

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 15, 2013, Mayor Annise Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division; Ms. Marta Crinejo, Agenda Director present. Council Member Al Hoang absent on city business.

At 1:49 p.m. Mayor Parker asked all to take their seats, called the meeting to order and invited Grand Master Pyung-Soo Kim to the podium and stated that Houston was an amazing international city and great Houstonians gave back; that Grand Master Kim trained tens of thousands of athletes, was recognized by many with his martial arts system and received many honors; and presented a Proclamation proclaiming today as "Grand Master Pyung-Soo Kim Day" in Houston, Texas. Council Members Davis, Adams, Rodriguez and Noriega absent.

Grand Master Kim stated that he was honored to be present and came to Houston 45 years ago; that he came from Korea as a pioneer in martial arts and was homeless in Houston; that since he had his studio and taught at many colleges; that he was honored to receive the recognition; and presented a black belt to Mayor Parker. Council Members Brown, Davis, Adams, Rodriguez and Green absent.

Mayor Pro Tem Gonzalez and Council Member Rodriguez congratulated Grand Master Kim on his prominent school, for inspiring many and receiving his recognition today. Council Members Brown, Davis, Adams, Green and Costello absent.

At 2:00 p.m. Mayor Parker called on Council Member Pennington who called on Father Tomas Mathew of St. Anne's church to lead all in the invocation and Council Member Pennington led all in the pledge. Council Members Davis and Adams absent.

At 2:05 p.m. the City Secretary called the roll. Council Member Hoang absent on city business.

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

Mayor Parker discussed the Houston Marathon held last Sunday and congratulated Mr. Kelly Dowe who had an outstanding finish and Council Member Costello for his run; and Council Member Costello stated that he broke his qualifying time and would be going to Boston in 2014. Council Member Pennington absent.

At 2:07 p.m. the City Secretary began calling the public speakers. Council Member Pennington absent.

Ms. Diane Schenke, 3211 Harrisburg, Houston, Texas 77003 (713-928-9916) appeared and stated that she was president of the Greater East End Management and present regarding Agenda Item 20 regarding the city's approval of a letter of credit their district desired to take out; that there was a recent change in state legislation requiring city approval and that was why they were coming to the city; that their construction projects were to be funded by reimbursable federal grants which required the district to spend money first then get reimbursed; and the letter of credit would only last 364 days. Council Members Adams and Pennington absent.

Council Member Gonzalez stated that he was supportive of the item; and thanked her for explaining the item was required by state law. Council Members Adams and Pennington absent.

Upon questions by Council Member Rodriguez, Ms. Schenke stated that there was no liability to the city; and discussed timing and funding and reserved dedicated funds. Council Members Adams and Pennington absent.

Mayor Parker stated that it was great the grants had come to the district and she knew Ms. Schenke worked hard to get them. Council Member Adams absent.

Council Member Pennington congratulated Ms. Schenke on her work of getting all types of funds and their great work. Council Member Adams absent.

Upon questions by Council Member Noriega, Ms. Schenke discussed the work being done such as the Navigation esplanade, sidewalks, etc.

Council Member Laster moved the rules be suspended for the purpose of extending the time of questions of Ms. Schenke, seconded by Council Member Gonzalez. A vote was not called, but Council Member Laster continued to thank Ms. Schenke for her leadership and all their work.

Mr. Taylor Bloom, 6219 Bayoone, Spring, Texas 77389 (832-373-7044) appeared and stated that he was speaking on behalf of Peaceful Streets Project Houston, an organization started in Austin and focused on police watches, film screening, etc., to build a bridge between communities and institutionalized violence; that they would film protest, etc., to ensure people were not harassed by police.

Upon questions by Council Member Pennington, Mr. Bloom stated that their mission was to end institutionalized violence by filming police and know your rights trainings.

Mr. Frank Vedadi, 2900 Oceanway, League City, Texas 77573 (801-809-0911) had reserved time to speak but was not present when his 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. Council Member Rodriguez absent.

Mr. Lorenza Phillips Butler, Jr., 3906 Daphne, Houston, Texas 77021 (713-440-6994) appeared, presented information and stated that he was in publishing and sales for the Chinese Daily News, etc., and present as the North Houston Frontiers Club would be presenting its 25th Silver Anniversary Dr. Martin Luther King Breakfast on Monday, January 21, 2013, 8:00 a.m.; and was inviting the Mayor and all Council Members and looked forward to seeing them.

Mayor Parker stated that she would be present as she was every year.

Ms. Doris Pennington, 5727 Flamingo, Houston, Texas 77033 (713-733-9554) had reserved time to speak but was not present when her name was called.

Mr. Whet Smith, 1734 French Village, Houston, Texas 77055 (713-398-7333) appeared and stated that property crimes were on the rise and he had been a victim four times in the last one and a half years; and discussed concerns such as getting license plate numbers, etc., and still no police follow-up; and urged the city identify the issue of police not taking property crimes seriously and take steps to ameliorate it.

Mayor Parker assured Mr. Smith all crimes were taken seriously; and upon questions, Mr. Smith stated that he did file police reports in each incident and it was not followed up; and Mayor Parker stated that she would like more information. Council Member Martin absent.

Mr. Dwight Bordelon, 5002 Eigel, Houston, Texas 77007 (832-627-0295) appeared and stated that he too was present on the issue of the previous speaker and discussed a period of six weeks where he experienced five acts of theft or criminal mischief at his house in the Washington corridor; that crime was up and police presence was down and urged measures be taken to cut down crime in his area. Council Member Martin absent.

Upon questions by Mayor Parker, Mr. Bordelon stated that he did report all incidents and contacted his Council Member's office on each occasion and finally got an appointment with his Council Member in January when the crimes were in November; and Mayor Parker stated that she would make sure he heard from the police captain in his area. Council Member Martin absent.

Mr. Donald Spencer, 20302 Broad Run Lane, Richmond, Texas 77407 (281-235-2102) appeared and stated that he was present to make an appeal as he was booted on a Houston street and deemed it as a violent measure; that he had a city letter giving him until February 2, 2013, to take care of parking tickets; that at the hearing he was told there was no appeal and that was why he was present asking his letter to be honored. Council Members Davis and Martin absent.

Mayor Parker stated that her advise was for him to learn how to park or pay his parking tickets; that she had no sympathy as he had received 11 notices dated from July through December and he was the direct cause of having been booted. Council Members Davis and Martin absent.

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

Ms. Irene Hernandez, 8615 Dover, Houston, Texas 77061 (713-384-9204) had reserved time to speak but was not present when her name was called. Council Members Davis and Martin absent.

Mr. Bryon Thomas, 11514 Sandstone Canyon Drive, Humble, Texas 77396 (713-299-7798) appeared, presented information and stated that he was a disabled veteran and wrongfully terminated from his employment of inspector with the City of Houston after nearly eleven years for intentionally falsifying a document; that his termination was based for failure to fully disclose his criminal history on his initial employment application; that it was said he was terminated for metal theft and that was untrue and unfounded and he was asking that be removed from his records. Council Members Davis and Martin absent.

Reverend Leopoldo H. Mata, 14619 Leacrest, Houston, Texas 77049 (281-310-4144) appeared and stated that he was a pastor in the Denver Harbor area and present regarding putting stop signs or something to keep people from speeding in the neighborhoods; that he may not be saying things correctly, but was sure something could be done to make things better. Council Members Martin and Green absent.

Mayor Parker stated that Public Works looked at data and found only two accidents in three years, it was clear there was no accident problem; that they could determine if people were speeding and have targeted enforcement, but a stop sign was not the appropriate answer to

control speed; and encouraged he visit with Mr. Gary Norman. Council Members Martin and Green absent.

Miss Isabella Acuna, 530 W. 17th, Houston, Texas 77008 (713-869-4362) appeared and stated that she was in seventh grade and lived in the Heights; that she was present regarding having to relocate her pet hens as they did not meet distance restrictions in Houston and since then had been working to change the ordinance and get her pet hens back and so others could enjoy the option of fresh eggs; that she spoke at community meetings and had over 1,000 signatures on a petition; and discussed how the city could encourage a stewardship of the environment such as fertilizer, fresh eggs, etc., by allowing a limited number of hens. Council Members Martin and Green absent.

Mayor Parker stated that she agreed with her and would be happy to support an ordinance change; that she had a draft ordinance in process, however, she was only one vote. Council Members Martin and Green absent.

Council Member Rodriguez stated that he appreciated her information, her going to committee and briefing members of the committee and Council Members. Council Members Martin and Green absent.

Council Member Green thanked Miss Acuna for her civic activity and stated that there was a serious concern with stray dogs and if what she wanted passed some could really decimate a neighborhood and many were very concerned.

Council Member Brown thanked Miss Acuna for coming and stated that she too supported this measure and while there were bad actors, unfortunately there always would be, but they did need to make sure the ordinance pertained to hens and did not allow roosters.

Council Member Burks moved the rules be suspended for the purpose of extending the time for questions of Miss Isabella Acuna, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Members Adams and Noriega absent. MOTON 2013-0022 ADOPTED.

Upon questions by Council Member Burks, Miss Acuna stated that they had six hens; and Council Member Burks stated that the city allowed horses and cows and when they died they drug them to the esplanades and now they were speaking of hens; that he wanted on the record they had bigger fish to fry than six hens. Council Members Davis, Adams, Martin and Noriega absent.

Ms. Claire Krebs, 2240 Shakespeare, Houston, Texas 77030 (713-501-0511) appeared and stated that she too was present regarding chickens; that she was representing Hens for Houston, a group of hundreds of Houstonians who were supporting the chicken ordinance and they worked to put together a draft proposal which Council Members received a couple of months ago and was being looked at currently by Animal Control; and urged they keep a look out for the changes and support their movement for urban chickens. Council Member Davis absent.

Upon questions by Council Member Laster, Mayor Parker stated that they had not yet determined stakeholders which would be in these discussions; and Council Member Laster stated that phone calls received in his office were regarding why it was taking so long to remove barnyard animals and there were packs of cats and wild dogs, etc., and he had no civic associations asking for extra challenges in this regard and as they moved forward in discussions he hoped they would look at all civic associations, super neighborhoods, etc., and budget issues of enforcement; and Mayor Parker stated that if he would look at the memo it

indicated a more holistic review of Chapter 6 of the Code being discussed which included keeping domestic fowl and formal stakeholder conversations would not begin until after a first draft version to go out to the public and not expected before February 15th; and Council Member Laster stated that he would like meetings in the neighborhoods. Council Member Adams absent.

Council Member Green discussed just having dealt with two large Talapia farms in his neighborhood. Council Member Adams absent.

After further discussion Council Member Noriega moved the rules be suspended for the purpose of extending the time for questions of Ms. Claire Krebs, seconded by Council Member Laster. All voting aye. Nays none. Council Member Hoang absent on city business. MOTION 2013-0023 ADOPTED

After a lengthily discussion by Council Members regarding setback regulations and calls to their offices relating to the issue, Mayor Parker stated that many deed restrictions regulated this issue and nothing the city would do would ever override deed restrictions.

Council Member Cohen moved the rules be suspended for the purpose of extending the time for questions of Ms. Claire Krebs, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. MOTION 2013-0024 ADOPTED.

Council Member Cohen stated that in Bellaire they did allow hens and they were not overrun; that they needed to be sensitive and take time to look at an ordinance and see if they could live with it and if it could be enforced.

Council Member Gonzalez stated that he had an open mind on this and it was important they have an up to date modern policy and he felt an urban farm policy was a smart thing.

Council Member Adams moved the rules be suspended for the purpose of adding Ms. Tomaro Bell to the three minute list of speakers, seconded by Council Member Costello. All voting aye. Nays none. Council Member Hoang absent on city business. MOTION 2013-0025 ADOPTED.

Council Member Adams stated that it was Council's responsibility to look at ordinances to see whether they may be outdated when constituents came before them; that she commended Ms. Krebs and Miss Acuna for coming today and challenging them, but as a Council Member of District D her constituents were concerned with it getting out of hand and she would need to listen to her constituents.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Ms. Claire Krebs, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Hoang absent on city business. MOTION 2013-0026 ADOPTED.

Council Member Brown stated that hearing from her district the problem was roosters crowing; Council Member Pennington discussed his raising chickens for FFA projects; and Council Member Noriega discussed there being a responsibility for cats, dogs or chickens and there not being much difference. Council Member Burks absent.

Ms. Josephine Pierce, 2001 Westheimer #404, Houston, Texas 77098 (815-474-2085) had reserved time to speak but was not present when her name was called. Council Members Rodriguez and Burks absent.

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

Mr. Derrick Broze, 1215 W. Gray, Houston, Texas 77006 (713-909-0382) appeared and stated that he was with Peaceful Streets Project Houston and they had sent out press releases earlier today as at 4:00 p.m. today they would have a press conference outside City Hall discussing what their project was, such as filming police officers to hold them accountable; that there was to be a Police Oversight Board created, but they were more of a grassroots action; and all were invited to a Potluck dinner on February 1, 2013, at 2805 Wichita and they would be watching the Mayor to see how she would work with the fluoride situation, etc. for her upcoming election. Council Members Rodriguez and Burks absent.

Mr. Micah Jackson, 1913 Dryden, Houston, Texas 77002 (713-937-8024) appeared and stated that he was representing HFT which existed to advance freedom based solutions; that they hosted barbecues, etc., and attended various meetings to bring together people in Houston actually doing something and they were accomplishing much; that they noticed a concern of abuse of power by HPD; and shared information from the Department of Justice, a national criminal justice service, which was statistics shared by police officers. Council Members Rodriguez and Burks absent.

Mr. Jamin Stocker, 400 Rusk, Houston, Texas 77002 (706-267-0183) appeared, presented information and stated that Council Member Green talked about fish farms, but in Manchester Houston the cancer rates outweighed most U. S. cities with a Valero refinery next door and that industry was supported heavily, but January 2, 2013, he saw an officer pillaging through someone's car and started recording the incident which he discussed; that the FBI released documents stating sniper teams were ready if deemed necessary to remove Occupy Houston participants, that was assignments, when Peaceful Streets Houston came he felt there was something they could do to provide accountability and discussed organizations they created a coalition with to hold officers accountable. Council Members Pennington and Burks absent.

Council Member Bradford stated that his information indicated "Vision: A society free of State-sponsored institutionalized violence."; and upon questions, Mr. Stocker stated that State-sponsored institutionalized violence was any police misconduct where a Mayor controlled most of the action which went on with the department; and Council Member Bradford stated that if it was labeled misconduct it was not sponsored by such agency. Council Members Pennington and Burks absent.

Mr. John Cheslewicz, 1250 Dubarry Lane, Houston, Texas 77018 (713-906-1725) appeared, and presented information which he read dealing with the city justifying their illegal forced blocking of swales that drained storm water from his and his neighbors' yards, etc., until his time expired. Council Members Brown, Burks and Noriega absent.

Ms. Tomaro Bell, who was previously added to the Speakers List, appeared and stated that she was present as Super Neighborhood Alliance Vice Chair to observe Council; that she heard of the chicken issue, but in no way thought it would be discussed in such magnitude as it was today and she hoped Council would really consider it before making it an ordinance across the city; that she was happy to hear Mayor Parker say it would not overdo deed restrictions; and regarding Chapter 42 on January 21st, 8:00 a.m. they would do their last walkthrough with Ms. Gafrick, some new developments in the Heights had storm drains covered, there was not enough manpower to be sure Chapter 42 was not violated; and urged Council Members to walkthrough with them if they had already not done so. Council Members Brown, Martin and Burks absent.

Council Member Green stated that he appreciated her comments and their deed restrictions

were in place and followed, but some communities were mostly renters and to get a critical mass to amend deed restrictions to allow for fowl, etc., would be difficult to do; and thanked her for a neighborhood prospective on the issue. Council Members Brown, Martin, Rodriguez and Burks absent.

Council Member Gonzalez stated that he went out and found it beneficial to see the challenges experienced and it was more of enforcement issues; and upon questions, Ms. Bell stated that they would meet at the Catalina Coffee Shop, Monday, January 21st, 8:00 a.m., but if they could not attend that tour they would reschedule and accommodate them. Council Members Brown, Martin, Rodriguez and Burks absent.

Council Member Adams stated that she took the tour and discussed issues she saw and complimented Ms. Gafrick for receiving all questions which was presented to Public Works so Chapter 42 issues could be separated from enforcement issues through Public Works; and commended her on her work. Mayor Parker, Council Members Brown, Martin, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-73 (713-928-2800) appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Mayor Parker, Council Members Brown, Martin, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

Ms. Patricia Martin, 7065 Belfort, Houston, Texas 77087 (832-276-6470) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Brown, Martin, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor Parker, Council Members Brown, Martin, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

At 3:34 p. m. Mayor Pro Tem Gonzalez stated that City Council was recessed until 9:00 a.m., Wednesday, January 16, 2013. Council Member Hoang absent on city business. Mayor Parker, Council Members Brown, Martin, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

The Houston City Council reconvened at 9:00 a.m., Wednesday, January 16, 2013, with Mayor Annise D. Parker presiding and Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D.C.; Mr. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director, and Ms. Stella Ortega, Agenda Office, present. Council Member Al Hoang absent on city business.

At 8:21 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:05 a.m. Mayor Parker called the meeting to order and stated that they just kicked off the Super Bowl of Caring Food Drive for the Houston Food Bank, they were joining their local Boy Scouts, the Mayor's Youth Council for the City of Houston and a number of non-profits and churches raising money and food for the Houston Food Bank between now and the Super Bowl, that she would encourage everyone that if a boy scout or cub scout knocks on their door and asked for a donation that everybody participate in that, that HEB and Kroger and Randall's were also part of the Super Bowl of Caring and there would be lots of stuff in those stores to encourage people to contribute, that the goal was 3.5 million meals, which was a lot of food. Council Members Davis, Adams and Burks absent.

Mayor Parker stated that the first two items on the agenda were public hearings and recognized Mr. Joe Turner, Director, Parks and Recreation Department.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** regarding the granting of a pipeline easement at Lake Houston Wilderness Park - **DISTRICT E – MARTIN** – was called.

Mr. Turner stated that Texas Express Pipeline, LLC had requested the easement for the City of Houston to install a 24 inch diameter, liquid hydro carbons pipeline within an area measuring 30 feet wide and spanning a length of approximately 11,817 feet across Lake Houston Wilderness Park, that Chapter 26 of the Texas Parks and Wildlife Code required City Council to hold a public meeting before approving a request for an easement, that Section 26.001 of the Texas Parks and Wildlife Code provided that a City may not approve a program or project for use of land designated as parkland unless after a public hearing it's governing body determined, (1) there was no feasible or prudent alternative, the alternative use of parkland, (2) the program or project included all reasonable planning to minimize the harm to the parkland, that Lake Houston Wilderness Park was comprised of approximately 4,800 acres of land located in Harris and Montgomery Counties, the park was in City Council District E, Dave Martin, Council Member, the park was acquired from Texas Parks and Wildlife in 2006, that the City acquired the park subject to an existing pipeline corridor that ran through the park and contained various pipeline facilities, but the deed contained restriction prohibiting any industrial use of the property such as a grant of additional pipeline easements, the land adjacent to the park was developed into a residential area since the existing pipelines were constructed so a portion of the pipeline would be diverted from the exiting corridor in order to avoid the surrounding residential area, that as a result it was necessary to modify the deed from the Texas Parks and Wildlife Department to the City prior to the issuance of the requested pipeline easement, that the City had requested that the Texas Parks and Wildlife Department grant the required deed modification, the City had worked with the Texas Parks, and Wildlife Department and Texas Express Pipeline, LLC and determined there was no reasonable and prudent alternative to the proposed pipeline route and to minimize the impacts to the natural and cultural resources within the park, that the project was presented to Quality of Life Committee on December 17, 2012, that on January 24, 2012 Texas Parks and Wildlife Commission would hold a public hearing to consider approval of the City's request for a deed modification so that the City could grant the pipeline easement to Texas Express Pipeline, LLC, that on January 30, 2012, the City Council would be asked to approve an ordinance making the findings required by Chapter 26 and authorizing the grant of the easement to Texas Express Pipeline, LLC, that the park was the most feasible and prudent for location of the projects because it would avoid disruption to the adjacent residential area while minimizing the affects on the natural and cultural resources within the park, that the benefits to the park included development of an easement area as an access road for a possible canoe launch for the park to the San Jacinto River and also it would provide funds for park improvements or expansion, that they had a copy of the map and what was being diverted was seen as a red line out of the existing pipeline. Council Member Burks absent.

Mayor Parker asked Mr. Turner if his belief was that this did not have any negative impact on the park and they in fact intended to use the easement for access to certain areas of the park, and Mr. Turner stated that was correct. Council Member Burks absent.

Council Member Martin stated that he understood they were going to receive from Texas Express about \$900,000 over the next three years, and Mr. Turner stated that it was over the next 30 years, that it was in three payments, one up front for \$250,000 and then at 10 years would be \$300,000 and then in year 20, which went into the last term would be \$350,000, so a

total of \$900,000, and Council Member Martin asked that he would ask that the administration earmark these funds for future development of Lake Houston Wilderness Park and Mr. Turner stated that they planned on doing that. Council Member Burks absent.

Mayor Parker stated that no one had signed up to address the Houston City Council on this issue and asked if there was anyone from the public who wished to speak, and hearing none requested a motion to close the public hearing. Council Member Burks absent.

Council Member Martin moved to close the public hearing, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Members Rodriguez and Burks absent. MOTION 2013-0027 ADOPTED.

2. **PUBLIC HEARING** relating to the adoption of Land Use Assumptions and a Capital Improvement Plan for the possible adoption of Impact Fees for Drainage – was presented.

The City Secretary stated that two people had signed up to speak at the hearing. Council Members Rodriguez and Burks absent.

Mayor Parker stated that this was something that they were required to proceed with due to the Charter change that created the original Rebuild Houston Program and recognized Mr. Mark Loethen, Department of Public Works and Engineering .

Mr. Loethen stated that as the Mayor indicated they were present to conduct the first of two public hearings as they moved forward with adoption of a Drainage Impact Fee, and Mr. Loethen reviewed a slide presentation titled “City of Houston Drainage Impact Fee Study”, a copy of which is on file in the City Secretary’s Office for review; and stated that under current tentative schedules they would be back to Council within the next two weeks with the ordinance and with the request for the public hearing posting for the second component, they would have 30 days of public review and be back with the public hearing some time in March 2013, and subsequent to that they would follow up with the actual ordinance, setting the impact fee and recommending the adoption of the impact fees. Council Member Burks absent.

Mayor Parker stated that it was not appropriate today to have a discussion of the impact fees themselves because they were not proposing any impact fees, that this was just the land use assumptions and the overall structure moving forward, and Mr. Loethen stated that was correct, these were the basis for which the fees were calculated and as he had said there was some latitude with the fees in terms of what rate was actually set and they would consider that at their next public hearing. Council Member Burks absent.

After discussion and questions by Council Members, Mayor Parker stated that this whole discussion did not have any relevance if there was no growth, this was only going forward if there was new development in areas and it was an impact fee to account for future growth, that what they did with existing areas and their drainage needs was covered under the existing Rebuild Houston Drainage Fee and was part of the normal CIP process.

Upon further discussion and questions by Council Members, Mr. Loethen stated that the growth areas that were defined were the basis for the impact fee and under State law fees collected within each one of the eight service areas that had been set up would have to be expended only within that specific service area over a 10 year horizon, but they were available to fund components of infrastructure projects that addressed new development.

After further discussion and questions by Council Members, Mayor Parker stated that they could not use these monies to bail themselves out of a hole, if something was flooding today these monies would not be available for that unless there was new construction that generated

these developer fees and those new construction developer fee dollars could go to part of a project that might mitigate existing flooding; and asked if under State law could they take money generated in one watershed and use it in others and Mr. Loethen stated that once they adopted the service area boundaries, whatever they may be and in this case there were eight of them, once Council adopted those any funds collected within the service area could only be expended within the service area, they could not be moved, and Mayor Parker stated unless the service area conformed to watershed boundaries, and Mr. Loethen stated yes, per State Law the drainage fee could not be assessed across watershed boundaries, and Mayor Parker stated that Rebuild Houston required that they created a drainage impact fee and State Law said that if they had a drainage impact fee it must reflect watershed boundaries, and Mayor Parker stated that the drainage impact fee itself was subject to a Council vote, how much of a drainage impact fee, and Mr. Loethen stated that was correct.

After further discussion by Council Members, Mr. Loethen stated that this would compliment what he had seen as proposed in Chapter 42 because it specifically addressed the increase in service level requirements associated with densification so to that end that was all he could speak to specifically, that he would say that it would not contradict or run afoul of any proposed changes in Chapter 42, it was a mechanism that recognized whatever the level of development would be and then determined a cost accordingly. Council Members Brown and Noriega absent.

Mayor Parker stated that they would move to the public speakers. Council Members Brown and Noriega absent.

Mr. Ed Brown, 41 Rollingwood, Houston, Texas 77080 (713-365-9916) appeared and stated that the Drainage Impact Fee Improvement Plan was based upon the Comprehensive Drainage Plan and that was based upon the categories that Rebuild Houston had set for various neighborhoods, that in their particular area, that they knew flooded dramatically, Long Point Woods was a Category 5, which was the lowest possible level, even though that ended where the majority of the water in the watershed floated, that on the south side, W153, the upper watershed part of 153 was also a lowest category and yet that was where people had flooded, that something was wrong in the way they were doing Rebuild Houston categorization and he also wanted to point out that something was wrong in the way they defined development versus redevelopment, that on Gaylord, inside TIRZ 17, there were five or six new high rises that had been put in and if they looked at the engineering reports for drainage for those high rises it said that was 100% impervious cover, they had pictures from Google Earth forty years ago that showed that was not true, so basically they had a situation where they were redefining areas as being fully developed when they were not, so the drainage impact fee would have affected this, it would not affect this, they should have had detention, they did not have detention, this was an ongoing discussion that the City of Houston needed to have, that all over the City they were putting in drainage studies that were false so that impacted things dramatically, that also in this it did not mention Chapter 9, but it did mention things that were covered by Chapter 9, such as runoff coefficient, the rational method, and he had pointed out before that the runoff coefficient for Chapter 9 were incorrect, for example, TXDOT said the roadway had 95% runoff, they defined it here as 74%, that it was 100% concrete so it ought to be 100%, they defined commercial areas 80% runoff even if they were 100% concrete, they ought to be 100%. Council Member Adams absent.

Ms. Virginia Gregory, 9806 Westview, Houston, Texas 77055 (713-465-5814) appeared and stated that she was all for the impact fee she just wished that it applied a little bit differently than the way it was written, that if the TIRZ 17 got started in 1999 and the TIRZ was considered an area that was under developed then in the period of time from 1999 to now, which was more than 10 years, they had never really gone back and evaluated what the problems were, so therefore an area that was under developed was not completely redeveloped to the point that it

was at capacity and the problem was that there was never an impact fee on any of this redevelopment so on the definition of the impact fee was for all new development and she had a problem with that word, it should be any kind of development that had any kind of impact on impervious nature, especially if the City of Houston was reviewing Chapter 9 now, which was a good thing and it needed to be brought up to newer standards, especially for Chapter 42, which was higher density and in her area she was considered a Category 5 by the definition of the impact fee when in fact she was a Category 1, that her area was adjacent to TIRZ 17 and over 250 homes had been flooded on the northside of I-10 and they were not even on a CIP for improvement, that at this point they were going to redo Gessner from Nuance to Long Point and they wanted to put 3 acre feet of water into a proposed detention pond that TIRZ 17 was going to do, that they had not even done that so her suggestion was that she did not want anything done to Gessner that was going to dump more water on a damaged neighborhood until the detention pond was put in and functional, that the main problem was that the definitions that were in the impact fee should be modified, that she appreciated the efforts of the City trying to find a solution. Council Members Adams and Noriega absent.

After discussion, Council Member Christi stated that his suggestion was that almost every month she do a one page to Rebuild Houston, through the Mayor's office, and say to please redesign something to where it retro fits the major problem areas, that they had to be persistent because he thought the outcome could be favorable over time. Council Members Davis and Adams absent.

There being no one else present who wished to speak at the public hearing, Council Member Gonzalez moved to close the public hearing, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Members Davis and Adams absent. MOTION 2013-0028 ADOPTED.

Council Member Rodriguez moved to suspend the rules to consider Item Numbers 38 and 38a out of order, seconded by Council Member Costello. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Davis absent. MOTION 2013-0029 ADOPTED.

38. MOTION to suspend the rules to receive nominations for Position 7 of the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** – was presented.

Council Member Rodriguez moved to receive nominations and consider the appointment for Position 7 of the Port of Houston Authority of Harris County, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. MOTION 2013-0030 ADOPTED.

Council Member Bradford stated that he would nominate Mr. Dean Corgey to Position 7 of the Port of Houston Authority of Harris County.

Council Members Noriega, Adams and Rodriguez congratulated Mr. Corgey on his nomination.

Council Member Christi moved to close nominations for Position 7 of the Port of Houston Authority of Harris County, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. MOTION 2013-0031 ADOPTED.

Council Members Cohen, Gonzalez and Burks also congratulated Mr. Corgey on his nomination.

38a. Council Member Bradford moved to confirm the appointment of Mr. Dan Corgey to

Position 7 of the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two year term, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Davis absent. MOTION 2013-0032 ADOPTED.

Council Member Rodriguez moved to suspend the rules to hear from Mr. Dean Corgey at this time, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Davis absent. MOTION 2013-0033 ADOPTED.

Mr. Corgey stated that he wanted to thank Mayor Parker and Members of Council for honoring him with the appointment to the Port of Houston Authority Commission, that he especially wanted to express his sincere gratitude to Mayor Annise Parker, that she showed courage, leadership and a willingness to keep the faith through the process and to get it done, and Mr. Corgey introduced his family who was present in the audience, that he understood that he served at the pleasure of the Mayor and Council to represent the City of Houston and the Port in an efficient and ethical manor, that he also intended to be a voice for labor and working families and a place to work in the best interest of the City, Port and workers with diligence and integrity, that he also looked forward to working with the new Port Chair and the other commissioners to improve efficiency, accountability and transparency, maintain local control, secure funding for much needed capital improvements, develop new business and cargo, create jobs, promote diversity and make educational opportunities available to meet future challenges and growth, that in his opinion they had the best labor in the Country, if not the world, in Houston, Texas, that they also had the best labor relations and a well deserved reputation for negotiating in good faith, resolving conflicts and keeping their word, that was why people wanted to do business here and that was why businesses wanted to invest here and that was why folks wanted to work here, that he was excited about building on those strengths to make them the premier Port in the world. Council Member Davis absent.

Mayor Parker stated that they had been friends for a long time and she knew that he would do an outstanding job as Port Commissioner, that it was a historic day, this was, to her knowledge, the first time they had a direct appointee with ties to organized labor and she wanted to point out that unlike a lot of other Ports they had a great working relationships with the men and women of labor over the years, all striving together to have fair rules and a fair system, but an efficient system to move goods in and out, that she knew that he would be a voice for labor, but he also was a pragmatic and principle leader, so they were really glad to have him there. Council Member Davis absent.

Council Members Bradford, Laster, Adams, Noriega and Gonzalez congratulated Mr. Corgey on his appointment and thanked him for his willingness to serve. Council Members Davis and Rodriguez absent.

Mayor Parker stated that they would move to the consent agenda. Council Member Adams absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 34

MISCELLANEOUS - NUMBER 3

3. CONFIRMATION of the appointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one year terms to expire December 31, 2013:

- Position One - Council Member Oliver Pennington
 - Position Two - Mayor Annise D. Parker
 - Alternate At-Large - Council Member Ellen R. Cohen
 - Alternate At-Large - Council Member Jerry Davis
- was presented, moved by Council Member Laster, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. MOTION 2013-0034 ADOPTED.

ACCEPT WORK - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$716,836.23 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Piping Rock Lift Station Replacement - 5.36% under the original contract amount **DISTRICT G – PENNINGTON** – was presented, moved by Council Member Laster, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. MOTION 2013-0035 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 10

5. **BILLINGS FLYING SERVICE** for sale of used Hughes/MD 500 Helicopters for the Houston Police Department - \$730,000.00 - Revenue – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. MOTION 2013-0036 ADOPTED.
6. **AMEND MOTION #2008-653, 8/20/08, TO INCREASE** the maximum spending authority from \$6,499,140.00 to \$7,333,140.00, for leasing vehicles and related items for the Houston Police Department Interlocal Agreement with Harris County, awarded to **EAN HOLDINGS, LLC d/b/a ENTERPRISE LEASING COMPANY, INC** - Grant, Auto Dealers, Asset Forfeiture and Police Special Services Funds – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. MOTION 2013-0037 ADOPTED.
7. ORDINANCE appropriating \$833,930.90 out of Water & Sewer System Consolidated Construction Fund for Plugging of Decommissioned Water Wells for the Public Works & Engineering Department – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. ORDINANCE 2013-0027 ADOPTED.
- 7a. **WEISINGER INCORPORATED** for Plugging of Decommissioned Water Wells for Department of Public Works & Engineering - \$758,119.00 and contingencies for a total amount not to exceed \$833,930.90 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. MOTION 2013-0038 ADOPTED.
8. **AMEND MOTION #2011-360, 5/4/11, TO INCREASE** spending authority from \$478,952.00 to \$598,690.00, for Automotive Tools and Equipment from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program awarded to State contract supplier, **SNAP-ON INDUSTRIAL a Division of IDSC Holding, LLC** for Various Departments - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford.

All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. MOTION 2013-0039 ADOPTED.

10. **SOUTHWESTERN PAINT AND WALLPAPER COMPANY** - \$527,886.91, **THE SHERWIN-WILLIAMS COMPANY - TX (Bid #2)** - \$232,519.24 and **PITTSBURGH PAINTS** - \$102,467.25 for Paints, Solvents and Supplies for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. MOTION 2013-0040 ADOPTED.

ORDINANCES - NUMBERS 21 through 34

21. ORDINANCE appropriating \$1,000,000.00 out of Street & Traffic Control & Storm Drainage DDSRF for the Developer Participation Contracts (Approved by Ordinance No. 2008-307) – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. ORDINANCE 2013-0028 ADOPTED.
22. ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the rehabilitation or replacement of Yale Street Bridge at White Oak Bayou - **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. ORDINANCE 2013-0029 ADOPTED.
23. ORDINANCE approving and authorizing first supplement to a projects contract between the City of Houston and the **COASTAL WATER AUTHORITY** approved by Ordinance No. 2009-053; authorizing a pledge for additional funds out of the Water & Sewer General Purpose Fund established under Ordinance No. 2004-299, consistent with the first supplement; making various findings and provisions related thereto – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. ORDINANCE 2013-0030 ADOPTED.
29. ORDINANCE appropriating \$1,812,700.00 out Houston Airport Improvement Fund and awarding construction contract to **R & B GROUP, INC** for Sanitary Sewer Lift Stations Upgrade at George Bush Intercontinental Airport/Houston (Project 638B); 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 the 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. Council Member Hoang absent on city business. Council Member Adams absent. ORDINANCE 2013-0031 ADOPTED.
30. ORDINANCE appropriating \$460,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **R. G. MILLER ENGINEERS, INC** for Local Drainage Project Negotiated Design Work Orders; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. ORDINANCE 2013-0032 ADOPTED.
31. ORDINANCE appropriating \$460,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS,**

INC for Local Drainage Project Negotiated Design Work Orders; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. ORDINANCE 2013-0033 ADOPTED.

32. ORDINANCE appropriating \$500,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ALAN PLUMMER ASSOCIATES, INC** for Odor Control Improvements for City's Wastewater Systems; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. ORDINANCE 2013-0034 ADOPTED.
34. ORDINANCE appropriating \$1,344,600.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ISANI CONSULTANTS, L.P.** for Water Line Replacement In Shepherd Forest II Area and Blalock Area; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS A - BROWN; C - COHEN and H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. ORDINANCE 2013-0035 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PURCHASING AND TABULATION OF BIDS

9. **SAFETY SHOE DISTRIBUTORS, LLP (BID #3)** for Safety Footwear for Various Departments \$5,312,021.10 - General and Other Funds – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Adams absent. MOTION 2013-0041 ADOPTED.

ORDINANCES - NUMBERS 11 through 34

11. ORDINANCE **AMENDING SECTIONS 45-114 AND 45-115 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to angle parking on streets; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Members Cohen, Burks, Brown, Green and Adams.
12. ORDINANCE approving and authorizing submittal of grant application to the **U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, CENTERS FOR DISEASE CONTROL** for the City's HIV Prevention Activities - Health Department Based (the "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health & Human Services Department to act as the City's representative in the application process; authorizing the Director of Health & Human Services Department to accept the grant and expend the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant – was presented. Council Member Brown voting no,

balance voting aye. Council Member Hoang absent on city business. Council Member Cohen absent. ORDINANCE 2013-0036 ADOPTED.

13. ORDINANCE approving and authorizing submittal of grant application to the **U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, CENTERS FOR DISEASE CONTROL** for the City's Immunization and Vaccines for Children Program Services (the "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health & Human Services Department to act as the City's representative in the application process; authorizing the Director of Health & Human Services Department to accept the grant and expend the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant – was presented. Council Member Cohen absent.

After discussion by Council Members Christi, Brown, Adams, Burks and Noriega, a vote was called on Item No. 13. Council Member Christi voting no, balance voting aye. Council Member Hoang absent on city business. ORDINANCE 2013-0037 ADOPTED.

14. ORDINANCE approving and authorizing submittal of grant application to the **U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, CENTERS FOR DISEASE CONTROL** for the City's Human Immunodeficiency Virus/Acquired Immunodeficiency Virus Syndrome Surveillance Activities (the "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health & Human Services Department to act as the City's representative in the application process; authorizing the Director of Health & Human Services Department to accept the grant and expend the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant – was presented. Council Member Brown voting no, balance voting aye. Council Member Hoang absent on city business. Council Member Cohen absent. ORDINANCE 2013-0038 ADOPTED.
15. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$439,572.00 in Community Development Block Grant Funds for the implementation, oversight and delivery of a Juvenile Delinquency Prevention Program – was presented. Council Member Brown voting no, balance voting aye. Council Member Hoang absent on city business. Council Member Cohen absent. ORDINANCE 2013-0039 ADOPTED.
16. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$421,410.00 in Community Development Block Grant Funds for the implementation, oversight and delivery of a Child Care Program – was presented. Council Member Brown voting no, balance voting aye. Council Member Hoang absent on city business. Council Member Cohen absent. ORDINANCE 2013-0040 ADOPTED.
17. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$3,478,518.00 (Emergency Solutions Grants Funds - \$2,897,023.00; Community Development Block Grant Funds - \$581,495.00) for the administration and operation of an Emergency Solutions Grants Program – was presented. Council Member Brown voting no, balance voting aye. Council Member Hoang absent on city business. Council Member Cohen absent. ORDINANCE 2013-0041 ADOPTED.
18. ORDINANCE approving and authorizing Child Care Local Match Certification Agreement between the City of Houston and **GULF COAST WORKFORCE BOARD** for the certification of After School Achievement Program expenditures to obtain additional Federal funding for child care services - was presented.

After discussion by Council Members Pennington, Adams, Green and Bradford a vote was called on Item No. 18. Council Member Brown voting no, balance voting aye. Council Member Hoang absent on city business. ORDINANCE 2013-0042 ADOPTED.

19. ORDINANCE approving and authorizing Interlocal Agreements between the City of Houston and the **CITY OF LA PORTE POLICE DEPARTMENT** and **FORT BEND COUNTY** for the FY2012 Internet Crimes Against Children Task Force – was presented.

After discussion by Council Members Gonzalez and Brown a vote was called on Item No. 19. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Green absent. ORDINANCE 2013-0043 ADOPTED.

20. ORDINANCE authorizing the **GREATER EAST END MANAGEMENT DISTRICT** to issue a Promissory Note for a \$750,000.00 Line of Credit - **DISTRICTS B - DAVIS; H - GONZALEZ and I - RODRIGUEZ** - was presented, and tagged by Council Member Rodriguez. Council Member Green absent.

Council Member Rodriguez released his tag for the purpose of discussion. Council Member Green absent.

Council Member Noriega stated that she spoke with Diane Schenke in the management district group this morning to discuss whether or not there would be a problem with a tag for this because of the timing of the grants that they had to receive, that they actually had a week's wiggle and that was it, that they really needed to do it next week, that there had been discussions about adding representation in the next round of board members for District B and she wanted to put that on the record as something they were willing to do, that she apologized for not being aware that there were issues with Council Member Rodriguez, but she wanted to point out to her colleagues that there were several federal grants running on this that would be jeopardized if they took any longer than a week. Council Member Green absent.

Mayor Parker stated that Item No. 20 had been tagged by Council Member Rodriguez.

24. ORDINANCE approving and authorizing first amendment to the first supplement to the Water Supply Contract between the **NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY** and the City of Houston for the Luce Bayou Inter-Basin Transfer Project – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Green absent. ORDINANCE 2013-0044 ADOPTED.
25. ORDINANCE approving and authorizing first amendment to the first supplement to the Water Supply Contract between the **CENTRAL HARRIS COUNTY REGIONAL WATER AUTHORITY** and the City of Houston for the Luce Bayou Inter-Basin Transfer Project – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Green absent. ORDINANCE 2013-0045 ADOPTED.
26. ORDINANCE approving and authorizing first amendment to the first supplement to the Water Supply Contract between the **WEST HARRIS COUNTY REGIONAL WATER AUTHORITY** and the City of Houston for the Luce Bayou Inter-Basin Transfer Project – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Green absent. ORDINANCE 2013-0046 ADOPTED.
27. ORDINANCE approving and authorizing first amendment to the first supplement to the Water Supply Contract between the **NORTH FORT BEND COUNTY REGIONAL WATER**

AUTHORITY and the City of Houston for the Luce Bayou Inter-Basin Transfer Project – was presented.

After discussion by Council Member Pennington a vote was called on Item No. 27. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Green absent. ORDINANCE 2013-0047 ADOPTED.

28. ORDINANCE appropriating \$47,772.00 out of Woodlands Regional Participation Fund as an additional appropriation to Professional Landscape Architectural Services Contract between the City of Houston and **CLARK CONDON ASSOCIATES, INC** for the Design of Museum District/Main Street Corridor Improvement Project (Approved by Ordinance No. 2009-0973, as amended); approving and authorizing second amendment to the contract - **DISTRICTS C - COHEN and D – ADAMS** – was presented.

Council Member Brown stated that this was a \$48,000 basic service fee and asked if they knew what it pertained to specifically, that she was not able to get information back to her office on this.

Mayor Parker stated landscape services for the Museum Corridor Improvement Project, that if Council Member Brown wanted to tag it they could get her a detailed scope.

Council Member Brown stated that she would tag Item No. 28.

33. ORDINANCE appropriating \$658,468.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for North Corridor Consolidation Package 1A; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Green absent. ORDINANCE 2013-0048 ADOPTED.

NON CONSENT AGENDA - NUMBERS 35 through 39

MISCELLANEOUS

35. RECEIVE nominations for Positions Four, Five, Six and Seven on the **HOUSTON ETHICS COMMISSION**, for two-year staggered terms – was presented.

Upon questions by Council Member Adams, Mayor Parker stated that she was not aware of any terms limits on any of their Boards and Commissions, it was the administrations policy that after someone had served 10 years that they evaluate whether they should continue to serve and they try to rotate people out to give more people an opportunity to serve, that these were Council nominations and she believed the feeling was that since this was a process where they had to be re-nominated and Council Members change that that implied term limits, that there was no reason that they had to keep someone on a Board or Commission simply because a previous Council Member had supported them, that there were no policies, those were the internal workings that she used for her nominations, but these were Council nominations and if they yielded to a colleague that was a courtesy to a colleague, there was no expectation that they would do so.

Council Member Brown stated that he would nominate Dr. Franklin D. Jones for Position 4 of the Houston Ethics Commission, that his resume had been disseminated to Council.

Council Member Green stated that he would nominate Mr. Rick Cagney for Position 5 of the Houston Ethics Commission, that his resume had been passed out.

Council Member Gonzalez stated that he would nominate Mr. Nomaan Husain for reappointment to Position 6. of the Houston Ethics Commission, that his resume had been passed out.

Council Member Pennington stated that he would re-nominate Mr. John Jay Douglass for reappointment to Position 7 of the Houston Ethics Commission, that his resume had been submitted.

Council Member Bradford moved to close nominations for Positions 4, 5, 6 and 7 of the Houston Ethics Commission, seconded by Council Member Laster. All voting aye. Nays none. Council Member Hoang absent on city business. MOTION 2013-0042 ADOPTED.

36. RECEIVE nominations for Positions One, Two and Three on the **HOUSTON AREA LIBRARY AUTOMATED NETWORK ADVISORY BOARD**, for two year terms - was presented.

Council Member Davis stated that he would nominate Debbie Allen for appointment to Position One of the Houston Area Library Automated Network Advisory Board, that her resume had been distributed.

Council Member Noriega stated that she would nominate Syma Zerkow for appointment to Position Two of the Houston Area Library Automated Network Advisory Board, and a resume had been distributed. Council Member Rodriguez absent.

Council Member Noriega stated that she would nominate Gene Rollins for appointment to Position Three of the Houston Area Library Automated Network Advisory Board. Council Member Rodriguez absent.

Council Member Gonzalez moved to close nominations for Positions One, Two and Three of the Houston Area Library Automated Network Advisory Board, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Rodriguez absent. MOTION 2013-0043 ADOPTED.

37. MOTION to set a date not less than seven days from January 16, 2013, to receive nominations for Position 10 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for a three year term – was presented. Council Member Rodriguez absent.

Council Member Gonzalez moved to set Wednesday, January 23, 2013 to receive nominations for Position 10 of the Houston Municipal Employees Pension System Board of Trustees, seconded by Council Member Adams. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Rodriguez absent. MOTION 2013-0044 ADOPTED.

39. **SETTING A HEARING DATE** regarding the decommissioning of a portion of 2.1748 acres of Levy Park to allow for redesign and future expansion of the park - **DISTRICTS C – COHEN – HEARING DATE - 9:00 A.M. - WEDNESDAY - FEBRUARY 13, 2013** – was presented. Council Member Rodriguez absent.

Council Member Gonzalez moved to set 9:00 a.m., Wednesday, February 13, 2013 for a hearing regarding the decommissioning of a portion of 2.1748 acres of Levy Park to allow for redesign and future expansion of the park, seconded by Council Member Pennington. All voting

aye. Nays none. Council Member Hoang absent on city business. Council Member Rodriguez absent. MOTION 2013-0045 ADOPTED.

MATTERS HELD - NUMBER 40

40. ORDINANCE relating to the Retail Gas Utility Rates of CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Entex and as CenterPoint Energy Texas Gas; requiring a rate filing; maintaining current rates in effect until changed – **(This was Item 22 on Agenda of January 2, 2013, POSTPONED BY MOTION #2013-4)** – was presented. Council Member Brown voting no, balance voting aye. Council Member Hoang absent on city business. Council Member Rodriguez absent. ORDINANCE 2013-0049 ADOPTED.

Mayor Parker stated that she knew Mr. Feldman had been in discussions with CenterPoint on the issue and appreciated Mr. Rozzell's email to Council, that it sounded like the discussions had been productive, and Mr. Feldman stated that they were continuing the dialog, it certainly marked a new day in the relationship between the parties on this item, as well as others, that they were continuing to negotiate and freely exchanging information, that CenterPoint had pointed out and in Mr. Rozzell's email recognized that the City needed to create a place holder by initiating the rate case because of the base year they relied on, that September 2011 and September 2012 would become stale otherwise and obviate all of the work that was put into that, that they continued to go forward to try and resolve it peaceably and they basically had a window of two to three weeks to do that. Council Member Rodriguez absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Bradford stated that he thought what Council Member Adams mentioned about Boards and Commissions had some merit, that they served on Council and had some limits as to the number of years they could serve and it warrant some discussion whether they should have limits placed on citizens, that they thanked them for volunteering their time, but one way to get new opportunities for other people was to take some of the controversy out of the process by putting term limits in place; that he wanted to talk about an issue that had exploded across America, as well as in the State of Texas, and that was gun control and violence in their schools, that their schools were not as safe as they should be given today's environment, that their streets and neighborhoods were occupied by more people who were less respectful of authority, more violent and more likely to be armed, however he was not at the point to support teachers carrying firearms in classrooms, that security must be left to those who were specialists in the public safety arena, particularly on and around school campuses, besides handguns being left in purses, bags, satchels and in desk drawers was just a catastrophe waiting to explode, additionally some of the students today were well fit, physically strong and quite capable of overpowering some of the teachers and gaining possession of the firearm in the classroom setting, that something must be done additionally and it was just not enough to say it was an HISD Police issue or other ISD Police Departments challenges because it was not, because when a tragedy strikes and fatal consequences confront them it was going to be their Houston Police Department's Homicide Investigators and Crime Scene Experts that were called upon to sort things out, that he had been a stellar advocate for After School and Summer Programs for their kids and now he was saying to protect their kids better by placing armed, well trained, police professionals in all of their school campuses full time and not ask teachers to teach and do security also, they were to busy already. Council Members Brown, Pennington and Noriega absent.

Council Member Martin stated that he wanted to remind everybody that this was School Board Appreciation Month. Council Members Brown, Pennington and Noriega absent.

Council Member Costello stated that he wanted to talk a little about the Budget and Fiscal

Affairs Committee meeting that they had last Monday, they invited the three pension boards to come before the committee to give a presentation on their pension systems and he thought they would all agree that they had done an excellent job representing their membership, that it was a good start to a discussion of pension sustainability, that it was evident that their municipal pensions had repeatedly worked with the City to address their long term liability issues, specifically their municipal employees and he would encourage the other boards to do the same, that over the next few weeks he was going to be talking to his colleagues about what they would like to see done to achieve pension sustainability long term, that personally his first priority was to make sure they paid the ARC, however they needed to pay a sustainable ARC, they must do that to protect the City's workers retirement and to save the City money in the long run, that for example, in using the pension's own 8.5% return for every dollar that they did not participate in the pension system that they were required to, in 15 years they would have to pay back \$3.40, that unfortunately the ARC was increasing by approximately \$100 million over the next five years, that over the next 15 years they were projecting it to reach 35% to 45% of payroll, that could not be done, that prior to 2000 their requirement for sustainability was between 10% and 15%, which was a doable sustainability, that as his colleagues knew they had increased their budget over the last two years, but only to cover contractual obligations like salary step increases, health insurance increases and pension increases, that as a Council who passes the City budget every year and who approved the Municipal and Police Pension contracts they had some difficult decisions in the next few years and needed to look past their tenure sitting at the Council table, that he for one would like to tackle the problem now because he did not think they had options available to them in the future, that he looked forward to hearing from his colleagues in the future and thanked them for participating last Monday. Council Member Brown absent.

Council Member Rodriguez stated that he wanted to congratulate the Mayor on the direct flight to Beijing on Air China, that it was going to be exciting for their region; that he had the opportunity to visit with several members of the Congressional staff and aviation officials and they were very happy to see that Houston was moving forward on the Hobby agreement with Southwest Airlines, that he would love to have a copy of that agreement and wanted to make a request that it would come to Council as soon as possible when it was ready and if he could have a thorough briefing on it that would be very helpful; that regarding his tag of Item No. 20 his questions were regarding issues in District I, and no offense to District B, that he would like to have more information on Item No. 20 by whoever was working on it. Council Members Brown and Bradford.

Mayor Parker stated that it was a good day yesterday with the new direct flight to Beijing, which would start in the summer, that it had been more than 30 years since Air China came to the United States and they had picked 3 cities and had stayed with those 3 cities so to have them choose a new City and for it to be Houston after 30 years was huge, that she was very excited about that; that their goal on the Southwest contract for the Hobby expansion was to get the entire contract available to Council Members at least two weeks before they posted it and then any Council Member who wanted a personal briefing they would work to do that. Council Members Brown and Costello absent.

Council Member Gonzalez announced events he attended or would be attending in his district. Council Members Brown, Laster and Costello absent.

Council Member Noriega stated that Council Member Costello talked about the pension meeting and it was a useful and valuable chunk of information about all of the pensions; that in addition she wanted to commend him for a meeting he had this week with the Health Benefits Committee, looking at their health care and insurance issues; that they were going to have a special called Transportation, Technology and Infrastructure meeting on Wednesday, January 23, 2013 at 2:00 p.m. Council Members Brown, Cohen, Martin, Laster and Costello absent.

Council Member Adams stated that she wanted to say congratulations to Dr. Diane Trodman and Ms. Erica League Carter on their swearing yesterday and a re-swearing in at the Children's Museum; that she wanted to say congratulations to Mr. Rene Cantu, former Executive Director of Leadership Houston, who was leaving to move to Florida; and announced events she attended or would be attending in her district. Council Members Brown, Cohen, Martin, Rodriguez, Laster and Costello absent.

Council Member Pennington stated that he wanted to urge everyone at the City to sign up for Shape Up Houston; that he wanted to mention the Council appointments, which he talked informally with a couple of Council Members, that he thought it would be great if they had a calendar that showed when appointments came up, that he thought most of them heard about them the first time when nominations were asked for, that he thought it would be good for the nominees to be vetted before a committee. Council Members Brown, Cohen, Martin, Gonzalez, Rodriguez, Laster and Costello absent.

Mayor Parker stated that would be up to Council to determine whether it should go to the Council Governance Committee, that it would not be an administrative prerogative. Council Members Brown, Cohen, Martin, Gonzalez, Rodriguez, Laster and Costello absent.

Council Member Green announced events he attended or would be attending in his district; and stated that prior to the holidays he publicly inquired about the installation of street lights along Hobby Street in Ft. Bend, that last week he was told by the administration that those lights would be forthcoming, that he personally wanted to thank Mayor Parker and appreciated her efforts in working with their office to make sure that happens; that he needed to talk to Mayor Parker about the project that never was, on behalf of the Alameda Plaza Civic Club his office had requested information regarding the status of a project that started with Mayor Bob Lanier's Neighborhoods to Standards Program, that according to documents provided by the civic club monies were identified to asphalt and to reconstruct many of the streets in the neighborhood, that they stated that the streets were identified for asphalt overlay that had been completed, but there were two streets identified that were qualifying for reconstruction, Montecello Drive and Mandalay Street that the work was not completed or ever started, that additionally along with the reconstruction of Mandalay and Montecello Street a two way entrance island on Montecello was supposed to be completed in 1993, that they knew that because there still was a sign posted that said "Project No. 93-007" today, that they were requesting that Mandalay Street and Montecello Drive be completed and that the project sign be removed to the entrance of the neighborhood in as much as it had been there 20 years. Council Members Brown, Cohen, Martin, Gonzalez, Rodriguez, Laster and Costello absent.

Mayor Parker stated that she really looked forward to the time when she would not have to deal with problems from past administrations, that they would look at it, obviously she was not familiar with the projects and it depended on what the completion costs were because clearly they were no longer in the CIP. Council Members Brown, Cohen, Martin, Gonzalez, Rodriguez, Laster and Costello absent.

Council Member Davis announced events he attended or would be attending in his district. Council Members Brown, Cohen, Martin, Gonzalez, Rodriguez, Laster and Costello absent.

Council Member Christi stated that on Item No. 14 he would like to make a suggested word change, that when they put surveillance activity if they could change that to tracking disease patterns. Council Members Brown, Cohen, Martin, Gonzalez, Rodriguez, Laster and Costello absent.

Mayor Parker stated that the point was taken and thought that Council Member Christi had

raised the issue before and asked if the Health Department was hearing. Council Members Brown, Cohen, Martin, Gonzalez, Rodriguez, Laster and Costello absent.

Council Member Christi further stated that he wanted to give a shout out to the City of Houston, that things that they passed today and last week dealt with the homeless and the veterans homeless and the hungry, that it was amazing the amount of compassion, that government sometimes did a lot of good and the City of Houston needed a shout out; that the second shout out was to Wal-Mart, they had just committed \$50 billion to buy American and also Wal-Mart had decided to hire 100,000 veterans. Council Members Brown, Cohen, Martin, Gonzalez, Rodriguez, Laster and Costello absent.

Council Member Burks stated that he wanted to encourage the City to host After School Programs in the summer for the children and to work with all of the school system that made up the Houston area, that these programs actually reduced juvenile crime, teen pregnancy and gang participation, that by the parks being open they could encourage all school systems who had swimming pools to be open as well, that this way all of Houston area children could be coached and supervised in an organized and professional climate, that they had done this in the past and he participated in it as a young child in Houston, that even the Y.M.C.A. participated in these After School Summer Programs across the City. Council Members Brown, Davis, Cohen, Martin, Gonzalez, Rodriguez, Laster and Costello absent.

Council Member Bradford stated that Item No. 37 was a motion to set a date to receive Houston Municipal Employees Pension System Board Trustee nominations, that he inadvertently disseminated a nominee's resume and wanted to officially withdraw that nomination for HMEPS Board and would distribute next week as authorized by the ordinance. Council Members Brown, Davis, Cohen, Martin, Gonzalez, Rodriguez, Laster and Costello absent.

Council Member Adams stated that she wanted to give a shout out to Wal-Mart because they had committed to buy about \$50 billion in U.S. products over the next ten years, and for the next 5 years they would hire over 100,000 veterans and other fulltime positions. Council Members Brown, Davis, Cohen, Martin, Gonzalez, Rodriguez, Laster and Costello absent.

There being no further business before Council, the City Council adjourned at 11:30 a.m. Council Member Hoang absent on city business. Council Members Brown, Davis, Cohen, Martin, Gonzalez, Rodriguez, Laster and Costello absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary