

A Regular Meeting of the Houston City Council was held at 9:00 a.m., Tuesday, July 3, 2012, with Mayor Pro Tem Edward Gonzalez presiding and Council Members Jerry Davis, Ellen R. Cohen, Wanda Adams, Mike Sullivan, Oliver Pennington, 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. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office, present. Mayor Annise D. Parker out of the city on city business. Council Member Helena Brown absent on city business. Council Member Al Hoang absent on personal business. Council Member Melissa Noriega absent due to being ill.

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

At 9:07 a.m. Mayor Pro Tem Gonzalez called the meeting to order and recognized Council Member Laster for the prayer and pledge of allegiance. Council Member Laster invited Pastor Mike Jeter, Sharpstown Baptist Church, to lead them in prayer and Council Member Laster led all in the pledge. Council Members Davis and Cohen absent.

At 9:10 a.m. Mayor Pro Tem Gonzalez requested the City Secretary to call the roll. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill.

Council Members Bradford and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. MOTION ADOPTED.

**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 - was presented.

Mayor Pro Tem Gonzalez stated that the first item on the agenda would be the Monthly Operations and Financial Report and recognized Mr. Chris Brown, Chief Deputy City Controller, and Mr. Kelly Dowe, Director of Finance.

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

Council Member Christi stated that this was probably one of the most important reports that they got monthly and they did a good job of summation, it was rapid fire and knew if he committed it to memory he would get every bit of it, but if they could give them every month a little visual with it, for auditory and visual learners amongst them because these were massive and important balance sheets.

Mr. Dowe stated that one thing that his office and the Controller's office was working on was putting this in the next fiscal year into more of a score card format where there were key measures and they could see what was the status of that measure, was it red, yellow or green, that in addition take a couple of key goals that were non financial as well and track those throughout the year, that it would have been ideal to have that turned around for the beginning of the next fiscal year but it was a big effort, a real change in the way that they looked at the data, but they did anticipate the format of this changing into the next fiscal year to have something a little bit more visual and reflective, a summation of all of this information. Council Members Davis and Adams absent.

Vice Mayor Pro Tem Bradford stated that on their report, page 3, they referred to the Gillette Street property transaction as a sale, was it a sale and how did the Controller's office characterize the Gillette property transaction.

Mr. Dowe stated that he was correct, while the legal documents characterized it as a sale, from an accounting perspective they would be booking the revenue from it as revenue from a financing transaction, and his comments would have been better served to make that distinction, that in FY13 it would not be booked as revenue sale of a capital asset it would be viewed as revenue from a financing transaction, and Mr. Brown stated that they would not recognize it as a sale of a capital asset, more as a loan type structure from financing sources as well, and Council Member Bradford asked when would they recognize the transaction, and Mr. Dowe stated that as he understood all that needed to be done was the final close on that, it had been approved by Council and the Coastal Water Authority Board, so now they just had to go through the formal legal closing of that transaction and as soon as that was done, they anticipated at the beginning of the fiscal year, but he could not speak for the Controller's office in terms of recognition, and Mr. Brown stated that they did not have it recognized for Fiscal Year 12, they were looking at it in FY13, again they were more conservative and would not book it until it actually closed. Council Members Davis and Adams absent.

Council Member Costello moved to accept the Monthly Operations and Financial Report, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. Council Members Davis and Adams absent. MOTION 2012-0562 ADOPTED.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 24**

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

1. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE HOUSTON AMATEUR SPORTS PARK LGC, INC**, for terms to expire January 1, 2015  
Position Six - **MR. MAXIMILIANO CÁRDENAS, III**  
Position Seven - **MR. MARTIN FOX**

– was presented, moved by Council Member Bradford, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. Council Members Davis and Adams absent. MOTION 2012-0563 ADOPTED.

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **BOARD OF THE METROPOLITAN TRANSIT AUTHORITY**, for terms to expire April 7, 2014:  
Position One - **MR. GILBERT ANDREW GARCIA**  
Position Two - **MR. ALLEN DALE WATSON**  
Position Three - **THE HONORABLE DWIGHT E. JEFFERSON**  
Position Four - **MS. CARRIN F. PATMAN**  
Position Five - **MR. CHRISTOF SPIELER**

– was presented, moved by Council Member Bradford, seconded by Council Member

Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. Council Members Davis and Adams absent. MOTION 2012-0564 ADOPTED.

Mayor Pro Tem Gonzalez stated that they had just reappointed some members to the Board of the Metropolitan Transit Authority and two were in attendance, Chairman Gilbert Garcia and the Honorable Dwight Jefferson and invited them to the podium to be acknowledged. Council Members Davis and Adams absent.

Mr. Garcia stated that he wanted to thank the City Council for all of the hard work that they did, that all of them at Metro had been working hard themselves and they would be reaching out to them as City Council Members to update them on some of the progress they were doing on the lines, but also to discuss the referendum that was upcoming, that while it had not been called yet they fully expected it to be called for a referendum in November 2012, that if they were to call the referendum in November 2012 they would have to call that referendum by August 20, 2012 to then have the referendum in November 2012. Council Members Davis and Adams absent.

Mr. Jefferson stated that he just wanted to echo the Chairman's comments with regard to the hard work that the Council was doing in dealing with the many issues that they had to deal with and to express his personal appreciation for their continued support of his service on the Metro Board. Council Members Davis and Adams absent.

Mayor Pro Tem Gonzalez and Members of Council congratulated Mr. Garcia and Mr. Jefferson on their reappointment to the Board of the Metropolitan Transit Authority and thanked them for their service to the City of Houston. Council Members Davis, Adams and Pennington absent. Council Members Davis, Adams and Pennington absent.

Upon questions by Council Members Pennington and Burks, Mr. Feldman, City Attorney, stated that there was nothing on the agenda relating to the questions asked and would be in violation of the Open Meetings Act. Mayor Pro Tem Gonzalez ruled the question out of order. Council Members Davis, Adams and Pennington absent.

Mayor Pro Tem Gonzalez stated that they also reappointed two members to the Board of Directors of the Houston Amateur Sports Park LGC, Inc. and did not see anyone in attendance, but thanked them for their service to the City. Council Members Davis, Adams, Pennington and Laster absent.

Mayor Pro Tem Gonzalez recognized Council Member Green for a point of personal privilege. Council Members Davis, Adams, Pennington and Laster absent.

Council Member Green asked representatives of Chester Engineering to please stand and be recognized, that he had a certificate of recognition for them, that District K was proud to recognize Chester Engineers for participating as a mentor in the City of Houston's Guiding Protégé's to Success Program. Council Members Davis, Adams, Sullivan, Rodriguez and Laster absent.

At 9:33 a.m. Mayor Pro Tem Gonzalez stated that they would move to the public session and the City Secretary began calling the public speakers. Council Members Davis, Sullivan and Laster absent.

Mr. Paul Cannings, 5225 Katy Freeway #465, Houston, Texas 77007 (832-421-8470) appeared and stated that as a small business owner he wanted

opportunity to grow and looked up to those larger companies; that today he wanted to thank all for their support in selecting them to be a protégé in the Mentor Protégé Program; that it meant a lot and he extended his gratitude. Council Member Davis absent.

Council Member Adams and Green commended Mr. Cannings and congratulated him on being selected for the Mentor Protégé Program. Council Member Davis absent.

Council Member Green moved the rules be suspended for the purpose of moving Mr. Robert Agbede, Mr. Jay Khayattee and Mr. Robert Grear to the top of the speakers list, seconded by Council Member Adams. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. Council Members Davis and Rodriguez absent. MOTION 2012-0565 ADOPTED.

Mr. Robert Agbede, 1001 W. Loop South #605, Houston, Texas 77027 (713-877-8774) appeared and stated that he was president and CEO of Chester Engineers; that they were 112 years old this year and three years here; that he was mentored to be where he was and it was a ministry for him to become a catalyst and he appreciated the City giving them the atmosphere to become that catalyst. Council Members Davis and Rodriguez absent.

Council Member Green stated that he appreciated him coming as this was a very important program; and they thanked him for being a catalyst in this program. Council Members Davis and Rodriguez absent.

Upon questions by Council Member Burks, Mr. Agbede stated that mentoring was not a one way street as mentoring benefited the mentor as well; that some companies may be small but not in knowledge just in numbers and they would protect them and help them grow. Council Members Davis, Adams, Pennington and Rodriguez absent.

Mr. Jay Khayattee, 24 Greenway Plaza #1508, Houston, Texas 77046 (713-664-0130) appeared and stated that he was present supporting the Mentor Protégé Program which allowed small businesses opportunity to team with larger firms in delivering services to the city; that they were pleased to be paired with Chester Engineers and all would come out winners. Council Members Davis, Adams, Pennington, Rodriguez and Burks absent. (NO QUORUM PRESENT)

Council Member Green stated that he looked forward to working with him; congratulated and wished him luck. Council Members Davis, Adams, Pennington, Rodriguez and Burks absent. (NO QUORUM PRESENT)

Mr. Robert Greer, 1001 W. Loop South #605, Houston, Texas 77027 (713-877-8774) appeared and stated that he was Brigadier General retired and part of Chester Engineers which was a team fully committed to capacity building and he brought to the team 34 years of Army Corp of Engineers experience where he led divisions, etc., and they were the best in the U. S. Army in providing and promoting opportunities for small disadvantaged businesses; that it was a passion, it could be done and a win/win situation. Council Members Davis, Adams, Rodriguez and Burks

absent.

Council Member Green thanked Mr. Greer for coming; and stated that he knew his history and projects; and upon questions, Mr. Greer stated that the Corp of Engineers did billions of dollars of work throughout the nation for centuries, but did not actually construct anything themselves, they used the private sector and he was fortunate to command the Southwest Division where they had the mission of going to Iraq and putting out oil well fires and doing infrastructure restoration and getting oil started again; that next he went to command the Mississippi Valley Division and Katrina hit and he commanded a taskforce in New Orleans and got the levy assessments and restored it to what it was before; and in eight months small disadvantaged businesses did \$8 billion in work. Council Members Davis, Adams, Rodriguez and Burks absent.

Council Member Christie thanked Mr. Greer for his services to the U. S. Council Members Davis, Adams, Rodriguez and Burks absent.

Mr. Don Hooper, private information, appeared and stated that he was present to talk about the General Mobility Payment and the Metro Board Meeting last week; that several board members believed you could end the General Mobility Payment and get money for Prop I improvements from raising taxes, but the \$90 million would appear out of no where and it was disturbing; that Council Member Costello had good advise for them; that they had clear language in the ballot initiative or referendum and he would suggest if the General Mobility Payment ended all streets would flood. Council Member Davis absent.

Mr. Frank Mbachu, 9700 Richmond Avenue, Houston, Texas 77042 (713-706-4412) appeared and stated that he was president of FCM, one of the firms in the Protégé Mentor Program; and he wanted to thank all for creating the opportunity. Council Members Davis and Burks absent.

Council Member Green congratulated Mr. Mbachu and all protégés on being selected and stated that he looked forward to working with them. Council Members Davis and Burks absent.

Ms. Mable Gooden, 9114 Chatwood, Houston, Texas 77078 (713-633-5847) had reserved time to speak but was not present when her name was called. Council Members Davis and Burks absent.

Ms. Maryland Whittaker, 9014 Livings, Houston, Texas 77028 (713-635-8547) had reserved time to speak but was not present when her name was called. Council Members Davis, Sullivan and Burks absent.

Mr. Noris Rogers, 14506 Berrington, Houston, Texas 77083 (281-564-0668) appeared and stated that he was present to advocate for Annie Williams, he did not know her or her address, but read her story in the Houston Chronicle; that the City of Houston turned her water off September 2011 and it was unacceptable and inhumane; that she had a bill she did not owe and water was a life sustaining resource. Council Members Davis, Sullivan and Burks absent.

Council Member Christie stated that he followed this also; that a time ago his office

was triple billed and they persisted and he had to pay it, but it did not make it right; that he followed her story and wanted to compliment Mr. Krueger head of Public Works for going out to try and find a solution and Congresswoman Lee went out and it showed Houston was a compassionate city; that he should make sure Ms. Williams did come to the table to negotiate and if he had to personally contribute some of it to open the spigots he would as she needed water; and he appreciated him coming to bat for her. Council Members Davis, Adams and Burks absent.

Council Member Laster thanked Mr. Rogers for his eloquent presentation and stated that he did appreciate his comments; that he and other Council Members were helping constituents with such issues where they were billed for water they clearly had not used and they had to prove they had not used it; and he hoped the Administration working with Council could find immediate answers to how people caught in the situation could continue their service while working a negotiated deal; and Mayor Pro Tem Gonzalez stated that under the ordinance there were certain things Public Works could and could not do, but it might merit looking at the ordinance; and Council Member Laster stated that he thought it did. Council Members Davis, Adams and Burks absent.

Council Member Pennington thanked Mr. Rogers for coming and stated that they had a constitute property owners association getting \$150.00 a month water bill and a smart meter was put in and they ran up a \$47,000.00 water bill and they got cut off and another had a \$3,000.00 water bill after a similar situation and he brought it to the attention of the Administration when they approved smart meters, but he thought the Public Works ordinance was completely inadequate as it put the burden of proof on the customer and even if a plumber said there was no water leak it was not good enough for the city; and he believed they needed a close look at the ordinance, the Water Department received 40,000 calls a month. Council Members Davis, Adams, Sullivan and Burks absent. (NO QUORUM PRESENT)

Mr. Joshua Sanders, 3006 Lake #1, Houston, Texas 77098 (713-299-1387) appeared and stated that he was representing Houstonians for Responsible Growth, a 501c4 non profit in the region and present to discuss METRO and the General Mobility Payment and how the payment directly related to the City of Houston, specifically to Rebuild Houston and the CIP plan; and discussed the general mobility plan and the money being used to build out new road capacity and maintain existing infrastructure; the Rebuild Houston plan relying on the sales tax revenue and how a cap would compromise and cost the city up to millions of dollars. Council Members Davis, Sullivan and Christie absent.

Upon questions by Council Member Bradford, Mr. Sanders stated that in 2003 when the agreement was reached METRO outlined dates for completion of the three light rail line projects with additional increase in bus service of 50% and the mobility agreement was extended as to when the time period METRO was to complete the projects; that they were advocating continuing the General Mobility Payment in its current form until they had a true understanding of the cost of the three lines; that when they ran numbers for the cap within the first five years it would amount to \$98.5 million and through the time METRO was obligated on debt the city would lose \$1.8 billion. Council Members Davis and Sullivan absent.

Upon questions by Council Member Green, Mr. Sanders stated that according to

METRO's CEO and their five year budget plan they had enough money to complete the three lines, they decreased bus service to get the three lines done and the General Mobility Payment whether capped or not, if extended in its current form METRO had the money for the three lines and had operating money; that they could go to the voters and ask for a tax increase and outline plan and budget, it was a management issue, etc., but reality was they had enough money for the three line construction. Council Members Davis and Sullivan absent.

Council Member Green moved the rules be suspended for the purpose of extending time for questions of Mr. Joshua Sanders, seconded by Council Member Burks. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. Council Members Davis and Sullivan absent. MOTION 2012-0566 ADOPTED.

Upon questions by Council Member Green, Council Member Costello stated that in the numbers Mr. Sanders just quoted to 2035 he neglected to say that Rebuild Houston was set until 2030 so the other five years meant nothing in terms of the money and if Council then decided to renew Rebuild Houston in less than three years they would reclaim all money he was saying they would lose on the program; that the referendum passed, his organization did not support and now they were using it against METRO and this was a referendum for mobility and he thought what they were doing was arguing over a situation that really they did not need yet as they did not know what would be on the ballot. Council Members Davis and Sullivan absent.

Upon questions by Council Member Burks, Mr. Sanders stated that if they lost the 25% it would be up to Council where the money would come from, but it would be possible in his opinion for it to come from the General Mobility Fund; that voters approved a package of five lines and discussed the funding of the lines; and Council Member Burks stated that his thoughts on mobility was you could not move if flooded and electricity and water did not go together and when it flooded the rail lines stopped and there was no mobility; and he would like his group to study the construction of roads and make things less flooded. Council Members Davis and Sullivan absent.

Upon questions by Council Member Rodriguez, Mr. Sanders stated that if METRO sent language to the ballot his group would fund the campaign to educate voters. Council Members Davis and Sullivan absent.

Council Member Rodriguez moved the rules be suspended for the purpose of extending time for questions of Mr. Joshua Sanders, seconded by Council Member Burks. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. Council Members Davis and Sullivan absent. MOTION 2012-0567 ADOPTED.

Upon questions by Council Member Rodriguez, Mr. Sanders stated that ballot language was important, voters may not have the option to extend the payment as is and if the agreement was not renewed METRO would keep the whole 1¢ and they would completely be out of any General Mobility Payment; that his group was advocating to give voters the real option to vote to extend it in its current form. Council

Members Davis and Sullivan absent.

Council Member Costello stated that he appreciated the two of them speaking on this and that they wanted the city to maintain as much of the General Mobility Program as possible; and upon questions, Mr. Sanders stated that he would have to check with his board to see if they supported METRO getting a tax increase, but METRO did have the option. Council Members Davis, Sullivan and Green absent.

Mr. Albert Coleman, 2319 Everest Way, Kingwood, Texas 77339 (281-358-4835) had reserved time to speak but was not present when his name was called. Council Members Davis, Sullivan and Green absent.

Ms. Rita Mitchell, P. O. Box 14055, Houston, Texas (no phone number given) had reserved time to speak but was not present when her name was called. Council Members Davis, Sullivan and Green absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he received an illegal vacate notice of a terrorist threat; and continued expressing his personal opinions until his time expired. Council Members Davis and Green absent.

At 10:23 a.m. Mayor Pro Tem Gonzalez stated that they would resume the consent agenda. Council Members Davis and Green absent.

**ACCEPT WORK** - NUMBERS 4 through 6

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$62,042.50 and acceptance of work on contract with **RESICOM, INC** for On-Call Clearing and Grubbing-Work Order Contract - 68.98% under the original contract amount **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Laster, seconded by Council Member Costello. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. Council Member Davis absent. MOTION 2012-0568 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$487,761.02 and acceptance of work on contract with **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 0.18% under the original contract amount – was presented, moved by Council Member Laster, seconded by Council Member Costello. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. Council Member Davis absent. MOTION 2012-0569 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$587,499.64 and acceptance of work on contract with **PIPELINE VIDEO INSPECTION, LLC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation - 1.47% under the original contract amount – was presented, moved by Council Member Laster, seconded by Council Member Costello. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member



Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. Council Member Davis absent. MOTION 2012-0570 ADOPTED.

### **PROPERTY** - NUMBER 7

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracy Youngblood, Brown and Gay Engineers, Inc., on behalf of Waste Corporation of Texas, L.P. (Steve Seed, Region Vice President), Bulldog Tire Recycling, Inc. (Theodore Theilen, President), and Novus Wood Group, I, L.P. (William H. Winters, President), for abandonment and sale of the northern portion of Haynesworth Lane, from Old Genoa-Red Bluff Road south to its terminus, ±8,475 square feet of the southern portion of Haynesworth Lane, two cul-de-sacs, and a 55-foot-wide drainage easement, in exchange for conveyance to the City of right-of-way for and construction of a cul-de-sac, all located in the J. O. Ross Subdivision, out of the H. C. Burnett Survey, A-1063, and/or Genoa Gardens Subdivision, out of the H.C.M.R., H.T. & B. R.R. Company Survey, A-387 Parcels SY12-040A through SY12-040E, SY12-089 and AY12-092 - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Laster, seconded by Council Member Costello. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. Council Member Davis absent. MOTION 2012-0571 ADOPTED.

### **PURCHASING AND TABULATION OF BIDS** – NUMBER 9

9. **VERMEER EQUIPMENT OF TEXAS, INC d/b/a VERMEER-TEXAS LOUISIANA** for Trailer-Mounted Brush Chipper and a Trailer-Mounted Vacuum System through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Airport System \$84,570.99 - Enterprise Fund – was presented, moved by Council Member Bradford, seconded by Council Member Laster. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. Council Member Davis absent. MOTION 2012-0572 ADOPTED.

### **RESOLUTIONS AND ORDINANCES** - NUMBERS 13 through 23

13. RESOLUTION of the City Council of the City of Houston, Texas approving the issuance of Tax-Exempt Revenue Refunding Bonds by **MISSION ECONOMIC DEVELOPMENT CORPORATION on behalf of REPUBLIC SERVICES, INC - DISTRICTS B - DAVIS; E - SULLIVAN and K - GREEN** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. RESOLUTION 2012-0020 ADOPTED.
15. ORDINANCE approving and authorizing Master Contractor Agreement between the City of Houston and **JOSHUA DADE CONTRACTORS CORPORATION**, as contractor for Reconstruction of twenty-three (23) homes; providing \$2,006,917.00 of Community Development Block Grant (Disaster Recovery) Funds for the reconstruction of twenty-two (22) single family homes; providing \$86,317.00 in Community Development Block Grant Funds for the reconstruction of one (1) single family home; approving and authorizing the form of reconstruction agreements for each of the single family homes; authorizing the Director of the Housing and Community Development Department to approve plans and

budgets for each property to be reconstructed - **DISTRICTS B - DAVIS; D - ADAMS; H - GONZALEZ; I - RODRIGUEZ and K - GREEN** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2012-0620 ADOPTED.

19. ORDINANCE appropriating \$859,266.40 out of Equipment Acquisition Consolidated Fund and approving and authorizing a supplemental schedule to an agreement between the City of Houston and **DELL FINANCIAL SERVICES, LLC** for Microsoft Software and License Maintenance Services for the Fleet of City Desktops; authorizing the issuance of purchase order(s) for the purchase of software – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2012-0621 ADOPTED.
21. ORDINANCE appropriating \$100,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 3 to contract between the City of Houston and **AMANI ENGINEERING, INC**, for Professional Engineering Services for Upgrade of Sanitary Sewer Lift Stations and Storm Water Lift Stations at George Bush Intercontinental Airport/Houston (Project No. 638) - **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2012-0622 ADOPTED.
22. ORDINANCE appropriating \$426,000.00 out of Parks Consolidated Construction Fund and \$465,336.00 out of Parks & Recreation Dedication Fund; awarding construction contract to **TIMES CONSTRUCTION, INC** for Briar Meadow Park; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for construction management, engineering testing services, Civic Art Program, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund and Parks & Recreation Dedication Fund - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2012-0623 ADOPTED.
23. ORDINANCE appropriating \$166,240.00 from Street & Traffic Control and Storm Drainage DDSRF; approving and authorizing Public Highway At-Grade Crossing Agreement between the City of Houston, Texas, and **UNION PACIFIC RAILROAD COMPANY** for Reconstruction of Harvey Wilson Drive from Lockwood Drive to Clinton Drive - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2012-0624 ADOPTED.

