

City Council Chamber, City Hall, Tuesday, January 29, 2013

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 29, 2013, Mayor Annise Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division; Ms. Marta Crinejo, Agenda Director and Ms. Stella Ortega, Agenda Office present.. Council Member Andrew C. Burks, Jr., absent on personal business.

At 1:43 p.m. Mayor Parker asked all to take their seats, called the meeting to order and stated that Council Member Noriega was making a presentation to Camp Houston Fire which was one of her favorite things; and Council Member Noriega stated that she did not have a Proclamation today, they were making announcements and sharing information and invited those with her presentation to the podium; that Camp Houston Fire was a recruiting tool to recruit women to the Houston Firefighters; that the first camp was held in 2010 and some were working their way through now; that the program existed on donations and volunteer labor and today they were asking for continued recognition and support within all Council Districts. Council Members Davis, Adams, Rodriguez and Green absent. Mayor Pro Tem Gonzalez presiding.

Senior Captain Kelly Bodet stated that Camp Houston Fire was a great community outreach, nationally women had been firefighters for 38 years, but their numbers were still very low only comprising 4.2% of the U. S. fire service and in Houston comprising 2.2% with 40% eligible for retirement in two years; and introduced an alumni for 2012, Miss Stephanie G who stated that joining Camp Houston Fire was the best thing she had ever done, the first day she felt she should walk out as she was not mentally or physically ready, but stayed and all were very encouraging; that in the end all of life was a challenge and what you did with it was what matters; that her goal now was to be a firefighter and inspire others to be what they wanted. Council Members Davis, Cohen, Adams and Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Captain Bodet stated that in packets presented to Council Members there were other comments reinforcing what Miss Galvanez just stated; that it cost \$760.00 per participant, free to those participating, the camp would be held the 22nd, 23rd and 24th and urged support from all. Council Members Davis, Cohen, Adams and Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Upon questions by Mayor Parker, Captain Bodet stated that applications were on line at [www.camphoustonfire.com](http://www.camphoustonfire.com). Council Members Davis, Cohen, Adams and Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Council Member Laster thanked all for their hard work on the project and stated that Miss Galvanez was a resident of District J and they were proud to have her and excited she was leading women into the firefighting service. Council Members Davis, Adams and Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Council Member Noriega stated that this Saturday there was opportunity to learn anything you needed to know about joining the Houston Fire Department at 8030 Braniff at 9:00, 11:00 and 1:00 o'clock; [www.hfdcareers.org](http://www.hfdcareers.org) or call her office. Council Members Davis, Adams and Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Council Member Hoang invited Council Member Laster to assist in the presentation and

invited those with his presentation to the podium and stated that Harmony Public Schools had 100% college acceptance rate; and Council Member Laster stated that Harmony Public Schools had proven their commitment to Houston by building new campuses and expanding academic programs, etc., and Mayor Parker presented a Proclamation to the group and proclaimed today as "Harmony Public Schools Day" in Houston, Texas. Council Members Davis, Adams and Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Dr. Soner Tarim, CEO and Superintendent of Harmony Schools stated that he was honored to have their school recognized; that it was a charter school based in Houston with 13 school in the city and 38 throughout the state; that they started in 2000 with 200 students and since then they grew to 24,000 students with 100% graduation rate. Council Members Adams and Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Council Member Costello stated that Dr. Tarim was not just CEO he had created Harmony Schools; and upon questions, Dr. Tarim stated that they now had programs such as nature, medical, finance and political science; and they had been recognized by the U. S. Department of Education with the largest grant ever acknowledged; and Council Member Costello thanked all students, teachers and administrators for a great job. Council Members Adams and Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez, Council Members Green, Pennington, Christie, Cohen and Adams applauded, congratulated and commended students, teachers and administrators for all of their great work; and each student present spoke of their experience at Harmony and what they hoped to be in the future. Council Members Brown and Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

At 2:16 p.m. Mayor Pro Tem Gonzalez called on Council Member Davis who called on Pastor Skinner with the Good Shepherd Missionary Baptist Church to lead all in the invocation and Council Member Davis led all in the pledge. Council Members Adams, Rodriguez and Laster absent.

At 2:18 p.m. the City Secretary called the roll. Council Member Burks absent on personal business.

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

At 2:19 p.m. the City Secretary began calling the public speakers. Council Member Davis absent.

Mr. Aaron Davis, 7914 Split Oak Drive, Houston, Texas 77040 (870-321-2976) appeared regarding Agenda Item 11 and stated that he thanked Council Member Brown's office for notifying him about the item; that last Tuesday he was present for the safety and homeland security meeting regarding the precious metals regulations and previously the item had been tabled and it was to go back to committee, but now it was back and he was upset about it; and he was against the mug shot and finger prints of customers. Council Member Davis absent.

Mayor Parker stated that it did go back to committee last week and the ordinance was available on the front page of the city website for all to view. Council Member Davis absent.

Council Member Gonzalez stated that he was present at the committee meeting and he chaired it; that he apologized if he thought there was reference made for it to go back to committee; that they stated it was on line and he (Mr. Davis) did give feedback regarding his

concerns; that the Precious Metal Unit was looking into the issue as to whether it would go across the board for Pawn Shops also, but they were regulated by the state and at this point the consideration was to move forward with the request being made by the Police Department and then see the gaps and how it worked and what else could be done; and Mr. Davis stated in the meantime this would hurt his business as people wanted privacy; that he agreed with the rest of the ordinance but not the mug shots or fingerprints. Council Member Davis absent.

Mayor Parker stated that in going to a pawn shop you had to provide ID with a picture; and Mr. Davis stated that in his business they did that as well as it was in state law, they photo copied their valid photo ID. Council Member Davis absent.

Upon questions by Council Member Pennington, Mr. Davis stated that their typical customer was older females, 50 years or older, and what Council was asking would make them feel like criminals and they were embarrassed. Council Members Davis, Green and Noriega absent.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Mr. Aaron Davis, seconded by Council Member Costello. All voting aye. Nays none. Council Member Burks absent on personal business. Council Members Davis, Green and Noriega absent. MOTION 2013-0065

Upon further questions by Council Member Pennington, Mr. Davis stated that there were precautions against stolen goods, that they copied their photo ID and issued checks and immediately reported what was purchased. Council Members Davis, Green and Noriega absent.

Council Member Brown stated that she too was under the impression this item would not be coming before Council so soon, but they would do their best to keep the industry informed; that requesting mug shots and fingerprints would have many turn around and leave; that the state did already mandate certain information be collected for such items being purchased and crime of this kind was already down; and she appreciated him coming and speaking for the industry. Council Members Davis, Green and Noriega absent.

Upon questions by Council Member Adams, Mr. Davis stated that he bought scrap and unwanted precious metals such as gold, silver, and platinum from the public; and Council Member Adams stated she too felt it should be for pawn shops and HPD was taking it to Austin as that particular part needed to come from the state. Council Members Davis, Green and Noriega absent.

Council Member Gonzalez moved the rules be suspended for the purpose of extending the time for questions of Mr. Aaron Davis, seconded by Council Member Adams. All voting aye. Nays none. Council Member Burks absent on personal business. Council Members Davis and Noriega absent. MOTION 2013-0066

Upon further questions by Council Member Adams, Mr. Davis stated he did not see how the city could regulate metal dealers and not pawn shops; and Council Member Adams stated that HPD was looking into this as it was a concern of hers. Council Members Davis and Noriega absent.

Council Member Bradford stated that there was a tremendous concern regarding the pawn shop loophole and he felt legislation did need work in Austin, but it did not keep them from trying to fix what they could; and he did support the proposed ordinance. Council Members Davis, Adams, Pennington, Costello and Noriega absent.

Mr. Joshua Gibson, did not give address (no phone) appeared and stated that he was representing the Houston Free Thinkers and hundreds who could not be present to voice

opinions on the precious metals ordinance; that his concern was it was not right to have to show ID to trade precious metals and it was the responsibility of state and city to follow-up on thefts and should not go to the citizen in general, breaching privacy or being treated like criminals. Council Members Davis, Pennington, Costello and Noriega absent.

Council Member Rodriguez stated that he did support what Council was trying to do and commended the Mayor Pro Tem on toughing measures to reduce crime, his concern was with the extra amount of paperwork for small shop owners; and Council Member Gonzalez stated that the record keeping part was already a requirement, the extra requirements were to take photos of what was being sold; that the industry was in agreement with the ordinance except for the photo and fingerprint and leads on line helped with support services. Council Members Davis, Martin, Pennington, Laster, Costello and Noriega absent.

Council Member Brown stated that she appreciated he and Mr. Davis coming on behalf of the citizens as a violation of their privacy; that there was state mandated regulations and more did not need to be added; that there was a decrease in that type of crime and they should be very careful in what they were doing. Council Members Davis, Martin, Pennington, Laster, Costello and Noriega absent.

Council Member Gonzalez stated that he would point out they were approached by the Precious Metals Unit, the experts on the matter in terms of the law enforcement perspective. Council Members Davis, Martin, Pennington, Laster, Costello and Noriega absent.

Dr. Alkebu Motapa, 5022 Cosby, Houston, Texas 77021 (713-741-5150) had reserved time to speak but was not present when his name was called. Council Members Davis, Martin, Pennington, Laster, Costello and Noriega absent.

Pastor Edward Randle, 5018 Carmen, Houston, Texas 70033 (713-298-2117) appeared and stated, while others stood in support, that there was a tremendous amount of break-ins in their neighborhood, especially churches, the response time for police was incredible and his proposal would be to place a dummy car at the churches and rotate it as he thought that would be a preventative. Council Members Davis, Martin, Hoang, Pennington, Laster, Costello and Noriega absent.

Mayor Parker stated that was an interesting suggestion and she was sure the department had considered it; that there were not a lot of excess patrol cars, but she did know some jurisdictions did use decoy vehicles which were most often to deter speeders because going fast you could not really tell if someone was in it. Council Members Davis, Hoang, Pennington, Laster, Costello and Noriega absent.

Ms. Kerrie Patterson-Brown, 4301 Roseneath, Houston, Texas 77021 (512-203-3747) appeared, presented information and stated that she was the founder of the Legacy Collegiate Middle and High School for Careers in Health and Wellness; that in her information there was a brief outline of what they consisted of and what they brought to the families and their mission was to graduate socially prepared and become productive members of society. Council Members Hoang, Gonzalez, Rodriguez, Pennington, Laster, Costello and Noriega absent.

Upon questions by Mayor Parker, Ms. Patterson-Brown stated that part of the application was public notice, presenting themselves to the public and she chose to do that here. Council Members Hoang, Gonzalez, Rodriguez, Pennington, Laster, Costello and Noriega absent.

Upon questions by Council Member Christie, Ms. Patterson-Brown stated that public notice was for community outreach and this was the method she chose; and Council Member Christie stated that there were great charter schools in bringing children to collegiate level and she was

on target and he looked forward to coming to the opening. Council Members Hoang, Gonzalez, Rodriguez, Pennington, Laster, Costello and Noriega absent.

Upon questions by Council Member Bradford, Ms. Patterson-Brown stated that she planned to locate her school in the Northside, Humble, Kingwood, Aldine and maybe Cypress; and Council Member Bradford stated that he agreed with Council Member Christie and commended what she was doing. Council Members Hoang, Pennington, Gonzalez, Rodriguez, Laster, Costello and Noriega absent.

Mr. Guadalupe Guerrero, 8209 Botany Lane, Houston, Texas 77075 (281-690-0055) appeared and stated that he was present to make sure the Mayor and Council were aware of police brutality occurring in Houston; January 20, 2013, he was assaulted and choked, verbally abused and threatened by a police officer and he was amazed and terrified; that he and his passengers had showed respect to the officer and it was uncalled for; that he respected officers and had family members who were officers; and change was needed. Council Members Hoang, Pennington, Gonzalez, Rodriguez and Green absent.

Mayor Parker stated that it was her understanding he filed an IAD complaint which was the appropriate course of action and it would take time to work through; and Mr. Guerrero stated that he understood, but officers needed to control themselves. Council Members Cohen, Hoang, Pennington, Gonzalez, Rodriguez and Green absent.

Upon questions by Council Member Bradford, Mr. Guerrero stated that officers were in his family, HPD in Humble; that he had faith in the process to a point, but he came to address the situation as he wanted it clear to Council; and Council Member Bradford stated that he had confidence in Chief McClelland to see the investigations were initiated and pushed through and discipline warranted would take place if need be; and asked he let the process run its course. Council Members Cohen, Hoang, Gonzalez, Rodriguez and Green absent.

Mr. Jassim Jacob, 7200 Lyons Avenue, Houston, Texas 77020 (713-498-0604) appeared, presented information to Council Members and stated that he had a small grocery store on Lyons and they had a few items such as oil, brake fluid, etc., and he received a letter from HPD stating to keep the items he had to purchase a permit which was \$170.00; that he was told it was in Chapter 8 of the Code, but in reading it Chapter 8 dealt with auto parts dealers and his whole inventory of such was less than \$200.00, only a few items of each; that he was in a poor area and their cars broke down and they could not take taxis to get what they needed, they only wanted to walk a few blocks for a fuse, this was just for convenience to customers. Council Members Cohen, Hoang, Gonzalez, Rodriguez and Green absent.

Mayor Parker thanked Mr. Jacob for coming and stated that if she remembered correctly a year ago they were trying to make changes to Chapter 8 and that was one thing they were to fix, but when the ordinance was pulled down it got dropped; that he did have an excellent point. Council Members Hoang, Gonzalez, Rodriguez and Green absent.

Upon questions by Council Member Adams, Mr. Jacob stated that he was told he needed the permit because of a few items he had such as oil; and upon further questions by Council Member Adams, Mayor Parker stated that as she recalled they were trying to do a comprehensive rewrite of the ordinance, if she would like to explore changes to the ordinance she would be willing to work with her. Council Members Hoang, Gonzalez, Rodriguez and Green absent.

Mr. Travis McGee, 4800 Pederson, Houston, Texas 77033 (832-488-7709) appeared, presented information and stated that he was referring to Sunnyside Gardens crime in a particular subdivision; that it was made up of over 20 subdivisions and they were asking for

good, honest, visible and professional police work which did not include harassment, profiling, etc., you would think patrols increased in high crime area, but they wondered when police would come or if they would come at all and which type officer they would get as sometimes they were victimized two times, once by the criminal and then bad police work; that all should be treated the same; and described events occurring in the neighborhood. Council Members Hoang, Pennington, Rodriguez and Green absent.

