

City Council Chamber, City Hall, Tuesday, October 15, 2013

A Regular Meeting of the Houston City Council was held at 2:00 p.m. Tuesday, October 15, 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, Andrew C. Burks, Jr., C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. Harlan Heilman, Legal Department, Division Chief, Claims & Subrogation Division; Ms. Marta Crinejo, Agenda Director, Ms. Stella Ortega, Agenda Office, present. Council Member Melissa Noriega out of the city on city business.

At 1:38 p.m. Mayor Parker called the meeting to order and stated they would begin with the Council presentations and recognized Council Member Cohen. Council Members Davis, Brown, Adams, Martin, Hoang, Rodriguez, Laster, Green, Costello and Burks absent. NO QUORUM PRESENT

Council Member Cohen stated that it was her pleasure to recognize "Dress for Success Houston", that since 1988 they had provided women with business suits, professional skills and much needed confidence to go out, get a job and get back on their feet, that co-founder and President and long time friend, Ms. Nancy Levicki, had played a role in helping Houston women gain employment and achieve self sufficiency, they had served more than 45,000 women and aimed to serve more than 7,000 in 2013, that this goal could not be achieved without the financial contributions, in kind donations and volunteer efforts of individuals and companies committed to the mission of "Dress for Success Houston" and presented them with a proclamation and Mayor Parker stated, therefore she, Annise D. Parker, Mayor of the City of Houston, hereby proclaimed today as Dress for Success Houston Day in Houston, Texas, and thanked them for what they did. Council Members Davis, Brown, Martin, Hoang, Rodriguez, Laster, Green, Costello and Burks absent. NO QUORUM PRESENT

Ms. Levicki thanked Council Member Cohen and Mayor Parker, long time supporter of Dress for Success, and introduced Vice President of Dress for Success, Ms. Lauren Levicki, who joined their team in February 2013, that on behalf of the thousands of women they had served and would serve, only in a city as incredible as Houston, Texas could the work of their affiliate been so significant. Council Members Davis, Brown, Adams, Martin, Hoang, Rodriguez, Laster, Green, Costello and Burks absent. NO QUORUM PRESENT

Mayor Pro Tem Gonzalez congratulated Dress for Success and stated that they all understood how important it was when someone was out in the job market for them to feel good and look good as they prepared for making that first impression. Council Members Davis, Brown, Adams, Martin, Hoang, Rodriguez, Green, Costello and Burks absent. NO QUORUM PRESENT

Mayor Pro Tem Gonzalez recognized Council Member Pennington for the next presentation. Council Members Davis, Brown, Adams, Martin, Hoang, Rodriguez, Green, Costello and Burks absent. NO QUORUM PRESENT

Council Member Pennington stated that they had several representatives of Eagle's Trace, that Mr. Ben Cornthwaite, VP, was present with several members of their community, which was located in District G, it was home to more than 600 residents and 300 employees, and presented a proclamation to Eagle's Trace, and Mayor Parker stated they were all getting closer, as baby boomers, to the need for housing options, and stated therefore she, Annise D. Parker, Mayor of the City of Houston, hereby proclaimed today October 15, 2013 as Eagle's Trace Day in Houston, Texas. Council Members Davis, Brown, Adams, Martin, Hoang, Rodriguez, Green, Costello and Burks absent. NO QUORUM PRESENT

Mr. Cornthwaite thanked Mayor Parker and the City Council for the proclamation and for being recognized for the work they were doing in the west Houston area, and introduced members of their community who were present today. Council Members Davis, Brown, Adams, Martin, Hoang, Rodriguez, Green, Costello and Burks absent. NO QUORUM PRESENT

Vice Mayor Pro Tem Bradford recognized Mayor Pro Tem Gonzalez for the next presentation. Council Members Davis, Brown, Adams, Martin, Hoang, Rodriguez, Green, Costello and Burks absent. NO QUORUM PRESENT

Mayor Pro Tem Gonzalez invited the founders of Tejas Office Products, Mr. Lupe and Irene Fraga, and their family, to join him, and stated that Lupe, Irene and their children had grown their family business into the largest independent office product company in the Houston area, Steven Fraga was President of Tejas Office Products, while sisters, Michele and Alicia, served as company officers and together they led 52 employees, that Fraga family members continued to be recognized as top Hispanic business owners statewide and locally, in August 2012, Tejas Founder, Lupe Fraga, received the State of Texas Small Business Award from the Office of Governor and Texas Workforce Commission, along with the Texas Business Alliance, in July 2012, Hispanic Business Magazine recognized Tejas Office Products as a top Hispanic owned company, Michele Fraga was nominated to the SER Jobs for Progress, Board of Directors, the Tejano Center for Community Concerns honored Michele Fraga as the 2012 Business Woman's Award winner, Steven Fraga joined the Board of the United Way of Greater Houston in 2013, was a board member of the Harris County Houston Sports Authority and served on the Memorial Hermann Foundation Board, that the City of Houston commended Tejas Office Products for their services and volunteer efforts in the community, and Mayor Parker stated not only for their work as a great company and corporate citizen, but because the family was so engaged in the philanthropic life of the community they salute them, and therefore, she, Annise D. Parker, Mayor of the Houston hereby proclaimed today as Tejas Office Products Day in Houston, Texas. Council Members Martin, Hoang, Rodriguez, Costello and Burks absent.

Mr. Lupe Fraga and Mr. Steven Fraga thanked Mayor Parker and the City Council for the honor today. Council Members Martin, Hoang, Rodriguez, Costello and Burks absent.

Vice Mayor Pro Tem Bradford, Council Members Pennington, Green and Cohen congratulated the Fraga Family and Tejas Office Supply. Council Members Martin, Rodriguez, Costello and Burks absent.

Mr. Lupe Fraga stated that the City had set the pace for minority businesses, giving them the opportunities and commended Mayor Parker for the priorities that she had raised on that. Council Members Martin, Hoang, Rodriguez, Costello and Burks absent.

At 2:01 p.m. Mayor Parker recognized Council Member Cohen for the invocation and pledge of allegiance, and Council Member Cohen invited Senior Rabbi of Congregation Beth Israel, David Lyon, for the innovation and led all in the pledge of allegiance. Council Members Pennington, Rodriguez and Burks absent.

At 2:07 p.m. the City Secretary called the roll. Council Member Noriega out of the city on city business. Council Member Pennington absent.

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

Mayor Parker recognized Council Member Adams for a point of personal privilege. Council Member Pennington absent.

Council Member Adams stated that she wanted to remind everyone of the 2013 FREE Summit (Financial Retirement Employees Educational), if they wanted to learn more about their pensions, Deferred Compensation and other topics related to financial planning they should make plans to attend the free summit, and today she wanted to acknowledge Ms. Sherri Mose and her team for always doing a wonderful job, that the week of October 20 through 26, 2013 was Safe for Retirement Week, and she had a proclamation on behalf of Mayor Parker and the City of Houston, to proclaim October 20 through 26, 2013 as Safe for Retirement Week in the City of Houston. Council Members Pennington and Gonzalez absent.

Mayor Parker requested that Ms. Mose and her team stand and be recognized. Council Members Pennington and Gonzalez absent.

Council Member Laster moved that the rules be suspended for the purpose of hearing from Mr. James Bigham at the top of the three minute non-agenda speakers list, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Pennington absent. MOTION 2013-0681 ADOPTED.

The City Secretary began calling the list of public speakers. Council Member Pennington 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 Member Pennington absent.

Mr. Charles X. White, 5959 MLK, Houston, Texas 77033 (713-292-3436) appeared and stated that he was present with a small contingent of their community of Corridors United and they the People, they were present to offer Mayor Parker and invitation on October 22, 2013 at 10:00 a.m., to a fact based discussion on Metro, that Metro, as it appeared to them, were about to reduce some bus routes on the southeast side, east side and northeast side, which could invariably mean MetroLift as well, that they would like Mayor Parker to take the lead and get to some of the Metro people, their issues had to do with the American Disabilities Act, as well, the bus shelters not being in compliance, those were the main focus for October 22, 2013 at 10:00 a.m. at 7427 Ardmore, that the meeting would only be for about an hour and fifteen minutes, and the last part of the meeting would deal with police conduct, they had been getting some information about police conduct and would like to offer them some possible information that they may or may not be aware of. Council Members Martin, Hoang and Pennington absent.

