner, in consideration of owner's conveyance to the City of Houston, Texas, of a 10-foot-wide access easement, payment to the City of \$300.00, and other consideration **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0117 ADOPTED.
26. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Goliad Street, from Dart Street to its terminus at the Union Pacific Railroad, located in the Jon Austin Survey, A-1; vacating and abandoning the street to the City of Houston, Texas, abutting owner, in consideration of owner's conveyance of a full-width utility corridor, and other consideration - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0118 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City of Houston and **BRENTWOOD ECONOMIC COMMUNITY DEVELOPMENT CORPORATION** providing up to \$468,342.00 in Housing Opportunities for Persons With AIDS Funds for the administration and operation of a community residence and the administration of a short-term rent, mortgage and utility assistance program, along with supportive services – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0119 ADOPTED.

31. ORDINANCE amending Ordinance No. 2012-338 relating to the purchase of part of Lot One of the subdivision of Lot Fifteen, Holman Outlots, J. S. Holman Survey, A-323, South Side of Buffalo Bayou, Houston, Harris County, Texas (2211 Tuam) in connection with the expansion of Emancipation Park; appropriating \$63,238.00 out of Parks Consolidated Construction Fund to the State Grant Fund for the purpose of reimbursing fifty percent of the purchase price of 2211 Tuam **DISTRICT D - BOYKINS** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0120 ADOPTED.
- 31a. ORDINANCE appropriating \$1,636,829.00 out of Parks Consolidated Construction Fund; approving and authorizing Interlocal Agreement between the City of Houston and the **OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY** for construction of improvements to Emancipation Park - **DISTRICT D - BOYKINS** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0121 ADOPTED.
32. ORDINANCE appropriating \$126,000.00 out of Parks Consolidated Construction Fund; \$50,000.00 out of Fire Consolidated Construction Fund; \$201,000.00 out of Police Consolidated Construction Fund; \$173,000.00 out of Public Library Consolidated Construction Fund and \$158,000.00 out of Public Health Consolidated Construction Fund; approving and authorizing three Task Order Construction contracts between the City of Houston and **INLAND ENVIRONMENTS, LTD., RNDI COMPANIES, INC** and **ARROW SERVICES, INC** for Environmental Remediation, Underground Storage Tank Removal and Demolition Services for City facilities and dangerous buildings; providing maximum contract amount of \$2,000,000.00 each - 5 Years – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0122 ADOPTED.
33. ORDINANCE appropriating \$1,157,652.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **REY DE LA REZA ARCHITECTS DBA RDLR ARCHITECTS, INC.** and **ROTH + SHEPPARD ARCHITECTS, LLP, A JOINT VENTURE** for the Southwest Police Station; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT K - GREEN** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0123 ADOPTED.
34. ORDINANCE appropriating \$240,000.00 out of Equipment Acquisition Consolidated Fund and amending Ordinance No. 2009-923 to increase the maximum contract amount for contract between the City and **ADVANCED PUBLIC SAFETY, INC** for Hand-Held Electronic Citation Devices for Various Departments - \$39,600.20 - HPD Special Revenue Fund and \$104,237.13 General Fund – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0124 ADOPTED.
37. ORDINANCE consenting to the addition of 95.30 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0125 ADOPTED.
38. ORDINANCE appropriating \$26,889.33 out of Metro Projects Construction DDSRF as an additional appropriation to the Construction Maintenance Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for the Replacement of Sherwell Street Bridge at Jordan Gully (Approved by Ordinance No. 1998-0279) -

**DISTRICT E - MARTIN** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0126 ADOPTED.

39. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the Public Improvement Project known as the Laughlin-Thyssen Site acquisition for a Sludge Depository for the East Water Purification Plant; authorizing the acquisition of Fee Simple Title Interest in one parcel of land and an ingress/egress easement in another parcel of land required for the project and situated in the Ezekiel Thomas Survey, Abstract No. 73, in Harris County, Texas, said parcels of land being those described, conveyed and granted to Laughlin Environmental, Inc. by GATX Terminals Corporation by deed dated November 2, 1995 and of record under Harris County Clerk's File Number R657503 in Houston, Harris County, Texas, by gift, dedication, purchase and the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for relocation assistance, Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of Fee Simple Title interest in one parcel of land and an ingress/egress easement in another parcel of land required for the project – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0127 ADOPTED.
40. ORDINANCE appropriating \$230,000.00 out of Street & Traffic Control and Storm Drainage DDSRFA as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **UNITED ENGINEERS, INC** for Local Drainage Projects Negotiated Work Orders and On-Call Design (Approved by Ordinance No. 2012-0228); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRFA – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0128 ADOPTED.
41. ORDINANCE appropriating \$88,200.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **JACOBS ENGINEERING GROUP, INC** for Neighborhood Street Reconstruction Project 453 (Approved by Ordinance No. 2011-0409); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - PENNINGTON** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0129 ADOPTED.
42. ORDINANCE appropriating \$45,500.00 out of Metro Projects Construction DDSRF as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **COBB FENDLEY & ASSOCIATES, INC** for the Design of Long Point Road from Hollister to Pech Road (Approved by Ordinance No. 2004-0757); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Metro Projects Construction DDSRF **DISTRICT A - STARDIG** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0130 ADOPTED.
43. ORDINANCE appropriating \$221,000.00 out of Street & Traffic Control and Storm Drainage DDSRF-A as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **IDS ENGINEERING GROUP, INC** for Arlington Heights Area Drainage Improvements (Sub-Project 1) (Approved by Ordinance No. 2011-0508); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF-A - **DISTRICT E - MARTIN** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0131 ADOPTED.

44. ORDINANCE appropriating \$209,300.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **AEI ENGINEERING, LLC** for Engineering Services associated with Rehabilitation of Water Wells at various locations; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - STARDIG; B - DAVIS; F - NGUYEN; G - PENNINGTON; J - LASTER and K - GREEN** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0132 ADOPTED.
45. ORDINANCE appropriating \$500,000.00 out of Metro Projects Construction DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MIDTOWN ENGINEERS, LLC** for Traffic Signal Management Program / Intelligence Transportation System; providing funding for contingencies relating to construction of facilities financed by the Metro Projects Construction DDSRF – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0133 ADOPTED.
48. ORDINANCE appropriating \$6,297,850.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LEM CONSTRUCTION CO., INC** for Rehabilitation of Grit Removal System at Southwest Wastewater Treatment Plant; 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0134 ADOPTED.
50. ORDINANCE appropriating \$3,629,651.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LAYNE INLINER, 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 Davis absent. ORDINANCE 2014-0135 ADOPTED.
51. ORDINANCE appropriating \$5,347,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LEM CONSTRUCTION CO., INC** for New Grit Removal Systems and Bar Screen Repair/Replacement at Almeda Sims Wastewater Treatment Plant; 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 D - BOYKINS** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE 2014-0136 ADOPTED.
53. ORDINANCES NOS. 2014-89 to 2014-90, passed second reading February 11, 2014 for Ordinances granting to the following listed as A and B, 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 and making certain findings

related thereto **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Davis absent. ORDINANCE Numbers 2014-0089 and 2014-0090 ADOPTED THIRD AND FINAL READING IN FULL.

**LONE STAR DISPOSAL, LP**, a Texas Limited Partnership - (2014-89)  
**SUN COAST RESOURCES, INC.**, a Texas Corporation - (2014-90)

## **CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

### **MISCELLANEOUS**

8. RECOMMENDATION from Director of Administration & Regulatory Affairs Department to **AMEND MOTION 2008-656, 8/20/08**, to remove prior designation of the west side of 1300 Crosby as a residential permit parking area – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2014-0155 ADOPTED.

### **ACCEPT WORK**

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,485,740.55 and acceptance of work on contract with **STATEWIDE TRAFFIC SIGNAL COMPANY** for 2011 Traffic Signal Construction - Group A - 0.26% under the original contract amount - **DISTRICTS B - DAVIS; C - COHEN; D - BOYKINS; H - GONZALEZ; I - GALLEGOS and J - LASTER** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2014-0156 ADOPTED.

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

16. **MORPHOTRUST USA, INCORPORATED** for Enhanced Fingerprint System from the General Services Administration Schedule 70 contract through the Cooperative Purchasing Program for the Houston Airport System - Enterprise Fund - \$87,528.00 – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2014-0157 ADOPTED.
17. ORDINANCE appropriating \$4,666,140.16 out of Equipment Acquisition Consolidated Fund and \$1,191,724.89 out of Reimbursement Equipment/Projects Fund for the purchase of Firefighting Trucks for the Houston Fire Department – was presented.

After discussion by Council Members Christie, Costello, Gonzalez, Bradford, Davis and Stardig, Council Member Costello stated that he would tag Item No. 17.

Mayor Parker stated that Item No. 17 had been tagged by Council Member Costello.

- 17a. **METRO FIRE APPARATUS SPECIALISTS, INC** - \$3,012,365.05 and **TYLER MOTOR COMPANY, INC d/b/a HALL VOLVO GMC** - \$2,845,500.00 for Firefighting Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Fire Department – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford, and tagged by Council Member Costello.
18. **ASSOCIATED SUPPLY COMPANY, INC** for Equipment, Road Machinery, Gradall Replacement Parts and Repair Services for the Fleet Management Department - \$1,358,911.80 - Fleet Management Fund – was presented, moved by Council Member

Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2014-0158 ADOPTED.

20. **LUMENATE, LP** - \$782,759.76 and **HEWLETT-PACKARD COMPANY** - \$550,218.00 for purchase of an IT Infrastructure and Storage Environment through the Texas Department of Information Resources for the Municipal Courts Department – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. MOTION 2014-0159 ADOPTED.
22. APPROVE SPENDING authority in an amount not to exceed \$2,500,000.00 to **SPRINT WASTE SERVICES, LP**, \$2,500,000.00 to **SYNAGRO OF TEXAS-CDR, INC** and \$1,500,000.00 to **MAGNA FLOW ENVIRONMENTAL** for Emergency Dewatered Sludge Transportation and Landfill Disposal Services for the Department of Public Works & Engineering - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Laster. All voting aye. Nays none. MOTION 2014-0160 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

24. RESOLUTION approving and authorizing the nomination of **MATTRESS FIRM, INC.** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as a Texas State Enterprise Zone Project - **DISTRICTS G - PENNINGTON and I - GALLEGOS** – was presented. All voting aye. Nays none. RESOLUTION 2014-0002 ADOPTED.
27. ORDINANCE approving and authorizing Amendment No. 2 to Lease Agreement between the City of Houston and **EL PASO ENERGY SERVICES COMPANY, L.L.C.** for certain premises at George Bush Intercontinental Airport - **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. ORDINANCE 2014-0137 ADOPTED.
29. ORDINANCE approving and authorizing contract for Legal Services with **DENTON, NAVARRO, ROCHA, BERNAL, HYDE & ZECH, P.C.** for Legal Representation of the City of Houston in negotiation of Fire Department Employee Agreements; establishing a maximum contract amount \$75,000.00 - General Fund – was presented.

After discussion by Council Members Pennington and Bradford, Mayor Parker stated that Denton Navarro did work with cities all across the State of Texas, and it was not because they did not have great legal advice, but the contract language was negotiated on both sides and they believed that Denton Navarro was the best in the business, sometimes they could not get what they wanted in the contract however, and Mr. Feldman stated that he could say, with qualification, that this was a contract without any form, it was all original, very historical, it had evolved over a period of years, much was negotiated and inserted in it, before he or Denton Navarro became involved, and as the Mayor had pointed out negotiations were a two way street, they did the very best they could, this firm was an outstanding firm in the area of labor negotiations, they represented any number of cities, that as they knew he was also a board certified lawyer, that the fact was that it was good to have two heads at that table; that the way these contracts were negotiated they did not go in and change everything they wanted to change, they went in and negotiated and for the most part they figured out what three things in a multipage contract that they could change, and if they could not come to agreement on the others they leave them there, that this contract had evolved over decades and there were lots of things on both sides that she thought they would like to change, either side could do it unilaterally, if they could not find an agreement on them they stay in the contract, and if a contract was not renegotiated the existing contract stands.



After further discussion and questions by Council Members Costello, Kubosh and Bradford, Mr. Feldman stated that Denton Navarro had been helping them off of an existing contract, they had used them for negotiations in the past, they did three years ago for both Fire and Police, and before that as well, there was additional money on that contract, but they needed some more, and Mayor Parker stated that in fact this current negotiations were open to staffers and the public, in fact she knew that some Council Members had had staffers sitting in, this was a reopener that was specified in the last contract, it was not a completely new, and Mr. Feldman stated that actually it was both, they had the reopener and the contract expire on June 30, 2014, and Mayor Parker stated that they had a dual contract discussion.

After further discussion Mayor Parker stated that if Council Members would contact the City Attorney she would be happy to arrange individual meetings, as they knew they could not do an executive session, that again, like any contract, the administration was the negotiating body, they did not negotiate contracts at the table, they could be rejected or approved, and with union negotiations it was more complicated because of the City's approval process and then they had their approval process as well, so once it was negotiated at the bargaining table it could not be amended by either side.

A vote was called on Item No. 29. Council Member Kubosh voting no, balance voting aye. ORDINANCE 2014-0138 ADOPTED.

30. ORDINANCE approving and authorizing submission of an application for grant assistance to the Criminal Justice Division of the Governor's Office to receive a Juvenile Justice and Delinquency Prevention Grant to support the Youth Green Corps Program coordinated by SER - Jobs for progress of the Texas Gulf Coast, Inc.; approving and authorizing Cooperative Agreement between the City of Houston on behalf of the Houston Parks and Recreation Department (HPARD) and the **SER - JOBS FOR PROGRESS** declaring the City's eligibility for such grant; authorizing the Director of HPARD to act as the City's representative in the application process and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. ORDINANCE 2014-0139 ADOPTED.
35. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **ASHBROOK SIMON-HARTLEY OPERATIONS, LP** for Belt Filter Press Assembly Services for the Public Works & Engineering Department – was presented. All voting aye. Nays none. ORDINANCE 2014-0140 ADOPTED.
36. ORDINANCE amending Ordinance No. 2010-0195 to increase the maximum contract amount for contract between the City and **HOV SERVICES, INC** for Mail Processing Services for Various Departments - \$627,500.00 - General Building Inspection and Parking Management Operating Funds – was presented. All voting aye. Nays none. ORDINANCE 2014-0141 ADOPTED.
46. ORDINANCE appropriating \$1,745,000.00 out of Street & Traffic Control and Storm Drainage DDSRFA; awarding contract to **T CONSTRUCTION, LLC** for FY2014 Local Drainage Project Construction Work Orders #1; 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, CIP Cost Recovery and contingencies relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRFA – was presented.

Council Member Davis stated that since they reinstated women businesses last year,

were all of the contracts and RFPs going to go out with percentages for minorities, women and small businesses, and Mayor Parker stated that it was different for different type of contracts, in general women were included under the same MWBE goals, that he was going to have to ask someone who was down in the weeds on these particular contracts, and Council Member Green stated that Public Works contracts were broken down into those three, but for the rest they were not, and Mayor Parker stated that it depended on the contract, and in Public Works contracts women contractors were pulled out.

A vote was called on Item No. 46. All voting aye. Nays none. ORDINANCE 2014-0142 ADOPTED.

47. ORDINANCE appropriating \$9,534,000.00 out of Street & Traffic Control and Storm Drainage DDSRF-A and \$916,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION CO.** for Montrose Area and Midtown Drainage and Paving Improvements; and 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, construction management, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF-A and the Water & Sewer System Consolidated Construction Fund - **DISTRICT C – COHEN** – was presented.

After discussion by Council Members Davis and Boykins, Mayor Parker stated that it was an aggregate goal, so individual contracts may differ, they would not have set the goal at 34% if they did not think they could hit that goal in the aggregate, individual contracts may vary and a goal was a goal, they could not say it was a goal and then say they must hit it, they had to give flexibility, that the appropriate step was to sit down with the OBO Director, she did a monthly score card where they could see where they were in terms of the overall annual citywide goal.

After further discussion Council Member Green stated that in regards to the Awards Report, they talked about a monthly report, the last report they received was dated in September 2013 and he had asked for an update and he kept hearing next week, and he had yet to receive it, so maybe she could help him get an updated report so they could see where they stood being that they were half way through the year, and Mayor Parker stated absolutely, and again to all Council Members, they needed to make it very clear that they made a legal distinction between a goal and a mandate.

After further discussion by Council Members Pennington, Bradford, Costello and Gonzalez, Mayor Parker stated that the Transportation, Technology and Infrastructure Committee would be a perfect place for a presentation, for new Council Members, on what process the Office of Business Opportunity went through to verify both the original goal and the good faith efforts, that she would take great exception to the idea that there were companies ready, able and willing to do the work on this particular project after OBO had gone out and tested the nature of the good faith work that Sterling did in trying to find those MWBE firms, but she certainly would encourage firms that felt they would have been qualified and were listed with the City of Houston as a qualifying firm and were not chosen, to come forward and make their case.

Mr. Feldman stated that there was a clear difference, legally and otherwise, between a goal and a mandate or a quota, a goal was just that, a goal, the enforcement tool that was available to them and in the ordinance, was that the contractors responsibility was to exercise good faith, to act in good faith, in attempting to meet the goal, if a contractor did not engage in good faith efforts, and was the term in the ordinance, to reach a goal then sanctions were possible, up to and including termination of the given contract, or for that matter debarment for

future contract opportunities, that was how the enforcement took place, that he thought they would find that OBO had been increasingly aggressive in trying to monitor whether or not contractors were making good faith efforts to reach goals.

After further discussion by Council Members Costello, Gonzalez, Davis, Green and Cohen, Mayor Parker stated that OBO should certainly be communicating sufficiently with Council Members, the question was whether a Council Member's expectations were aligned with reality, this particular item had the certification from Office of Business Opportunity, what she had heard over and over again, in the many years that she had been in the Chamber, and could not tell them how many times she had the discussion that they knew there were firms out there that could do this work why were they not getting an opportunity, bring them the names of the firms, the contract that they wanted to do work on, that they did not have an opportunity to do, and they would be all over it, that she would encourage Council Members to not bring more anecdotal evidence, bring real facts forward, either to her or to the Director, because ultimately Director Wright was the person who had the responsibility to make sure the good faith efforts were followed through.

Council Member Costello stated that he wanted to remind his colleagues that the Office of Business Opportunity actually reported to the committee as a whole, the BFA, and they would have a quarterly meeting on March 4, 2014, so this would be an opportune time to talk to the Director about this.

Mayor Parker stated that she misspoke about which committee this needed to go to, she appreciated his clearing that; that every one of these contracts they would see a statement from the Office of Business Opportunity attached, that OBOs responsibility was to make sure they contacted qualified firms, and there was an entity that tested the good faith, that they had significantly increased the size of the Office of Business Opportunity, which was the MWBE Contract Compliance Department, they had a higher goal then they ever had in the past, and were meeting a higher goal than they ever had in the past, so she thought the proof was in the outcome.

A vote was called on Item No. 47. All voting aye. Nays none. ORDINANCE 2014-0143 ADOPTED.

49. ORDINANCE appropriating \$2,888,850.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON WATERWORKS, LLC** for Rehabilitation of Grit Removal System at Upper Braes Wastewater Treatment Plant; 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT F – NGUYEN** – was presented.

After discussion by Council Member Davis, Mayor Parker stated that Pepper-Lawson did meet their goal and slightly exceeded their goal, according to the letter from OBO, that they met their MWBE goal.

A vote was called on Item No. 49. All voting aye. Nays none. ORDINANCE 2014-0144 ADOPTED.

52. ORDINANCE appropriating \$1,209,473.10 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L. P. ENTERPRISES, INC** for Water Substitute Service; 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. ORDINANCE 2014-0145 ADOPTED.

### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Robinson announced events he attended or would be attending. Mayor Parker, Council Members Stardig, Nguyen and Kubosh absent. Mayor Pro Tem Gonzalez presiding.

Council Member Bradford announced events he attended or would be attending. Mayor Parker, Council Members Stardig and Nguyen absent.

Council Member Boykins announced events he attended or would be attending; and stated that Ms. Jayne Rava, University Oaks Civic Club, her dog was attacked by a stray animal, the dogs eye was taken out, he knew they were doing a lot for BARC, but they had to do better. Council Member Nguyen absent.

Mayor Parker stated that she did not know which committee it was going to, but knew that BARC would be coming forward, it was a matter of dollars, it was not a matter that they did not work hard, it was a matter of resources, the same resources that funded BARC funded libraries and parks and everything else, that they would be coming to show Council Members if they gave then x amount of dollars this was what the outcome would be, that she had seen the presentation, that it would be looking at next year's budget, that it all came from the same pot.

Council Member Martin stated that Mr. Kelly Dowe, in his opinion, was one of the most talented financial advisors that he ever worked with, that he appreciated his due diligence; that he wanted to follow up on his comments on Siebert Brandford and Shank, there was a huge difference, it had nothing to do with MWBE, it had to do with being the book rider or book running manager, they would not be doing their financial due diligence if they did not place some hard questions and he thought that Mr. Dowe did that, that Siebert had never been the book running manager for anyone, they had always been the co-manager, the co-senior, that meant their money was not on the line, that as a book running manager they had to have money on the line in case this thing went south, for a private company like Siebert it was hard to find financial data on them, because it was not publicly released, so part of his due diligence was examining their financial statements and getting as much financial information so that he felt comfortable coming on board and recommending them underwriting a \$1.7 billion program; that to Council Member Bradford's question it did beg the question, did Council really need a dedicated financial employee to help with the analysis of some of the financial data they receive in the RCAs, that he thought probably moving into the budget process they needed to look closely and examine that.

Council Member Laster announced events he attended or would be attending; and stated that last week he and Council Member Nguyen raised a number of issues concerning the Bellaire Reconstruction Project in southwest Houston, he spoke to that in Council and at that point and time they had the unfortunate reality that they had two pedestrian deaths in a City managed project, which was unprecedented at the time, this past weekend they had a third pedestrian death, that he and Council Member Nguyen issued a joint memorandum to the Houston Police Department last Wednesday and the Public Works Department, requesting a number of items be considered for safety and security along the Bellaire Corridor, he wanted to thank HPD, who had responded almost immediately, that they were on site this past weekend enforcing traffic regulations, rules and laws, it was unfortunate that all three of these deaths

involved jaywalking and the last two deaths involved hit and run instances, so they had now become criminal matters, they were looking forward to working with the Public Works Department very closely, a number of the issues they had requested were increased multi lingual large print signs, talking about the dangers of crossing Bellaire Boulevard, directional signage, showing where crossings were, mobile feedback units, speed feedback units to discourage speeding, increased presence of HPD patrols had already taken place to address speeding and jaywalking violations, installation of temporary lighting options, utilization of flag men for traffic directions or crossing guards during peak traffic times and possible erections of barriers to prevent jaywalking and other inappropriate crossing of Bellaire, that it was incumbent upon the Public Works Department, as the manager of the project, to work with all due speed, and he knew the Director was attempting to address all of these issues to the best of his ability, that he looked forward to standing with Mayor Parker and wanted to thank her for setting side part of her public comments and press time to address the public relations issue and public security issue associated with this project; that he would reach out to the citizens to again remind them that this was a construction site, and all construction sites were inherently dangerous, please follow the law and do not attempt to walk across the street where there were no lights to do so, if they did so they put their life in danger and were breaking the law. Council Member Martin absent.

Council Member Costello announced events he attended or would be attending; and stated that he wanted to support what Council Member Martin stated that Director Dowe, he was basically doing his job, which was to raise questions and issues and he thought the memo that was quoted in the newspaper was a memo that he provided to the Controller's office, the whole goal of supporting and building a team that would get the end result, which was what they wanted, that he thought at the end of the day they had a great team and thought they would get a great bond sale, that he had been working with Director Dowe for almost five years and he really looked out for the benefit of the City and thought he was a great director and supported him totally. Council Member Martin absent.

Mayor Parker thanked both Council Members who spoke out on Mr. Dowel's behalf, he absolutely did an excellent job in working, everything that he did in this process was part of his responsibility. Council Member Martin absent.

Council Member Gonzalez stated that he wanted to congratulate Council Member Costello on his recognition as Houston's Engineer of the Year; announced events he attended or would be attending.; and stated that since they were referencing Director Dowe, he personally wanted to give his stamp of approval to the job that he did, working very closely with him he thought he was a true professional and thought he always had the best interest of the City and he very much supported his work each and every day and knew he worked very hard, he wanted to commend him on his work and thank him for that; that one of the things that he had brought up in the past was his desire to also see Hispanic owned firms being considered as book running managers, historically he had seen very little of that ever occurring, so his suggestion at the time was instead of having those discussions at the table, was to meet with some of them and find out if they did have the capacity, regardless of any minority out there, they should see more than one or two over a span of 20 years get those type of opportunities, if they were qualified to do it, that he thought there were a lot of qualified minority owned businesses that had roots in Texas, and worked well with the City. Council Members Martin and Laster absent.

Council Member Cohen announced events she attended or would be attending. Council Members Martin, Gonzalez and Costello absent.

Council Member Pennington announced events he attended or would be attending. Council Members Boykins, Martin and Costello absent.

Council Member Davis announced events he attended or would be attending; and stated that the electronic ticketing riding machines, agenda Item No. 34, that HPD received, it was a great item and he supported it, and would love to see similar technology going to the Department of Neighborhoods; that he agreed with Council Member Martin, that as he stated they must look into these items and do their due diligence, that in the newspaper it said about the smell test, and he heard how Siebert was treated by the Finance Department, he believed that was one of the things that brought on the conversation today, they were not saying Director Dowe was a poor director, but the way they were treated when they brought in their staff, they whispered among themselves and asked if they wanted all of the staff members in there for the conversation, those were the type of things they were talking about, they had questions about the process in which this was done, that he agreed with Council Member Gonzalez when he said fair and equitable, that was all they were asking for, that these processes be fair and equitable with women and small businesses, even the primes, because as he brought people into the office to discuss situations as it related to contracts and RFPs, the primes had major problems and they needed to sit at the table and try to figure these out so they could have a better environment and successful businesses in the City of Houston, so everybody could put food on the table for their families. Council Members Martin and Costello absent.

Council Member Gallegos announced events he attended or would be attending; and stated that as they knew February was Spay and Neutering Month, he and his staff toured the SNAP Mobile Unit last week, which was stationed at the Magnolia Multi Service Center, that he and his staff toured the SNAP Clinic at Durham and I-10, they did provide low cost spay and neutering to pets but not strays; that he wanted to promote the free quality tax preparation by Neighborhood Tax Centers, it would be open from January to April 2014, the ones that were eligible were families earning up to \$50,000, single individuals earning up to \$30,000, it was free tax preparation and free filing for fast refund and free direct deposit, they could call 2-1-1, the United Way helpline. Council Members Davis, Martin, Pennington and Costello absent.

Mayor Parker stated that she wanted to thank Council Member Gallegos for mentioning that because this time of year a lot of their citizens were inundated by messages about refund anticipation loans and they got sucked in by unscrupulous tax preparers, there were opportunities to get it done free and refund anticipation loans were not much different than a payday loan. Council Members Davis, Martin, Pennington and Costello absent.

Council Member Stardig announced events he attended or would be attending; and stated that on the agenda this week they started the process again on Long point, she appreciated her colleagues support on getting that started again; they would be addressing the Gesner project also north of I-10, there was going to be a lot of development in that area so it was much needed; that she agreed with her colleagues on the jaywalking issue in the City, they had an issue in District A in Spring Branch on Gesner not to long ago, she did not know if it was the mindset, it was unacceptable, they had to walk through the light, that was the way she was brought up, she did not know why it was okay to cross anywhere, that they needed to rethink how they approached that for public safety issues; that she had a conversation with a civic club president about dogs being left at their local park, in her neighborhood at Nob Hill Park, that she gave her details about a park bench that literally dogs had been chained to, that she asked for more details, that she did know if the intake at BARC was the issue, or if there was something else driving this, so if there were any other conversations about that she would like to be included. Council Members Davis, Martin, Pennington and Costello absent.

Council Member Kubosh announced events he attended or would be attending; that a lot had been said today about Director Dowe, when he first became a City Council Member he went to an orientation and one of the most impressive people that he met during the orientation was Mr. Dowe, that he was very open with them and very honest about the City's financial situation, about the pension plans, that he had been by his office and was a great resource, that

he happened to believe what Mr. Dowe said, unless somebody could show him otherwise, that he said their current situation was unsustainable, he came by his office the other day and said they were going to have some serious problems within four to five years; that he knew the City was considering building a Justice Center, that on February 11, 2014 the Homeland Security Committee met and what he understood it was a half billion dollar project, that he asked them to put it in fifth grade language, but he wanted to understand a PP3, Public Private Partnership, and he could promise them before they passed it he would do everything he could to get it in fifth grade language so that all of them could understand what that really meant when they spend half a billion dollars or more, that he had heard other Council Members say they were for it, that he owned property two blocks from there so he was really for it, but the truth of the matter was could they afford it and did the taxpayers want it, so they better get involved and pay attention to what was going on because the citizens needed to be aware that they were potentially going to build a new police station and a new Municipal Courts, that he did not believe they needed a new City Court building, but they may very well need a new police station, that he would do everything he could to be a resource to the citizens. Council Members Davis, Martin, Pennington, Green and Costello absent.

Council Member Nguyen announced events he attended or would be attending; that he wanted to echo Council Member Laster words, that he wanted to remind everyone that they were human, they were made of soft flesh, delicate hair and hollow bones, they were not machines and made of hard steel, tough plastic and solid rubber, the only mechanical part of them should be in their thinking, they were not as fast and strong and certainly not replaceable, that implored the citizens of Houston to think carefully and take caution when they crossed a street, cross only at legal crosswalks and only when it was absolutely safe, be it during daylight or at night, that jaywalking was mentioned, but he thought that speed was also to blame, so if they were driving please keep in mind that construction zones were just as dangerous when they were sitting inside their vehicles as walking around without the steel encasement, so please reduce their speed, put down their phones and be extra careful. Council Members Davis, Martin, Pennington, Green and Costello absent.

Council Member Boykins stated that he was not pointing his comments toward Mr. Dowe and his professionalism, he made a mistake in his opinion, based on what was quoted in the Chronicle, that he respected Kelly, he was very open to him, when about three years ago he came to talk to him when he was on the Rebuild Houston Oversight Committee, about the numbers, he learned a lot from him, they all make mistakes, that his concern was not about the choice of the firms, that he had not heard anything about JP Morgan, he just heard about the firm that was qualified based on the data he received, the information that was printed was offensive, that they had a very diverse City and welcomed people, Mayor Parker became up with an excellent concept, the idea of Houston First, even though they had a firm in Houston, like many others, that the choice of words was unacceptable, he was offended as a taxpayer, and as an elected official he did not approve of that, but in terms of Mr. Dowe as a professional he had the upmost respect for him, but they all say thinks and regret it, that he did not want anyone to think that his comments were personal against Mr. Dowe. Council Members Davis, Martin, Pennington, Green and Costello absent.

Council Member Gonzalez announced events he attended or would be attending. Council Members Davis, Martin, Pennington, Green and Costello absent.

Council Member Cohen announced events he attended or would be attending. Council Members Davis, Martin, Pennington, Green and Costello absent.

Mayor Parker stated that the Farmers Market had started back up again and encouraged them to start picking up their lunch outside around the reflecting pool and supporting their local vendors. Council Members Davis, Martin, Pennington, Green and Costello absent.

There being no further business before Council, the City Council adjourned at 11:07 a.m. Council Members Davis, Martin, Pennington, Gonzalez, Green and Costello 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