Upon questions by Council Member Davis, Mr. McGee stated that a burglary was classified as breaking and entering and criminal mischief was things damaged outside the building and it did not carry the same weight as burglary; that poorer neighborhoods should get the same as other neighborhoods; and Council Member Davis stated that this was a huge concern and some in his district felt the same way; and the last time present Mayor Parker stated she would get to the bottom of his ordeal but he still did not know where the bottom was; that he had been on his own property; and Mayor Parker stated that she remembered his presentation and she did get a report from the department, she did not realize he had not received communication; that she would respectfully suggest, she knew he deeply cared about his neighborhood but when an incident happened and an active police investigation was going on he could not put himself into the middle; and McGee stated that his business was six to seven blocks away from what happened and he was not there, he was taken there by gang members dressed in police uniforms. Council Members Hoang, Pennington, Rodriguez and Green absent.

Council Member Bradford stated that Mr. McGee worked hard in the community and it did his credibility little good if any to label all officers as gang members dressed in uniform and it was not true; and upon questions, Mr. McGee stated that he had a burglary misclassified as criminal mischief, it was the last time the church was burglarized, the first two times it was classified as burglary; that when labeled criminal mischief they had broke a window and went inside with intent to take things from the buildings; that they broke door handles trying to get into other rooms. Council Members Hoang, Pennington, Rodriguez and Green absent.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Mr. Travis McGee, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Burks absent on personal business. Council Members Hoang, Pennington, Rodriguez and Green absent. MOTION 2013-0067 ADOPTED.

Council Member Bradford stated that it took several months for an investigation to take course; and upon questions, Mr. McGee stated that the response was his complaint was found not to be true, it was unfounded; and Council Member Bradford stated that he knew many received services, etc., because of him and he would ask the chief to take a second look at the case. Mayor Parker, Council Members Davis, Hoang, Pennington, Rodriguez and Green absent. Mayor Pro Tem Gonzalez presiding.

Council Member Adams stated that she knew some burglars were caught, but she was getting complaints from districts with increased crime and less police patrol; and upon questions, Mr. McGee stated that when officers came out you did not know what you would get; and Mayor Pro Tem Gonzalez stated that there were not enough Council Members present to extend time, but encouraged him to get with the Council Member regarding the information. Mayor Parker, Council Members Brown, Davis, Hoang, Pennington, Rodriguez and Green absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (FA3-4511) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Brown, Davis, Hoang, Pennington, Rodriguez and Green absent. Mayor Pro Tem Gonzalez presiding. (NO QUORUM PRESENT)

Ms. Blanche Menifee, 6311 Gold, Houston, Texas 77026 (713-697-1824) appeared and stated that her complaint was about Metro Lift's MSP service, from her ten years with them they did come pick you up but would not return you home; that she had to wait 2 to 3 hours for a cab to pick her up; that there were members of Metro present and it was not fair for citizens who qualified for service to not receive it; that dispatchers were rude and she was present to say she was sick of it. Council Members Brown, Davis, Adams, Hoang, Pennington, Gonzalez, Rodriguez and Green absent.

Mayor Parker stated that she appreciated her coming and as she indicated there were representatives present with Metro which was an independent government agency, they acknowledged previously there were challenges with Metro Lift and Mr. George Greanias is doing a research project to improve their service; that they may not know she could use a regular cab and dispatched assessable cabs for those with physical disabilities and there was more demand than availability and she should present concerns to those present with Metro. Council Members Brown, Davis, Hoang, Pennington, Rodriguez, Laster and Green absent.

Mr. Jean McDowell, 2210 Woodford Green Drive, Kingwood, Texas 77339 (713-299-7275) appeared and stated that April 2012 they received drawings from the Engineering Department's Water Department as they were building a building at Studewood and 13th, they submitted plans in July for water tap, sewer, etc., and all was approved and they were told they would bore under Studewood for sewer hookup, fortunately they did not; that the excavation was done on the Westside where the drawing showed the water main was and the inspector was there and they made the tap and there was no water in the main and the inspector said they would need to bore under 13th and what bothered him was why was there no water and why did the city not know; that they were now told they needed to be on the eastside of Studewood and why was this not in the system for the department. Council Members Brown, Davis, Adams, Hoang, Pennington, Rodriguez and Laster absent.

Mayor Parker stated that she apologized for the frustration he experienced and did wish all underground maps were accurate, if they were accurate a contractor would never accidentally hit something they were not supposed to hit, some was bad data transfer, etc., it sounded in this instance TxDOT did work and it never made it to the city's system; and upon questions, Mr. McDowell stated that his mason hauled water in barrels, they still did not have water; and Mayor Parker stated that she had information from Public Works stating they would expose the waterline for the tap and open it, but he had to make the tap; and upon questions, Mr. McDowell stated that they needed to be assured what was under Studewood, they should be responsible, he was paying for permits; and Mayor Parker stated that she felt the city should be responsible, but if their records were inaccurate and they said he needed to do his own investigation; and Mr. McDowell stated that the disclaimer stated the city and furnished accurate information. Council Members Brown, Cohen, Hoang, Pennington, Rodriguez and Laster absent.

Upon questions by Council Member Noriega, Mr. McDowell stated that he was not aware Public Works responded that they would find the line for him to tap; and Mayor Parker stated that Mr. Roberto Medina with Public Works was present and could speak with him at this time; and Council Member Noriega stated that if he was not comfortable after speaking with Mr. Medina she would suggest he call the District Council Member or her office and they would try and help. Council Members Brown, Cohen, Hoang, Pennington, Rodriguez and Laster absent.

Mr. Barry Honeycutt, 8214 Colgate, Houston, Texas 77061 (713-824-2194) had reserved time to speak but was not present when his name was called. Council Members Brown, Cohen, Hoang, Pennington, Rodriguez and Laster absent.

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

Hoang, Pennington, Rodriguez and Laster absent.

Ms. Tammy Gorr Hendrix, no address given (713-503-0437) had reserved time to speak but was not present when her name was called. Council Members Brown, Cohen, Hoang, Pennington, Rodriguez and Laster absent.

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

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was a crime victim and the official U. S. President; and continued expressing his personal opinions until his time expired. Council Members Brown, Cohen, Hoang, Pennington, Rodriguez and Laster absent.

Mr. Raymond Martinez, 917 Caplin, Houston, Texas 77032 (281-610-6690) appeared and stated that he was with the Magicians Union and gave their advise on cutting to the chase regarding crime problems by installing GPS devices in all cars, recommended firing bad officers, etc., until his time expired. Council Members Brown, Cohen, Hoang, Pennington, Rodriguez and Laster absent.

Mr. Derrick Broze, 1215 W. Gray, Houston, Texas 77006 (713-9009-0382) appeared and stated that he was present extending an invitation to the Mayor and all Council Members to 2805 Wichita, Friday for the Fluoride Free Houston Screening and Pot Luck Dinner where Dr. Floyd Adkins would be giving a presentation; and regarding precious metals police should chase after the crime and not pass responsibility onto business owners. Council Members Brown, Hoang, Pennington, Rodriguez and Laster absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Brown, Hoang, Pennington, Rodriguez and Laster absent.

Mayor Parker stated to respond to what Council Member Adams asked her earlier, there was apparently a drill at Carnegie Elementary School yesterday, a Department of Defense activity and the empty school was used; that she was not aware of it and apparently not all in HPD was aware of it though they did participate in the drill; that there was the sound of gunfire and helicopters with people repelling out and they did the drills before, but it was a shocking lack of sensitivity to community concerns, particularly in light of the current situation and being around schools; that she apologized for not having been informed and she would try and make sure it did not happen again without the appropriate level of community engagement. Council Members Brown, Hoang, Pennington, Rodriguez and Laster absent.

Council Members Bradford, Adams and Noriega voiced concerns regarding the drill; and thanked Mayor Parker for addressing the situation. Council Members Brown, Hoang, Pennington and Rodriguez absent.

At 3:38 p. m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, January 30, 2013. Council Member Burks absent on Personal business. Council Members Brown, Hoang, Pennington and Rodriguez absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, January 30, 2013, with Mayor Annise D. Parker presiding and Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Andrew C. Burks, Jr., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D.C.; Mr. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director, and Ms. Stella Ortega, Agenda Office, present. Council Member Stephen C. Costello absent on personal business.

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

At 9:13 a.m. Mayor Parker called the meeting to order and stated that the first item on the agenda was the Monthly Financial and Operations Report, and recognized Mr. Ronald Green, City Controller and Mr. Kelley Dowe, Director of Finance. Council Members Davis, Adams, Rodriguez and Noriega absent.

**9:00 A.M. - 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 and a Quarterly Investment Report by the City Controller – was presented.

Mr. Green and Mr. Kelly reviewed the Monthly Operations and Finance Report, a copy of which is on file in the City Secretary's office for review, and Mr. Green verbally reviewed the SWAP Report, but did not review the Quarterly Investment Report as it was not completed because the Investment Committee would be meeting that afternoon. Council Members Rodriguez and Noriega absent.

Mayor Parker stated that the best thing they talked about was the increased permitting activity, \$11 million in the Building Inspections Fund, that meant that Permitting was going great guns and that was a good thing for the City of Houston, and Mr. Dowe stated that it should translate to higher Property Tax Revenues, of course, down the line. Council Member Rodriguez absent.

Upon questions by Council Member Burks, Mr. Green stated that when the Council adopted the budget they adopted certain projections for Sales Tax, that the Sales Tax Revenue had come in higher than what they had adopted therefore they had more revenue than they expected, thankfully someone had decided to cover the shortfall for the Health Benefits Fund, that was why their expenditures had now gone up, that they had actually brought in more revenue and had allocated it to a line item and on paper, from an accounting standpoint, they had higher expenditures, but they did have the funds to cover that; that he thought that the reason they had the Budget and Fiscal Affairs Committee meetings the day before the Wednesday meetings was so those type of issues could be hashed out, they had gone into great detail about that, that he would be glad to give Council Member Burks a primer on the report so that he could go out and explain it in much more detail, that everything that they discussed at the table was in the MOFR and there were lots of supporting documents that could help Council Member Burks to explain. Council Member Rodriguez absent.

Council Member Bradford moved to accept the Monthly Operations and Financial Report, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Costello absent on personal business. Council Member Rodriguez absent. MOTION 2013-0068 ADOPTED.

Council Member Bradford moved to accept the SWAP Report, which was verbally presented by Controller Green, seconded by Council Member Christi. All voting aye. Nays

none. Council Member Costello absent on personal business. Council Member Rodriguez absent. MOTION 2013-0069 ADOPTED.

Controller Green stated that he thought most Council Members had before them a save the date for the City's first "Investor Conference", that they had some discussion yesterday about the City's Debt Portfolio, that the market had changed in that they now really had to go out and aggressively show these investors what they were doing at the City and that was where the Council Members came in, the date was March 27, 2013 and they would have presentations from each of the City's credits, but it would be good to have some of the Council Members and elected officials to come through because they were the decision makers that put them in the position of paying the Health Benefits Fund, replenishing that and the Rainy Day Fund, so they would have their first "Investor Conference" at the Hilton Hotel showcasing all four of their credits so that they could continue to drive interest rates down and lower their borrowing costs, that if they had any other questions they would be glad to go into more detail, that they should look for more information to come in the future. Council Member Rodriguez absent.

Mayor Parker stated that it was the first ever and an innovation from the Controller's Office, that she thought it was quite timely and was very glad to see it, and Controller Green stated that one of the main speakers was the Mayor, she would start them off. Council Member Rodriguez absent.

Council Member Pennington stated that he would like to have a little more homework, that he noticed a big difference between the nominal value and the actual value of the SWAPs, that he needed to have some discussion on that when Controller Green could send someone. Council Member Rodriguez absent.

Council Member Gonzalez stated that it looked like a great event, was not sure if they received an electronic copy and asked if he could forward that to their offices so they could share with others, and Controller Green stated that he would get it to them electronically. Council Member Rodriguez absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 31**

#### **MISCELLANEOUS** - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **BOARD OF PUBLIC TRUSTS**, for terms to expire March 22, 2014:  
Position Two - **YVONNE M. CABRAL**  
Position Four - **LENORA SOROLA-POHLMAN**  
Position Six - **WILLIAM J. HILL**

- was presented, moved by Council Member Gonzalez, seconded by Council Member Adams. All voting aye. Nays none. Council Member Costello absent on personal business. Council Member Rodriguez absent. MOTION 2013-0070 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON MEDIA SOURCE BOARD OF DIRECTORS**:  
Position One - **SYLVIA CAVAZOS**, reappointment, for a term to expire 12/31/14  
Position Two - **MANISHA N. MEHTA**, appointment, for a term to expire 12/31/13  
Position Three - **RAY HILL**, appointment, for a term to expire 12/31/14  
Position Four - **PHAN DUY**, reappointment, for a term to expire 12/31/13  
Position Five - **OVI GALVAN, JR.**, reappointment, for a term to expire 12/31/14

- Position Six - **MARK L. MADRID**, appointment, for a term to expire 12/31/13
- Position Seven - **J. ALLEN PROVOST**, reappointment, for a term to expire 12/31/14
- Position Eight - **NOËL BEZETTE**, appointment, for a term to expire 12/31/13
- Position Nine - **KAREN S. NIEMEIER**, reappointment, for a term to expire 12/31/14
- Position Ten - **AL VERA**, reappointment, for a term to expire 12/31/14
- Position Eleven - **TERRI BAILEY PARRIS**, reappointment, for a term to expire 12/31/14

- was presented, moved by Council Member Gonzalez, seconded by Council Member Adams. All voting aye. Nays none. Council Member Costello absent on personal business. Council Member Rodriguez absent. MOTION 2013-0071 ADOPTED.

Council Member Gonzalez moved to suspend the rules to consider Item No. 3 at this time, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Costello absent on personal business. Council Member Rodriguez absent. MOTION 2013-0072 ADOPTED.

3. REQUEST from Mayor for confirmation of the reappointment of **ANN THOMAS GIVENS** to serve as Chair to the **REINVESTMENT ZONE NUMBER SEVENTEEN (MEMORIAL CITY), CITY OF HOUSTON, TEXAS BOARD OF DIRECTORS**, for a term to expire December 31, 2013 – was presented, moved by Council Member Gonzalez, seconded by Council Member Adams. All voting aye. Nays none. Council Member Costello absent on personal business. Council Member Rodriguez absent. MOTION 2013-0073 ADOPTED.

Mayor Parker and Council Members Pennington, Christi, and Brown congratulated the new appointees and re-appointees and thanked them for their service to the City of Houston.

#### **ACCEPT WORK** - NUMBERS 4 and 5

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$98,750.00 and acceptance of work on contract with **BOYER, INC** for Hermann Park - (Phase II 5KV Upgrades) - **DISTRICT D - ADAMS** – was presented, moved by Council Member Gonzalez, seconded by Council Member Laster. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. MOTION 2013-0074 ADOPTED.
5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$252,181.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Hermann Park Upgrade of Electrical Distribution System - 9.64% over the original contract amount and under the 10% contingency - **DISTRICT D - ADAMS** – was presented, moved by Council Member Gonzalez, seconded by Council Member Laster. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. MOTION 2013-0075 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 9

7. **HOUSTON FREIGHTLINER, INC (BID NO. 1)** for Truck-Mounted Boom Crane for Department of Public Works & Engineering - \$269,509.00 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. MOTION 2013-0076 ADOPTED.

8. **MANSCI INC** for One Automated Titration System and Refurbishment of an existing system for the Department of Public Works & Engineering - \$59,397.74 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. MOTION 2013-0077 ADOPTED.
9. **ColorID, LLC** - \$54,018.66 and **IdentiSYS, INC** - \$80,963.57 for Security Badging Equipment and Accessories for Various Departments - 3 Years with two one-year options - General and Enterprise Funds – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. MOTION 2013-0078 ADOPTED.

**ORDINANCES** - NUMBERS 21 through 30

21. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CENTURY ASPHALT, LTD.** for sale of Street Millings for the Public Works & Engineering Department - 5 years - Revenue – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. ORDINANCE 2013-0071 ADOPTED.
22. ORDINANCE consenting to the addition of 25.32 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. ORDINANCE 2013-0072 ADOPTED.
24. ORDINANCE appropriating \$539,446.70 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Widening and Reconstruction of US 290 from West of FM 529 to east of West Little York; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - BROWN** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. ORDINANCE 2013-0073 ADOPTED.
26. ORDINANCE appropriating \$675,716.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HALFF ASSOCIATES, INC** for North Corridor Plant Consolidation - Package 1B; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. ORDINANCE 2013-0074 ADOPTED.
27. ORDINANCE appropriating \$575,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for the Design of On-Call Small Diameter Water Line Extensions (Approved by Ordinance No. 2011-0737); providing funding for CIP Salary Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Costello absent on

personal business. Council Members Davis and Rodriguez absent. ORDINANCE 2013-0075 ADOPTED.

28. ORDINANCE appropriating \$1,775,000.00 out of Street & Traffic Control and Storm Drainage DDSRF, awarding contract to **JERDON ENTERPRISE, LP.** for FY2013 Flood Gauge and Flood Warning System Negotiated Construction Work Orders; 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 CIP Cost Recovery, construction management, and contingencies relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. ORDINANCE 2013-0076 ADOPTED.
29. ORDINANCE No. 2013-0054, passed first reading January 23, 2013  
ORDINANCE granting to **UNITED SITE SERVICES OF TEXAS, INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. ORDINANCE 2013-0054 PASSED SECOND READING IN FULL.
30. ORDINANCE No. 2013-0055, passed first reading January 23, 2013  
ORDINANCE granting to **FRANK LEYVA FELIX dba PAYLESS PORTA JONS, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. ORDINANCE 2013-0055 PASSED SECOND READING IN FULL.

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

**PROPERTY**

6. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. 8700 Long Point, a Texas Limited Partnership, et al., Cause No. 996,353; for acquisition of Parcels AY9-417 and KY10-134; for the **LONG POINT PAVING AND DRAINAGE PROJECT: HEMPSTEAD HWY. to GESSNER, SUB-PROJECT II (Pech - Hollister)** - **DISTRICT A - BROWN** – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. MOTION 2013-0079 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

10. **J. TYLER SERVICES, INC** - \$251,201.87 and **CONTRACT RESOURCE GROUP, LLC** - \$60,815.91 for Office Furniture from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Various Departments General, Enterprise and Other Funds – was presented, moved by Council Member Bradford, seconded by Council Member Burks. Council Member Brown

voting no, balance voting aye. Council Member Costello absent on personal business. Council Members Davis and Rodriguez absent. MOTION 2013-0080 ADOPTED.

## **ORDINANCES**

11. ORDINANCE **AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to crafted precious metals – was presented, and tagged by Council Member Hoang. Council Member Rodriguez absent.
12. ORDINANCE **AMENDING SECTION 1-16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to correction of City ordinances and certain other records – was presented. Council Member Rodriguez absent.

Upon questions by Council Member Laster, Mr. Feldman stated that by way of background the prior Council approved an amendment to the Code that enabled him as City Attorney to put through non substantive changes to codified ordinances, provided that he gave Council two weeks notice, that the item before them was to authorize the same opportunity but for non codified ordinances, that they already did it for codified ordinances, that since the passage of that amendment he would say that on four or five occasions they had done it and he reviewed the request thoroughly and work on the memo apprising Council as to why they were doing it. Council Member Rodriguez absent.

Mayor Parker stated that this was actually to make the non codified ordinance treatment parallel to the codified ordinance treatment, that the former Council should have passed both halves and they focused only on one and this was to align the two. Council Member Rodriguez absent.

After further discussion by Council Members Brown and Green, Council Member Laster stated that he would like to tag Item No. 12 for this week so they could get more clarification. Council Members Davis and Rodriguez absent.

13. ORDINANCE relating to ground transportation services for the 2013 National Basketball Association All-Star Game; suspending certain provisions of the Code of Ordinances, Houston, Texas, and adopting provisions authorizing the issuance of temporary limousine driver licenses – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. Council Member Rodriguez absent. ORDINANCE 2013-0077 ADOPTED.
14. ORDINANCE authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc before the Public Utility Commission of Texas and the Federal Energy Regulatory Commission during 2013 - **DISTRICT E – MARTIN** – was presented. Council Member Brown voting no, balance voting aye. Council Member Costello absent on personal business. Council Member Rodriguez absent. ORDINANCE 2013-0078 ADOPTED.
15. ORDINANCE de-obligating \$300,000.00 previously appropriated out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund pursuant to Ordinance No. 2009-1142, and appropriating \$6,000,000.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund, to be used for affordable single family and multi-family housing activities in connection with the Disaster Recovery Program Grant - Round 2 – was presented. Council Member Brown voting no, balance voting aye. Council Member Costello absent on personal business. Council Member Rodriguez absent. ORDINANCE 2013-0078 ADOPTED.

16. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC**, to provide \$507,750.51 in Housing Opportunities for Persons With AIDS Funds for the administration and operation of two community residences, along with the provision of supportive services - **DISTRICT G - PENNINGTON** – was presented. Council Member Brown voting no, balance voting aye. Council Member Costello absent on personal business. Council Member Rodriguez absent. ORDINANCE 2013-0080 ADOPTED.
17. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SEARCH HOMELESS SERVICES, INC** to provide an additional \$123,335.00 in Community Development Block Grant Funds and extend the contract to continue the administration, implementation, oversight and delivery of an Engagement Services Program - **DISTRICT D – ADAMS** – was presented. Council Member Rodriguez absent.

After discussion by Council Member Adams a vote was called on Item no. 17. Council Member Brown voting no, balance voting aye. Council Member Costello absent on personal business. Council Member Rodriguez absent. ORDINANCE 2013-0081 ADOPTED.

- 17-1. ORDINANCE approving and authorizing a Neighborhood Stabilization Program (“NSP”) Developer Loan Agreement between the City of Houston and **MAYBERRY HOMES, INC**, to provide a Performance-Based Loan of Federal NSP Funds in an amount not to exceed \$2,051,035.00 for eligible costs to acquire land and develop 14 to 20 affordable single-family homes in NSP 3 target areas - **DISTRICTS A - BROWN; B - DAVIS; D - ADAMS; E - MARTIN; F - HOANG; H - GONZALEZ; I - RODRIGUEZ; J - LASTER and K – GREEN** – was presented. Council Member Brown voting no, balance voting aye. Council Member Costello absent on personal business. Council Member Rodriguez absent. ORDINANCE 2013-0082 ADOPTED.
18. ORDINANCE relating to the conveyance of a 30-foot-wide pipeline easement across Lake Houston Wilderness Park (the “Park”) to Texas Express Pipeline LLC (the “Project”); making findings and approving the use of a portion of the park for the project; authorizing a Deed Modification Agreement between the City of Houston and the **TEXAS PARKS AND WILDLIFE DEPARTMENT**; authorizing an easement conveyance from the City to Texas Express Pipeline LLC; authorizing a Surface Use Agreement between the City and **TEXAS EXPRESS PIPELINE LLC - DISTRICT E - MARTIN** – was presented. Council Member Brown voting no, balance voting aye. Council Member Costello absent on personal business. Council Member Rodriguez absent. ORDINANCE 2013-0083 ADOPTED.
19. ORDINANCE amending Ordinance No. 2007-1101 (Passed on October 3, 2007) to increase the maximum contract amount for contract between the City of Houston and **JOMAR CONTRACTORS, INC** for Lighting Maintenance Services for the Houston Airport System \$700,000.00 - Enterprise Fund - **DISTRICT B – DAVIS** – was presented, and tagged by Council Member Davis. Council Member Rodriguez absent.
20. ORDINANCE approving and authorizing sole source contract between the City of Houston and **QUESTMARK INFORMATION MANAGEMENT, INC** for Jury Notice Tracking System and Services for the Houston Municipal Courts Department; providing a maximum contract amount 3 Years with two one-year options - \$403,100.00 - General Fund – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. Council Member Rodriguez absent. ORDINANCE 2013-0084 ADOPTED.

23. ORDINANCE releasing certain territory consisting of approximately 252 acres in Waller County in the vicinity of the City of Waller, Texas near Waller Tomball Road and Binford Road, from the extraterritorial jurisdiction of the City of Houston – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. Council Member Rodriguez absent. ORDINANCE 2013-0085 ADOPTED.
25. ORDINANCE appropriating \$989,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **IDS ENGINEERING GROUP, INC** for Lift Station Renewal and Replacement; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN and E - MARTIN** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. Council Member Rodriguez absent. ORDINANCE 2013-0086 ADOPTED.
31. ORDINANCE No. 2013-0060, passed first reading January 23, 2013  
ORDINANCE adopting Land Use Assumptions and a Capital Improvement Plan (Internally known as the “Drainage Impact Fee Improvement Plan”) for the possible adoption of Impact Fees for drainage, appointing Planning Commission as the Capital Improvements Advisory Committee, and calling a public hearing at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston to adopt Impact Fees for drainage, in accordance with Chapter 395 of the Texas Local Government Code - **SECOND READING - HEARING DATE - 9:00 A.M. - WEDNESDAY - MARCH 6, 2013** – was presented. Council Member Rodriguez absent.

Council Member Gonzalez stated that he had submitted an amendment to Item No. 31, that it was merely to correct a few minor errors, a little bit of cleanup that needed to be done in some of the wording, that he had distributed that for circulation. Council Member Rodriguez absent.

Mayor Parker stated that this was truly a substitute offered by Council Member Gonzalez, there was a minor error related to the publication notice of the future public hearing so they were doing an Exhibit A, that it was in the wrong place and was outlined in the memo and hoped that Council Members had it. Council Member Rodriguez absent.

Upon questions by Council Member Green, Mayor Parker stated that it was considered a non substantive error, that they could tag the Council Members item for a week, but they did not have to have the public hearing again.

After discussion by Council Members Laster and Brown a vote was called on Council Member Gonzalez motion to substitute. All voting aye. Nays none. Council Member Costello absent on personal business. Council Member Rodriguez absent. MOTION 2013-0081 ADOPTED.

Mayor Parker stated that the item before them was a motion by Council Member Gonzalez to substitute the ordinance to correct the order of the exhibit attachment and to correct an error related to the publication of notice for the future public hearing.

Council Member Green asked if the corrected exhibit been forward to Council and Mayor Parker requested that Ms. Russell, City Secretary, answer Council Member Green’s question.

Ms. Russell stated that the exhibit that was attached to the ordinance was the exhibit that was distributed to Council prior to the hearing that was held on January 16, 2013 on the subject matter, that it was the same exhibit which was what she understood.

Mayor Parker stated that the exhibit was attached in the wrong place in the document order, that the very definition of a non substantive change and yet they had to make a formal substitute at Council in order to correct, that there was nothing that had changed in the documents themselves they reordered them, that the RCA that they were previously given was the second exhibit.

A vote was called on Item No. 31 as substituted. All voting aye. Nays none. Council Member Costello absent on personal business. Council Member Rodriguez absent. ORDINANCE 2013-0060 ADOPTED SECOND READING AS AMENDED.

### NON CONSENT AGENDA - NUMBER 32

#### MISCELLANEOUS

32. SELECT AND CONFIRM the appointment of **ADRIAN PATRICK PATTERSON** or **DR. BERNARD A. HARRIS, JR.**, to Position 10 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for a three year term – was presented. Council Member Rodriguez absent.

Council Member Burks moved to postpone Item no. 32 for 30 days. Council Member Rodriguez absent.

Mayor Parker stated that she would respectfully request that he not do so because HMEPS had upcoming meetings and they would have a vacancy on the board, that the item was however taggable; that there were two Council positions, both of which needed to be filled, one would have an active vacancy, which was this position, and the other had a Council appointee who wished to continue to serve and would serve until he was replaced, that a challenge with Houston Municipal Employees Pension System currently because they believed they had taken a misguided and short sided interpretation of their agreement as to which individuals from the public could actively serve on that board, that the City believes that it was important to have financial professionals on all of their Pension Boards, their position was that financial professionals who did not do municipal work, do not seek to do municipal work, but were very familiar with the workings of the market, were a value to the pension, that HMEPS leadership had taken the position that anyone who did any type of financial services work had a potential conflict of interest if their companies did any work, even if they themselves did not engage in this type of activity and they had blocked those appointees, including Mr. Badger who was currently a Council appointee, from voting on items of selection of financial advisors and various things and investments, that they believed that hamstrings their appointees and they had been in a spirited discussion with HMEPS about that, they believed it did not serve the retirees for them to take this position, and that was the reason the other position had not been brought forward, and stated that Mr. Feldman was in negotiations and asked him if she had misspoken in any way. Council Member Rodriguez absent.

Mr. Feldman stated that no, the problem they had was that HMEPS took an overly broad view and an overly aggressive view of what constituted a conflict of interest, that given their interpretation anyone who was currently in the business of being a financial advisor and advised on investments, would technically have a conflict, that was not the intent of the parties but this was only an issue that they could address in the meet and confer process and it was taking time to do that. Council Member Rodriguez absent.

Mayor Parker stated that the final answer was that as long as Council Members understood that unfortunately one of the two nominees would not be able to vote on the majority of the items that came before the board, and their goal had been to make sure that all board

members who represented the City of Houston on that board were fully functioning board members. Council Member Rodriguez absent.

Mayor Parker further stated that she believed Council Member Burks would hold his motion for a 30 delay while they discussed the Item. Council Member Rodriguez absent.

Council Member Green stated that he would like to tag Item No. 32. Council Member Rodriguez absent.

Council Member Davis requested that Council Member Green release his tag for discussion and Council Member Green stated that he would lift his tag. Council Member Rodriguez absent.

After discussion by Council Members Davis and Laster, Mayor Parker stated that the City Secretary, Anna Russell, had handed her the Council Rules and neither the item to consider nominations to such Council appointment or the nomination or nominations by a Council Member shall be subject to tag, so a motion to tag was out of order, a motion to delay the item for one week she would accept if that was Council's pleasure.

Council Member Green moved to postpone Item No. 32 for one week, seconded by Council Member Davis.

After further discussion by Council Members Pennington and Bradford, Mayor Parker stated that the indication that a tag was not in order, but trying to give the Council Member an option to substitute his motion with a week's delay, that 30 days, it was her understanding, took them beyond the next HMEPS Board meeting

Mr. Feldman stated that he was not aware when the next board meeting was, that the vacancy that was on the agenda at this point and time was truly a vacancy both legally and literally, there was not somebody attending the meeting from that position and that was one of the reasons why it was felt that specifically had to be filled as quickly as possible, that the other position that Mr. Badger held, yes it was a holdover position but there was a human being that was attending the meetings.

Council Member Bradford stated that they met the fourth Tuesday of each month, so they had plenty of time, they would not meet again until the fourth Tuesday of February.

Council Member Green moved to amend his motion and moved that they delay Item No. 32 for three weeks from today, seconded by Council Member Bradford.

Mayor Parker stated that would have the effect of having it done before the next meeting, that the motion on the floor was that they delay three weeks.

After further discussion by Council Members, Mayor Parker stated that the most expeditious way to do it was a motion to confirm one of the candidates today and a request to the administration to post the other position, which was a Council position, for next week, with nominees received on that day for the other position. Council Members Rodriguez and Noriega absent.

After further discussion by Council Members, Mayor Parker stated that this was another example of the occasional challenge with not having the ability to go into an executive session and to fully discuss this issue, that the only place they could discuss an issue like this was publicly, that she saw a consensus developing on Council that they wanted to move the other position forward immediately, that did not want to presume but wanted to state that consensus

was developing and she indicated her willingness to do so, that if that position was posted for next week that was an opportunity for those of these nominees to take office, but it would of course open the opportunity for Council Members to offer other nominations.

Council Member Brown moved to call the questions, seconded by Council Member Burks.

A roll call vote was called on the motion to call the question on Council Member Green's motion for a three week delay.

ROLL CALL VOTE:

Mayor Parker voting no	Council Member Rodriguez voting no
Council Member Brown voting aye	Council Member Laster voting aye
Council Member Davis voting no	Council Member Green voting aye
Council Member Cohen voting no	Council Member Costello absent
Council Member Adams voting no	Council Member Burks voting no
Council Member Martin voting no	Council Member Noriega voting no
Council Member Hoang voting no	Council Member Bradford voting no
Council Member Pennington voting aye	Council Member Christi voting aye
Council Member Gonzalez voting no	MOTION 2013-0082 FAILED

After further discussion by Council Members, Mayor Parker stated that that she was going to check but it was her understanding that all of the Boards and Commissions and their positions and when they were up were available on the City's website, but Ms. Char, at her direction, pursuant to the conversation that began on this when multiple nominees came forward, was creating a separate list so that Council could see when their nominees came forward.

After further discussion by Council Members, Mayor Parker stated that the motion on the floor was to delay the item for three weeks, that there was nothing unusual about having multiple candidates for Boards and Commissions, they vote them up, they vote them down and someone wins and someone loses, that if the goal was to have the other position come up within the three week period so that the two positions were coterminous that needed to be put into the motion, that if the goal was to have a heads up vote in three weeks between the two candidates that was a slightly different motion, that was not the intent of Council that she was hearing, that what she was hearing from Council was that they wanted the opportunity to fill the two positions, perhaps with these two gentlemen.

Council Member Green stated that he thought that Mayor Parker had offered that Council was in the position to vote on both candidates, that she would bring both candidates forward, so he had not made an amendment to his motion to add that given the fact that she had made that representation, that if she thought he needed to add that they consider both in three weeks he would so amend his motion, but he did not know if that was appropriate to request that both positions be considered in three weeks.

Mayor Parker stated that if Council Member Green would hold his motion, and she would ask for the indulgence of Council, again if the intent was to have both positions come up at the same time on the same day so that multiple candidates could be considered the motion could be that "Position 10 was held for one week, she would post the other position for next week, they will both be there, if then they wanted further discussion, a nominee would be received for the other position, if they wanted further discussion then they could do another two weeks, that she was not trying to interfere with the process, but that would get both of them on the same track.

Council Member Green stated that he thought that was fair.

Mayor Parker stated that the motion was “to delay this item for one week with a request to the Mayor to put the other Council position on so that they could be considered at the same time”, moved by Council Member Green, seconded by Council Member Burks.

Mayor Parker stated that they would both come up next week, that Council, at that point could chose to spend more time on it or vote the two nominees in or put more nominations on the floor for the other position, that they do not foreclose that, that was the motion on the floor.

Council Member Bradford stated that to be clear of what would be on the agenda for Council’s consideration next week, was she saying that Council would have an opportunity to receive and vote on nominees for Position 10 and Position 11 of HMEPS Board.

Mayor Parker stated that nominees for Position 10 had already been considered, but she would post Position 11 next week so that nominees could be received for Position 11 and they could be voted upon next week, so yes, they could vote on nominees for Position 10 and Position 11 next week, and Council Member Bradford stated that there would be a part 1 and part 2 as it related to Position 11, one to receive and one to vote on, and Mayor Parker stated that was correct, there would be a motion to suspend the rules and to vote at that point.

After further discussion by Council Members a roll call vote was called on Council Member Green’s motion to delay Item No. 32 for one week.

**ROLL CALL VOTE:**

Mayor Parker voting aye	Council Member Rodriguez voting no
Council Member Brown voting aye	Council Member Laster voting no
Council Member Davis voting aye	Council Member Green voting aye
Council Member Cohen voting aye	Council Member Costello absent
Council Member Adams voting aye	Council Member Burks voting aye
Council Member Martin voting aye	Council Member Noriega voting no
Council Member Hoang voting aye	Council Member Bradford voting aye
Council Member Pennington voting no	Council Member Christi voting aye
Council Member Gonzalez voting no	MOTION 2013-0083 ADOPTED.

Council Member Bradford stated that he would schedule as soon as they could possibly get two dates a meeting of the whole of Council to discuss modifying the process as it related to how what they just did for future occurrences of such, and Mayor Parker stated that she would ask him respectfully, a modification of the process, the Council Governance Committee was about how Councils inter relates with each other, the process of actually having it on the agenda and actually casting a vote would not change, there would still be a possibility.

Mayor Parker stated that they would move to the rest of the agenda.

**MATTERS HELD** - NUMBERS 33 through 36

33. ORDINANCE amending, restating and ratifying Ordinance No. 2011-932 relating to the City of Houston, Texas General Obligation Commercial Paper Notes, Series G; approving and authorizing an amendment to the authorized purposes of such Commercial Paper Program; approving other matters relating thereto; and declaring an emergency – **(This was Item 14 on Agenda of January 23, 2013, TAGGED BY COUNCIL MEMBER BROWN)** – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2013-0087 ADOPTED.
34. ORDINANCE amending, restating and ratifying Ordinance No. 2009-48 relating to the City

of Houston, Texas General Obligation Commercial Paper Notes, Series H-2; approving and authorizing an amendment to the authorized purposes of such Commercial Paper Program; approving other matters relating thereto; and declaring an emergency – (**This was Item 15 on Agenda of January 23, 2013, TAGGED BY COUNCIL MEMBER BROWN**) – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2013-0088 ADOPTED.

35. ORDINANCE amending, restating and ratifying Ordinance No. 2010-0327 relating to the City of Houston, Texas General Obligation Commercial Paper Notes, Series J; approving and authorizing an amendment to the authorized purposes of such Commercial Paper Program; approving other matters relating thereto; and declaring an emergency – (**This was Item 16 on Agenda of January 23, 2013, TAGGED BY COUNCIL MEMBER BROWN**) – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2013-0089 ADOPTED.
36. ORDINANCE approving and authorizing agreement between the City of Houston and **WASTE MANAGEMENT OF TEXAS, INC**, for Processing Services for Residential Drop-Off and Curbside Single Stream Commingled Recyclable Materials for the Solid Waste Department - 3 Years with 2 two-year options - Revenue – (**This was Item 25 on Agenda of January 23, 2013, TAGGED BY COUNCIL MEMBER GREEN**) – was presented. All voting aye. Nays none. Council Member Costello absent on personal business. ORDINANCE 2013-0090 ADOPTED.

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

Council Member Gonzalez stated that last week he went to the Woodland Heights Neighborhood and visited with residents after a recent string of break ins in the area, that during his conversations with leaders he found that there was a sense of trust in their public safety officials and also a sense of relief when they were spotted patrolling their streets, that this morning Ms. Margaret Dower from the same community reached out to his office to express a sincere appreciation to the Houston Police Department for monitoring speeding vehicles along Highland Street and to their Public Works and Engineering Department for placing speed limit signage and flashing lights on the street; that he wanted to give a shout out to Department of Neighborhoods, Ms. Katy Tipton, and Chief Inspector Myra Hypolite for their new and proactive approach to addressing concerns in individual Council districts; that food trucks were back at the University of Houston Downtown; that the annual District H Capital Improvement Plan meeting was scheduled for Wednesday, February 27, 2013 at 6:30 p.m. at Sam Houston High School, 9400 Irvington Boulevard. Council Members Brown, Martin, Hoang, Pennington, Rodriguez and Laster absent.

Council Member Noriega stated that National Wear Red Day was Friday, February 1, 2013, that Go Red Day was a day to raise awareness of Cardio Vascular Disease as the number one killer of women, that the American Heart Association and the National Heart, Blood and Lung Institute had created National Red Day to help women realize that heart disease was not just a man's disease; that she wanted to mention that Camp Houston Fire was accepting applications for young women to be part of their experience in March, they would encourage any young high school athlete or young women who might be interested in becoming a Houston Firefighter to contact [www.camphoustonfire.com](http://www.camphoustonfire.com), that the activities were Friday, March 22, 2013, through Sunday, March 24, 2013; that this coming Saturday there was a workshop about the upcoming Civil Service Exam and how they apply to be a Houston Firefighter. Mayor Parker and Council Members Brown, Martin, Hoang, Pennington, Rodriguez and Laster absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Council Member Adams announced events she attended or would be attending; that she

had received a letter concerning a firefighter at Fire Station No. 59, that she had witnessed the generosity of City workers when a member of the Houston family was stuck with tragedy, whether CMC or a trust fund for workers killed in the line of duty, i.e., Public Works, Harold Norwood and HPD Officer Kevin Will, that City of Houston workers showed their camaraderie and compassion for their fellow workers, that this situation was no different, that Vincent Moye, a fine member of the Houston Fire Department, lost his infant son, Landon, in an unfortunate accident, in the midst of their pain he and his family chose to give life and donated a heart to a one year old child in New York, and she further wrote, Mayor Parker if anyone cared more about employees of the City of Houston it was her, that she also knew that Council Member Adams was very passionate about the plight of City workers so she commended Mayor Parker for what she did, that she understood that the City of Houston and Life Gift partnered within the Mayor's first term and pledged to spread awareness among City employees about the Gift of Life Organ Donation, that she wanted to humbly request public recognition of support for Mr. Moye and his family before Council, that they wanted to commend Officer Moye, they knew it was not easy and sympathy for his son Landon. Council Members Brown, Davis, Martin, Hoang, Pennington, Gonzalez, Rodriguez, Laster, Burks and Noriega absent. NO QUORUM PRESENT

Council Member Green announced events he attended or would be attending. Council Members Brown, Davis, Martin, Hoang, Pennington, Gonzalez, Rodriguez, Laster, Burks and Noriega absent. NO QUORUM PRESENT

Council Member Cohen announced events she attended or would be attending. Council Members Brown, Davis, Martin, Hoang, Pennington, Gonzalez, Rodriguez, Laster, Burks and Noriega absent. NO QUORUM PRESENT

Council Member Green announced events he attended or would be attending. Council Members Brown, Davis, Martin, Hoang, Pennington, Gonzalez, Rodriguez, Laster, Burks and Noriega absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 11:14 a.m. Council Member Costello absent on personal business. Council Members Brown, Davis, Martin, Hoang, Pennington, Gonzalez, Rodriguez, Laster, Burks and Noriega absent. NO QUORUM PRESENT

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