Mayor Parker stated that would be next Tuesday morning, that to be clear Metro had not announced any changes, they had, however, announced that they were doing a community wide exercise about route optimization, so there could be route changes all across the City, there was no particular area they had targeted, their goal was to say "if you could design a Metro route system from scratch what would it look like", and then see if they could make appropriate changes to make it work better, that she thought it was important to provide more venues for Metro to make it's presentations. Council Members Martin, Hoang and Pennington absent.

Upon questions by Council Members Adams and Bradford, Mr. White stated that he would say they had sent over 15 emails to Metro about the bus shelters, they were on 3-1-1, that Metro had sent representatives to their last four meetings. Council Members Martin, Hoang and Pennington absent.

Council Member Burks moved that the rules be suspended to extend the time for questions of Mr. Charles White, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Members Martin, Hoang and Pennington absent.

After questions and discussion by Council Member Burks, Mr. White stated there had been some meetings with the finance group at Metro, and was why they wanted to invite the Mayor so she could see the information about what Metro was about to do with the bus routes, and Council Member Burks asked if Mr. White had requested, through the Open Records Act, the minutes of the Metro meetings that stated there was a removal of bus routes, from southeast and the south area and if he had did he have them with him, and Mr. White stated that they were in the packets to be passed out to Council Members, and Council Member Burks stated that he would like to have some information on Metro's data that he may have. Council Members Hoang, Pennington, Rodriguez and Laster absent.

After further discussion, Council Member Burks moved that the rules be suspended to extend the time for questions of Mr. Charles White, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Members Hoang, Pennington Rodriguez and Laster absent. MOTION 2013-0683 ADOPTED.

After further discussion by Council Members Green, Davis and Gonzalez, Mr. White stated that they were in discussion with Metro about the design of a bus route, one year ago they got the plans and were told a bus shelter was going to look like what was on the diagram and the diagram included ADA compliance, the actual bus shelter that was there was non ADA compliant. Council Members Cohen and Hoang absent.

Council Member Burks moved that the rules be suspended to extend the time for questions of Mr. Charles White, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Members Cohen and Hoang absent. MOTION 2013-0684 ADOPTED.

Council Member Burks stated that the southeast section of Houston, had 25% of Metro's ridership, and it may be higher than that, and also the majority of the Metro Lift activity, that the majority of the residents there were senior citizens, over the age of 65, who depended on the bus service to get them through and fro. Council Member Hoang absent.

Ms. Lou Ella Kelly, 5959 Belneath, Houston, Texas 77033 (713-731-4779) appeared and stated that she was a concerned citizen and concerned about the buses, they were present to invite them to a meeting on October 22, 2013, at 7427 Ardmore. Council Member Hoang absent.

Upon questions by Council Member Adams, Ms. Kelly stated that she had neighbors who depended on Metro Lift to get to the doctors and stores, and it would be detrimental to them. Council Member Hoang absent.

Ms. Dorothy Dawson, 5859 Hirondele, Houston, Texas 77033 (713-733-8734) appeared and presented information and stated that would give them some insight as to what they were talking about, and invited Mayor Parker to the meeting on Ardmore on October 22, 2013 at 10:00 a.m.. Council Member Hoang absent.

Mayor Parker stated that she did not know what she was doing tomorrow because she had not seen her schedule, that she was looking at the report that she handed out and did not see anything that said Metro was planning on canceling any routes, it was just an analysis on various routes. Council Member Hoang absent.

Council Member Adams asked Ms. Dawson if there was any page in the handout that reflected the cuts by Metro, and Ms. Dawson stated that Mr. Paul Magaziner would be able to tell them, he had put the book together. Council Member Hoang absent.

Council Member Bradford moved that the rules be suspended to hear from Mr. Paul Magaziner at this time, seconded by Council Member Burks. All voting aye. Nays none. Council Member Noriega out of the city on city business. MOTION 2013-0685 ADOPTED.

Mr. Paul Magaziner, 3773 Richmond Ave, Houston, Texas 77046 (713-825-7605) appeared and stated that Metro formed a new committee in September/October 2012 called the Strategic Committee, that the Chronicle had done an article "Metro must balance ridership and coverage", so the committee was formed, the stakeholders were handpicked, they had all the emails, there were one or two riders on it, that the committee was re-imagining what the new Metro should look like, they spent \$1.2 million on a study, they did a current service allocation, this was the way Metro service was allocated now, and reviewed the data that was handed out in the packet, which was pulled out of Metro presentations, they believed the results were pre-determined, and it was being done out of a financial necessity.

After further discussion by Council Members Davis and Adams, Mayor Parker stated that Mr. Magaziner had selectively lifted from Metro's presentations and he did an excellent job of cherry picking, that she had made repeated public commitments to the bus system of Houston, but she fully supported Metro's willingness to reexamine their routes and seek route optimization, she did not believe there was any member of the Houston City Council that would support Metro pulling out of the minority neighborhoods in Houston, which was in effect what he was saying, that it was not going to happen and was not in the evidence that he had presented. Council Member Costello absent.

Mr. Mazaziner stated that he was glad to hear Mayor Parker say that, respectfully this was where they were going because they were so broke and they had to cut somewhere and this was where they were going, and Mayor Parker stated that Metro was not on the verge of bankruptcy. Council Member Costello absent.

Mr. Norman Tibbs, 7905 Chain, Houston, Texas 77033 (713-542-8967) appeared and stated that he was present to invite Mayor Parker and the City Council to the same meeting that the previous speakers had invited them to.

Ms. Maria Perez, 7333 McHenry, Houston, Texas 77087 (832-410-1289) appeared and stated, through a translator, that she was present to talk about her low income job and the low wages, she had to have two jobs, that she was present to speak about Proposition 15 about the increase of wages and the wages that would benefit her family. Council Members Davis and Pennington absent.

Mayor Parker stated that they had no proposals in the City to create wage increases or a so called "living wage", they did have a Wage Theft Ordinance that had been through Council and expected to vote on in the next few weeks. Council Members Davis, Hoang and Pennington absent.

Council Member Gonzalez stated that according to the speakers list her subject was to be wage theft and there was a difference between what she mentioned, prevailing wage or high salaries and the actual theft of wage, which was different and he wanted to clarify that. Council Members Davis, Hoang, Pennington and Green absent.

Mr. James Bigham, 7911 Sharpview Dr., Houston, Texas 77074 (713-568-8124) appeared

and stated that the Bureau of Animal Control, BARC, had proposed changes to Chapter 6 that would adversely impact pet service businesses in Houston, the proposal strikes the term "kennel", commonly defined the facility for boarding or breeding dogs and added the phrase "commercial pet service facility" which would dramatically increase the type of entities regulated into the Code, first, that the program relied on complaints when there were practically none, that citizens could make complaints today, whether the facility was required to be licensed or not, however, Mr. Chris Newport, BARC, told them that last year there were "not very many", there appeared to be so few that they were not measurable, that salon owners like he and his wife would be adversely impacted by these changes, all facilities should meet a minimum standard of care, but the changes were littered with exemptions, they were opposed to the expanded permitting requirements because it seemed to target "mom and pops", issues with sanitation or noise could and should be handled through a progressive sanction, once again, regardless of entity type or business arrangement, and finally, they were opposed to a new scheme like that recently passed in the Precious Metal Ordinance, which would give the Director the authority to make rules and regulations, of course the Parks or Aviation Directors, who were responsible for operating large facilities, needed the ability to establish rules and for 25 years they had done so effectively, but twice in the last year, and now with this third proposal, Council transferred authority, almost exclusively retrained by elected officials, to City employees, that to be clear, the authority to create a criminal offense, which the violation of a rule would be, must remain with the Council and the Mayor. Council Members Davis, Hoang, Pennington, Green and Costello absent.

Mayor Parker asked if Mr. Bigam operated a dog grooming business, and he stated that was correct, pet saloon only, and Mayor Parker stated that doggy day cares could generate complaints. Council Members Davis, Hoang, Pennington, Green and Costello absent.

Council Member Laster thanked Mr. Bigam for giving a detail read to the particular draft and was sure the Council Members would appreciate his insight because they were always trying to get a better product rather than some product, he hoped his office had been helpful to him in relationship to getting him to BARC, whom he knew had responded pretty extensively, and ARA had responded extensively. Council Members Hoang, Pennington and Green absent.

Council Member Gonzalez stated that he had been involved briefly during the early discussions on this, they talked to a number of stake holders at the time to try to come up with some revisions and kind of modernize the existing ordinance. Council Members Hoang, Pennington and Green absent.

Mr. Michael Galbreth, 5755 Knox St., Houston, Texas 77091 (832-605-6453) appeared and stated that he was one of the "Art Guys", and was present with Mr. Jack Massing and today's presentation was on behalf of both of them, that they were artists who lived and worked in Houston and their appearance today was part of a year long series of public events executed by them at various locations throughout Houston over the course of the year 2013 called "12 Events" and read a presentation titled "There ought to be a Law", and stated that he had a presentation for Mayor Parker and each member of the City Council. Council Members Hoang, Pennington and Green absent.

Council Members Davis, Laster and Rodriguez thanked Mr. Galbreth for their own personalized copy of the presentation. Council Members Hoang, Pennington and Green absent.

Mayor Parker stated that she was glad to see that Mr. Galbreth survived after drinking Buffalo Bayou water a few years back. Council Members Hoang, Pennington and Green absent.

Mr. Kamal Bhambhani, 8500 Nairn, Houston, Texas 77074 (713-772-0217) had reserved

time to speak, but was not present when his name was called. Council Members Hoang, Pennington and Green absent.

Mr. Donald Burns, 13021 Tonegal, Houston, Texas 77047 (713-882-0307) appeared, presented information on several civic clubs and deed restrictions for his neighborhood. Council Members Davis, Hoang, Pennington, Rodriguez, Laster and Green absent.

Mr. Tom Wroten, 22138 Rustic Bridge, Humble, Texas 77339 (832-527-9027) had reserved time to speak, but was not present when his name was called. Council Members Davis, Hoang, Pennington, Rodriguez, Laster and Green absent.

Ms. Edna Douadi, 10902 Roark Rd., Houston, Texas 77099 (713-412-4002) appeared and stated that she was with Globe Electric, she was an established vendor for the City of Houston since 1976, that they were a small woman owned minority company and was present on behalf of other small companies of minorities, that she had repeatedly watched the City of Houston award contracts, more than hundreds of millions of dollars to large companies with waivers of minority participation, that had been devastating to the small businesses, that after the Disparity Study and an article in the Houston Chronicle, she wrote a letter to City Attorney Mr. Feldman and the Council Members and had never received a response in reference to that, in her letter she addressed a lot of problems that small companies had and wanted to address a very serious issue, that the reason why they put a goal on bids was so they enabled minority companies of small businesses to participate, and when they did a waiver on that they were taking an opportunity from them, that she had been talking to major companies on major projects, and the Council should really hear what they say and what their feeling was about participation of small businesses on bids, those companies unfortunately represented the typical corporate greed, they would like to maximize their profits and did not wish that small companies participate, even small local companies, that she wanted to make sure the City Council understood, and was sure they knew, that small businesses represented more than 85% of the US economy, but did not know what percent of the Houston economy, that she was talking about supplies, not construction, that she wanted to thank Mayor Parker and the City Council for the Hire Houston First Program, which helped them somewhat, but they really needed their assistance. Council Members Hoang, Pennington, Rodriguez and Laster absent.

Mayor Parker stated that the majority of the Houston City Council were very interested in making sure they provided minority contracting opportunities, which was why they did increase their goal, it did not guarantee that every contract would have minority participation, that she was not quite sure from her comments if she was talking about City projects or if she was talking about her frustration with the private sector, and Ms. Douadi stated City projects only, and Mayor Parker stated if she had a concern about a particular contract it would be helpful if she would let them know what that contract was, anything she wanted to put in writing would be great. Council Members Hoang, Pennington, Rodriguez and Laster absent.

Council Member Burks asked if she could put in writing how she had been affected, what did her company do and how waivers had affected her in certain ways and what could the City Council do about it. Council Members Hoang, Pennington, Rodriguez and Laster absent.

Mayor Parker stated that they did willing contract directly with the manufacture if they could receive a significant cost savings for the City.

Council Member Green moved to suspend the rules to extend the time for questions of Ms. Edna Douadi, seconded by Davis. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Members Hoang, Pennington, Rodriguez and Laster absent. MOTION 2013-0686 ADOPTED.

Council Member Green stated he thought the challenge they were facing with regard to the waivers, and he had the discussion with Ms. Carlecia Wright, OBO, if they looked at the amount of waivers with regard to MWBE, it was up substantially and essentially companies were going around the goals by either one, attempting sole source, or two, picking their own vendors, that it was a challenge and he understood the issue and thought the way they got around it was that they had to be dedicated to a MWBE Program within all of their departments, and Ms. Douadi stated that the waivers were being given to bids or projects that the waiver did not need to be given. Council Members Hoang, Pennington, Rodriguez, Laster and Burks absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-738-3410) had reserved time to speak, but was not present when his name was called. Council Members Hoang, Pennington, Rodriguez, Laster and Burks absent.

Pastor James Nash, 8309 Brandon St., Houston, Texas 77051 (713-725-1664) had reserved time to speak, but was not present when his name was called. Council Members Hoang, Pennington, Rodriguez, Laster and Burks absent.

Ms. Chandra Livingston, 3306 Charleston, Houston, Texas 77021 (713-876-0312) appeared and stated that she was present with her husband, Mr. Emmanuel Livingston, concerning payment of her claim for property damages to her home, that her walls were buckled and after investigation and through a master plumber it was determined that there was sort of a back surge, like a tsunami, through her home that went up the walls to the second floor and dumped sewage in her home of 26 years, that although the City of Houston had seven months of notice for their claim of property damages their claim remained unpaid, that they were appearing before City Council to hopefully resolve the matter; their position was pursuant to Texas Civil Practices and Remedy Code which held municipalities, such as the City of Houston, liable for not adequately exercising it's duty of care for maintaining the sewer line to her home, which resulted in horrific damage to her property, causing their family to evacuate their home for six weeks, specifically Section 101.021 and continued to read the law until her time expired. Council Members Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent.

Mayor Parker asked Ms. Livingston if she was represented by an attorney in this matter, and Ms. Livingston stated that she was not, and Mayor Parker stated the only reason she asked was if she was represented by an attorney they would not be allowed to engage in this conversation with her; and second, she did file a claim and asked Mr. Harlan Heilman, Legal Department, if he was aware of the claim, and Mr. Heilman stated that yes, and Mayor Parker stated that as part of her claim she presented evidence that it was a City liability that caused the backflow into her house, and Ms. Livingston stated yes, and Mayor Parker stated that just the fact that it was a sewer overflow did not necessarily mean that the City was liable. Council Members Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent.

Upon questions by Council Member Adams, Mayor Parker stated that this looked as if Ms. Livingston was charging that somehow the City did something that caused it to backup. Council Members Brown, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent.

Mr. Heilman stated that the key words were "under this chapter" and they had to go back to the Chapter and 021, which was the waiver of the immunity and for property damage it must be caused by an employees operation of either a vehicle or motor driven equipment, so if they had a sewer jet that pushed it into the house, they had a problem, if it was caused by a failed line they were not liable for that. Council Members Brown, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent.

After further discussion, Mayor Parker stated that she would look at what Ms. Livingston

presented to the Legal Department and get a definitive answer to her from the Legal Department, and Mr. Heilman stated that they did send a formal response to Ms. Livingston and Mayor Parker stated that she would like to see it. Council Members Brown, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent.

Mr. Eric Goodwine, 10555 Turtlewood Ct., No. 1606 , Houston, Texas 77072 (281-889-4963) had reserved time to speak, but was not present when his name was called. Council Members Brown, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent.

Mr. Jesse Shields, 2221 Russell, Houston, Texas 77026 (713-727-5547) appeared and stated that he was present on Highway 59, which was rusting and cracking, and safety, that Highway 59, to him, was about to fall, that he had been praying in the church to see if the City was going to do anything about it, and continued to voice his personal opinions until his time expired. Mayor Parker, Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent. NO QUORUM PRESENT

Ms. Thirkield Thomas, 8171 Redfern Dr., Houston, Texas 77033 (713-733-6012) had reserved time to speak, but was not present when her name was called. Mayor Parker, Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Ms. Adalinda Guarjardo, 10131 Comanche Ln., Houston, Texas 77041 (832-366-4431) appeared and stated that she resided in District A and was present to remind them that the ordinance against wage theft was necessary, important and urgent, they were delivering more than 1,000 copies of letters from the community that supported the ordinance and came to tell them that they needed to vote in favor of the ordinance for the good of the community, that her family had been a victim of wage theft, that when her Dad was not paid \$2,300 that he had earned it affected all of them and she did not want it to happen to anyone else, they were only asking for justice.. Mayor Parker, Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Mr. Durrell Douglas, 2104 Canal, No. 135, Houston, Texas 77003 (832-857-5737) appeared, presented copies of letters, and stated that he was the Texas State Director for Working America, the Community Affiliate of the AFLCIO, and stated that in the past several months they had gone door to door across the City, both members and volunteers as well as paid staff, they had collected hand written letters from Houstonians, their constituents, urging the City Council to vote on a balanced wage theft ordinance. Mayor Parker, Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

After discussion by Council Members Davis and Christi, Mr. Douglas stated that he was not a statistician, but the few he had talked to that had been victims came from the retail and restaurant industries and in some cases they worked for sub contractors in the construction industry. Mayor Parker, Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

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. Mayor Parker, Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373

(713-928-2871) appeared and stated that he was commander and chief, and continued to express his personal opinions until his time expired. Mayor Parker, Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Ms. Ingrid Flornoy, 601 Sawyer, Houston, Texas 77007 (713-865-9320) had reserved time to speak, but was not present when her name was called. Mayor Parker, Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

At 3:33 p.m. Mayor Pro Tem Gonzalez stated the City Council was recessed until 9:00 a.m., Wednesday, October 16, 2013. Council Member Noriega out of the city on city business. Mayor Parker, Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Laster and Burks absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

The Houston City Council reconvened at 9:00 a.m., Wednesday, October 16, 2013, with 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, Andrew C. Burks, Jr. and Jack Christie, D. C.; Mr. David Feldman, City Attorney; and Ms. Marta Crinejo, Agenda Director, present. Council Member Melissa Noriega out of the city on city business. C. O. "Brad" Bradford absent on personal business.

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

At 9:09 a.m. Mayor Parker called the meeting to order and stated they had two public hearings. Council Members Davis, Adams, Green and Burk absent.

HEARING - 9:00 A.M.

1. **PUBLIC HEARING** to consider the proposal to take approximately 4,584 square feet of the Cullen Sculpture Garden for an underground vehicular and pedestrian crossing - **DISTRICT C - COHEN** – was called. Council Members Davis, Adams, Green and Burk absent.

The City Secretary stated that no one had reserved time to appear at the hearing. Council Members Davis, Adams and Burk absent.

Mayor Parker stated that Mr. Joe Turner, Director, Parks and Recreation Department, would present an overview, and the Legal Department would be represented by Ms. Mary Buzak. Council Members Davis, Adams and Burk absent.

Mr. Turner stated that the Museum of Fine Arts, Houston had requested an easement from the City of Houston to construct, operate and maintain an underground tunnel for pedestrian and vehicular use connecting the new Glassell School of Art and a new exhibition building adjacent to the Lillie and Roy Cullen Sculpture Garden, within an area that is approximately 4,584 feet, across a portion of the Sculpture Garden property (the "Project"), that Chapter 26 of the Texas Parks & Wildlife Code required the City Council to hold a public hearing before approving the request for an easement, that Section 26.001 of the Texas Parks & Wildlife Code provided that a City must approve any program or project for the use of land designated as park land unless, after a public hearing, its governing body determined that, (1) there was no feasible and prudent alternative to the alternative use of the park land, and (2) the program or project included all reasonable planning to minimize the risk to the park land, that the Lillie and Roy Cullen Sculpture Garden is a City park comprised of approximately 1.0028 acres of

land, located at 1000 Bissonnet Street, the Sculpture Garden is in City Council District C, the City purchased the Sculpture Garden property from the Museum of Fine Arts in 1973, in 1978 the City Council authorized the dedication of the property as the Lillie and Roy Cullen Sculpture Garden for the purpose of displaying and exhibiting pieces of sculpture, in 1985, the City and the Museum of Fine Arts, Houston entered into an agreement under which the Museum agreed to provide the sculptures and to operate and maintain the Sculpture Garden on behalf of the City, that the Museum now intended to expand its campus by constructing the new Glassell School of Art to the north of the Sculpture Garden and a new exhibition building to the east of the Sculpture Garden, that as part of the expansion project the Museum was constructing a parking garage underneath the new facilities, the underground tunnel across a portion of the Sculpture Garden property would provide pedestrian and vehicular access connecting all three sites, that this project was presented to the Quality of Life Committee on August 26, 2013, in a few weeks City Council would be asked to approve an ordinance making the findings required by Chapter 26 and authorizing the grant of the easement to the Museum of Fine Arts, Houston, the Sculpture Garden is the most feasible and prudent location for the project because of its location between the site of the new Glassell School of Art and the site of the new exhibition building, the underground tunnel will facilitate pedestrian and vehicular access between these new Museum campus buildings and the Sculpture Garden, since the tunnel will be underneath the surface of a small portion of the Sculpture Garden property, there will be minimal impacts on the natural and cultural resources within the Sculpture Garden, that the benefits to the Sculpture Garden would include continued operation and maintenance of the Sculpture Garden by the Museum of Fine Arts, Houston, for an additional 30 years.

Mayor Parker stated that it was a great enhancement to the Museum of Fine Arts, and would still protect and preserve the existing sculpture garden, which was City property, but they were allowing construction of the underground tunnel; and asked if there was anyone present in the audience who wished to address the issue, and there being none, requested a motion to close the public hearing.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. MOTION 2013-0687 ADOPTED.

2. **PUBLIC HEARING** on proposals for the City of Houston to enter into separate strategic partnership agreements or amended and restated strategic partnership agreements with the below named districts in Harris County, Fort Bend County and Montgomery County; on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts; and on separate proposals by the City of Houston to annex for limited purposes certain territory in the vicinity of certain Districts – was called. Council Member Costello absent.

West Harris County Municipal Utility District No. 21
Montgomery County Municipal Utility District No. 98
Louetta Road Utility District
Harris County Water Control and Improvement District No. 36
Harris County Municipal Utility District No. 191
Memorial Hills Utility District
West Harris County Municipal Utility District No. 2
Spring Creek Utility District
Harris County Freshwater Supply District No. 61

Harris-Fort Bend Counties Municipal Utility District No. 5
Harris County Municipal Utility District No. 368

The City Secretary stated that no one had reserved time to appear at the hearing. Council Member Costello absent.

Ms. Nicole Smothers, Planning Department, stated that since January 2001, the City had approved 316 Strategic Partnership Agreements with 227 MUDs generating approximately \$255 million in revenue for the City thru Fiscal Year 2013, the revenue from SPAs now represented 6.94% of the sales tax collection for the City, this was the first of two required public hearings, a second public hearing is scheduled for October 23, 2013, that following the second public hearing, the Department would be seeking Council approval for the SPAs and the limited purpose annexations on November 13, 2013, that if approved tax collections would begin April 1, 2014; that for all of the Utility Districts included in this hearing, the City would levy a 1 percent sales tax, which it would divide evenly with the Districts, that these areas included commercial territory only, there were no residents in the areas to be annexed, all districts would receive the animal control and rescue service, that the agreements for November 2013 were as follows, for the following Districts, the City would amend an existing agreement by adding new territory, there was no territory outside the district to be included in the annexation, Harris County Water Control and Improvement District No. 36, Harris County MUD No. 191, Memorial Hills Utility District and West Harris County MUD No. 2; For the following district, the City would execute a new Strategic Partnership Agreement, there was no territory outside the MUD to be included in the annexation, West Harris County MUD No. 21; for the following districts the City would amend an existing agreement by adding new territory, there was territory outside the district to be included in the annexation, the City will enforce the animal control service in the area to be annexed, Spring Creek Utility District, Harris County Fresh Water Supply District No. 61, Harris-Fort Bend Counties MUD No. 5 and Harris county MUD No. 368; for the following districts, the City would execute a new Strategic Partnership Agreement, there was territory outside the district to be included in the annexation, the City would enforce the animal control service in the area to be annexed, Montgomery County MUD No. 98 and Louetta Road Utility District. Council Member Costello absent.

Council Member Davis stated that he wished they would not give Animal Control Services to these areas because it was difficult to maintain what they had here now, and Mayor Parker stated the point was taken, the blessing was that these were all commercial areas rather than residential areas. Council Member Costello absent.

Council Member Gonzalez stated that he believed most of these was primarily dealing with dead animal pickup on the right-of-way portion, not the full scope of animal control services that they normally provided their residents, and Ms. Smothers stated that was correct, it was in the right-of-way. Council Member Costello absent.

Council Member Burks asked what they had in place that they would penalize someone for dragging a dead animal off of private property onto public property, and Mayor Parker stated that it was illegal dumping if they could prove it. Council Member Costello absent.

Mayor Parker stated no one had reserved time to speak on the issue, and asked if there was any member of the public who wished to speak on the Limited Purpose Annexations, and seeing no one requested a motion to close the public hearing. Council Member Costello absent.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Burks. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. Council Member Costello

absent. MOTION 2013-0688 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 31

MISCELLANEOUS - NUMBERS 3 and 4

3. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 12 BOARD OF DIRECTORS**, for terms to expire June 1, 2017:
 - Position Five - **ELISABETH CROSSWELL STONE**
 - Position Six - **ASHTON L. TAYLOR**
 - Position Seven - **BILLY J. BRISCOE**- was presented, moved by Council Member Gonzalez, seconded by Council Member Laster. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. MOTION 2013-0689 ADOPTED.
4. RECOMMENDATION from Director Administration & Regulatory Affairs for the designation of residential parking permit areas in the Super Neighborhoods of Greater Heights, Neartown-Montrose and University Place - **DISTRICT C – COHEN** - was presented, moved by Council Member Gonzalez, seconded by Council Member Laster. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. MOTION 2013-0690 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 and 6A

6. ORDINANCE appropriating \$2,305,498.00 out of Equipment Acquisition Consolidated Fund and \$2,416,034.00 out of Reimbursement Equipment/Projects Fund for the purchase of Refuse and Recycling Trucks for the Solid Waste Management Department - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0918 ADOPTED.
- 6a. **HOUSTON FREIGHTLINER, INC** - \$138,782.00, **CHASTANG ENTERPRISES, INC. d/b/a CHASTANG'S BAYOU CITY FORD** - \$2,417,452.00, **MCNEILUS FINANCIAL, INC d/b/a MCNEILUS TRUCK AND MANUFACTURING CO.** - \$1,500,128.00 - **TEXAS WASTE EQUIPMENT, INC d/b/a HEIL OF TEXAS** - \$665,170.00 for purchase Refuse and Recycling Trucks through the Interlocal Agreements for Cooperative Purchasing with Houston Galveston Area Council and the Texas Local Government Purchasing Cooperative (Buy Board) for the Solid Waste Management Department - was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. MOTION 2013-0691 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 8 through 31

8. ORDINANCE supplementing the City of Houston, Texas Combined Utility System Master Ordinance; providing for the issuance of Combined Utility System Third Lien Revenue Bonds, in one or more series or subseries as may be further designated and described herein to finance projects costs; 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 a preliminary official statement and authorizing the preparation and distribution of an official statement and matters incident thereto; awarding the sale of the bonds; authorizing a Co-Bond Counsel Agreement; authorizing the execution and delivery of a forward delivery Bond Purchase Agreement, Series Bond Purchase Agreement, Paying Agent/Registrar Agreement, a remarketing Agreement and other related documents; making other provisions regarding such bonds; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0919 ADOPTED.

12. ORDINANCE authorizing the sale of a fifty-foot-wide pipeline easement across Ellington Airport and the Metro Central Wastewater Treatment Plant Site to **SEAWAY CRUDE PIPELINE COMPANY LLC**, for a price of \$687,015.00; authorizing an easement conveyance - **DISTRICT E - MARTIN** - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0920 ADOPTED.
15. ORDINANCE relating to the Fiscal Affairs of the **MIDTOWN REDEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER TWO, CITY OF HOUSTON, TEXAS (MIDTOWN ZONE)**; approving the Fiscal Year 2014 Operating Budget for the Authority and the Fiscal Years 2014-2018 Capital Improvement Projects Budget for the Zone - **DISTRICTS C - COHEN; D - ADAMS and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0921 ADOPTED.
16. ORDINANCE relating to the Fiscal Affairs of the **MAIN STREET/MARKET SQUARE REDEVELOPMENT AUTHORITY D/B/A DOWNTOWN REDEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET/MARKET SQUARE ZONE)**; approving the Fiscal Year 2014 Operating Budget for the Authority and the Fiscal Years 2014-2018 Capital Improvements Budget for the Zone - **DISTRICTS C - COHEN; H - GONZALEZ and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0922 ADOPTED.
17. ORDINANCE relating to the Fiscal Affairs of the **OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER SEVEN, CITY OF HOUSTON, TEXAS (OLD SPANISH TRAIL/ALMEDA CORRIDORS ZONE)**; approving the Fiscal Year 2014 Operating Budget for the Authority and the Fiscal Years 2014-2018 Capital Improvements Budget for the Zone - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0923 ADOPTED.
18. ORDINANCE relating to the Fiscal Affairs of the **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (GREATER GREENSPPOINT ZONE)**; approving the Fiscal Year 2014 Operating Budget for the Authority and the Fiscal Years 2014-2018 Capital Improvements Budget for the Zone - **DISTRICT B - DAVIS** - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0924 ADOPTED.

22. ORDINANCE de-appropriating \$54,000.00 out of Equipment Acquisition Consolidated Fund (approved by Ordinance No. 2013-650) for Professional Services Contract with **VIRTUAL INTELLIGENCE PROVIDERS, LLC** supporting the network and telephony project - had been pulled from the Agenda by the Administration, and was not considered.
24. ORDINANCE approving and authorizing a contract between the City of Houston and **DIGITAL HEALTH DEPARTMENT, INC** for Software Product License and Support Services for the Houston Department of Health and Human Services; providing a maximum contract amount \$511,771.31 - 4 years - Special Revenue Fund - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0925 ADOPTED.
26. ORDINANCE awarding contract to **MCLEMORE BUILDING MAINTENANCE, INC** for Janitorial Cleaning and Associated Services for Various Departments managed by the General Services Department; providing a maximum contract amount - \$11,254,426.83 - 3 years with two one-year options - General, Enterprise and Other Funds - had been pulled from the Agenda by the Administration, and was not considered.
27. ORDINANCE appropriating \$11,121.00 out of Public Health Consolidated Construction Fund as an additional appropriation to contract between the City of Houston and **THE FIERRO GROUP, LTD. CO. D/B/A/ FENCEMASTER OF HOUSTON** for Metal Fence Installation at Acres Homes Multi-Service Center (approved by Ordinance No. 2008-0892) - **DISTRICT B - DAVIS** - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0926 ADOPTED.
- 27-1. ORDINANCE approving and authorizing first amendment to the Agreement between the City of Houston and **A. JOE WINTER INVESTIGATIONS CO.** for Professional Background Investigation and Motor Vehicle Reporting Services (approved by Ordinance No. 2008-0887) - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0927 ADOPTED.
28. ORDINANCE appropriating \$6,640,650.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON WATERWORKS, LLC** for New and/or Rehabilitation of Bar Screens and Odor Control for White Oak, Westway MUD, Easthaven Upper Braes, and Beltway Wastewater Treatment Plants; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN; F - HOANG and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0928 ADOPTED.
29. ORDINANCE appropriating \$7,908,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** for Neighborhood Sewer Systems Improvements – Craigmont, Leeland, and Market Street Force Main; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, construction management, and contingencies relating to construction of

facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0929 ADOPTED.

30. ORDINANCES granting to the following listed as A through M, 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 - **FIRST READING** - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE Numbers 2013-0930 through 2013-0942 PASSED FIRST READING IN FULL

STERICYCLE, INC, a Delaware Corporation – 2013-930

ENSOURCE CORPORATION, a Texas Corporation – 2013-931

MILLENNIUM PROJECT SOLUTIONS, INC, a Texas Corporation – 2013-932

EXCELL DISPOSAL WASTE CONTAINERS, INC, a Texas Corporation – 2013-933

SAN MARCOS GREASE SERVICE, LLC, a Texas Limited Liability Company - 2013-934

PULIDO TRUCKING, L.P., a Texas Limited Partnership – 2013-935

CHERRY CONCRETE REMOVAL, LTD, a Texas Limited Partnership – 2013-936

TEXAS WATER MANAGEMENT, LLC, a Texas Limited Liability Company – 2013-937

GAINSBOROUGH CORPORATION DBA GAINSBOROUGH WASTE, a Texas Corporation – 2013-938

ADAM H. BELMONT DBA BETO'S HYDRO AND SANITATION, a Texas Sole Proprietorship – 2013-939

GARNER ENVIRONMENTAL SERVICES, INC, a Texas Corporation – 2013-940

HIPPO WASTE SYSTEMS, LLC, a Texas Limited Liability Company – 2013-941

A-VAC SEPTIC SERVICE, LLC, a Texas Limited Liability Company – 2013-942

31. ORDINANCES Nos. 2013-903 to 2013-912, passed first reading October 9, 2013 for Ordinances granting to the following listed as A through J, 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 **SECOND READING** - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE Number 2013-0903 through 2013-0912 PASSED SECOND READING IN FULL

CTJ VACUUM SERVICE, LLC, a Texas Limited Liability Company - **(2013-903)**

GULF COAST WASTE SERVICES, LLC, a Texas Limited Liability Company - **(2013-904)**

MAGNA-FLOW INTERNATIONAL, INC DBA MAGNA FLOW ENVIRONMENTAL, a Texas Corporation - **(2013-905)**

JERRY BRUMFIELD DBA BRUMFIELD SANITATION SERVICES, a Texas Sole Proprietorship - **(2013-906)**

CIMA SERVICES, L.P., a Texas Limited Partnership - **(2013-907)**

SUN COAST RESOURCES, INC, a Texas Corporation - **(2013-908)**

CAROL JEAN HARGET DBA SEPCO SEPTIC TANK SERVICES, a Texas Sole Proprietorship - **(2013-909)**

HILL SAND COMPANY, INC DBA HILL WASTE SERVICE, a Texas Corporation - **(2013-910)**

DARYL SHEPPEARD DBA ACE SEPTIC AND PLUMBING CO., a Texas Sole Proprietorship - (2013-911)
USA GAIN ENVIRONMENTAL, LLC., a Texas Limited Liability Company - (2013-912)

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$925,204.90 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Jadewood Lift Station - 3.43% under the original contract amount - **DISTRICT A – BROWN** – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. MOTION 2013-0692 ADOPTED.

RESOLUTIONS AND ORDINANCES

7. RESOLUTION approving the creation of the **HARRISBURG REDEVELOPMENT AUTHORITY**; approving the certificate of formation and the bylaws thereof; confirming the appointment of the Initial Directors and Chairperson - **DISTRICT B - DAVIS; H - GONZALEZ and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. RESOLUTION 2013-0051 ADOPTED.
9. ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2013 – was presented.

After discussion, Council Member Brown stated that she received information with regard to the certified estimates from HCAD and she studied the numbers and consulted with many financial minds in Houston, former tax assessors, and it was clear, outside of the City's numbers, that the tax revenue would be increasing from last year, 10.58%; that she knew there were those on Council that because they already had moved forward with this they could not backtrack, there was a feeling on Council that based on these numbers they were already at the vote on Council, that HISD was at the vote at their table, yet they dropped their rate by one penny, regardless of whether they increased it or kept it the same or whatever, was not the point, they were about to approve a rate and because of the numbers that were presented to them they considered that fact, and dropped it a penny, it was at the table that they made the decision, that they could do better, she believed, and offered the following written motion to amend Item No. 9:

"I move to amend section 2 of the ordinance for agenda item 9, to replace M&O rate "0.477085 on each \$100 of taxable value" with "0.467085 on each \$100 of taxable value". And amend section 4 based on the new rate." Council Member Adams absent.

Mayor Parker stated that since they were dealing in facts she did not know where she got the idea that they were having a 65% increase in tax revenue this year, but she mentioned that HISD lowered their tax rate by a penny, no, HISD chose not to raise their tax rate as much as they had originally expected, they were proposing no change in tax rate whatsoever, and would remind everyone that when they passed the budget they made the decision, and believed it was a unanimous vote, that any additional revenue that came into the City would be rolled forward to next year, so whatever additional revenue came into the City this year they would not be spending it this year.

After discussion by Council Members Costello and Martin, Council Member Martin asked that he would invite Mr. Kelly Dowe, Director, Finance Department, to field a few questions.

Council Member Martin stated that in looking at Council Member Brown's amendment he believed in theory it made a lot of sense, but the reality was, her point, that it was going to be a 10.58% increase, which would relate to \$102 million, that he thought both he and Controller Green estimated, in the most recent MOFR, around 6%, to be exact it 6.37%, and Mr. Dowe stated that was correct, and Council Member Martin asked what did HCAD mean when they talked about certified estimates, and Mr. Dowe stated that he was not familiar with that term, they had never seen that from HCAD before, they provided estimates throughout the year, sometimes they went up and sometimes they went down, that number provided at the end of July, beginning of August 2013, was, one, older than their certified roll, and two, he thought HCAD would tell them they were not the best at estimating property tax, they had to rely on them for estimates in June and they move up and down throughout the year, so to his question he was not exactly certain what it was, to him it was just another one of the estimates that they provided to them throughout the year.

After further discussion by Council Members Davis, Gonzalez and Christi, Mayor Parker stated that they had taken strong steps on the maintenance issue with the first time ever line item in the budget, and also capital commitment to the maintenance, more than \$1 billion of maintenance on their facilities, but OPEB (other post employment benefits) and Pensions were a looming problem.

Council Member Pennington stated that in addition to the unfunded liabilities he thought they actually had cash needs, he believed the budget projections he presented on behalf of the administration, during the budget period, showed an actual deficit for the next fiscal year of how much, and Mr. Dowe stated that he did not have the number, that while they fixed Fund Balance for this fiscal year, that money would be available for the next fiscal year if all the revenue they collected would be available to help any projected deficit, and Mayor Parker stated she was very familiar with that number because she heard it night after night, it was \$81 million, and she would point out to the Council Members that they deliberately budgeted it in such a way that to take the lowest projected revenue and the highest projected expense so that they could stress the budget, it was not their expectation to actually have that gap.

After further discussion by Council Members Green, Brown and Costello, Council Member Costello stated that he wanted to remind everybody that the last time the tax rate was less than the current tax rate was 1994, and the cost of doing business had increased dramatically, no matter what they say, they still had an unfunded liability and still had a duty to everyone in the City of Houston to take care of business that they had to do today, and he would tag the motion to amend Item No. 9.

Mr. Feldman stated that they should be clear, insofar as the tag was concerned Item No. 9 must be voted on by Tuesday, October 22, 2013, and Mayor Parker stated she thought the intent was to tag the amendment and proceed to the main item.

After further discussion by Council Members Pennington and Brown, Council Member Costello stated that he would release his tag on Council Member Brown's motion to amend Item No. 9, and a roll call vote was called.

ROLL CALL VOTE:

Mayor Parker voting no
Council Member Brown voting aye

Council Member Rodriguez voting no
Council Member Laster voting no

Council Member Davis voting no	Council Member Green voting no
Council Member Cohen voting no	Council Member Costello voting no
Council Member Adams voting no	Council Member Burks voting no
Council Member Martin voting no	Council Member Noriega out of city on city business
Council Member Hoang voting no	Council Member Bradford absent on personal business
Council Member Pennington voting no	Council Member Christi voting no
Council Member Gonzalez voting no	MOTION 2013-0693 FAILED.

A vote was called on Item No. 9. Council Member Brown voting no, balance voting aye. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. ORDINANCE 2013-0943 ADOPTED.

- 9a. RECOMMENDATION from Director Finance Department that Council adopt a motion in conformance with the requirements of Section 26.05(b) of the Texas Tax Code – was presented. Council Member Brown absent.

Council Member Costello moved that property taxes be increased by the adoption of the tax rate of .63875 per hundred dollars of value, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. Council Member Brown absent. MOTION 2013-0694 ADOPTED.

10. ORDINANCE approving and authorizing Lease Development Agreement between the City of Houston and **HOUSTON AIRPORT HOTEL OWNER LIMITED PARTNERSHIP**, for certain premises at George Bush Intercontinental Airport/Houston and concurrently terminating Lease Agreement No. 19753, as amended, and a Special Facilities Lease Agreement by and between the City of Houston and Host of Houston 1979 and Host of Houston, Ltd. - **DISTRICT B – DAVIS** – was presented, and tagged by Council Member Davis. Council Member Brown absent.
11. ORDINANCE approving and authorizing a contract between the City and **DEPARTMENT OF STATE HEALTH SERVICES** (DSHS Contract No. 2014-045059) for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Program; declaring the City's eligibility for the contract grant funds; authorizing the Director of the Health and Human Services Department to accept and expend such grant funds, and accept all subsequent awards, if any, pertaining to the WIC Program – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. Council Member Brown absent. ORDINANCE 2013-0944 ADOPTED.
13. ORDINANCE approving and creating the Westchase Economic Development Program Pursuant to Chapter 380, Texas Local Government Code; authorizing and approving an Economic Development Agreement by and between the City of Houston, Texas, and **THE WESTCHASE DISTRICT** for administration of the program - **DISTRICTS F - HOANG and G – PENNINGTON** – was presented. Council Member Brown absent.

After discussion by Council Members Hoang, Davis, Green, Burks, Pennington, Costello and Gonzalez, Mayor Parker stated that area did have an amazing high concentration of multi family units and did not think most Houstonians recognized how dense it was. Council Member Brown absent.

A vote was called on Item No. 13. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. Council Member Brown absent. ORDINANCE 2013-0945 ADOPTED.

14. ORDINANCE relating to the retail **ELECTRIC RATES OF ENTERGY TEXAS, INC** within the City of Houston, Texas; suspending for ninety days beyond the October 30, 2013 effective date of new rates - **DISTRICT E – MARTIN** - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. Council Member Brown absent. ORDINANCE 2013-0946 ADOPTED.
19. ORDINANCE relating to the Fiscal Affairs of the **UPTOWN REDEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF HOUSTON, TEXAS (UPTOWN ZONE)**; approving the Fiscal Year 2014 Operating Budget for the Authority and the Fiscal Years 2014-2018 Capital Improvements Budget for the Zone - **DISTRICTS C - COHEN G - PENNINGTON and J – LASTER** – was presented. Council Members Brown and Costello absent.

Council Member Pennington stated that he proposed to tag the next three items so that the affected citizens would have an opportunity to comment on the budgets, that he reviewed them and did not have a particular problem with them, but other people may have different ideas. Council Members Brown and Costello absent.

20. ORDINANCE relating to the Fiscal Affairs of the **MEMORIAL CITY REDEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER SEVENTEEN, CITY OF HOUSTON, TEXAS (MEMORIAL CITY ZONE)**; approving the Fiscal Year 2014 Operating Budget for the Authority and the Fiscal Years 2014-2018 Capital Improvements Budget for the Zone - **DISTRICTS A - BROWN and G – PENNINGTON** – was presented, and tagged by Council Member Pennington. Council Members Brown and Costello absent.
21. ORDINANCE relating to the Fiscal Affairs of the **UPPER KIRBY REDEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER NINETEEN, CITY OF HOUSTON, TEXAS (UPPER KIRBY ZONE)**; approving the Fiscal Year 2014 Operating Budget for the Authority and the Fiscal Years 2014-2018 Capital Improvements Budget for the Zone **DISTRICTS C - COHEN and G - PENNINGTON** – was presented, and tagged by Council Member Pennington. Council Members Brown and Costello absent.
23. ORDINANCE approving and authorizing first amendment to Interlocal Cooperation Contract between City of Houston and the **TEXAS A&M FOREST SERVICE** for Training Courses for the Office of Emergency Management (approved by Ordinance No. 2012-0801) - \$219,020.00 - Grant Fund - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. Council Members Brown and Costello absent. ORDINANCE 2013-09467ADOPTED.
25. ORDINANCE awarding contract to **HAHN EQUIPMENT COMPANY, INC** for Submersible Pump Repair Services for the Public Works and Engineering Department; providing a maximum contract amount - \$5,006,003.30 - 3 years with two one-year options - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. Council Member Brown absent. ORDINANCE 2013-0948 ADOPTED.

MATTERS HELD - NUMBERS 32 through 35

32. MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Purchasing Agent to award to **NOVARTIS VACCINES AND**

DIAGNOSTICS, INC for Meningococcal Vaccine from State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Department of Health & Human Services - \$138,720.00 - Health Special Revenue – **(This was Item 10 on Agenda of October 9, 2013, TAGGED BY COUNCIL MEMBER BROWN)** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. Council Member Brown absent. MOTION 2013-0695 ADOPTED.

33. RECOMMENDATION from Purchasing Agent to award **AMEND MOTION #2009-0517, 7/8/09, TO INCREASE** spending authority from \$218,720.14 to \$273,400.14 for Signposts and Associated Hardware for Department of Public Works & Engineering, awarded to **ALLIED TUBE AND CONDUIT CORPORATION** - \$201,721.00 - Enterprise Fund – **(This was Item 12 on Agenda of October 9, 2013, TAGGED BY COUNCIL MEMBER COSTELLO)** – was presented, moved by Council Member Gonzalez, seconded by Council Member Burks. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. Council Member Brown absent. MOTION 2013-0696 ADOPTED.

34. ORDINANCE authorizing and approving Economic Development Agreement between the City of Houston, Texas and the **HOUSTON PARKS BOARD, INC** to provide for maintenance of the Bayou Greenways; establishing an economic development program in connection therewith – **(This was Item 22 on Agenda of October 9, 2013, TAGGED BY COUNCIL MEMBER GONZALEZ)** – was presented. Council Member Brown absent.

After discussion by Council Members Pennington, Gonzalez, Green, Christi and Burks, Mayor Parker stated if anybody was wondering why they were not lavishing lots of attention on the Angel donor who was going to be making a big investment in this on the private side was because the announcement was for next week and was leaked to the media so they were not talking about it yet. Council Members Brown and Adams absent.

A vote was called on Item no. 34. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. Council Members Brown and Adams absent. ORDINANCE 2013-0949 ADOPTED.

Mayor Parker congratulated Ms. Roksan Okan-Vick, Executive Director, Houston Parks Board, who was present in the audience. Council Members Brown and Adams absent.

35. ORDINANCE approving and authorizing a first amendment to an agreement between the City of Houston and **THE SCIENCE APPLICATIONS INTERNATIONAL CORPORATION** for Regional Catastrophic Preparedness Planning, Training, and Exercise Services (approved by Ordinance No. 2013-0123); amending the same Ordinance 2013-0123 to establish a maximum contract amount - \$146,785.00 - Grant Fund – **(This was Item 26 on Agenda of October 9, 2013, TAGGED BY COUNCIL MEMBER BROWN)** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. Council Members Brown and Adams absent. ORDINANCE 2013-0950 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Rodriguez stated that on the Westchase 380 Agreement, Item No. 34, he wanted to congratulate Council Members Hoang and Pennington and Representative Jim Murphy on a wonderful project, and congratulations to Mr. Andy Icken and Ms. Roksan Okan-Vick on the Bayou Greenways initiatives; and congratulated Captain Jimmy Campbell, who was promoted to Assistant Chief, Fire Station No. 20; and congratulated the University of Houston

Cougar Football Team, who were 5 and 0, that he thought the Texans were going through a rough patch and hoped they would turn it around. Council Members Brown, Hoang and Burks absent.

Council Member Gonzalez wished a Happy Boss's Day to all of the bosses out there; that Complete Streets were coming to Houston, he wanted to thank Mayor Parker for her leadership and commitment to crafting a policy that would take all users of their roads into account as they renewed their infrastructure going forward, that Complete Streets had been a true team effort and acknowledged the Houston Coalition for Complete Streets and its members; and stated that Tech Street Houston was coming to Houston, Houston's first ever large scale technology conference, on November 19 and 20, 2013 at the George R. Brown Convention Center alongside the Total Energy USA Conference, it was an offspring from the Hackathon Initiatives that Mayor Parker had launched; and announced events he attended or would be attending; Council Members Brown, Hoang, Laster and Burks absent.

Mayor Parker thanked Council Member Gonzalez for mentioning both Tech Street and Total Energy, it was the second year of Total Energy, a brand new, Houston branded conference that went beyond oil and gas and looked at total energy marketplace, from the consumer to the producer and all forms of energy, but also Tech Street, they had a large and growing high tech computer focused community and a lot of things were happening across the City, that Council Member Gonzalez pushed Hackathon and was the honorary Chair of Tech Street, this was one of his passions and she thanked him for his work. Council Members Brown, Hoang and Laster absent.

Council Member Adams announced events he attended or would be attending; and wished a Happy Birthday to Ms. Jerri Brooks and Mr. Dallas Jones; that October was Breast Cancer Awareness Month, that they knew she liked to use her birthday celebration to raise funds for non profit organizations and this year she raised \$10,000 for Sisters Network and thanked them for what they did to promote Breast Cancer Awareness Month, and asked women, and men, to get their annual breast exams, get their mammograms, there were resources like the Rose, Sisters Network and Coleman Foundation that would help them getting those mammograms. Council Members Brown, Martin, Hoang, Rodriguez, Laster and Burks absent.

Council Member Pennington stated that he was excited about the media announcement that Wells Fargo had announced a grant to accelerate plans to end chronic homelessness in Houston, announced events he attended or would be attending. Council Members Brown, Adams, Martin, Hoang, Rodriguez, Laster and Burks absent.

Mayor Parker stated there was a meeting going on at the Federal Reserve, she kicked it off at 8:00 a.m., Ms. Mandy Chapman-Simple, Homelessness Director was there along with Mr. Neal Rackleff, Director, Housing Director, they were talking to bankers and other funders the providers of housing like New Hope and Cloudbreak Properties and so forth about how they could put more units on the ground. Council Members Brown, Adams, Martin, Hoang, Rodriguez, Laster and Burks absent.

Council Member Green announced events he attended or would be attending. Council Members Brown, Adams, Hoang, Rodriguez, Laster and Burks absent.

Council Member Davis stated that as to the shut down he wanted to thank Laura and John Arnold for their pledge of \$10 million towards the Head Start Program in six States; and announced events he attended or would be attending. Council Members Brown, Adams, Hoang, Rodriguez, Laster, Green and Burks absent.

Council Member Cohen stated that she thought about their discussion on Bayou Greenway and had heard one or two things and it focused on the same thing, if they had this kind of money why did they not put in for road repairs or for other things they needed in the City and she was reminded about a conversation with her mother-in-law and they were watching the Rose Bowl Parade on television and they were talking about how much money it cost to put on the parade and how much the floats cost and she said that was terrible to spend that kind of money on the parades and her mother-in-law stated "it was very important to be sure they had beauty in the world", yes, there were always other compelling needs, in this case the Bayou Greenway was going to be so spectacular and bring not only economic development, but beauty to those people who had the opportunity to enjoy it; that she wanted to thank Council Member Adams for mentioning Breast Cancer Awareness Month and urged everyone to examine themselves, that for herself she was living proof, in November it would be 44 years since she had surgery and had it not been for early detection she never would have had the opportunity to not only watch her children graduate from elementary, but her grandchildren head off to college, and announced events she attended or would be attending. Council Members Brown, Adams, Hoang, Rodriguez, Laster, Green and Burks absent.

Council Member Christi announced events he attended or would be attending; and stated that Solid Waste needed a pat on the back, a constituent, who was very hard to please called 3-1-1 and dared them not to respond, within 48 hours they had a new trash can for him, contacted him and fixed his problem, that he was so proud at how the City services worked; that on Item No. 6, make note that they had a chance to switch heavy trucks to LNG and he saw that it was diesel and he was disappointed in that, that New York City was doing all of their heavy trucks with LNG. Council Members Brown, Adams, Hoang, Rodriguez, Laster, Green and Burks absent.

Mayor Parker stated that several Council Members mentioned the Consular Ball and she wanted to salute Ms. Saba Abashawl, Houston Airport Systems, for pulling off a great event, that it was completely underwritten by the private sector, the reason they did it was that they picked up a 50 year tradition that was drifting, the consulates were important to them, they were an international City and it was their chance to publicly thank all of their consulates, that it was an opportunity to put on an event that they saw was unique in the United States; that also the 3-1-1, it was another opportunity to tout the free downloadable app for their smart phone, take a picture of the pothole and send it in directly, the 3-1-1 app would allow them to show what had been reported around a particular location and how long ago it was reported, it was a great accountability tool. Council Members Brown, Adams, Hoang, Rodriguez, Laster, Green and Burks absent.

Council Member Martin announced events he attended or would be attending; and stated that it was a great discussion wrapped around the adoption of the ad valorem tax rate increase, some of the comments made about presenting facts to the taxpayers, being transparent and paying for the sins of the past, since he did not get to ask his last question he would put it in the form of a statement, he thought the City Council was extremely transparent, he thought the taxpayers needed to understand they were facing a \$2 billion unfunded liability due to pension obligations, when they compounded that with a deficit of \$81 million projected in 2014 and over \$100 million in 2015, he thought Council Member Costello led them down a great path to make sure they addressed the needs of the City, not only today, but a two to five year plan, he thought they did that, he thought the discussion today pointed to the fact they were not going to be foolish in doing things that would be harmful in 2014, 2015 and beyond. Council Members Brown, Adams, Hoang, Rodriguez, Laster, Green and Burks absent.

Council Member Costello stated that it was nice to see there were others on City Council, most of them, who looked long term and he agreed with everything he stated; and as a follow up to Council Member Cohen's statement about the beauty of streets and drainage, there were

beautiful streets once they were paved and rebuilt, and Mayor Parker stated they were better when they were complete streets also; and announced events he attended or would be attending. Council Members Brown, Adams, Hoang, Rodriguez, Laster, Green and Burks absent.

There being no further business before Council, the City Council adjourned at 10:44 a.m. Council Member Noriega out of the city on city business. Council Member Bradford absent on personal business. Council Members Brown, Adams, Hoang, Rodriguez, Laster, Green and Burks absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary