

## City Council Chamber, City Hall, Tuesday, August 21, 2012

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 14, 2012, Mayor Annise Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Mike Sullivan, Al Hoang, 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, Division Chief, Claims & Subrogation Division and Ms. Marta Crinejo, Agenda Director and Ms. Stella Ortega, Agenda Office present. Council Members Wanda Adams and Oliver Pennington absent on personal business. Council Member Melissa Noriega out of city on personal business.

At 1:56 p.m. Mayor Parker called on Council Member Gonzalez who introduced for Council Member Noriega Pastor Chuck Martin with Grace Church to lead all in the prayer and Council Member Gonzalez led in the pledge. Council Members Davis and Rodriguez absent.

At 2:00 p.m. the City Secretary called the roll. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business.

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

At 2:01 p.m. the City Secretary began calling the public speakers.

Mr. Trebor Gordon, 10907 Gulf Bridge Circle, Houston, Texas 77075 (713-213-2215) appeared and stated that this November the people would not have their say on the current feeding ordinance and the homeless in Houston would not go away; that they too were Houston residents and an adequate plan was needed to provide the free service.

Mr. Pravin Menon, 2101 Winbern, Houston, Texas 77004 (713-208-8938) appeared and stated that he could not urge Council enough to support the sharing of food; that people would eat what they could find and become ill; and all should reconsider.

Ms. Debra Dillis, 7035 Belfort, Houston, Texas 77078 (832-539-3904) appeared and stated that the city was refusing to hear the people; that they wanted the feeding ordinance demolished it created confusion; and urged the ordinance be discarded.

Mayor Parker stated that she wanted all to know yesterday they began a Charett on homelessness, a free conference, it was also today, Thursday and next week would return with results; that it was held at the Harris County Education Building and it was part of a range of homeless prevention activities the City of Houston had been doing over the last six to eight months; and encouraged all interested in the issue to attend and participate in the dialogue.

Ms. Hope Sanford, 2430 Wroxton Road, Houston, Texas 77005 (281-714-1454) appeared and stated that she read segregation by income in Houston was among the starkest in the U. S.; that Houston was heading in a world of division by class not ethnicity; that sharing food at the library brought all together and community sharing by Food Not Bombs and others was needed and had worked well for years; and urged the ordinance be repealed.

Upon questions by Mayor Parker, Ms. Sanford stated that she personally had not asked for a charitable food service operation; and Mayor Parker stated that she was not aware of any application having come in to provide charitable food service at that particular site and she would be happy to consider it.

Ms. Sunshine L. Swaller, 1109 Genesee, Houston, Texas 77019 (832-896-7438) appeared and stated that she was a criminal defense lawyer, former director of the Harris County Criminal Lawyers Association, etc., that it was clear people were being railroaded by the likes of this Council with civility and red light camera ordinances and now hunger tactics; and lawyers were preparing for litigation.

Ms. Melissa K. Cherry, 1922 Hawthorne #2, Houston, Texas 77098 (713-725-5886) had reserved time to speak but was not present when her name was called.

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-705-5594) had reserved time to speak but was not present when his name was called.

Ms. Lisa Pearson, 2021 Santa Rosa, Houston, Texas 77023 (832-573-0893) appeared and stated that the feeding ordinance took her opportunity to serve the homeless community away; that they should be encouraging volunteers, they were on the wrong side of providence.

Ms. Valerie Kerschen, 1123 Sugate, Houston, Texas 77009 (713-397-5478) had reserved time to speak but was not present when her name was called.

Mr. Joseph Omo Omuari, 3939 NW Freeway #210, Houston, Texas 77022 (832-696-9204) had reserved time to speak but was not present when his name was called.

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

Ms. Deborah Elaine Allen, P. O. Box 263252, Houston, Texas 77207-3252 (713-264-0127) had reserved time to speak but was not present when her name was called.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (FA3-4511) had reserved time to speak but was not present when his name was called.

Mr. Dub Wright, 10962 Shadow Wood, Houston, Texas 77043 (713-725-9345) appeared and stated that he and his family had a long history of demonstrating their care including the homeless; that they lived in Spring Branch and on April 23rd attended a townhall meeting called by Council Member Brown to discuss the homeless and soon became aware of the climate of the meeting, it was more of an anti city rally than care for the homeless and the meeting was openly advocating civil disobedience and attendees were encouraged to break the law with Paul Kubosh offering free bail for those jailed, etc.; that on television he saw his Council Member engage in activities in open defiance of the law, what kind of message was given, he was losing trust.

Ms. Rose Farmer, 4026 Heatherbrook, Houston, Texas 77045 (832-450-8754) had reserved time to speak but was not present when her name was called.

Ms. Tomaro Bell, 3248 Charleston, Houston, Texas 77021 (713-825-8449) appeared and stated that she was present with questions regarding Metro bonds for bayous and parks which she asked Mayor Parker; and homeless feeding should be done.

Mayor Parker stated that she expected to appear at an upcoming Super Neighborhood Meeting to talk about bond elections; that on rail lines, three were under construction and whatever was on the ballot had no impact on the completion of those lines and did not reference future rail lines; that additional funds coming to Metro would be used to expand the bus system and pay down debt before other use of funds; that on bonds, the bayou connectivity would be

on flood control property and that made it more affordable, but trails still had to be constructed and connecting pieces would require right-of-way acquisition; that the bond election was requesting from the voters that they be allowed to borrow money, but they did not have to borrow it.

Mr. Jamin Stocker (did not wish to give address) (706-267-0186) had reserved time to speak but was not present when his name was called.

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) appeared and stated that on behalf of the 34,000 petition signers he thanked all Council Members who did not put a road block in the way of free giving; that the Greater Houston Coalition for Justice which included other organizations all signed an agreement to put the anti sharing and feeding ordinance on the ballot and he had a letter signed.

Mr. Nick Cooper (did not wish to give address) (281-289-3569) appeared and stated that errors were perpetrated in talking about the feeding law; the news said the fine was reduced to \$500.00 for those sharing food, it did not happen and it was \$2,000.00; and groups were not asking permission to feed, some groups dropped out.

Council Member Brown stated that Mr. Cooper should continue; and Mr. Cooper stated that it was important voters got a chance to decide; and Council was not listening. Council Member Christie absent.

Ms. Daphne Pattison, 616 Hawthorne, Houston, Texas 77006 (713-229-0687) had reserved time to speak but was not present when her name was called. Council Member Christie absent.

Ms. Shere Dore, 2601 Woodland Park Drive, Houston, Texas 77077 (832-282-4164) appeared and stated that she commended Council Member Brown for standing against her peers; that she still had no proof from Council Member Davis that he had meetings in his district where they wanted the ordinance; and thanked Council Members who voted against the ordinance. Council Members Sullivan and Christie absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-928-2800) appeared and stated that he was the United States President; that he was a national crime victim; and continued expressing his personal opinions until his time expired. Council Members Sullivan and Christie absent.

Mr. Derrick Broze, 1215 W. Gray, Houston, Texas 77019 (713-909-0382) appeared and stated that no one was asking to feed at the library because free people did not need to ask permission to share food; that he thanked Council Members Brown and Christie for their support in removing fluoride from the water; that Mayor Parker last time they were present said the city was directly in line with all federal standards on the fluoride, but the EPA and CDC (was inaudible). Council Members Sullivan and Christie absent.

Mr. Micah Jackson, 1937 Dryden, Houston, Texas 77003 (713-937-8024) had reserved time to speak but was not present when his name was called. Council Members Sullivan and Christie absent.

Mr. Brandon Walker, 627A Beringer Lane, Webster, Texas 77598 (713-548-7991) appeared and stated that the CDC public health ethics had received a formal complaint by the National Research Council and U. S. Department of Agriculture; that new research showed fluoride was a health concern for all, specifically older people and infants and the CDC reached a decision infants should not be given fluoride at any level. Council Members Sullivan and Christie absent.

At 2:34 p. m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, August 22, 2012. Council Members Wanda Adams and Oliver Pennington absent on personal business. Council Member Melissa Noriega out of city on personal business. Council Members Sullivan and Christie absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, August 22, 2012, with Mayor Annise D. Parker presiding and Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Mike Sullivan, Al Hoang, 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. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director and Stella Ortega, Agenda Office, present. Council Members Wanda Adams and Oliver Pennington absent on personal business. Council Member Melissa Noriega out of the city on personal business.

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

At 9:07 a.m. Mayor Parker called the meeting to order. Council Members Hoang and Burks absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 36**

#### **MISCELLANEOUS** - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2012 City of Houston Floodplain Management Plan - was presented, moved by Council Member Gonzalez, seconded by Council Member Green. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. MOTION 2012-0638 ADOPTED.

#### **ACCEPT WORK** - NUMBER 3

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$981,305.00 and acceptance of work on contract with **BUTCH'S WATERPROOFING L.P.** for 611 Walker Exterior Renovations and Repair - 1.67% under the original contract amount **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. MOTION 2012-0639 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 6 through 7A

6. **NWN CORPORATION** for purchase of Citywide Cisco® SMARTnet™ Maintenance Agreement through the City's Master Agreement with the Texas Department of Information Resources for the Information Technology Department - \$1,322,165.78 - Central Service Revolving Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. MOTION 2012-0640 ADOPTED.

7. ORDINANCE appropriating \$17,020.00 out of Equipment Acquisition Consolidated Fund for the purchase of a Forklift for the General Services Department - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. ORDINANCE 2012-0716 ADOPTED.
- 7a. **BRIGGS EQUIPMENT, INC** for Forklifts and Manlifts for the General Services Department \$180,365.09 - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. MOTION 2012-0641 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 9 through 32

9. RESOLUTION supporting other Entergy Service Area Cities in a settlement in principle regarding the transfer of operational control of Entergy Texas Inc's Transmission System to the Midwest Independent Transmission System Operator, Inc in Public Utility Commission Docket No. 40346 **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. RESOLUTION 2012-0028 ADOPTED.
12. ORDINANCE **AMENDING VARIOUS SECTIONS OF AND READOPTING ARTICLE XII OF CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, regarding Standards of Care for Houston Youth Recreation Programs; containing findings and other provision related to the subject; providing an effective date; providing for severability - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. ORDINANCE 2012-0717 ADOPTED.
15. ORDINANCE appropriating \$1,000,000.00 out of Homeless and Housing Consolidated Fund and approving and authorizing fourth amendment to Loan Agreement between the City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC**, to provide up to a \$1,000,000.00 grant to acquire a minimum of an additional eleven distressed properties for demolition and/or rehabilitation or redevelopment and provide home ownership opportunities to qualified individuals/families under the Neighborhood Stabilization Program - **DISTRICT B - DAVIS** - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Hoang and Burks absent.
19. ORDINANCE amending Ordinance No. 2010-0555 (Passed on July 7, 2010) to increase the maximum contract amount for contract between the City of Houston and **KRONOS, INC** for Automated Time and Attendance System for Various Departments - \$510,150.40 - Central Service Revolving Fund - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Hoang and Burks absent.
21. Omitted
22. ORDINANCE approving and authorizing the execution of an agreement between the City of Houston and **GENESYS WORKS HOUSTON** for Participation of High School Student Interns in Various City Departments - 2 Years with three automatic one-year renewals - \$100,000.00 General Fund - had not been received, and the City Secretary announced it

would be considered at the end of the Agenda if received during the meeting. Council Members Hoang and Burks absent.

23. ORDINANCE approving and awarding contract between the City of Houston and **COURTVIEW JUSTICE SOLUTIONS INC** for the Maintenance, Modification and Service of the Municipal Courts Department's Integrated Case Management System (Approved by Ordinance No. 2008-806, Motion 2011-0645) - 1 Year with two one-year options - \$2,355,000.00 - General and Technology Fee Funds - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. ORDINANCE 2012-0718 ADOPTED.
25. ORDINANCE approving and authorizing second amendment to agreement between the City of Houston and **G4S SECURE SOLUTIONS (USA) CORP. (Formerly the WACKENHUT CORPORATION)** for Security Guard Services for the General Services Department (Ordinance 2007-572) - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. ORDINANCE 2012-0719 ADOPTED.
28. ORDINANCE amending Ordinance No. 2007-0813 (Passed on July 3, 2007) to increase the maximum contract amount for contract between the City of Houston and **PUMPS OF HOUSTON, INC** for Submersible Pump Repair Services for the Public Works & Engineering Department \$500,040.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. ORDINANCE 2012-0720 ADOPTED.
30. ORDINANCE consenting to the addition of 10.7508 acres of land to **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. ORDINANCE 2012-0721 ADOPTED.
31. ORDINANCE consenting to the addition of 5.3345 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 65**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. ORDINANCE 2012-0722 ADOPTED.
32. ORDINANCE consenting to the addition of 10.2179 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 65**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. ORDINANCE 2012-0723 ADOPTED.

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

**MISCELLANEOUS**

1. RECOMMENDATION from Director of Finance Department to approve the competitive sealed proposal method for the procurement of natural gas for City facilities - was presented, moved by Council Member Gonzalez, seconded by Council Member Green.

All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. MOTION 2012-0642 ADOPTED.

#### **ACCEPT WORK**

4. ORDINANCE appropriating \$196,500.98 out of Metro Projects Construction DDSRF as an additional appropriation to contract between the City of Houston and **TEXAS STERLING CONSTRUCTION CO.** for North MacGregor Way Relocation from MacGregor Drive to Alameda Road (Approved by Ordinance No. 2008-1008) - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. ORDINANCE 2012-0724 ADOPTED.
- 4a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$196,500.98 and approval of final contract amount of \$5,935,760.68 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION CO.** for North MacGregor Way Relocation from MacGregor Drive to Alameda Road - 8.60% over the original contract amount - **DISTRICT D - ADAMS** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. MOTION 2012-0643 ADOPTED.

#### **PROPERTY**

5. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY11-137, located at 10202 Jensen Drive, owned by A & M Mattress Company, a Texas corporation, for the **PARKER ROAD PAVING AND DRAINAGE PROJECT (from Hardy Toll Road to US/59 Eastex Freeway) - DISTRICT H - GONZALEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Hoang and Burks absent. MOTION 2012-0644 ADOPTED.

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

8. **AMEND MOTION #2009-681, 9/16/09, TO INCREASE** spending authority from \$472,704.33 to \$590,880.41 for Janitorial Supplies for Various Departments, awarded to **BUCKEYE CLEANING CENTER-HOUSTON** - \$118,176.08 - General and Enterprise Funds - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. Council Members Hoang and Burks absent.

After discussion by Council Members Brown and Gonzalez, a vote was called on Item No. 8. Council Member Brown voting no, balance voting aye. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Member Burks absent. MOTION 2012-0645 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES**

10. ORDINANCE **AMENDING RULE 6 OF SECTION 2-2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Code of Conduct applicable to Council Members – was presented. Council Member Burks absent.

Council Member Sullivan stated that he wanted to ask Mr. Feldman if he foresaw any additional changes or any other long term goals towards this item that maybe they needed to continue to look at in the future. Council Member Burks absent.

Mr. Feldman stated no, that he believed that these revisions were the result of substantial discussion between he and Council Members Bradford and Gonzalez and presented to the Committee on Ethics and Governance, that he thought they had brought it up to speed and addressed the issues that were confronted last year in the implementation of Rule 6, that he did not anticipate any further revisions at this time. Council Member Burks absent.

Council Member Brown moved to postpone Item No. 10 for two weeks, seconded by Council Member Bradford. Council Member Burks absent.

Council Member Bradford stated that he believed these rules impacted everyone and he wanted to make sure that everyone had ample time to look at them and if they had any issues or concerns they could call him. Council Member Burks absent.

Mayor Parker stated that would actually make a three week delay because of the Labor Day Break Week. Council Member Burks absent.

After further discussion a vote was called on the motion to postpone Item No. 10. Council Members Laster, Christi, Costello, Rodriguez, Hoang, Green and Cohen voting no. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Member Burks absent. MOTION 2012-0646 FAILED.

Council Member Brown stated that she would tag Item No. 10. Council Member Burks absent.

11. **ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Ethics and Financial Disclosure; declaring certain conduct to be unlawful and providing penalties therefore – was presented, and tagged by Council Member Sullivan. Council Member Burks absent.
13. ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **AERO HOUSTON CENTRAL, LP**, for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - DAVIS** - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Member Burks absent. ORDINANCE 2012-0725 ADOPTED.
14. ORDINANCE approving and authorizing agreement between the City of Houston and the **SCIENCE APPLICATIONS INTERNATIONAL CORPORATION** for Professional Services for the drafting for Regional Catastrophic Preparedness Planning for the Mayor's Office of Public Safety and Homeland Security; providing a maximum contract amount - \$124,438.00 - Grant Fund - was presented. Council Member Brown voting no, balance voting aye. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Member Burks absent. ORDINANCE 2012-0726 ADOPTED.
16. ORDINANCE approving and authorizing Purchase and Sale Agreement between the City of Houston and **TEJANO CENTER FOR COMMUNITY CONCERNS, INC** for the sale of 0.3067 acres of land and improvements located at 6901 Brownwood Street, for the purchase price of \$38,000.00 (Parcel SY11-069) - **DISTRICT H - GONZALEZ** - was

presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Member Burks absent. ORDINANCE 2012-0727 ADOPTED.

17. ORDINANCE authorizing the sale by the City of Houston, Texas, Seller, to **IMPACT HEALTH SERVICES P.L.L.C., Purchaser**, of the former Frank Branch Library, 6440 West Bellfort Street, Houston, Texas, for a purchase price of \$162,000.00 - **DISTRICT K - GREEN** - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Member Burks absent. ORDINANCE 2012-0728 ADOPTED.
18. ORDINANCE authorizing the sale by the City of Houston, Texas, Seller, to the **NATIONAL ASSOCIATION OF MINORITY MINERAL OWNERS, INC, Purchaser**, of the former Vinson Branch Library, 3100 West Fuqua Street, Houston, Texas, for a purchase price of \$150,000.00 **DISTRICT K - GREEN** - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Member Burks absent. ORDINANCE 2012-0729 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City of Houston and **THE LONE STAR COLLEGE SYSTEM** to provide Paramedic Training Services to the Houston Fire Department; establishing a maximum contract amount - 1 Year with two one-year options \$162,000.00 - General Fund - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Member Gonzalez absent. ORDINANCE 2012-0730 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City of Houston and **ROGERS, MORRIS & GROVER, L.L.P.** for Legal Services relating to Civil Action No. 4:11-cv-01592; Young, et al. v. Green and City of Houston; in the United States District Court for the Southern District of Texas, Houston Division; establishing a maximum contract amount - \$100,000.00 - Property and Casualty Fund - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. ORDINANCE 2012-0731 ADOPTED.
26. ORDINANCE awarding contract to **STRUCTURAL TECHNOLOGY, INC** for Aerial and Ground Ladder Inspection and Testing Services for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$244,941.20 - General Fund - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. ORDINANCE 2012-0732 ADOPTED.
27. ORDINANCE approving and authorizing contract between the City of Houston and **BRAINFUSE, INC** for Live Homework Assistance for the Houston Public Library Department; establishing a maximum contract amount - 3 Years with two one-year options - \$855,000.00 - General Fund – was presented.

After discussion by Council Members, a vote was called on Item No. 27. - was presented. Council Members Sullivan and Brown voting no, balance voting aye. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. ORDINANCE 2012-0733 ADOPTED.

29. ORDINANCE granting the petition of **LM DEVELOPMENT L.P.** to include approximately 107.53 acres near Fort Bend County Municipal Utility District No. 146 in Fort Bend County, Texas within the extraterritorial jurisdiction of the City of Houston; expanding and extending the extraterritorial jurisdiction of the City of Houston to include all of such land in accordance with Section 42.022(B) of the Texas Local Government Code - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Member Costello absent. ORDINANCE 2012-0734 ADOPTED.
- 29a. ORDINANCE consenting to the addition of 131.6733 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 146**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Member Costello absent. ORDINANCE 2012-0735 ADOPTED.
33. ORDINANCE appropriating \$220,000.00 out of Metro Projects Construction DDSRF as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **CIVIC DESIGN ASSOCIATES (Previously PERSPECTIVA CIVIC DESIGN)** and a Local Match to Texas Department of Transportation for Houston's Heritage Corridor, Bayou Trails west from San Jacinto Street to Stude Park (Approved by Ordinance No. 2002-0073, as amended); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Metro Projects Construction DDSRF - **DISTRICT H – GONZALEZ** – was presented.
- After discussion by Council Members Brown and Gonzalez, a vote was called on Item No.
33. Council Member Brown voting no, balance voting aye. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. ORDINANCE 2012-0736 ADOPTED.
34. ORDINANCE appropriating \$18,314,084.00 out of Street & Traffic Control & Storm Drainage DDSRF, \$4,417,346.00 out of Metro Projects Construction DDSRF and \$3,999,570.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION CO.** for Hirsch Road Paving and Drainage: Kelley to East Crosstimbers; 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 Street & Traffic Control & Storm Drainage DDSRF, Metro Projects Construction DDSRF and Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - DAVIS and H – GONZALEZ** – was presented, and tagged by Council Member Davis.
35. ORDINANCE awarding contract to **T CONSTRUCTION, LLC** for FY13 Water Distribution System Rehabilitation and Renewal; 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 and contingencies relating to construction of facilities financed by the Water & Sewer System Operating Fund - \$1,799,904.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. ORDINANCE 2012-0737 ADOPTED.
36. ORDINANCE annexing to the City of Houston, Texas territory located in the vicinity of the Commons of Lake Houston near Kingwood Drive on the east side of Lake Houston, in

Harris County, Texas; extending the corporate limits of the City of Houston, Texas, to embrace and include territory within such boundaries; instituting proceedings to annex to its corporate limits the territory included in such boundaries; adopting a service plan for certain areas in the vicinity of the Commons of Lake Houston near Kingwood Drive on the east side of Lake Houston; assigning annexed areas to adjacent district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter - **DISTRICT E - SULLIVAN - FIRST READING** - was presented. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. ORDINANCE 2012-0738 PASSED FIRST READING IN FULL.

**NON CONSENT AGENDA** - NUMBERS 37 and 38

**MISCELLANEOUS**

37. MOTION to set a date not less than seven days from August 22, 2012, to receive nominations for Positions 10 and 12 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term – was presented.

Council Member Gonzalez moved to set Wednesday, August 29, 2012, to receive nominations for Positions 10 and 12 of the Houston Archaeological and Historical Commission Board of Directors, seconded by Council Member Hoang. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. MOTION 2012-0647 ADOPTED.

38. MOTION to set a date not less than seven days from August 22, 2012, to receive nominations for appointments to Positions One through Four for the **ANIMAL ADVISORY COMMITTEE BOARD OF DIRECTORS**, for the remainder of a two year term that will end December 31, 2013 - was presented.

Council Member Christi moved to set Wednesday, August 29, 2012, to receive nominations for appointments to Positions One through Four for the Animal Advisory Committee Board of Directors, seconded by Council Member Bradford. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. MOTION 2012-0648 ADOPTED.

**MATTERS HELD** - NUMBER 39

39. ORDINANCE establishing an Economic Development Program pursuant to Chapter 380 of the Texas Local Government Code to provide incentives for development of certain qualifying Multi-Family Residential Projects in the Eastern Area of the Central Business District generally bounded by Runnells Street on the north, Chartres Street on the east, Pierce Street on the south and Fannin Street on the west, to be known as the Downtown Living Initiative; authorizing and approving an agreement between the City of Houston and the **HOUSTON DOWNTOWN MANAGEMENT DISTRICT** for administration of the program - **DISTRICT I – RODRIGUEZ – (This was Item 14 on Agenda of August 15, 2012, TAGGED BY COUNCIL MEMBER COSTELLO)** – was presented.

After discussion by Council Members, a vote was called on Item No. 39. Council Member Sullivan voting no, balance voting aye. none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. ORDINANCE 2012-0739 ADOPTED.

**Items received during meeting.**

15. ORDINANCE appropriating \$1,000,000.00 out of Homeless and Housing Consolidated Fund and approving and authorizing fourth amendment to Loan Agreement between the City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC**, to provide up to a \$1,000,000.00 grant to acquire a minimum of an additional eleven distressed properties for demolition and/or rehabilitation or redevelopment and provide home ownership opportunities to qualified individuals/families under the Neighborhood Stabilization Program - **DISTRICT B – DAVIS** - was presented.

After discussion by Council Members, a vote was called on Item No. 15. Council Member Brown voting no, balance voting aye. none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. ORDINANCE 2012-0740 ADOPTED.

19. ORDINANCE amending Ordinance No. 2010-0555 (Passed on July 7, 2010) to increase the maximum contract amount for contract between the City of Houston and **KRONOS, INC** for Automated Time and Attendance System for Various Departments - \$510,150.40 - Central Service Revolving Fund – was presented.

After discussion by Council Member Christi, a vote was called on Item No. 19. All voting aye. Nays none. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. ORDINANCE 2012-0741 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Cohen stated that on Friday there would be a barbeque benefit for an HPD Officer who had been battling Breast Cancer, that she would encourage everyone to attend and support this officer in her fight against Breast Cancer on Friday, August 24, 2012; that the Houston Fire Department would coordinate the Blue Cross/Blue Shield Caravan Program throughout the Fall semester to provide free immunization for children ages 4 to 18; that this was something that she debated last night about whether she would talk about because she was not sure this was the platform to do it, but she decided that if she did not do it now then when would she, that she simply could not allow the lies and distortions of the past 24 hours to pass without responding, that rape was rape, that as a result of rape thousands of children had been born in this Country this year, that no responsible physician or research facility would ever suggest that pregnancy did not occur through rape, they knew it did, and that to suggest that forcible rape was something to be differentiated from rape was both irresponsible and shocking, that it was almost analogous to several years ago when it was suggested that women who had abortions had higher incidents of Breast Cancer, that was clearly found to be incorrect, that her issue was not to suggest what their position should be as to the issue of choice, her issue was to say that they needed to educate people, that people could not merely stick their fingers in their ears and say “don’t confuse me with the facts”, the facts were that rape was rape and as such they had to see to it, that they do something to make sure that incorrect and misinformation was not perpetrated throughout this community and this Country. Council Members Brown, Sullivan, Hoang, Burks and Bradford absent.

Council Member Christi stated that he wanted to comment on Item No. 26 and No. 27, that they spent a lot of money on Item No. 26 inspecting the aerial ladders and he knew there was a federal law, the National Fire Protection Association, but there ought to be a way to train someone in house to do \$250,000 worth of work to inspect their ladders, that it was just a suggestion; that on Item No. 27 it was a very good contract but if they had seen 60 Minutes or 20-20 there was an Asian individual who did automatic course basics, and if he was not

mistaken, it was free on-line, that he did it on every area, from Physics to English, to whatever, that if they had access to excellent instruction that was exalted by educators every where they could save another \$500,000 for renewing that; that this was an international City and they had other countries coming in, that he was going to get them a report, that the Brazilian delegation came to Houston and they had a future of energy rich, they were number one in ethanol production in the world, they exported it, that the U.S. produced ethanol very energy inefficient and had a shortage of corn so there could be a trade there, but the paper would show that there was enough energy, natural gas and oil, ethanol, to be independent, that a Brazilian, who was high up in the Energy Department in Brazil, and who was at the luncheon, said that he wrote a paper on it and said that if they ever put together their hemisphere they would have enough energy for 50 years in the future, that they should look to that, that he would get them a copy of that paper, that this being the Energy Capital of the World they should consider relationships with hemispheric countries that could produce enough energy to where they would not have to go overseas. Council Members Brown, Sullivan, Hoang, Rodriguez, Burks and Bradford absent. NO QUORUM PRESENT

Mayor Parker stated that she asked the same question on the fire ladders and it was a requirement that it be a third party inspection, that it was a liability issue, the feeling that if there was not a third party inspection that a fire agency may be incentivized in some way to cut corners, that she wanted to thank Council Member Christi for raising the issue. Council Members Brown, Sullivan, Hoang, Rodriguez, Burks and Bradford absent. NO QUORUM PRESENT

Council Member Laster stated that the Securing Their Families Conference would be on August 29, 2012, 6:30 p.m. at the Southwest Multi Service Center, 6400 High Star; that Neighborhood Centers, Inc. had a facility called, Baker Ripley House, in District J, and he wanted to give a tip of the hat to Angela Blanchard, CEO and President, that the organization supported more than 340,000 people in the City of Houston and she had been invited to the White House to speak on a Forum on Urban Innovation, on August 27, 2012, at the Social Enterprise and Opportunity Series that would be focused on Urban Innovations, where jobs had been created and promote economic resilience and strengthen community areas, which was the core of Neighborhood Centers work, that he wanted to congratulate her for not only the invitation but being able to tap the work they were doing in Houston with their non profits; that he and all of the Council Members and the public at large were watching closely the news of the rise of the West Nile Virus across the City and the County, that he wanted to commend the Country in their efforts to spray, particularly in the west and southwest side where those cases had shown up first, that a number of civic associations, the Sharpstown Civic Association, had sprayed for mosquitoes for years and a number of their smaller associations had done so as well, that he wanted to encourage people to pay attention to that and offer Mayor Parker the opportunity to speak to the issue and see what the City of Houston was doing in relation and conjunction with the other agencies around to protect their neighborhoods and folks about West Nile. Council Members Brown, Sullivan, Hoang, Rodriguez, Burks and Bradford absent. NO QUORUM PRESENT

Mayor Parker stated that Harris County had the responsibility for the testing for mosquitoes that may have the virus, they had mosquito traps in specific areas across the City and they were also responsible for spraying when mosquitoes with West Nile were detected, that there were a number of different mosquito species and a limited number of those species actually carried West Nile so just because they were bothered by mosquitoes did not mean they had a particular problem, but the City of Houston worked very closely with the Harris County Mosquito Control because they often see the first evidence that someone had contracted West Nile, that many people may experience it but they did not have severe symptoms, it was flu like symptoms and could occur three to four days after infection, so it was hard to establish a link, that there had been in Houston, actually, 13 cases of West Nile, with 3 deaths, that if what they

considered average flu like symptoms suddenly spike into a high fever, headache or stiff neck, convulsions, under any circumstances they would need to get to the hospital, that once a hospital reports to the City Health Department that someone had West Nile then they worked backwards from there and tried to figure out where they might have been exposed, they worked closely with Harris County Mosquito Control to get into that area for targeted spraying, that all mosquitoes were at least annoying, if not dangerous, and a lot of the problem was caused by property owners that allowed standing water on their property. Council Members Brown, Davis, Sullivan, Hoang, Rodriguez, Burks and Bradford absent. NO QUORUM PRESENT

Council Member Costello stated that the Legacy Community Health Services had a back to school event at their Lyons Avenue facility in District B last Saturday and he had the opportunity to be there for the entire event and worked with the Food Bank all day; that they had another event on Saturday, August 25, 2012, at their Montrose Facility on California Avenue. Council Members Brown, Davis, Sullivan, Hoang, Rodriguez, Burks and Bradford absent. NO QUORUM PRESENT

Council Member Gonzalez stated that he wanted to acknowledge and thank Inspector Leroy Rodriguez, Public Works and Engineering Department, that while working in the Oaklawn and Fullerton Community in the East End he exhibited a high level of courtesy and professionalism when engaging with residents about upcoming work on their streets, that they actually got calls from the community because they were so impressed with his efforts; that he wanted to invite community members to stop by the Independent Heights Community Health Center, 4040 Yale Street, for a special event on September 4, 2012, that the Health Center would be welcoming Dr. Deon Tompkins and would be celebrating the opening of a brand new dental clinic, for more information please call, 713-290-0001 or online at [www.IHCHC.org](http://www.IHCHC.org); that Navidad En El Barrio was hosting their third annual Taquitos and Chanclitas Gala on Saturday at the Arabia Shrine Temple, 10510 Harwin, that was a wonderful community organization that had worked for the last 25 years to provide gifts for children of all ages in their underserved communities, that founder Izzy Gomez was a good friend and a retired HPD officer, that he wanted to congratulate him and Navidad En El Barrio on all of their success; that this evening at 6:00 p.m., the League of Women Voters was hosting their Annual Equality Day Celebration and Rising Star Reception at the Julia Ideson Library, that he wanted to thank the league for all of their hard work in educating and informing voters in the Houston area, that he wanted to commend and congratulate a City Hall team member who would be recognized as one of the rising stars this evening, Jenn Char, Mayor's Executive Team. Council Members Brown, Davis, Sullivan, Hoang, Rodriguez, Burks and Bradford absent. NO QUORUM PRESENT

Council Member Green stated that last week he welcomed and hosted a delegation from Belize to Houston, the activities included a tour of the Port of Houston, that he wanted to thank the Mayor's Office of Protocol for assisting them and also their thanks to Leandra Thompson, Tri County Black Chamber of Commerce, who was working with the delegation; that yesterday evening District K staff attended the Brentwood Super Neighborhood Council formation meeting to wrap up the final stations of the Council creations process; that on Thursday, August 16, 2012, they attended the Raindrop Turkish House Annual Friendship and Engagement Dinner, that it was held at the Istanbul Conference Center at the Automan Ballroom; that on Sunday, District K attended a celebratory prayer service at the Reliant Center, Muslims of the Greater Houston area celebrated the end of the holy month of Ramadan, that the celebratory event had a gathering of about 25,000 and was organized by the Islamic Society of Greater Houston; that on Saturday he attended the Fun Day at the Park event at the Marion Community Center, that it was spearheaded by the Riceville Mount Olive Baptist Church in conjunction with the City of Houston Parks Department; that on Saturday he attended the pre screening of Sparkle, a fundraiser for the Black NBA Association; that on Thursday he would be facilitating the Bridging the Divide Community meeting at 9:30 a.m. at the Hiram Clarke Multi Service Center; that he wanted to give kudos to the Demaris Publication, who was now putting out a Health and

Wellness Journal and last month they featured Smile for a Lifetime Foundation, whereby they gave out free braces to deserving kids, that he wanted to thank Keith Davis for all of his work in putting out the Health and Wellness Journal, it was a great resource guide to find health care professionals in the community. Council Members Brown, Sullivan, Hoang, Rodriguez, Burks and Bradford absent. NO QUORUM PRESENT

Council Member Davis stated that last week he attended several back to school events in the community, East Houston Civic Club and Legacy Community Health Services; that on Sunday he attended church services at Mount Olive in Acres Homes and they celebrated their 55th Anniversary; that he wanted to thank Mayor Parker and Commissioner El Franco Lee for partnering with District B for Golden Citizens Day at the Movies; that Saint Paul Missionary Church would be having their Pastor's and Wife's Banquet; that on Saturday, August 25, 2012, the District B team would be in East Houston at Lake Forest Park continuing with their monthly community cleanups, that he wanted to thank the Parks and Recreation Department for coordinating the cleanup; that on August 25, 2012, The Island of Hope Church in Fifth Ward would be having their Back to School Drive; that on Monday, August 27, 2012, they would be continuing their District B Neighborhood Advisory Council meeting at the Kashmere Multi Service Center. Council Members Brown, Sullivan, Hoang, Rodriguez, Green, Burks and Bradford absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 10:04 a.m. Council Members Adams and Pennington absent on personal business. Council Member Noriega out of the city on personal business. Council Members Brown, Sullivan, Hoang, Rodriguez, Burks and Bradford absent. NO QUORUM PRESENT

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary