

City Council Chamber, City Hall, Tuesday, February 5, 2013

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 5, 2013, Mayor Annise Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division; Ms. Marta Crinejo, Agenda Director present. Council Member Melissa Noriega out of the city on personal business.

At 1:42 p.m. Mayor Parker asked all to take their seats, called the meeting to order and stated that Council Member Adams would be doing the presentations today; and Council Member Adams invited members of the Sekondi-Takoradi Regional Chamber of Commerce and Industry from Ghana to the podium and stated that delegation members were visiting with a goal to enhance the role of their Chamber of Commerce in improving local capacities in industries; that they have interacted with Houston organization entities; and presented each with Certificates of Welcome. Council Members Davis, Rodriguez and Green absent. Vice Mayor Pro Tem Bradford presiding.

A Spokesperson for the group stated that their mission here was to understand how business in the energy sector was organized and they had learned a lot; and thanked all for the welcome. Council Members Davis, Rodriguez and Green absent. Vice Mayor Pro Tem Bradford presiding.

Vice Mayor Pro Tem Bradford thanked the delegation for coming and welcomed all to the City of Houston. Council Members Davis, Rodriguez and Green absent. Vice Mayor Pro Tem Bradford presiding.

Council Member Adams invited those with the Fill the Boot Campaign to the podium and stated that yearly all had opportunity to fill the boot; that the Houston Professional Firefighters Local 341 exemplified the most time honored ideal of public service and sacrifice, protecting citizens and unselfishly donating time and energy to support the battle against Muscular Dystrophy by filling the boot each year; that in the past 17 years they raised more than \$6.8 million through their campaign and 8 of the last 10 years had raised more money for MDA than any fire department in the country; and Mayor Parker stated that it was a great thing to give back to the community and she did salute Local 341 for their long-term commitment to the Muscular Dystrophy Association; and presented the group a Proclamation and proclaimed today as "Houston Professional firefighters Local 341 Fill the Boot Day" in Houston, Texas; and stated today they would begin filling the boot in Council and welcomed Ms. Dalia Gutierrez and her daughter who was the poster child for MDA this year. Council Members Davis, Rodriguez and Green absent. Mayor Pro Tem Gonzalez presiding.

Council Member Christie thanked all in HFD for what they did; and requested they ask the national office to look more for the cause of Muscular Dystrophy and then support non-medicinal purposes. Council Members Davis, Rodriguez and Green absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzales, Council Members Bradford, Pennington and Burks thanked and congratulated all for going above and beyond to help others; and hopefully a cure would be found. Council Member Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Mayor Parker stated that she would like to remind Council Members, she believed they received a Press Release earlier today, as the City of Houston, Harris County and Ft. Bend County rolled out a new 911 App; that they had the ability to do a reverse 911 call to a landline

for a long time and now could do the same to a cell phone but people had to register their cell phones and then if something happened in the immediate vicinity of the address where the number was registered they would receive an emergency notice from and through the 911 system, such as tornado, hazardous material spill, etc., and encouraged all to do so at 911.org and she was proud they were moving forward in technology. Council Member Rodriguez absent.

At 2:06 p.m. Mayor Parker called on Council Member Brown who led all in the invocation and pledge. Council Member Rodriguez absent.

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

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

Council Member Adams moved the rules be suspended for the purpose of adding Ms. Fran Rosebush, Ms. Evelyn Hatchett, Mr. Joe Sanchez and Ms. Janet Stevenson to the two minute Non-Agenda Speakers List, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Rodriguez absent. MOTION 2013-0084 ADOPTED.

Council Member Gonzalez moved the rules be suspended for the purpose of hearing Mr. Aaron Davis for three minutes after Ms. Amy Robinette on the Agenda Speakers List, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Rodriguez absent. MOTION 2013-0085 ADOPTED.

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

Mr. Bolevar Fraga, 4007 Lamar, Houston, Texas 77023 (713-446-9365) appeared and stated that he was present in the capacity of the vice chair of the Board of TIRZ 23 and regarding Agenda Item 8, urging all of Council to approve their project and financing plan so they would be able to move forward in development and growth; and thanked all with the city who had been supportive. Council Member Rodriguez absent.

Council Member Gonzalez thanked Mr. Fraga for being present and for his leadership; and urged all Council Members to be supportive. Council Member Rodriguez absent.

Mr. Rex Solomon, 9525 Westheimer, Houston, Texas 77063 (713-784-1000) appeared and stated that he was president of Houston Jewelry and member of the board of the Texas Jewelers Association and present in favor of the proposed changes to the precious metals ordinance, Agenda Item 30, as they were one of the largest buyers of such in the city; that when the new state law went into effect he was on record strongly against it, having to have an electronic database, that they purchased the thumb scanner and swiper for drivers license data and found it speeded up transactions and cut cost and there had been no objections to a thumbprint scan; that they only paid by check for a number of reasons, one being cash was a problem. Council Member Rodriguez absent.

Mayor Parker stated that they were happy he was present and she appreciated his stating that he had been opposed originally to the measure and now saw it did work; and Mr. Solomon stated that eliminating cash would eliminate the fencing. Council Members Adams and

Rodriguez absent.

Upon questions by Council Member Cohen, Mr. Solomon stated that no one objected to the print, it was done by scanner and not ink; that this was discussed at the Jewelers Association Board Meeting in Austin and all were in favor. Council Members Rodriguez and Costello absent.

Council Member Burks stated that he appreciated his changing his mind, but he wanted to go further than a thumbprint; and Mr. Solomon stated that they felt a photograph of the person and thumbprint discouraged people from selling stolen items and eliminating paying cash removed the target of armed robbery; that some businesses would always prefer cash because it was much easier to hide a cash transaction if you suspected the item to be stolen. Mayor Parker, Council Members Rodriguez and Costello absent. Mayor Pro Tem Gonzalez presiding.

Ms. Amy Robinette, 2400 Augusta #357, Houston, Texas 77057 (713-204-6464) appeared and stated that she had a Houston business, Gold Buying Girl, she went into homes for private buys and always operated with the check system and also thought it eliminated problems, it weeded out certain elements. Mayor Parker, Council Members Rodriguez and Costello absent. Mayor Pro Tem Gonzalez presiding.

Mr. Aaron Davis, 7914 Split Oak Drive, Houston, Texas 77040 (870-321-2976) appeared and stated that he was strongly opposing fingerprints and mug shots of customers; that they did also pay by check only for safety and security reasons; that thefts would still occur they would just go outside the jurisdiction with the items. Mayor Parker, Council Members Rodriguez and Costello absent. Mayor Pro Tem Gonzalez presiding.

Council Member Brown stated that she spoke with businesses and customers of the industry and there were numerous concerns and it was unfortunate for the city to mandate beyond what the state did; and discussed concerns with the proposal. Council Members Rodriguez and Costello absent.

Upon questions by Council Member Hoang, Mr. Davis stated that he would be okay with the ordinance if it was amended so anyone selling precious metals had options to receive a check and not go through the fingerprint or receive cash and get fingerprinted; and Council Member Hoang stated that he felt that would be an amendment; and upon further questions, Mr. Davis stated that he would be in favor of it. Council Members Pennington and Rodriguez absent.

Upon questions by Council Member Gonzalez, Mr. Davis stated that the other suggestions by the Precious Metals Unit matched state law already in place; that the industry did owe the community some responsibility to make sure nothing stolen was bought. Council Members Pennington and Rodriguez absent.

Upon questions by Council Member Brown, Mr. Davis stated that his company was BBB certified. Council Members Pennington and Rodriguez absent.

Council Member Hoang moved the rules be suspended for the purpose of extending the time for questions of Mr. Aaron Davis, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Rodriguez and Pennington absent. MOTION 2013-0086 ADOPTED.

Upon further questions by Council Member Brown, Mr. Davis stated that they did not want a bad reputation, they would monitor themselves; that he trained buyers to submit as soon as it was bought so 24 hour submittal was fine. Council Members Pennington and Rodriguez absent.

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

Ms. Jane West, 2114 Lubbock, Houston, Texas 77007 (832-721-9080) appeared, presented information and stated that last week Director Gafrick proposed amendments to Chapter 42 and if passed it would extend the "urban" standards for single family housing from Loop 610 to the city limits and beyond, a change which would increase density of which single family residence could be built outside the Loop from roughly eight units to twenty seven units per acre without any corresponding increase in infrastructure and application of the urban standards inside the Loop since 1999 had worsened problems with drainage, traffic congestion, etc., therefore the Super Neighborhood Alliance presented a "Top 10" list of community concerns in search of additional changes and better enforcement; that they were told the concerns were inapposite because Chapter 42 governed plats and plans not infrastructure and enforcement, yet the goal of development standards leading to better quality built products could not be achieved unless plats and plans could accurately be transformed into a better environment which could not be done with an inadequate infrastructure; and urged Council to impact inner loop neighborhoods and all work together in guiding the Planning Department, building community and neighborhoods to a consensus benefiting all. Council Members Pennington and Rodriguez absent.

Upon questions by Council Member Adams, Ms. West stated that the Super Neighborhood Alliance was not supportive of the ordinance as submitted. Council Member Rodriguez absent.

Upon questions by Council Member Green, Ms. West stated that she believed if Council spoke to the five issues presented they would have consensus of the Super Neighborhood Council on Chapter 42, they had almost unanimous support for their "Top 10" list presented for a formal vote, but the five point consensus plan had not been presented for their vote, it was raised for points of discussion and the five points had come out of discussion with builders; and they were asking the Administration and Council Members to help facilitate dialogue with developers; and Council Member Green stated that he hoped they could come to a consensus on the issue. Council Members Adams, Hoang and Rodriguez absent.

Council Member Christie asked Ms. West to finish her thought process; and Ms. West stated that some points were presented by Director Gafrick last week as points for discussion, but none would become a part of the package of amendments now moving forward absent a new revision from the Administration or friendly motion to amend by Council Members. Council Member Rodriguez absent.

Council Member Laster stated that he was confused as he visited with her and she suggested the ten point plan; and upon questions, Ms. West stated that was correct and she indicated if they got to the top four she would be happy. Council Member Rodriguez absent.

Council Member Bradford moved the rules be suspended for the purpose of extending the time for questions of Ms. Jane West, seconded by Council Member Laster. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Rodriguez absent. MOTION 2013-0087 ADOPTED.

Upon further questions by Council Member Laster, Ms. West stated that the Super Neighborhood Alliance stood behind the "Top 10", she agreed the issues were addressed but what Ms. Gafrick said was the Planning Department dealt with planning and did not deal with enforcement and some of their issues were outside the purview of Chapter 42, but the amendments now moving forward were also outside; that they were asking for

contemporaneous revisions and amendments before Council were not confined to Chapter 42 they also included amendments to Chapter 10 and a change to the infrastructure design manual. Council Member Rodriguez absent.

Council Member Gonzalez stated that he was an advocate for complete streets; and upon questions, Mayor Parker stated that in her view only Item one was actually Chapter 42 and they had internal discussion within the Administration on whether it was a good idea; that what they feared was if they limited the urban density standard to the largest parcels it meant small developers could not develop on an even playing field with large developers; that you had to have the financial wherewithal to acquire three acres, acre and a half, to develop if they extended outside the boundaries; that she appreciated Item one which was a way to compromise, but it may have unintended consequences and the rest of the items did not have anything to do with Chapter 42 and she appreciated the desire of the Super Neighborhood to hold Chapter 42 hostage while other things were worked on, but it was not normally how they did business in the city; that Item two said the Infrastructure Design Manual would be amended and it had nothing to do with Chapter 42; that she was in great sympathy to all on the list except the unintended consequences of Item one and weary of Item 5, they had a great deal of discussion about a SPUD ordinance and there was concern in the Legal Department it was spot zoning and may not be legal and she was willing to have public discussions. Council Member Rodriguez absent.

Council Member Brown moved the rules be suspended for the purpose of extending the time for questions of Ms. Jane West, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Rodriguez absent. MOTION 2013-0088 ADOPTED.

Council Member Brown stated that for clarity she was saying the proposed ordinance changes to Chapter 42 would cause potential problems seen in the inner loop and it would be wise to address the concerns even if they fell outside Chapter 42 to avoid such problems; and Ms. West agreed stated that she was correct and the amendments before them now also included changes to the Infrastructure Design Manual because even the Administration in the Planning Department recognized Chapter 42 did not exist in a vacuum, it was part of a system of regulations for development and Chapter 42 could not be amended without causing impacts on other pieces of City Code and one goal of the Planning Department's website for the amendments was to address inconsistencies and conflicts and the response of the department to the Super Neighborhood alliance "Top 10" list was they laid out all other pieces of the Code and Design Manual which the issues did impact; that the proposed amendments did not cross reference, they did not solve conflicts and they would not achieve the goal of simplifying and creating consistency in development. Council Member Rodriguez absent.

Council Member Pennington stated that many at the table were for amendments in principal, but he was concerned about drainage issues having risen because of densification and his thought was until Chapter 9 could be considered and amended they should limit development to 15,000 square feet and above to require more comprehensive drainage and detention to insure drainage problems were not a problem; and there were other concerns also. Council Member Rodriguez absent.

Council Member Green stated that on urban density the main concern of his constituents was the maintaining of character of their neighborhood; that he spoke with Director Gafrick about the rolling out period, making sure there was enough time for neighborhoods to do what was needed such as deed restriction update, etc., he wanted to make sure they allowed enough time and provide for support for neighborhoods who could not change the paperwork. Council Member Rodriguez absent.

Council Member Hoang moved the rules be suspended for the purpose of hearing Mr. Peter Brown after Mr. Orlando Sanchez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Rodriguez absent. MOTION 2013-0089 ADOPTED.

Ms. Fran Rosebush, who was previously added to the speakers list, appeared and stated that she was senior manager at United Way of Greater Houston and present on behalf of United Way and partners present, AARP and Neighborhood Centers, etc., with many concerns on the draft proposed payday lending ordinance; that they did want the issue solved and commended the city for taking on the issue; that other cities had taken a strong stance and so should Houston if the state failed to act; and they were hopeful for an inclusive process truly addressing the cycle of debt, the root of the issue, the draft proposed was not the answer. Council Members Martin, Pennington, Rodriguez and Costello absent.

Mayor Parker stated that she wanted it clear it was not the city's intention to bring anything forward, they were waiting for state action. Council Members Martin, Pennington, Rodriguez and Costello absent.

Council Member Cohen stated she wanted to be clear, the United Way was taking the position that they wanted Houston to come up with an ordinance rather than waiting for the state; and Ms. Rosebush stated that they would prefer the state work on it and propose an ordinance, but they saw the city working on a local ordinance to address the issue and they were proposing the ordinance go forward if the state failed to act and then they would like a voice at the table in the creation of the ordinance. Council Members Martin, Pennington and Rodriguez absent.

Mayor Parker stated that she had meetings with many stakeholders on the issue and others cities across the state passed the same ordinance, it went city to city; that it was in litigation and had never been enforced; that their feeling was if the state failed to act there should be something which could pass and be enforced immediately and not have to spend a lot of time litigating, but they were willing to wait and bring it forward after close of session if nothing happened and then stakeholders would have opportunity to weigh in; and upon questions by Council Member Cohen, Mayor Parker stated that a number of entities engaged in the issue. Council Members Martin, Pennington and Rodriguez absent.

Ms. Evelyn Hatchett, who was previously added to the speakers list, appeared and stated that she was present regarding a payday loan and a car title loan she had; that she was in a cycle of debt because of a payday loan, she was not able to pay the renewal payment; that she tried to pay more than what was due each time, but it never made a dent because of the high fee payment, she had an auto loan for \$1,500 and kept making fee payments to roll it over, but finally was unable to pay and at that point she had paid \$4,000 into the loan, but still owed \$1,500 and they still reposed her car; that she struggled and paid almost three times what she borrowed and they still took her car; and laws to make loans fair was needed. Council Members Martin, Pennington and Rodriguez absent.

Mayor Parker stated that to be clear she borrowed \$1,500 and paid \$4,000; and Ms. Hatchett stated that was correct and she still had her car reposed; and Mayor Parker stated that clearly this was an industry crying out for regulation and it ought to happen at state level so they could not just pop up outside city limits and they hoped to convince the state to do that. Council Members Davis, Pennington, Gonzalez and Rodriguez absent.

Mr. Joe Sanchez, who was previously added to the speakers list, appeared and stated that he was an associate state director for AARP of Texas and present representing AARP; that their organization was dedicated to addressing needs and interests of Americans 50 and older with

more than 39 million members nationwide and 2.4 million in Texas; that they appreciated Council's commitment to ending abusive lending practices as payday and auto title businesses preyed on the economically disadvantaged and pushed families into deeper hardship; that they were disappointed in the proposed ordinance as presented as it lacked principal with payment requirements, etc., which were important issues. Council Members Davis, Pennington, Rodriguez and Christie absent.

Ms. Janet Stevenson, who was previously added to the speakers list, appeared and stated that she took out a \$306 payday loan for bills and after two weeks could not pay it all back so she rolled it over and paid \$67.00 which was the finance fee as she had just lost her job and then had to roll it over again and they added the balance to the principal and then she owed over \$400.; that she was very frustrated and only working part-time and did not know what she would have to pay in the end; and urged the city to make changes for people like her. Council Members Davis, Pennington, Rodriguez and Christie absent.

Mayor Parker thanked Ms. Stevenson for coming and stated that she was sorry she was caught in that cycle, she thought the city ordinance would be a big step forward but the state needed to take action and it was disgracefully they did not regulate the industry. Council Members Davis, Pennington, Rodriguez and Christie absent.

Mr. Orlando Sanchez, 1001 Preston #652, Houston, Texas 77002 (713-755-5120) appeared and stated that when he was on Council his big interest was city streets, tax payers spent a lot of money constructing them and unfortunately there were rogue bootlegging individuals who did construction work and left a big hole for the taxpayers to repair; that they passed an ordinance sometime ago requiring owners to post the name of the company doing the project, permit number and telephone number, but unfortunately he did not see that much anymore and he was present asking for help, it required a 36 inch by 36 inch sign with two inch letters on reflective board to be posted; that his second issue was the Metro project in Downtown Houston, much money was spent reconstructing the northside streets when they laid the first rail line and he was sure Metro had it in the budget to reconstruct those streets to even a better quality than before; and he wanted to be sure all were aware and that they hold their feet to the fire for that reconstruction. Council Members Davis, Pennington, Rodriguez and Christie absent.

Mayor Parker stated that he was one of the reasons the city passed the original street cut ordinance and if it was not being enforced she would track it down and make sure they began to do so; that it was easier for citizens to contact the city and encouraged all to call 311 and report if there was street work the city was not doing and there was no sign and inspectors would get out there; and anyone could download the App and send a picture from their smart phone. Council Members Davis, Pennington, Rodriguez and Christie absent.

Mr. Peter Brown, 10 Waverly Court, Houston, Texas 77055 (713-521-2811) appeared, presented information and stated that he was present regarding urban development in the city of Houston and great opportunities; that the issue was not whether it was in the top 10 or top 5 on the list, etc., but what kind of results were they getting on the ground, how were they revitalizing neighborhoods, etc., they needed an "outcomes-driven" ordinance with specific goals and they did all this under Chapter 212 of the Local Government Code, it was not just a subdivision ordinance, it was to protect the health, safety and welfare of the community. Council Members Pennington, Rodriguez and Christie absent.

Council Member Green stated that Mr. Brown should continue; and Mr. Brown stated that he saw they were caught in a policy disconnect here, but they would greatly benefit from a shared vision, a general plan or coordinated area planning in different Council districts with clear development policies, standards and incentives to officially regulate different densities to

the infrastructure capacity in streets under protection of neighborhoods; and Council Member Green stated that he liked him talking of a district specific plan because the neighborhoods had different characters and needs; and upon questions, Mr. Brown stated that the plan Director Gafrick presented in response to the "Top 10" he was one of the original authors of it, although it had evolved since he was involved, was headed in the right direction, but he had high expectations and though that may take them half way there he thought they should go further. Council Members Adams, Pennington, Rodriguez and Christie absent.

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 Members Adams, Pennington, Rodriguez, Green and Christie absent.

Ms. Brenda Wilkins, 1222 Shannon Valley, Houston, Texas 77076 (281-704-3736) had reserved time to speak but was not present when her name was called. Council Members Adams, Pennington, Rodriguez, Green and Christie 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 Adams, Pennington, Rodriguez, Green and Christie absent.

Mr. Joe Roche, 1445 N. Loop West #110, Houston, Texas (281-908-8055) appeared and stated that he was present with Mr. Boris Balic today regarding the Marathon Committee specifically for the veterans; that Mr. Balic was a 35 time finisher, Golden Glove boxer and in the 1980's he ran the entire 26 miles jumping rope; the issue was the six hour cutoff, runners finishing after six hours were not counted and it needed to change; that Boston had a sliding scale of time by age; that Mr. Balic who was 77 ran it in six hours and four minutes this year and a solution was needed. Council Members Adams, Hoang, Pennington, Rodriguez, Green and Christie absent.

Mayor Parker stated that there was no loss of tax revenue, the marathon was oversubscribed, it sold out quickly and they had to institute a lottery system to make sure there were opportunities to run which were more broadly spread; that they did a rolling shutdown of the route, they did not keep the whole route open for the entire time people were on the course, if he wanted to petition race organizers she suggested he discuss it with the organizing committee, but from the city's standpoint the goal was to have a good race and have runners compete at whatever level they could and get streets back into service as rapidly as possible. Council Members Hoang, Pennington, Rodriguez, Green and Christie absent.

Mr. Boris Balic, 6943 Rancho Mission Drive, Houston, Texas 77083 (281-495-4115) appeared and stated that he completed 35 Houston marathons; that the Marathon Committee was unjust and asked they consider a change; that he would like to be on the board and felt with his experience he could promote health through the sport; that all finishers should be counted, especially the veterans; that his time this year was after six hours and did not count; that he would be 77 years young in July and running on a rainy and cold day for 26 miles in six hours and four minutes was a great achievement and not counting him was age discrimination; and urged all be counted; that after six hours police could go home like other cities and allow runners to complete the run on the sidewalk. Council Members Hoang, Pennington, Rodriguez, Green and Christie absent.

Mayor Parker stated that she saluted him for finishing, it was windy and cold; that he needed to raise the issue with the Marathon Committee, but she would point out like a lot of other cities they did actually do an age segment with top finishers in various categories as the different abilities of people as they ran were acknowledged, but the City of Houston did not make decisions on how the race operated, but if runners after six hours were willing to move to

the sidewalk and abide by rules of the road that may be a solution, but it had not been brought to the proper body. Council Members Martin, Hoang, Pennington, Rodriguez, Green and Christie absent.

Ms. Bridget Alexander McDaniel, P. O. Box 53993, Houston, Texas 77052 (713-987-3854) had reserved time to speak but was not present when her name was called. Council Members Martin, Hoang, Pennington, Gonzalez, Rodriguez, Green and Christie absent.

Mr. Kitessa Turi, 6245 Renwick Drive, Houston, Texas 77081 (713-664-4266) appeared, presented information and while others stood in support stated that he was present regarding concerns on how the taxicab medallions were issued and how taxicab operators were suffering, it was time to fix the industry; that recently companies raised the leasing fee for the medallion as a year ago they paid \$100.00 a week for the permit and now it was raised to almost \$180.00; that when a driver picked up a passenger he was regulated with charges, but they did not regulate the company and the way the medallion worked was suspicious; that they had meetings with the ARA Department and knew the Mayor inherited this from previous Administrations. Council Members Martin, Hoang, Pennington, Gonzalez, Rodriguez, Green and Christie absent.

Mayor Parker thanked Mr. Turi for stating they had good engagement with ARA and she knew he was aware they were jumping the gun on this issue; that they took to Council in December a proposal to do a complete evaluation of how medallions were distributed and just received final results on request for qualifications and would be bringing to Council sometime in the next week or so a contract with consultants to help design a plan for the medallion service; that she was concerned about his request the city regulate rates drivers paid to owners of the medallions as it was a private contract a driver signed and she could not see a circumstance in which the city would interfere with the contract, but they were examining the entire system, but nothing would happen until the complete analysis was done and brought back to Council. Council Members Martin, Hoang, Pennington, Gonzalez, Rodriguez, Green and Christie absent.

Upon questions by Council Member Davis, Mr. Turi stated that they submitted to the ARA Director in person information on other cities and he could submit it to him. Council Members Martin, Hoang, Pennington, Gonzalez, Rodriguez, Green and Christie absent.

Council Member Adams thanked all for coming and stated that Ms. Paez and Mr. Newport were working with the cab companies and there would be much communication; and urged all stay engaged in the process. Council Members Martin, Hoang, Pennington, Gonzalez, Rodriguez, Green and Christie absent.

Council Member Bradford stated that they needed to do away with the middle man, there was no reason for the pyramid scheme; that the drivers did the work, met requirements, etc., why not just engage with them; that he was pleased a consultant would be taking a look at this, but the Mayor said it was a private contract between the driver and company and that was not unlike the payday lending which was also a private contract; and he hoped the consultant would consultant drivers. Council Members Martin, Hoang, Pennington, Gonzalez, Rodriguez, Green and Christie absent.

Mr. Dedefo Ulu, P. O. Box 37394, Houston, Texas 77237 (713-517-4055) appeared and stated as others stood in support that drivers provided almost everything, the car, maintenance, etc., if the city could give the medallion why to a middleman; that they worked over 18 hours a day and they received about \$3.00 an hour and many had children, etc., no time and no money. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Martin, Hoang, Pennington, Rodriguez, Laster, Green and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Upon questions by Vice Mayor Pro Tem Bradford, Mr. Ulu stated that about two to three years ago the leasing rate was \$100.00 a week and in a few years it was now \$180.00. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Martin, Hoang, Pennington, Rodriguez, Laster, Green and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Davis, Vice Mayor Pro Tem Bradford stated that he felt it was best to let the consultant do their work with consultation to those in the industry and bring their report back. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Martin, Hoang, Pennington, Rodriguez, Laster, Green and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Burks, Mr. Ulu stated that drivers paid and maintained their cars and the company just collected the money by permission of the city. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Martin, Hoang, Pennington, Rodriguez, Laster, Green and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Mr. Ariwa Ogdi, P. O. Box 37394, Houston, Texas 77237 (713-517-4055) had reserved time to speak but was not present when his name was called. Mayor Parker, Mayor Pro Tem Gonzalez, Council Members Martin, Hoang, Pennington, Rodriguez, Laster, Green and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Mr. Hailu Guteta, P. O. Box 37394, Houston, Texas 77237 (713-517-4055) appeared and stated as others stood in support that today those present were with the United Houstonian Taxicab Drivers Association and present because change was needed in the industry; that they established the group last year and began working with the department and it went well and they received constructive ideas and support; that the Mayor had responded appropriately to all their requests but he was present because of the burden of increase on drivers, the company received the medallion for \$541.00 a year and drivers had to lease it for \$8,322.00; that all drivers expenses were going up. Mayor Parker, Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Green and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Bradford to understand him correctly, the medallion cost \$540. a year, but some drivers paid \$8,000.00 a year; and Mr. Guteta stated that was correct; and Vice Mayor Pro Tem Bradford stated that was not unlike someone speaking earlier on the payday lending issue where she borrowed \$1,500. and paid back \$4,000. and all thought that was difficult; and he hoped the city would move aggressively to change this. Mayor Parker, Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Green and Christie absent. Vice Mayor Pro Tem Bradford presiding. (NO QUORUM PRESENT)

Mr. Galdino Sebit, 1183 Alex, Houston, Texas 77071 (832-885-2112) (713-517-4055) appeared as others stood in support and stated that on behalf of drivers they were all suffering very much and all had families; that drivers were ambassador to this city and for them to be under such pressure because of the middleman was not fair and many drivers became sick trying to afford fees and feed children, etc., the playing field should be leveled and any driver passing approval should be allowed to get and manage his own medallion. Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Green and Christie absent. (NO QUORUM PRESENT)

Mayor Parker stated that she would remind all this system was in place for a very long time and the issue was the city did limit medallions and did not allow the medallions to be sold as in

some cities, but if not operating it personally that was how the leased cab began, a reminder to Council Members was this route was taken many years as there were standards such as radio dispatch, etc., they wanted maintained in the industry and there was a favor toward larger companies for better service, however, technology was changing and they needed to be aware there was something beyond the old radio dispatch and they wanted to keep up with the times, but not completely dismantle the system which worked and all would be done systematically with all stakeholders at the table. Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Green and Christie absent. (NO QUORUM PRESENT)

Mr. Fred Bonusu, P. O. Box 37394, Houston, Texas 77237 (713-517-4055) had reserved time to speak but was not present when his name was called. Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Green and Christie absent. (NO QUORUM PRESENT)

Mr. Ambrose Anyalebech, P. O. Box 37394, Houston, Texas 77237 (713-517-4055) had reserved time to speak but was not present when his name was called. Council Members Brown, Adams, Martin, Hoang, Pennington, Rodriguez, Green and Christie absent. (NO QUORUM PRESENT)

Mr. Lee Spivey, 2602 Port Carissa, Friendswood, Texas 77546 (281-486-1100) had reserved time to speak but was not present when his name was called. Council Members Brown, Davis, Adams, Martin, Hoang, Pennington, Rodriguez, Green and Christie absent. (NO QUORUM PRESENT)

Mr. Robert Campbell, 5022 Kelso, Houston, Texas 77021 (713-737-5326) had reserved time to speak but was not present when his name was called. Council Members Brown, Davis, Adams, Martin, Hoang, Pennington, Rodriguez, Green and Christie absent. (NO QUORUM PRESENT)

Mr. Robert Gilmore, 3232 Winbern, Houston, Texas 77004 (281-546-8168) appeared and stated that he was present representing about 800 Pastors, he was advisor to them and he was present with the growing problem of mental illness and addiction; that he knew Council was aware of increased levels in crime and as a national certified counselor it was important for him to understand clearly and why they were stating they had to identify a primary way to reach individuals not looking positively at their success. Council Members Brown, Martin, Hoang, Pennington and Christie absent.

Council Member Adams stated that Council Member Gonzalez was working on issues such as sobering centers and the Mayor had a taskforce on human trafficking, domestic violence, etc.; and upon questions, Mr. Gilmore stated that his request today was for the clergy to join in. Council Members Brown, Martin, Hoang, Pennington and Christie absent.

Council Member Bradford stated that Mr. Gilmore had been in the trenches; and upon questions, Mr. Gilmore stated that there were problems with the medical system and there needed to be stronger identification and case management and they wanted to work with the Health Department and Council in hot spot areas. Council Members Brown, Martin, Hoang, Pennington and Christie absent.

Mr. Daniel Arp, 8273 Park Place #19, Houston, Texas 77017 (281-516-6611) appeared and stated that Texas law stated the noise level allowable was 65 or 85 decibels, he could not remember and he heard loud motorcycles very clearly and one mile away and cars and trucks in his neighborhood routinely revved their motors so thousands broke the law daily and he would like HPD to not pick and choose which laws to enforce. Council Members Brown, Adams, Martin, Hoang, Pennington, Gonzalez and Christie absent.

Mayor Parker stated that he did raise an interesting issue and this had come up regularly and well tested; that there was at least one extremely aggressive HPD officer who issued a number of motorcycle tickets and the motorcycles to which he referred she would guess were all legal, they were louder than people may want to hear, but virtually all tickets the officer issued were dismissed because state law defined the acceptable factory issue limits on motorcycles and those pulled over were within the state factory issue specifications; that Mr. Newport with the Administration of Regulatory Affairs was present and expert on the noise ordinance violations, but specifically to motorcycles a great deal of time was spent in this body talking on the issue. Council Members Brown, Adams, Martin, Hoang, Pennington and Christie absent.

Council Member Bradford stated that Houston officers were enforcing the Houston noise ordinance and as the Mayor said the issue of motorcycles was looked at very closely and state law trumped city ordinance in that the motorcycles met the manufacturers specifications, they passed state inspection; and Mr. Arp stated that the main bulk was cars and trucks souped up and liked to wake people up by gunning motors; and Council Member Bradford suggested a meeting with the division command of the eastside station. Council Members Brown, Adams, Martin, Hoang, Pennington and Christie absent.

Council Member Rodriguez stated that he would be happy to facilitate a meeting with the captain between them. Council Members Brown, Adams, Martin, Hoang, Pennington and Christie absent.

Ms. Chandra Caballero, 2016 Main, Houston, Texas 77002 (832-338-0389) appeared and stated that she did not see how a substance which corroded concrete and dissolved glass could be good for your teeth; that anything having the molecular weight under 150 went directly into the bloodstream and fluoride had 15, each time hands were washed or someone showered, etc., it was going into the bloodstream; that the rights of Houstonians were being violated as there was no way to avoid fluoride in the water supply. Council Members Brown, Adams, Martin, Hoang, Pennington and Christie absent.

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. Council Members Brown, Adams, Martin, Hoang, Pennington and Christie absent.

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

At 4:07 p. m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, February 6, 2013. Council Member Noriega out of the city on personal business. Council Members Brown, Adams, Martin, Hoang, Pennington and Christie absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, January 30, 2013, with Mayor Annise D. Parker presiding and Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, 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 Ms. Stella Ortega, Agenda Office, present. Council Member Melissa Noriega out of the city on personal business.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:15 a.m. Mayor Parker called the meeting to order and stated that the first item on the agenda was a public hearing.

Mayor Parker stated that she wanted to recognize that they were being observed today by a group of students from the Rainard High School and asked that they stand and be recognized, that Rainard was a private high school for academically gifted children and had been around since 1986, the high school since 2006, that their High School Coordinator was Robert Mendez and many of them knew Barbara Stanley their volunteer teacher and they were in a government program with Ms. Stanley.

Council Members Pennington and Brown stated that they wanted to recognize the school and to welcome the students.

### **HEARINGS - 9:00 A.M.**

1. **PUBLIC HEARING** relative to the second amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER TWENTY (SOUTHWEST HOUSTON ZONE) - DISTRICTS F - HOANG and J - LASTER**

The City Secretary stated that no one had reserved time to appear and Mr. Ralph De Leon would make remarks.

Mr. De Leon stated that on January 11, 2013 the Board of Directors of the Southwest Houston TIRZ approved amendment to the TIRZ project plan and financing plan and forwarded them to the City for consideration, that in accordance with 311.003 and 311.007 of the Texas Tax Code a municipality must hold a public hearing when proposed amendments to a project plan included changes that increased the total estimated project cost stated in the project plan, or increased or reduced the boundaries of the zone, that the public hearing today was regarding the proposed second amendment to the Southwest Houston Zone Project and Financing Plan, that each Council office had been provided with a copy of the proposed plan for the zone and an official City statement had been distributed to each of them, that in brief the proposed amendment to the zone plan would increase the project plan project costs by approximately \$100 million from previous plans, that the goals and objectives included in the amended plan remained consistent with the previously approved plans and included provisions for the design and construction of public streets and utility systems, public transit improvements and parks, that new project categories included in the amended plan included provisions for flood remediation infrastructure, cultural and public facility improvements and economic development programs, that in addition the amended plan included provisions for the enhancement of and improvements to approximately 860 acres of land to be added to the boundaries of a zone contemporaneously with the second amendment, that located within the boundaries of the proposed 860 acre annexation were Crain and Lansdale Parks, various City owned drainage easements and street right-of-ways, portions of Keegans and Brays Bayous, under developed commercial tracts of land located in the vicinity of Bellaire and the U.S. 59 and Fondren and the U.S. 59 and the campus of Houston Baptist University, that currently HBU was undergoing substantial modifications and enhancements and upon which completion would add approximately \$160 million in new taxable value to the zone, that the improvements included an arena, a hotel and convention center, office, retail and commercial uses, that as the City was participating at zero percent of the City tax rate and the proposed annexation, and as HBU was seeking a reimbursement agreement for upgrades and replacements to existing public roadways, utilities and storm water drainage systems needed for their project, separately the City would consider an economic development incentive to HBU, that in closing City staff had worked with the Southwest Houston Redevelopment Authority on the proposed second amended plan and would later bring forth a recommendation to City Council to approve the plan

amendment. Council Member Davis absent.

After discussion by Council Members Laster, Hoang and Christi, Mr. De Leon stated that the City was participating in the annexed area at zero percent of it's tax rate. Council Members Davis, Adams and Rodriguez absent.

Mayor Parker stated that no one had signed up to address the issue and asked if there was anyone who wished to speak to the project plan from the TIRZ, and hearing none requested a motion to close the public hearing. Council Members Davis, Adams and Rodriguez absent.

Council Member Laster moved to close the public hearing, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Davis, Adams and Rodriguez absent. MOTION 2013-0090 ADOPTED.

Council Member Gonzalez moved to suspend the rules to consider Item Numbers 3 and 4 after Item No. 2 on the consent agenda, seconded by Council Member Hoang. All voting aye. Nays one. Council Member Noriega out of the city on personal business. Council Member Rodriguez absent. MOTION 2013-0091 ADOPTED.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 2 through 26**

#### **MISCELLANEOUS** - NUMBERS 2 through 4

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **ELECTRICAL BOARD**:

- Position One - **CHRIS J. FAHRENTHOLD**, reappointment, for a term to expire 1/2/2015
- Position Two - **ELIOT L. DOUCET**, reappointment, for a term to expire 1/2/2014
- Position Three - **ROBERT A. JONES**, appointment, for a term to expire 1/2/2015
- Position Four - **JIMMIE M. STALLONES, JR.**, appointment, for a term to expire 1/2/2014
- Position Five - **LARRY S. NEAL**, reappointment, for a term to expire 1/2/2015, and to serve as Chair
- Position Six - **CHAL W. SHRADER**, appointment, for a term to expire 1/2/2014
- Position Seven - **R. BRAD HIBBETTS**, appointment, for a term to expire 1/2/2015
- Position Eight - **NOLAN R. NEATHERY**, appointment, for a term to expire 1/2/2014
- Position Nine - **CHARLES S. PRICHARD**, reappointment, for a term to expire 1/2/2015
- Position Ten - **JAVIER M. RAMOS**, reappointment, for a term to expire 1/2/2014

- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays one. Council Member Noriega out of the city on personal business. MOTION 2013-0092 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for terms to expire August 31, 2014:

- Position One - **PHILAMENA BAIRD**, reappointment
- Position Two - **CHAU NGUYEN TODD**, appointment

- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays one. Council Member Noriega out of the city on personal business. MOTION 2013-0093 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BOARD OF DIRECTORS OF CITY OF HOUSTON REINVESTMENT ZONE NUMBER TWENTY-TWO (LELAND WOODS ZONE):**

- Position One - **LORNIA ANN PARKER**, appointment, for a term to expire 12/31/13
- Position Two - **SENFRONIA THOMPSON**, reappointment, for a term to expire 12/31/14
- Position Three - **GWENETTE E. FERGUSON**, appointment, for a term to expire 12/31/13
- Position Four - **J. ALLEN PROVOST**, reappointment, for a term to expire 12/31/14 and to serve as Chair, for a term to expire 12/31/13
- Position Five - **SAMUEL EATON**, reappointment, for a term to expire 12/31/13

- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays one. Council Member Noriega out of the city on personal business. MOTION 2013-0094 ADOPTED.

Mayor Parker stated that they had appointed a number of members of Boards and Commissions for the City of Houston.

Mayor Parker and Council Members Cohen, Martin, Rodriguez, Pennington and Davis congratulated the new appointees and re-appointees and thanked them for their service to the City of Houston.

Mayor Parker stated that they had just reaffirmed the appointment of Representative Senfronia Thompson, that she had already been placed on the agenda and she received a request from her to withdraw her from the TIRZ due to the press of duties in Austin and would not be able to attend meetings, that she had been an active member and they would open up the search for a replacement for Representative Thompson.

Mayor Parker stated that she wanted to thank all of the volunteers who have stepped forward.

**ORDINANCES** - NUMBERS 10 through 26

- 10. ORDINANCE approving and authorizing an Interlocal Agreement between the City of Houston and **HARRIS COUNTY on behalf of Harris County Protective Services for Children and Adults** for Kashmere School-Based Wraparound Project – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Davis absent. ORDINANCE 2013-0091 ADOPTED.
- 12. ORDINANCE approving and authorizing the acceptance of artworks located at Market Square Park into the City Art Collection - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Davis absent. ORDINANCE 2013-0092 ADOPTED.
- 16. ORDINANCE appropriating \$500,000.00 out of Metro Projects Construction DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **EPIC TRANSPORTATION GROUP, LP** for Traffic Signal Management

Program / Intelligent Transportation Systems; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Metro Projects Construction DDSRF – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Davis absent. ORDINANCE 2013-0093 ADOPTED.

17. ORDINANCE appropriating \$1,572,100.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ATKINS NORTH AMERICA, INC** for Keegans Bayou Wastewater Treatment Plant Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT J - LASTER** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Davis absent. ORDINANCE 2013-0094 ADOPTED.
18. ORDINANCE appropriating \$1,087,800.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **FREESE AND NICHOLS, INC** for Metro Central, Upper Braes, White Oak, and Kingwood West Wastewater Treatment Plants Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN; E - MARTIN and F - HOANG** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Davis absent. ORDINANCE 2013-0095 ADOPTED.
19. ORDINANCE appropriating \$793,200.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **WESTON SOLUTIONS, INC** for Willowbrook Wastewater Treatment Plant Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - BROWN** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Davis absent. ORDINANCE 2013-0096 ADOPTED.
21. ORDINANCE appropriating \$5,860,000.00 out of Federal State Local Fund PWE Pass Through DDSRF, \$1,555,841.00 out of Metro Projects Construction DDSRF, \$817,202.00 out of Water & Sewer System Consolidated Construction Fund, \$925,457.00 out of Street & Traffic Control and Storm Drainage DDSRF awarding contract to **ANGEL BROTHERS ENTERPRISES, LTD.** for Beechnut Rehabilitation from Wilcrest to Kirkwood Street; 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, and contingencies relating to construction of facilities financed by the Federal State Local PWE Pass Through DDSRF, Metro Projects Construction DDSRF, Water & Sewer System Consolidated Construction Fund, Street & Traffic Control and Storm Drainage DDSRF - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Davis absent. ORDINANCE 2013-0097 ADOPTED.
23. ORDINANCE appropriating \$4,615,361.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; 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 and testing, and contingencies relating to

construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4257-132) – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Davis absent. ORDINANCE 2013-0098 ADOPTED.

25. ORDINANCE No. 2013-0054, passed second reading January 30, 2013  
ORDINANCE granting to **UNITED SITE SERVICES OF TEXAS, INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Davis absent. ORDINANCE 2013-0054 ADOPTED THIRD AND FINAL READING IN FULL.
26. ORDINANCE No. 2013-0055, passed second reading January 30, 2013  
ORDINANCE granting to **FRANK LEYVA FELIX dba PAYLESS PORTA JONS, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on city business. Council Member Davis absent. ORDINANCE 2013-0055 ADOPTED THIRD AND FINAL READING IN FULL.

## **CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

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

5. **GLOBE ELECTRIC COMPANY** to Furnish Oil Cooled Transformer Radiators for the Department of Public Works Engineering - \$62,139.00 - Enterprise Fund - was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Davis absent. MOTION 2013-0095 ADOPTED.
6. ORDINANCE appropriating \$174,824.67 out of Equipment Acquisition Consolidated Fund for purchase of Light-duty Pickup Trucks for Various Departments - \$1,980,784.75 - Enterprise Fund - was presented. Council Member Davis absent.

Council Member Christi stated that on Item Numbers 6, 6a, 7 and 7a they were not buying enough energy efficient trucks, that if New York City could use their heavy duty trucks with compressed natural gas he thought they should be going that direction, that they ought to start going green on the fleet they had.

Mayor Parker stated that she agreed, that as every Council Member knew they had one of the largest electric vehicle fleets in the United States, they had a very extensive hybrid vehicle fleet, they looked at the way a vehicle was to be used before they chose the type of vehicle they were going to purchase and they did intend to aggressively continue to have a more fuel efficient fleet.

After further discussion by Council Members Brown and Gonzalez, a vote was called on Item No. 6. Council Member Brown voting no, balance voting aye. Council Member Noriega out of the city on personal business. ORDINANCE 2013-0099 ADOPTED.

- 6A. **PHILPOTT MOTORS LTD., d/b/a PHILPOTT FORD** for Light-Duty Pickup Trucks through the Interlocal Agreement for Cooperative Purchasing with BuyBoard – was presented,

moved by Council Member Gonzalez, seconded by Council Member Bradford. Council Member Brown voting no, balance voting aye. Council Member Noriega out of the city on personal business. MOTION 2013-0096 ADOPTED.

7. ORDINANCE appropriating \$1,156,441.00 out of Equipment Acquisition Consolidated Fund for the purchase of Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for Various Departments – was presented. Council Member Brown voting no, balance voting aye. Council Member Noriega out of the city on personal business. ORDINANCE 2013-0100 ADOPTED.
- 7A. **RON CARTER AUTOLAND** - \$235,832.00, **CALDWELL AUTOMOTIVE PARTNERS, LLC, d/b/a CALDWELL COUNTRY FORD** - \$2,373,273.00, **TOMBALL DODGE, INC** - \$1,020,546.00 and **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY CHEVROLET** \$285,652.00 for Automobiles, Vans, Utility Vehicles, and Light-Duty Trucks for Various Departments - \$3,962,299.00 - General, Enterprise and Other Funds – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. Council Member Brown voting no, balance voting aye. Council Member Noriega out of the city on personal business. MOTION 2013-0097 ADOPTED.

## **ORDINANCES**

8. ORDINANCE approving the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twenty-Three, City of Houston, Texas (Harrisburg Zone) **DISTRICTS B - DAVIS; H - GONZALEZ and I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Costello absent. ORDINANCE 2013-0101 ADOPTED.
9. ORDINANCE approving the creation of the Essential Public Health Services Fund (the “Fund”); establishing the revenue sources of the Fund and the purposes of the Fund to offset costs associated with the administration of Medicaid Transformation Waiver Program (“Program”) and other essential Public Health Services as defined in Chapter 121 of the Texas Health and Safety Code; authorizing the deposit into the Fund of 58% of Reimbursement Funds received from the Centers for Medicare and Medicaid Services pursuant to the Program - was presented.

After discussion by Council Members Christi, Brown and Gonzalez a vote was called on Item No. 9. Council Member Brown voting no, balance voting aye. Council Member Noriega out of the city on personal business. ORDINANCE 2013-0102 ADOPTED.

11. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Parks and Wildlife Department Recreational Trails Grant Program for the Trail Project at Brewster Park; declaring the city’s eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City’s representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT B - DAVIS** – was presented.

After discussion by Council Members Davis, Brown and Gonzalez, Mayor Parker stated that she wanted to express her deep appreciation to the Houston Parks Board for their commitment to raise \$100 million for future trails in the City of Houston.

A vote was called on Item No. 11. Council Member Brown voting no, balance voting aye. Council Member Noriega out of the city on personal business. ORDINANCE 2013-0103 ADOPTED.

13. ORDINANCE approving and authorizing two Professional Weatherization Home Inspection Contracts between the City of Houston and **YOUR HOME CHECK, L.P.** and **HOLSTON INSPECTIONS INC** for the General Services Department Residential Energy Efficiency Program, contingent on contractor's submission of all required contract documents; providing a maximum contract amount - 1 Year with 1 one-year renewal option - \$75,000.00 per contract - Residential Energy Efficiency Program Fund – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2013-0104 ADOPTED.
14. ORDINANCE awarding four Job Order Contracts between the City of Houston and **HORIZON INTERNATIONAL GROUP, LLC, BROWN STERLING BUILDERS, INC, PAYLESS INSULATION, INC** and **PMG PROJECT MANAGEMENT GROUP, LLC** for the General Services Department Residential Energy Efficiency Program, contingent on contractor's submission of all required contract documents; providing a maximum contract amount - 1 Year with 1 one-year renewal option - \$600,000.00 per contract - Residential Energy Efficiency Program Fund – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2013-0105 ADOPTED.
15. ORDINANCE appropriating \$221,636.60 out of Water & Sewer System Consolidated Construction Fund; awarding construction contract to **INLAND ENVIRONMENTS, LTD.**, for Asbestos/Lead Abatement and Demolition at Department of Public Works and Engineering Water Plants; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management and construction oversight and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN; D - ADAMS; E - MARTIN; H - GONZALEZ; I - RODRIGUEZ and J - LASTER** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2013-0106 ADOPTED.
20. ORDINANCE appropriating \$1,235,600.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **ARCADIS U.S., INC** for Lift Station Renewal and Replacement - Will Clayton, Interwood, John F. Kennedy, M.U.D. #266 and Vickery Lift Station; 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 Noriega out of the city on personal business. ORDINANCE 2013-0107 ADOPTED.
22. ORDINANCE appropriating \$260,000.00 out of Contribution for Capital Projects Fund and \$237,745.02 from Woodland Regional Participation Fund; awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Museum District/Main Street Corridor Improvement Project; 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 and testing services, CIP Cost Recovery, and contingencies relating to construction of facilities financed by Contribution for Capital Projects Fund and Woodland Regional Participation Fund - \$2,333,591.87 - Grant Fund - **DISTRICTS C - COHEN and D - ADAMS** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2013-0108 ADOPTED.

24. ORDINANCE appropriating \$9,201,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON WATERWORKS, LLC** for Pump Repair and Replacement at the East Water Purification Plant; 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E – MARTIN** – was presented.

After discussion by Council Members Christi and Green, Mayor Parker stated that they did get all the use out of their equipment that they could, but these were energy hogs so it was also good to upgrade so they used less power; that she knew that Council Member Green was very aggressive in watching those MWBE goals.

A vote was called on item no. 24. All voting aye. Nays none. Council Member Noriega out of the city on personal business. ORDINANCE 2013-0109 ADOPTED.

**NON CONSENT AGENDA** - NUMBERS 27 and 27A

**MISCELLANEOUS**

27. MOTION to suspend the rules to receive nominations and consider appointment to Position 11 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES** – was presented.

Council Member Gonzalez moved to suspend the rules to receive nominations and consider appointment to Position 11 of the Houston Municipal Employees Pension System Board of Trustees, seconded by Council Member Bradford.

Upon questions by Council Member Laster, Mayor Parker stated that was what would be the effect of suspending the rules on this item, and under normal process they post a call for nominations, it was a three step process, they set a date, then they take nominations and then they vote on three separate meetings, so this motion was to suspend the rules and accept nominations today, that they skip over the part of setting a date, and then Item No. 27a would allow them to vote today, so that was why they were suspending the rules.

After discussion, Council Member Laster moved to delay Council appointments until they had a procedure to follow, seconded by Council Member Christi.

Mayor Parker stated that she was under the impression after last Wednesday's meeting that there would be a meeting of the Council Governance Committee to discuss this, and to clarify, they were following the procedure that had been used in the City for decades, which was Council Members put their nominations in, they had a three step process and those nominees, and Council Members fight it out, that if Council wished to change the process it was not the prerogative of the administration to do that; that Council Member Laster's motion was that they delay Item No. 27, this was a procedural motion to suspend the rules and they could not actually delay it, but what they really would want to happen was people vote down the motion to suspend the rules, that from a parliamentary stand point what they would need was to vote down the motion to suspend the rules, that she would recognize Council Member Laster for an additional motion.

After further discussion by Council Members, a roll call vote was called on the motion to suspend the rules.

ROLL CALL VOTE:

Mayor Parker voting aye	Council Member Rodriguez voting aye
Council Member Brown voting aye	Council Member Laster voting no
Council Member Davis voting aye	Council Member Green voting aye
Council Member Cohen voting no	Council Member Costello voting aye
Council Member Adams voting aye	Council Member Burks voting aye
Council Member Martin voting aye	Council Member Noriega out of the city on personal business.
Council Member Hoang voting aye	Council Member Bradford voting aye
Council Member Pennington voting aye	Council Member Christi voting no
Council Member Gonzalez voting aye	MOTION 2013-0098 ADOPTED.

Mayor Parker advised that the rules had been suspended to receive nominations.

Council Member Davis stated that he would nominate Mr. Adrian Patterson for Position 11 of the Houston Municipal Employees Pension System Board of Trustees.

After discussion, Council Member Pennington asked if it would be possible to take Item No. 28 out of order to vote on it first, Position 10.

Mayor Parker stated that they were in the middle of a procedure, that it would be a motion to suspend the rules and take Item No. 28 prior to Item No. 27, seconded by Council Member Hoang.

Mayor Parker stated that it was moved and seconded that they suspend discussion of Item No., 27 a and take Item No. 28 prior.

Mayor Parker recognized Council Member Bradford for a point of order.

Council Member Bradford stated that procedurally they had a nomination and response to a motion on the floor and he thought they had to dispose or do something with that particular issue, and yielded to Mr. Feldman.

Mr. Feldman stated that because the nomination was received they could not suspend the rules in the middle, and Mayor Parker stated that she was called on a point of order.

Council Member Pennington stated that he would nominate Mr. Rick Badger, that he had circulated his written motion to nominate him and also his resume, as well as a statement from the General Counsel of his employer that his alleged conflict issues had been resolved, that the Mayor discussed last time.

Council Member Bradford stated that he would like to nominate Dr. Bernard A. Harris, Jr. for Position 11 on HMEPS Board, that his written nomination had been disseminated.

Council Member Gonzalez moved to close nominations, seconded by Council Member Hoang. All voting aye. Nays none. Council Member Noriega absent on personal business. MOTION 2013-0099 ADOPTED.

After discussion by Council Members, Council Member Green moved to call the question on Item No. 27 seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2013-0100 ADOPTED.

Mayor Parker stated that the way it would work they would do a roll call vote and Council Members would offer the name of the candidate they were choosing, if no one received a

majority the top two would go through the process again.

Note: Council Member Laster stated “none” when his name was called and Mayor Parker stated that they actually did not have a procedure for abstention, if he would like to step out of his chair that was the only way he may abstain.

ROLL CALL VOTE:

Mayor Parker - Badger	Council Member Rodriguez - Badger
Council Member Brown - Badger	Council Member Laster absent (see note above)
Council Member Davis - Harris	Council Member Green - Harris
Council Member Cohen - Badger	Council Member Costello - Badger
Council Member Adams - Harris	Council Member Burks - Harris
Council Member Martin - Badger	Council Member Noriega out of the city on personal business.
Council Member Hoang - Badger	Council Member Bradford - Harris
Council Member Pennington - Badger	Council Member Christi - Badger
Council Member Gonzalez - Badger	

Mayor Parker stated that the vote was 10 votes for Badger and 5 votes for Harris and two Council Members absent.

27A. MOTION to confirm the appointment of an individual from nominees to Position 11 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for a three year term – was presented.

Council Member Pennington moved to confirm the vote for Mr. Rick Badger for appointment to Position 11 of the Houston Municipal Employees Pension System Board of Trustees, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2013-0101 ADOPTED.

Mayor Parker congratulated Mr. Badger on his appointment to Position 11 of the Houston Municipal Employees Pension System Board of Trustees.

**MATTERS HELD** - NUMBERS 28 through 32

28. SELECT AND CONFIRM the appointment of **ADRIAN PATRICK PATTERSON** or **DR. BERNARD A. HARRIS, JR.**, to Position 10 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for a three year term – (**This was Item 32 on Agenda of January 30, 2013, POSTPONED BY MOTION #2013-83**) – was presented.

Mayor Parker stated that these nominations were already received last week, it would be a similar process, that she would open the floor to discussion, and seeing no discussion they would move straight to a vote.

ROLL CALL VOTE:

Mayor Parker - Patterson	Council Member Rodriguez - Patterson
Council Member Brown - Harris	Council Member Laster absent
Council Member Davis - Patterson	Council Member Green - Patterson
Council Member Cohen - Patterson	Council Member Costello - Patterson
Council Member Adams – Patterson	Council Member Burks - Harris
Council Member Martin - Harris	Council Member Noriega out of the city on personal business.
Council Member Hoang - Patterson	Council Member Bradford - Harris

Council Member Pennington – Patterson      Council Member Christi - Patterson  
Council Member Gonzalez - Patterson

Mayor Parker stated that the vote was 11 votes for Mr. Patterson and 4 votes for Mr. Harris.

Council Member Hoang moved to confirm Mr. Patterson for Position 10 of the Houston Municipal Employees Pension System Board of Trustees, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Adams and Laster absent. MOTION 2013-0102 ADOPTED.

Mayor Parker stated that she wanted to congratulate Mr. Patterson, that if Mr. Harris was in the Chamber she wanted to thank him for his service to the Country and thanked him for his willingness to serve, that she would definitely, if he was still interested in this board, consider him as one of her nominees in the future and she appreciated his putting himself through the process, that he was an outstanding candidate. Council Members Rodriguez absent.

After discussion by Council Members Adams, Hoang, Brown and Bradford, Council Member Martin asked if the terms they just agreed to did they go back to expiration or did they pick up today and moved forward. Council Members Davis and Cohen absent.

Mayor Parker stated that they had time to sort it out before they came forward again, and Council Member Martin stated that it was for three years, so he had one year. Council Members Davis and Cohen absent.

29. **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 – **(This was Item 39 on Agenda of January 23, 2013, POSTPONED BY MOTION #2013-64)**

Council Member Burks moved to amend Item No. 29 as follows:

“Written motion by Council Member Burks moved to amend Item 29 as shown below:  
Sec. 45-114. – Cut-back curb sections for parking—Consent required to cut curb.

(a) It shall be unlawful for any person to cut back any curb in front of any place or establishment for the purpose of providing individual parking space or parking space for the use of customers of such person without the consent of the Director ~~city council~~.

(b) The Director shall notify the appropriate District Council Members and all At Large Council Members in writing of such request to cut back a curb within their districts within 14 days of application.

Sec. 45-115. – Same—Method of parking.

(a) As approved by the traffic engineer, ~~Within authorized cut-back curb sections,~~ parking may be at an angle to the curb, ~~but in no event shall any portion of a parked vehicle extend more than six feet into the roadway from the curb line as it would exist in the absence of such a cut-back.~~

(b) The traffic engineer is authorized to prohibit angle parking in any curb cut-back when, upon the basis of an engineering and traffic investigation, it is determined that such practice is hazardous or dangerous to vehicular or pedestrian traffic.

(c) The traffic engineer shall notify the appropriate District Council Members and all At Large Council Members in writing of requests for angle parking within their districts within 14 days of application.

After discussion by Council Members Costello, Laster and Gonzalez a vote was called on

Council Member Burks motion to amend Item No. 29. All voting aye. Nays none. Council Member Noriega out of the city on personal business. MOTION 2013-0103 ADOPTED.

30. ORDINANCE **AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to crafted precious metals – **(This was Item 11 on Agenda of January 30, 2013, TAGGED BY COUNCIL MEMBER HOANG)** – was presented.

Council Member Brown offered the following written motion number one to amend Item No. 30:

“I move to amend Item 30, Section 18 of the proposed ordinance as follows:

By modifying the verbiage in Item 15 of Subsection (b) of Sec. 7-88, paragraph (f) to state,

“A dealer and every person engaged in the business of buying, trading or otherwise receiving crafted precious metals in any form shall, upon request, submit and exhibit the various business records required to be maintained under this section for inspection and copying to any peace officer or authorized inspector of the director. Failure to maintain or to so permit the examination or copying of the records when requested shall be a ~~misdemeanor~~ **violation punishable with a fine or the revocation of or refusal to issue or renew a dealer’s license.**”

Mayor Parker stated that Council Member Brown had submitted her amendments in writing as a package, and Council Member Brown stated that it would not be as a package, that she was bringing up each amendment separately, and Mayor Parker stated that it would have been helpful had they known what Council Member Brown was planning on doing so that they could be ready to sort them out.

Council Member Hoang stated that he knew the intent of Council Member Brown’s was to cross out the crime, a misdemeanor, but even if it was a violation with a fine then it was a Misdemeanor C, that he would add “shall be punishable with a revocation or refusal to issue or renew a dealer’s license”, then it would be no misdemeanor or crime. Council Member Rodriguez absent.

Council Member Brown asked if she could get clarification on fines as it pertained to the ordinance, if any violation was penalized by a fine did it automatically equate to a misdemeanor, that her knowledge was if it was over a certain amount that it was a misdemeanor status, and Mr. Feldman stated that it created an ambiguity because he would not be able to ascertain whether the intent was to create a civil penalty or a criminal penalty, that if it stated it was a misdemeanor then it was automatically a Class C misdemeanor, but without stating what the fine was then to him it would be ambiguous, that additionally it was inherently problematic that the option of a fine or a revocation was presented because they were two totally separate things. Council Member Rodriguez absent.

After further discussion Council Member Brown asked what could they do to avoid a misdemeanor charge on individuals who through human error fail in any way and violate this proposed ordinance, what could they do to avoid misdemeanor charges. Council Member Rodriguez absent.

Mr. Feldman stated that they could specify that it was a civil penalty, and Council Member Brown asked if it would be a civil misdemeanor, and Mr. Feldman stated no, that a misdemeanor was a criminal defense, that she would specifically specify that it was a civil penalty, but it still had to be adjudicated, which was distinguishable as a separate process from

the matter of revocation, and Council Member Brown stated that obviously she had to withdraw her current motion and change it to "shall be a violation punishable with a civil penalty", and Mr. Feldman stated that yes she could do that but that would also require a second since she was offering a different motion and then the penalty would have to be specified, and Council Member Brown stated that a civil penalty currently was \$500, or something like that. Council Member Rodriguez absent.

After further discussion by Council Members, Council Member Christi stated that he could not vote for any amendment that was open ended with the word "fine", that it could be a dollar or a billion dollars, that it had to be described. Council Member Rodriguez absent.

Council Member Bradford stated that he wanted to follow up on what Council Member Christi just indicated because he thought that Council Member Brown closed that loop hole by indicating a Class C Misdemeanor, which was punishable up to \$500, or the judge could do community service, that there was a maximum fine of \$500 and she specified Class C, and asked if Council Member Brown could answer that question. Council Member Rodriguez absent.

Council Member Brown stated that her proposal as it stood now was "violation punishable with a civil penalty" and was going to add "of \$150", and Council Member Bradford stated that he thought that a civil penalty "up to \$500" was kind of consistent with what the Municipal Courts did now as they applied judges fines in the Class C arena, so her language, with all due respect, would be very inconsistent, and Council Member Brown stated that she would change it "up to \$500".

Mayor Parker stated that the administration was comfortable with the ordinance as it stood and they were going to vigorously oppose any further amendments to the ordinance, that because Council Member Brown had chosen to offer her amendments one by one they would take a vote on this one and then go to further amendments and rotate back through with Council Member Brown's amendments. Council Member Rodriguez absent.

After further discussion by Council Members, Council Member Laster moved to call the question on Council Member Brown's written motion number one to amend Item No. 30, seconded by Council Member Costello. All voting aye. nays none. Council Member Noriega out of the city on personal business. Council Member Rodriguez absent. MOTION 2013-0104 ADOPTED.

A vote was called on Council Member Brown's written motion number one to amend Item No. 30, and a roll call vote was requested.

ROLL CALL VOTE:

Mayor Parker voting no	Council Member Rodriguez absent
Council Member Brown voting aye	Council Member Laster voting no
Council Member Davis voting no	Council Member Green voting no
Council Member Cohen voting no	Council Member Costello voting no
Council Member Adams voting no	Council Member Burks voting no
Council Member Martin voting no	Council Member Noriega out of the city on personal business.
Council Member Hoang voting aye	Council Member Bradford voting aye
Council Member Pennington voting aye	Council Member Christi voting aye
Council Member Gonzalez voting no	MOTION 2013-0105 FAILED

Mayor Parker stated that the floor was open for further discussion or further amendments.

Council Member Gonzalez stated that there were no further amendments and would moved to call the question.

Mayor Parker stated that there may be further amendments but he could call the question on the main item.

Council Member Gonzalez moved to call the question on the main item, seconded by Council Member Adams.

Mayor Parker stated that they called the question and voted on Council Member Brown's amendment and now the floor was open for further amendments or other discussion, that Council Member Gonzalez called the question on the main item and there was a second to calling the question on the main item; that Council Member Brown had issued a suite of proposed amendments, that there may be others as well, but that would be debate on the item, that the motion was to call the question so that they would vote on the main item as presented.

A vote was called on the motion to call the question on the main item, Item No. 30. Council Members Brown, Pennington, Hoang, Christi, Bradford and Costello voting no, balance voting aye. Council Member Noriega out of the city on personal business. Council Member Rodriguez absent. MOTION 2013-0106 Mayor Parker ANNOUNCED THAT THE MOTION FAILED.

Council Member Brown offered the following written motion number two to amend Item No. 30:

"I move to amend Item 30, Section 18 of the proposed ordinance as follows:

By modifying the verbiage in Item 15 of Subsection (d) of Sec. 7-88, to state:

**(d)** "The dealer shall submit the required **web-based, electronic or written record** records to the ~~web-based database~~ **within 48 hours by the close of business** ~~on each day on which the dealer is open for business.~~ Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew a dealer's license. Any person violating any provision of this section shall be punished as proved by section 1-6 of this code. Failure to comply with any provision of this section ~~may~~ **shall** be grounds for the revocation of or refusal to issue or renew a dealer's license."

Council Member Brown stated that she was actually only currently going to amend the "~~on each day on which the dealer is open for business~~", they were going to say "within 48 hours by

the close of business". (Note: No motion was offered to amend Council Member Brown written motion therefore the motion is recorded as submitted.)

After discussion by Council Members, a vote was called on Council Member Brown's written motion number two to amend Item No. 30. Council Members Brown and Hoang voting yes, balance voting no. Council Member Noriega out of the city on personal business. Council Member Rodriguez absent. MOTION 2013-0107 FAILED.

Council Member Brown offered the following written motion number three to amend Item No. 30.

"I move to amend Item 30, Section 18 of the proposed ordinance as follows:

By deleting Items 9 and 10 of Subsection (b) of Section 7-88 and renumbering the remaining items accordingly"

After discussion by Council Members, Council Member Laster moved to call the question on Council Member Brown's written motion number three to amend Item No. 30, seconded by, seconded by Council Member Costello. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Martin, Pennington, Rodriguez and Christi absent. MOTION 2013-0108 ADOPTED.

A vote was called on Council Member Brown's written motion number three to amend Item No. 30. Council Members Hoang and Brown voting aye, balance voting no. Council Member Noriega out of the city on personal business. Council Members Martin, Pennington, Rodriguez and Christi absent. MOTION 2013-0109 FAILED.

Council Member Brown offered the following written motion number four to amend Item No. 30:

"I move to amend Item 30, Section 18 of the proposed ordinance as follows:

By modifying the verbiage of Subsection (a) of Sec. 7-88,  
to state,

A dealer shall keep at his place of business a **web-based, electronic or written** record of all purchases of crafted precious metals ~~in a web-based database, in a form and method approved by the chief of police.~~ The record shall be updated ~~daily,~~ with a full description in English of each transaction in which personal property is purchased or otherwise received at the dealer's licensed place of business."

After discussion by Council Members, Council Member Green moved to call the question on Council Member Brown's written motion number four to amend Item No. 30, seconded by Council Member Laster. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Adams, Martin, Pennington, Rodriguez and Christi absent. MOTION 2013-0110 ADOPTED.

A vote was called on Council Member Brown's written motion number four to amend Item No. 30. Council Member Brown voting aye, balance voting no. Council Member Noriega out of the city on personal business. Council Members Adams, Martin, Pennington, Rodriguez and Christi absent. MOTION 2013-0111 ADOPTED.

After discussion by Council Members, a vote was called on Item No. 30. Council Member Brown voting no, balance voting aye. Council Member Noriega out of the city on personal business. Council Members Martin, Pennington, Rodriguez and Christi absent. ORDINANCE

2013-0111 ADOPTED.

31. ORDINANCE **AMENDING SECTION 1-16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to correction of City ordinances and certain other records – **(This was Item 12 on Agenda of January 30, 2013, TAGGED BY COUNCIL MEMBER LASTER)** – was presented. Council Members Martin, Pennington, Rodriguez and Christi absent.

After discussion by Council Members Laster and Bradford a vote was called on Item No. 31. Council Members Laster and Green voting no, balance voting aye. Council Member Noriega out of the city on personal business. Council Members Brown, Davis, Martin, Pennington, Rodriguez and Christi absent. ORDINANCE 2013-0112 ADOPTED.

32. ORDINANCE amending Ordinance No. 2007-1101 (Passed on October 3, 2007) to increase the maximum contract amount for contract between the City of Houston and **JOMAR CONTRACTORS, INC** for Lighting Maintenance Services for the Houston Airport System \$700,000.00 - Enterprise Fund - **DISTRICT B – DAVIS – (This was Item 19 on Agenda of January 30, 2013, TAGGED BY COUNCIL MEMBER DAVIS)** – was presented. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Brown, Davis, Martin, Pennington, Rodriguez and Christi absent. ORDINANCE 2013-0113 ADOPTED.

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

Council Member Costello stated that the Health Benefits Sub Committee was going to meet today, that the Health Benefits cost was a huge driver in the City's budget, that this year the City would spend \$344 million in rates and costs were going up, that last month they compared their benefits to those of several other public and private entities and in comparison the City of Houston's plan was the most robust and the most expensive to offer, that it was important to his colleagues that they look at those costs and weigh each one of them, that tough choices would have to be made as the Health Benefits Plans were currently being structured and they were currently unsustainable. Council Members Brown, Davis, Cohen, Martin, Pennington, Rodriguez and Christi absent.

Mayor Parker stated that she was going to be expected to make a decision by the beginning of next week so this was a timely meeting, that while the decision did rest with the administration, and certainly she was not shy about being out there by herself, that she would like to get a sense of Council how they felt about the provision of health benefits and what they were paying for them. Council Members Brown, Davis, Cohen, Martin, Pennington, Rodriguez and Christi absent.

Council Member Costello announced events he attended or would be attending. Council Members Brown, Davis, Cohen, Martin, Pennington, Rodriguez and Christi absent.

Council Member Gonzalez stated that he would like to commend and acknowledge two fantastic City employees for their efforts to serve the constituents of District H, that on Monday evening HFD Engineer Operator George Salcedo joined him in the Melrose Park Community and gave neighborhood members fire safety lessons, that he also provided smoke detectors free of charge, that yesterday evening Alice Coffee, Solid Waste Department, attended a community meeting in Denver Harbor for a question and answer session, that she also gave a review of their new and improve Heavy Trash Pick Up Schedule; and announced events he attended or would be attending in his district; that the annual District H Capital Improvement Plan Meeting was scheduled for Wednesday, February 27, 2013 at 6:30 p.m. at Sam Houston High School, 9400 Irvington Boulevard. Council Members Brown, Davis, Cohen, Martin,

Pennington, Rodriguez, Laster, Burks, Bradford and Christi absent. NO QUORUM PRESENT

Council Member Adams announced events she attended or would be attending; and stated that she had talked to Mayor Parker and Joe Turner, Director, Parks Department, about Crestmont Park, they were still wanting lighting at Crestmont Park for the football fields in the area; that she wanted to remind every constituent in Houston, if they did not have a fire detector they could call the Houston Fire Department to get one or their District Council Member to get one, that they had another fire in the district on Tuam; that she wanted to remind her constituents of the District D CIP on February 21, 2013 at Frost Elementary School and would begin at 6:30 p.m., if they had any questions on the Capital Improvement meeting they could call 832-393-3001. Council Members Brown, Davis, Martin, Pennington, Rodriguez, Laster, Burks, Bradford and Christi absent. NO QUORUM PRESENT

Council Member Hoang stated that February 10, 2013, Sunday, was the first of the Lunar Calendar Year, that many Asian Countries such as China, Korea and Viet Nam were celebrating the Lunar Calendar Year, the Year of the Snake, that he wanted to say Happy New Year to the Mayor and City Council and all Asian Communities and those who celebrated the Lunar Calendar Year. Council Members Brown, Davis, Martin, Pennington, Rodriguez, Laster, Burks, Bradford and Christi absent. NO QUORUM PRESENT

Council Member Green announced events he attended or would be attending; and stated that the District J CIP meeting would be on March 21, 2013 at the Hiram Clarke Multi Service Center at 6:30 p.m.; that he wanted to recognize the Brayes Oak Park Apartments for earning their Blue Star Certification from HPD, that it meant a safe living environment for residents of Brayes Oak Apartments; that a couple of months ago he inquired about locating an HPD Storefront within the Ft. Bend/Houston Community, that it was initiated by residents, that he wanted to thank both Commissioner Brady Prestige and Constable Ruben Davis, who had stepped up and offered an in kind space with Constable Davis, who had agreed to provide part time staff to man the station, that lately HPD Southwest Patrol Division had been in communication with Constable Davis, that these communications between HPD and the Constable's office continued to keep Fort Bend/Houston residents updated on the goal and any assistance they could get on that storefront would be greatly appreciated. Council Members Brown, Davis, Martin, Pennington, Rodriguez, Laster, Burks, Bradford and Christi absent. NO QUORUM PRESENT

Council Member Cohen stated that this evening was the opening of the Realabilities, the Houston Disability Film Festival at the New Asia Center on Southmore with a film beginning at 7:00 p.m.; that on Saturday was the Garden Oaks Elementary School Annual Pancake Breakfast. Council Members Brown, Davis, Martin, Pennington, Rodriguez, Laster, Burks, Bradford and Christi absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 12:14 p.m. Council Member Noriega out of the city on personal business. Council Members Brown, Davis, Martin, Pennington, Rodriguez, Laster, Burks, Bradford and Christi 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