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

**ACCEPT WORK**

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$6,584,250.21 and acceptance of work on contract with **SPAW GLASS CONSTRUCTION CORPORATION** for HPD Fondren Police Station - District 17 - 4.58%

over the original contract amount and under the 5% contingency - **DISTRICT K – GREEN** – was presented, moved by Council Member Pennington, seconded by Council Member Bradford.

After discussion by Council Members Green and Christi a vote was called on Item No. 3. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. MOTION 2012-0573 ADOPTED.

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

8. **DACO FIRE EQUIPMENT, INC** for Aircraft Rescue and Firefighting Vehicle from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Airport System - \$937,000.00 - Enterprise Fund – was presented, moved by Council Member Sullivan, seconded by Council Member Laster. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. MOTION 2012-0574 ADOPTED.
10. ORDINANCE appropriating \$200,000.00 out of Fire Consolidated Construction Fund for Purchase of Construction Services for Heating, Ventilation and Air Conditioning System Replacements at Fire Station Nos. 7, 28, 51 and the Val Jahnke Training Facility for the General Services Department – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2012-0625 ADOPTED.
- 10a. **BASELINE PAVING AND CONSTRUCTION, INC** for Construction Services for Heating, Ventilation and Air Conditioning System Replacements at Fire Station Nos. 7, 28, 51 and the Val Jahnke Training Facility through the Interlocal Agreement for Cooperative Purchasing with the Harris County Department of Education for General Services Department - \$195,519.75 and contingencies for a total amount not to exceed \$200,000.00 - **DISTRICTS D - ADAMS; J - LASTER and I - RODRIGUEZ** – was presented, moved by Council Member Sullivan, seconded by Council Member Costello. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. MOTION 2012-0575 ADOPTED.
11. ORDINANCE approving and authorizing contract Addendum No. 2 between the City of Houston, the **STATE OF TEXAS** and the **U.S. BANK NATIONAL ASSOCIATION, ND**, for City participation in the State of Texas Fuel Card for Fleet Services Program – was presented, and tagged by Council Member Pennington.
- 11a. APPROVE spending authority in an amount not to exceed \$39,000,000.00 for Fuel Cards and related services from the Texas State Council on Competitive Government contract through the State of Texas Cooperative Purchasing Program for Fleet Management Department, awarded to **U.S. BANK NATIONAL ASSOCIATION ND** – was presented, and tagged by Council Member Pennington. Council Member Rodriguez absent.

### **RESOLUTIONS AND ORDINANCES**

12. RESOLUTION approving Bylaws for **HOUSTON FORENSIC SCIENCE LGC, INC.**, A Local Government Corporation – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. RESOLUTION 2012-0021 ADOPTED.
14. ORDINANCE directing the Department of Planning and Development to prepare a Service Plan that provides for the extension of municipal services into certain territory in the vicinity of the Commons of Lake Houston near Kingwood Drive on the East Side of Lake Houston, in Harris County, Texas; calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston to annex certain territory in the vicinity of the Commons of Lake Houston near Kingwood Drive on the East Side of Lake Houston, in Harris County, Texas; providing for the publication of notice of such hearings - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2012-0626 ADOPTED.
16. ORDINANCE amending City of Houston Ordinances Nos. 2002-512 passed June 12, 2002, 2004-685 passed June 30, 2004, 2006-628 passed June 14, 2006, 2007-648 passed June 6, 2007, 2008-385 passed April 30, 2008, 2009-420 passed May 13, 2009, 2010-372 passed May 12, 2010, and 2011-281 passed April 25, 2011, which approved and authorized the submission to the United States Department of Housing and Urban Development of the 2002, 2004, 2006, 2007, 2008, 2009, 2010 and 2011 Consolidated Annual Plans, including the Home Investment Partnerships Program Grant applications – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2012-0627 ADOPTED.
17. ORDINANCE approving second amendment to Lease and Development Agreement between the City of Houston, Texas, and **HOUSTON AQUARIUM, INC**, with Joinders by Landry's Inc and Landry's Management, L.P., relating to development of the City Fire Alarm Building Property and Settlement of a Tax Abatement Dispute - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2012-0628 ADOPTED.
18. ORDINANCE amending Ordinance No. 2011-800 to increase the maximum contract amount for the second phase of contract between the City of Houston and **ALVAREZ & MARSAL BUSINESS CONSULTING, LLC** for Consulting Services for Citywide Accounts Receivables and Collections Improvement for the Finance Department; approving and authorizing the reimbursement of the Miscellaneous Capital Projects/Acquisitions Commercial Paper Series E Fund (Fund 4039) in the amount of \$1,147,183.65 by authorizing the transfer from the General Fund to Fund 4039 - \$1,460,000.00 General Fund – was presented.

After discussion by Council Members a vote was called on Item No. 18. Council Member Pennington voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2012-0629 ADOPTED.

20. ORDINANCE approving and authorizing amendment to agreement between the City of Houston and **GOWAN, INC** for Backflow Preventers Certification, Testing and Repair Services (Approved by Ordinance No. 2007-1127) – was presented, and tagged by Council Member Green.
  
24. ORDINANCE appropriating \$4,770,913.00 out of Houston Airport Improvement Fund and awarding construction contract to **BOYER, INC** for Storm Water & Sanitary Sewer Lift Stations Upgrade and Sanitary Sewer Re-routing in Central Cargo Area at George Bush Intercontinental Airport/Houston (Project Nos. 638A & 698); 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 services and for contingencies relating to construction of facilities financed by such funds **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. ORDINANCE 2012-0630 ADOPTED.

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

Council Member Pennington stated that tomorrow was the Declaration of Independence Day, that most of them knew what was in the Declaration of Independence and knew it would be reprinted in a number of papers tomorrow so he would not recall the specific language to them, but did want to recall the action that was taken by those courageous people in the 18th century, their forefathers, George Washington, Thomas Jefferson, John Adams and many others, they not only thought of the words in the declaration in declaring their independence from Great Britain, but followed it up, they put their lives and fortunes and families on the line, that may people had followed their leadership, people had given their lives for their Country in the many wars and other conflicts they had, that he wished that they would keep that in mind as they approached the issues that they faced, that they ought to remember the sacrifices that had been made and encourage them to do their very best for the Country so he would wish each of them well and all of the citizens of Houston well, and have a great July 4th celebration and enjoy what the many generations of Americans had given them. Council Members Davis, Sullivan and Rodriguez absent.

Council Member Green stated that he wanted to concur with Council Member Pennington in that it was the 4th of July, a day of celebration, the sacrifices that their veterans and others that had taken part to make their Country what it was and it should be celebrated, that he hoped that all of the citizens of Houston take time to reflect and have a good time; that on Saturday he attended the Houston Area Urban League Gala and wanted to commend Judson Robinson on a phenomenal event; that on Saturday he attended the Brentwood Place Homeowners Association meeting, that he wanted to commend them on moving forward and taking charge of their area with regard to beautification and public safety; that on Friday he presented a Certificate of Recognition to Alfonso Roundtree in celebrating the Third Annual Grid Iron Classic, that he wanted to wish everyone a Happy Fourth of July. Council Members Davis, Sullivan and Rodriguez absent.

Council Member Cohen stated that she wanted to add her good wishes for the Fourth of July, that she thought of the fact that they were a democracy and one of the great benefits of a democracy was the ability to vote, that she thought of runoffs that they had coming up and the election in November and the absolute honor it was to be able to cast a vote and she thought one of the greatest ways they could celebrate their Country was making sure that they got out and voted; that Boulevard Oaks Civic Association was having a block party on the Fourth of

July; that there was a volunteer effort for Donovan Park on Saturday, July 7, 2012 at 700 Heights Boulevard, that she wanted to wish everyone a happy Fourth of July. Council Members Davis, Sullivan and Rodriguez absent.

Council Member Christi stated that he wanted to let the Council know about the international City, they welcomed the Russian Ambassador, they had 40,000 in the City that spoke Russian, that they welcomed the President of Equatorial, Guinea last week, and the Ambassador of Nigeria the week before and the Counsel General of Japan, that this was truly an international City, that they wanted to do business in Houston and help them out in their countries, that was a positive thing; that they passed some Rules and Regulations on the Forensic Center and there was no mention of coordination with the County, that the Mayor mentioned some governance differences, it was not a money difference, that at some point he would block this unless it was done with the County, that it was too important to separate the County and the City on the Forensic Center, they could save the taxpayers \$20 million if they did it together so they had to work out the governance with the County. Council Members Davis, Sullivan and Rodriguez absent.

Council Member Burks stated that last weekend he and Mayor Parker attended the memorial service of Bishop Robert Jefferson, that many of his colleagues spoke of Bishop Jefferson's passing last week, that the City lost a dedicated leader and his family lost a close personal friend; that ahead of this weekend's Fourth of July ceremony he would like to congratulate the Mayor's Special Events Team, corporate sponsors and hard working volunteers for their planning and passion of Freedom Over Texas; that he was proud to meet with and congratulate Vietnam Veterans from Vietnam who fought alongside Americans soldiers; that last Saturday he attended the Urban League's 44th Annual Economic Equal Opportunity Day Gala; that a small business workshop would be held in two weeks, the Greater Houston Woman's Chamber of Commerce would be holding a Small Business Owners, Entrepreneurs and Future Entrepreneurs Business Plan Workshop on Thursday, July 19, 2012 between 9:00 a.m. and 12:00 p.m. at 3015 Richmond Avenue in the Greenway Plaza area; that he wanted to wish everyone a happy and safe Fourth of July. Council Members Davis, Sullivan and Rodriguez absent.

Council Member Bradford stated that the issue of term limits for the Mayor, Controller and City Council Members would be an agenda item on the Council Committee for Ethics, Elections and Council Governance meeting to be held in the Council Chamber on Monday, July 9, 2012 at 1:00 p.m., that there were a few official presentations on the agenda and there would be an opportunity for public comment, Council discussion and possible action and recommendation. Council Members Davis, Sullivan and Rodriguez absent.

Council Member Laster stated that he wanted to thank Pastor Mike Jeter of the Sharpstown Baptist Church for leading them in the invocation this morning; that last week they passed the Bellaire Reconstruction Project, that the project was moving forward and he wanted to remind the community that they had two upcoming community meetings to learn more about that project and its impact on both the residential and commercial community, the first would be next Tuesday, July 10, 2012 at 6:30 p.m. at the Sharpstown Recreation Center and the second would be two days later, Thursday, July 12, 2012 at 6:30 p.m. at the Chinese Community Center; that he wanted to say to all Houstonians and Council colleagues to have a safe and Happy Fourth of July. Council Members Davis, Sullivan and Rodriguez absent.

Council Member Costello stated that Adrian McClendon was in the audience and asked that she stand and be recognized, that she was with him today and was the niece of one of his American Leadership Forum classmates, that Adrian was a college student from Ohio studying Political Science, that she had the opportunity to see both Public Session and the Business Meeting at the same time. Council Members Davis, Sullivan and Rodriguez absent.

Council Member Adams stated that she wanted to join her colleagues in wishing everyone in the City of Houston a Happy Fourth of July, that she was sure that many of them would be attending the Freedom Festival and she wanted to give kudos to Susan Christian and her wonderful team for putting together the wonderful event; that within the last five days they had some major tragic accidents in the City of Houston due to drunk driving, that if they had to drink please designate a driver to drive for them because they wanted everyone to get through the Fourth of July season safely, please drink responsibly and do not drink and drive; that tomorrow she would be participating in the Southbelt/Ellington Annual Fourth of July Parade; that on Monday, July 9, 2012, at 6:00 p.m. there would be a public meeting concerning the Young Library, 5260 Griggs Road; there would be a meeting on Monday at 6:30 p.m. at the MacGregor Super Neighborhood, a Crime Prevention meeting at the Good Hope Missionary Baptist Church; that on Monday at 7:00 p.m. there would be a meeting at the Sagemont Community Civic Club to discuss community issues; that next Wednesday she and Council Members Green, Bradford, Burks and Davis would be participating in a reception for the NAACP at the House of Blues and they would like to welcome the NAACP who would be in the City next week; that on Saturday she had the opportunity to present the First Ladies of Houston for their outstanding awards, that they were ladies who were married in the church to local pastors in the community; that she attended the Houston Area Urban League Gala and wanted to salute Judson Robinson for doing an awesome job; that yesterday she met with a representative of Chunking, China to talk about economic development, as well as looking at the Medical Center because they were building a Medical Center in Chunking, China, that they were visiting M.D. Anderson and other Medical Center facilities, that she wanted to thank the Protocol Office for preparing her and making sure that everything lined up; that she wanted to wish everyone a happy and safe Fourth of July and also not to forget pool safety because they lost someone yesterday due to drowning. Council Members Davis, Sullivan and Rodriguez absent.

Mayor Pro Tem Gonzalez stated that he wanted to wish everyone a Happy Fourth of July, they wanted everyone to celebrate but to celebrate responsibly, that Council Member Adams reminded them about swimming pool safety, alcohol to make sure they drink responsibly and he knew that he and Council Member Bradford could relate to making sure that they do not carry out any celebratory gunfire, that it was something that the Police and Fire Departments were much to familiar with, they had lost people throughout the years and it happened every year, that it was illegal and against the law to both discharge firearms in the City limits and also to possess and use fireworks. Council Members Davis, Sullivan and Rodriguez absent.

There being no further business before Council, the City Council adjourned at 11:01 a.m. Mayor Parker out of the city on city business. Council Member Brown absent on city business. Council Member Hoang absent on personal business. Council Member Noriega absent due to being ill. Council Members Davis, Sullivan and Rodriguez absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary