

City Council Chamber, City Hall, Tuesday, February 12, 2013

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 12, 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 1:43 p.m. Mayor Parker asked all to take their seats, called the meeting to order and stated that Council Member Rodriguez would make the first presentation; and Council Member Rodriguez invited those with his presentation to the podium and stated that the Case Management Society of America would be celebrating their 15th Annual Case Management Week this October and it was his honor to present a Proclamation commemorating the group at Houston's own TIRR Memorial Herman, the Institute for Rehabilitation and Research; that TIRR Memorial Hospital was number three in the nation and best in Texas for top rehabilitation hospitals; that case management was a collaborative process of assessment, planning, facilitation and advocacy for options and services to meet individuals health needs; and Mayor Parker presented a Proclamation and proclaimed today as "Case Management Awareness Week" in Houston, Texas. Council Members Davis, Hoang, Laster and Green absent.

A Spokesperson for the group stated that their Case management Team was at the forefront in guiding the team and providing treatment options; and thanked all for the recognition. Council Members Davis, Hoang, Laster and Green absent.

Mayor Pro Tem Gonzalez and Council Member Pennington stated that they did a great job and they were a wonderful part of the organization; and thanked all for their work. Council Members Davis, Hoang, Laster and Green absent.

Council Member Burks invited those with his presentation to the podium and stated that it was NBA All-Star Week in Houston and it was fitting the best talent was being showcased today; that he was honored to have present some of Houston's greatest professional basketball players such as Hall of Famer Calvin Murphy, John Lucas and T. J. Ford and newly selected to the Texas Black Sports Hall of Fame Hall of Famer David Latin and Major Jones; that John Lucas a Houstonian helped lead the Houston Rockets to the NBA finals in 1986 and he had a total of 9,951 points scored and 6,454 assists and helped lead our country in the 1975 Pan American Games and Bronze in the 1974 Federations National Basketball World Championship and a six season coach with the San Antonio Spurs, Philadelphia 76ers and Cleveland Cavaliers; and Mayor Parker presented him a Proclamation and proclaimed today as "John Lucas Day" in Houston, Texas. Council Members Davis, Adams, Hoang, Laster and Green absent.

Council Member Burks stated that Calvin Murphy a Houstonian was a Hall of Famer and was a Houston Rocket from 1970 to 1982; was inducted in 1993 into the Basketball Hall of Fame; and Mayor Parker presented him a Proclamation and proclaimed today as "Calvin Murphy Day" in Houston, Texas. Council Members Davis, Adams and Green absent.

Council Member Burks stated that Terrance Jerod Ford was a Houstonian who attended the University of Texas and later retired from the San Antonio Spurs; that he played with the Milwaukee Bucks, Toronto Raptors and Indiana Pacers also with a total of 4,797 points, 1,331 rebounds 2,495 assists and named Player of the Year by Sports Illustrated in 2003; and Mayor Parker presented him a Proclamation and proclaimed today as "Terrance Jerod Ford Day" in Houston, Texas. Council Members Davis, Adams and Green absent.

Council Member Burks stated that Hall of Famer Moses Malone, Hall of Famer Clyde Drexler and Hall of Famer Elvin Hayes were not able to be present today; and Mayor Parker stated that Elvin Hayes was with her Saturday with the NBA Recycling Program and she appreciated his efforts. Council Members Davis, Adams and Green absent.

Mayor Pro Tem Gonzalez, Council Members Pennington, Rodriguez, Davis and Adams recognized and congratulated all players and thanked them for the joy they brought to Houston and all they did as they were all Houston legends; and players thanked all for the recognition.

Upon questions by Council Member Christie, Calvin Murphy stated that he set the record with 78 free throws in a row in competition and had a record for 95.8% for a season and 90% lifetime.

At 2:09 p.m. Mayor Parker called on Council Member Cohen who led all in the invocation and pledge.

At 2:10 p.m. the City Secretary called the roll. Council Member Noriega out of the city on personal business.

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

Council Member Gonzalez moved the rules be suspended for the purpose of hearing Pastor Mathew Bismark and Mr. Ricky Bradshaw at the top of the three minute Speakers List, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Member Adams absent. MOTION 2013-0112 ADOPTED.

At 2:12 p.m. the City Secretary began calling the public speakers. Council Member 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 Member Adams absent.

Mr. David Atwood, 1802 Kipling, Houston, Texas 77098 (832-693-5710) appeared as others stood in support and stated that he was on the Houston Peace and Justice Center Executive Committee and supporter of the Faith and Justice Workers Center in Houston and present regarding wage theft; millions yearly were robbed of billions of dollars and often forced between paying rent or food on the table; that it put ethical employers at a disadvantage; that wage theft was stealing tips, refusing to pay, etc., the current system was not enough and a system was needed in the city to sanction employers guilty of wage theft by denying them city contracts or renewal of work licenses; that they were all supportive of a wage theft ordinance.

Mayor Parker stated that she would be meeting next month with representatives of the community working on wage theft issues; that the City Attorney and district Attorney had discussions on the issue and having a city policy to not give contracts to such employers would have little impact as that was not the issue with most employers, however, they did believe there was a role for the City of Houston in cooperation with the District Attorney and the new District Attorney was interested in stepping up prosecution of such cases. Council Member Davis absent.

Upon questions by Council Member Adams, Mayor Parker stated that wage theft was theft and you needed the Police Department to investigate and the district Attorney to accept charges

and take them to grand juries; that the city would investigate but one challenge was a lot of communities subject to wage theft were not comfortable going to the Police Department and she had asked for a one point of contact; and another challenge was when it went to the county and Mr. Feldman and District Attorney Anderson had conversations and would be having more; and Council Member Adams stated that she did support them and they could contact her office on continuing to stand with them. Council Members Davis and Rodriguez absent.

Council Member Cohen thanked Mr. Atwood for stepping out and being a voice on the issue. Council Members Davis and Rodriguez absent.

Council Member Gonzalez thanked all for their efforts on this; that anyone who worked should be paid their wages; and Attorney Feldman was doing his due diligence through it, this had not fallen on deaf ears. Council Members Davis and Rodriguez absent.

Pastor Matthew Bismark, 13615 Mansor Drive, Houston, Texas 77041 (832-794-3512) appeared and stated that he was representing the Fifth Ward Area regarding development of a community center in their area to target the youth, elderly and summer education programs, etc. Council Members Davis, Rodriguez and Green absent.

Council Member Adams stated that she was honored Pastor Bismark was standing before Council today; that the Prayer Chain around Houston about three years ago with thousands circling Houston and holding hands in prayer was headed by Pastor Bismark; that anything he touched was something good; and she was thankful for all he did and anything she could help with she would. Council Members Brown, Davis, Rodriguez and Green absent.

Council Member Christie stated that he noticed in his information they were at the location across from Brewster Park and last week the city invigorated the park with \$280,000 and they would be getting some nice improvements. Council Members Brown, Davis, Rodriguez and Green absent.

Mr. Ricky Bradshaw, 2916 W. T. C. Jester, Houston, Texas 77018 (713-403-9272) appeared and stated that he too was of Fifth Ward and to see G5 would be erecting at a community center in that community brought joy to his heart; that he represented the Union Baptist Association and G5 was a part of the Union Baptist Association and all were supportive of what was about to happen in the community and the Loving Houston Campaign was behind them with backers of financial, political, religious and community development means. Council Members Brown, Davis, Rodriguez and Green absent.

Mayor Parker stated that for those who may not know, the Union Baptist Association would be in conference in Houston this summer and fanning out across the city to show their faith in action and all were very excited in helping them in their planning. Council Members Brown, Davis, Rodriguez and Hoang absent.

Council Member Adams thanked Mr. Bradshaw for standing before Council today and praying across the city, it would be a great light in the Fifth Ward Community; and commended he and Pastor Bismark for all they did; and she was ready to support them. Council Members Brown, Davis and Rodriguez absent.

Mr. Kevin Smith, 4118 Mainer, Houston, Texas 77021 (832-758-7303) had reserved time to speak but was not present when his name was called. Council Members Brown, Davis, Adams and Rodriguez absent.

Mr. Charles Harrison, 3542 Griggs Road, Houston, Texas 77021 (832-352-2837) appeared and stated that he had worked with previous Mayors and Congresswoman Sheila Jackson Lee;

that he was distraught, he worked on a program with the unemployed, it was a city worker program and he had been there over three months when charged with theft, not charged but it was spoken out on and he would like the Mayor to check into it. Council Members Brown, Adams and Rodriguez absent.

Upon questions by Mayor Parker, Mr. Harrison stated that he was in need of the city's help on a program, he was in the program; and Mayor Parker stated that she would like him to speak with a representative of Citizens Assistance and line out his issue so they would know where to go. Council Members Brown, Adams and Rodriguez absent.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (FA3-451) had reserved time to speak but was not present when his name was called. Council Members Brown, Adams and Rodriguez absent.

Ms. Eve Bennett, 11418 Wickersham, Houston, Texas 77007 (713-787-6388) had reserved time to speak but was not present when her name was called. Council Members Brown, Adams and Rodriguez absent.

Ms. Victor Christwell, no address (no phone) had reserved time to speak but was not present when her name was called. Council Members Brown, Adams and Rodriguez absent.

Ms. Casey Morgan, 9511 W. Sam Houston Parkway N., Houston, Texas 77064 (281-970-8970) appeared and stated that she was director of Government Affairs through the Greater Houston Builders Association and present to reiterate their support for the Chapter 42 amendments which were approved by the Planning Commission in December and addressed top neighborhood concerns such as enough time for neighborhoods to utilize protection and supported the extended phase-in period to a year allowing work on Chapter 9 to be concluded, etc., and urged Council to bring the amendments to a vote. Council Members Brown, Hoang, Rodriguez and Green absent.

Upon questions by Council Member Adams, Ms. Morgan stated that they were supportive of the approved amendments by the Planning Commission in December; that extending the phase in period from a six month period to a year would need to be a new change, but they were supportive of this and also lowering the percent of consensus by neighborhood groups to establish new minimum lot size and setback requirements to a lower 55% they were also supportive of and that too would be a change. Council Members Brown, Hoang, Rodriguez and Green absent.

Upon questions by Council Member Christie, Ms. Morgan stated that for neighborhoods outside of Loop 610 who did not have deed restrictions extending from six months to a year would give them a longer period of time to gather consensus necessary to file for application for new minimum lot size and setback requirements. Council Members Brown, Hoang, Rodriguez and Green absent.

Upon questions by Council Member Pennington, Ms. Morgan stated that she believed the time period would allow certain blocks, etc., rather than whole subdivisions to establish minimum lot size and setback requirements; that there were members of GHBA involved in meetings regarding Chapter 9, their main concern was adjusting drainage standards which were in the design manual in Chapter 9, moving them into Chapter 42 where they were currently not included would unfairly neglect the input of stakeholders who were not following Chapter 42 conversations; and Council Member Pennington stated that he was not talking of moving it to another chapter he just wanted them to stay engaged. Council Members Brown, Hoang, Rodriguez and Green absent.

Council Member Laster stated that he wanted to confirm again the Neighborhood Protection element for minimum lot size would include two options now which he discussed and which included the old option block face by block face and neighborhood community; and upon questions, Ms. Morgan stated that she believed that was true and they were supportive of the measures. Council Members Brown, Hoang, Rodriguez and Green absent.

Council Member Adams moved the rules be suspended for the purpose of extending the time for questions of Ms. Casey Morgan, seconded by Council Member Laster. All voting aye. Nays none. Council Member Noriega out of the city on personal business. Council Members Brown, Hoang, Rodriguez and Green absent. MOTION 2013-0113 ADOPTED.

Council Member Adams discussed a daycare converting residential lots to a daycare right in the middle of a neighborhood; and upon questions, Mayor Parker stated that the city did not regulate use of a property at all, unless you had deed restrictions which required it to be maintained as single family Chapter 42 had nothing to do with it and nothing being planned would have anything to do with land use regulations in terms of who could sign to opt in it ultimately had to be the property owner and that was on historic, minimum lot size, etc., as the owner was the one legally responsible. Council Members Brown, Hoang, Rodriguez and Green absent.

Ms. Lianne Lami, 12711 Pine Drive, Cypress, Texas 77429 (832-795-1865) had reserved time to speak but was not present when her name was called. Council Members Brown, Hoang, Rodriguez and Green absent.

Mr. Stan Jones, P. O. Box 321251, Houston, Texas 77221 (832-407-7337) appeared, presented Council Members information and stated that he was present as they were trying to help students at the Barbara Jordan School and other high schools who were handicapped; that they worked with them on a regular basis and let them know they could go on further in life and a disability did not need to hold them back; and they were having a Valentine Party and were requesting help and asking Council for consideration. Council Members Brown, Hoang, Pennington, Rodriguez and Green absent.

Mayor Parker stated that if she followed him correctly ...; that his information stated their website was [barbarajordanendeavors.org](http://barbarajordanendeavors.org) and he was soliciting support for their charitable activity; and Mr. Jones stated that was correct. Council Members Brown, Hoang, Pennington, Rodriguez and Green absent.

Ms. Evelyn Gonzalez, 3450 Hartington Drive, Houston, Texas 77066 (832-387-2875) appeared and stated that she too was present representing Barbara Jordan Endeavors; that they went in the Houston area to help students with disabilities and their vision was to reach students in all districts; that this week they would hold a party at Barbara Jordan High School and Forest Brook Middle School; and they were asking for support. Mayor Parker, Council Members Brown, Hoang, Pennington, Rodriguez, Green and Costello absent. Mayor Pro Tem Gonzalez presiding.

Council Member Davis stated that he would step out and introduce himself and provide his office phone number; that they would like to maybe partner with them or attend the event at Forest Brook Middle School. Mayor Parker, Council Members Brown, Hoang, Pennington, Rodriguez, Green and Costello absent. Mayor Pro Tem Gonzalez presiding.

Council Member Adams stated that Ms. Thelma Scott, the founding creator of their organization, was present and asked that she stand to be recognized. Mayor Parker, Council Members Brown, Hoang, Pennington, Rodriguez, Green and Costello absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez stated that for more information anyone could go to [barbarajordanendeavors.org](http://barbarajordanendeavors.org). Mayor Parker, Council Members Brown, Hoang, Pennington, Rodriguez, Green and Costello absent. Mayor Pro Tem Gonzalez presiding.

Ms. Rosa Cervantes, 1505 W. Alabama, Houston, Texas 77093 (no phone) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Brown, Hoang, Pennington, Rodriguez, Green and Costello absent. Mayor Pro Tem Gonzalez presiding.

Mr. Victor Carpio, 1805 W. Alabama, Houston, Texas 77098 (713-927-5908) appeared as others stood in support and stated that he was a member of the Faith and Justice Workers Center; that he worked in the restaurant industry and was concerned with wage theft; that it happened to him and others, but he was present as a community member who knew the impact on the workers and was not asking for help for himself, but because he did not want it to happen to others; and urged that a wage theft ordinance be passed and employees be paid. Mayor Parker, Council Members Brown, Hoang, Pennington, Rodriguez, Green and Costello absent. Mayor Pro Tem Gonzalez presiding.

Ms. Hoa Tran, 1731 Asbury Drive, Houston, Texas 77018 (832-888-2281) had reserved time to speak but was not present when her name was called. Mayor Parker, Council Members Brown, Hoang, Pennington, Rodriguez, Green and Costello absent. Mayor Pro Tem Gonzalez presiding.

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

At 2:49 p. m. Mayor Pro Tem Gonzalez stated that City Council was recessed until 9:00 a.m., Wednesday, February 13, 2013. Council Member Noriega out of the city on personal business. Mayor Parker, Council Members Brown, Hoang, Pennington, Rodriguez, Green and Costello absent. Mayor Pro Tem Gonzalez presiding.

The Houston City Council reconvened at 9:00 a.m., Wednesday, February 13, 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., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D.C.; Mr. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director, and Ms. Stella Ortega, Agenda Office, present.

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

At 9:13 a.m. Mayor Parker called the meeting to order and stated that the first item on the agenda was a public hearing, and recognized Council Member Gonzalez for a point of order.

Council Member Gonzalez stated that before starting with the Mayor's Report he would move to consider Item No. 2 prior to the Mayor's Report, seconded by Council Member Pennington. All voting aye. Nays none. Council Members Adams, Hoang, Costello and Noriega absent.

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

1. **PUBLIC HEARING** regarding the decommissioning of a portion of 2.1748 acres of Levy Park to allow for redesign and future expansion of the park - **DISTRICT C – COHEN** – was called. Council Members Adams, Hoang, Costello and Noriega absent.

The City Secretary stated that no one had reserved time to appear and Mr. Joe Turner, Director, Parks and Recreation, would make remarks. Council Members Adams, Hoang, Costello and Noriega absent.

Mr. Turner stated that the Houston Parks and Recreation Department was requesting the City Council to approve the removal of the designation of parkland from 2.71 acres portion of Levy Park, that Chapter 26, The Texas Parks and Wildlife Code required the City Council to hold a public hearing before approving the request, that Section 26.001 of the Texas Parks and Wildlife Code provided that a City may not approve any program or project for the use of land designated as parkland unless after a public meeting it's governing body determined that there was no feasible and prudent alternative to the proposed use of the parkland and that the program or project included all reasonable and planning to minimize harm to parkland, that Levy Park was located in City Council District C, Ellen Cohen, Council Member, that the address was 3801 Eastside near the intersection of Richmond and Buffalo Speedway, that the park was currently comprised of 5.5 acres of land, that the removal of the park designation from 2.71 acre portion of the park was the first step in a project to reconfigure the park and make room for the construction of new improvements, that this action would be followed by the addition of a tract of land owned by Upper Kirby Redevelopment Authority to expand the park and facilitate the new development, that the Upper Kirby Redevelopment Authority would also fund the redevelopment of Levy Park, that the result of the park expansion was an increase in the size from 5.521 acres to 6.0001 acres, that this new orientation would improve the parks visibility and make the park more accessible to the neighborhood residents by providing park access from Eastside and Wakeforest Streets, that currently the park was only directly accessible from Eastside Street, that new park development would include construction of a playground, dog park, community garden and other new park facilities, that in addition the redesign of the park would make room for the construction of mix use office, retail and residential development bordering the north and south boundaries of the park, that the Parks and Recreation Department had worked with the Upper Kirby Redevelopment Authority in designing the project to minimize the impact to the natural and cultural resources within the park and they supported this action. Council Members Davis, Adams, Costello, Burks and Noriega absent.

After discussion by Council Members Gonzalez and Cohen, Mayor Parker stated that no one had reserved time to speak on the issue but would open the floor if there was anyone in the audience who had any questions or concerns, that she wanted to note Jamie Brewster in the audience and some of the folks from the Upper Kirby District and wanted to thank them for being present and to thank them for their work; and seeing no speakers would take a motion to close the public hearing. Council Members Davis, Adams, Costello, Burks and Noriega absent.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Davis, Adams, Costello, Burks and Noriega absent. MOTION 2013-0115 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **WASHINGTON AVENUE CORRIDOR ADVISORY COMMITTEE**, for a period of 180 days

Position One - **JANE CAHILL WEST**  
Position Two - **KEITH EDGAR**  
Position Three - **PHYLLIS K. WEHRING THOMASON**, and to serve as Chair  
Position Four - **JON D. DEAL**  
Position Five - **BRYAN WHITE**  
Position Six - **RICARDO MOLINA**  
Position Seven - **SALEEM GEORGE FERNANDEZ**

- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Davis, Adams, Costello, Burks and Noriega absent. MOTION 2013-0116 ADOPTED.

Mayor Parker stated that they just affirmed the appointment of individuals to the Washington Avenue Corridor Advisory Committee and asked members present to come forward to be recognized. Council Members Davis, Adams, Costello and Burks absent.

Mayor Parker and Council Members Pennington, Gonzalez and Cohen congratulated the newly appointed board members and thanked them for their service to the City of Houston. Council Members Davis, Adams and Burks absent.

#### **MAYOR'S REPORT** - Sexual Assault Kits

Mayor Parker stated that they would move to the Mayor's Report and invited the presenters to come forward and recognized Executive Assistant Chief Tim Oettmeier, Assistant Chief Matt Slinkard and Mr. Scott Hochberg, Chairman of the Houston Forensic Science, LGC, their new Independent Crime Lab.

Mayor Parker further stated that of all of the challenges of leading Houston over the past three years, really the most personal had been the issue of decades of untested rape kits, sexual assault kits, that they were all aware of the problem, it was literally decades in the making and it had been an ongoing concern of everybody around the Council table, but with the serious budget challenges that they faced during the recession it made it very difficult to address something that was going to require a significant expenditure of funds to take care of, that it had never been ignored but they were not interested in a just a quick fix or "let's patch it together and move forward", they had been searching for the appropriate solution, that the good news today was that they had the solution, it was an affordable solution, it took advantage of some great contract pricing to allow them to not only eliminate the backlog of untested sexual assault kits, but to give the new Independent Crime Lab a clean start for all types of DNA testing, that they (Council) all agreed, when they passed the budget, that it was finally time to put the finances where they needed to be in order to address this issue and they set aside up to \$5 million to be used between solving the backlog of sexual assault kits, but also for any cost associated with the ramping up of the new Independent Forensic Science Center for the City of Houston, that it was never their intention to simply take the problem, that was decades in the making, and hand it off to the new Houston Forensic Science Center, LGC, but to try to solve it if they could, and again appreciation to all of those Council Members who voted to put the money aside so that they could step forward, that the solution was going to be laid out over the next few minutes, and she was very excited about the presentation, but even more excited that those Council Members who had been working on the issue for a long time, concerned about this issue for a long time, particularly those Council Members who would be leaving them at the end of the year, she would be able to say when they go out that they solved it on their watch and she thought that was going to be very important to everybody.



Chief Oettmeier, Assistant Chief Slinkard and Mr. Hochberg reviewed a slide show of the Sexual Assault Kit Project Update, a copy of which is on file in the City Secretary's office for review and were questioned in length by Members of the City Council.

Mayor Parker stated that she wanted to thank Chief Oettmeier, Chief Slinkard and Mr. Hochberg for a great report, they would be bringing the contracts next week.

Mayor Parker stated that they would be proceeding with the consent agenda.

### **CONSENT AGENDA NUMBERS 2 through 36**

#### **MISCELLANEOUS** - NUMBERS 3 through 5

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2013 Operations and Maintenance Budget for the **LAKE HOUSTON FACILITY** project operated by the Coastal Water Authority - \$2,502,982.00 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2013-0117 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2013 Operations and Maintenance Budget for the **TRINITY RIVER WATER CONVEYANCE PROJECT** operated by the Coastal Water Authority - \$20,964,773.00 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2013-0118 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2013 Operations and Maintenance Budget for the **TRINITY RIVER AUTHORITY** \$3,662,010.00 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2013-0119 ADOPTED.

#### **ACCEPT WORK** - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$971,543.38 and acceptance of work on contract with **CONRAD CONSTRUCTION CO. LTD.** for Cambridge Paving from Holly Hall to IH 610 - 2.81% under the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. MOTION 2013-0120 ADOPTED.

#### **PROPERTY** - NUMBER 10

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from John English, Rekha Engineering, Inc., on behalf of Lilly Grove Missionary Baptist Church (Reginald Mack, Trustee), for abandonment and sale of Tierwester Street, from Alice Street south ±280 feet; Alice Street, from Tierwester Street west to its terminus; and South Lawn Avenue, from the east property line of Lot 17, Block 3 west ±214 feet; in exchange for the conveyance to the City of a ±13,251-square-foot fee-owned parcel for the realignment of Tierwester Street, a ±585-square-foot fee-owned parcel for the realignment of Tierwester Street, and construction of the realignment of Tierwester Street, all within the South Lawn

Addition, out of the Louis Gladitch Survey, A-304, Parcels SY13-012A, SY13-012B, SY13-012C, AY13-089A and AY13-089B - **DISTRICT D - ADAMS** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2013-0121 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 11 through 12

11. ORDINANCE appropriating \$3,508,106.00 out of Equipment Acquisition Consolidated Fund for purchase of Firefighting Trucks for Houston Fire Department – was presented. All voting aye. Nays none. ORDINANCE 2013-0114 ADOPTED.
- 11a. **METRO FIRE APPARATUS SPECIALISTS, INC** for Firefighting Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Fire Department – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2013-0122 ADOPTED.
12. **ALL BUSINESS MACHINES, INC** for Two Gas Chromatograph/Mass Spectrometer Systems from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - \$228,702.22 - Grant Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2013-0123 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 15 through 36

15. ORDINANCE **AMENDING ARTICLE III, CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; relating to the composition of the Houston Clean City Commission – was presented. All voting aye. Nays none. ORDINANCE 2013-0115 ADOPTED.
25. ORDINANCE authorizing the sale by the City of Houston, Texas, Seller, to **LUIS AMADOR and MICHAEL TA, Purchaser**, of the Former Child Care Center, 3611 Drew Street, Houston, Texas, for a purchase price of \$10,000.00 - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. ORDINANCE 2013-0116 ADOPTED.
27. ORDINANCE approving and authorizing Professional Weatherization Home Inspection Contract between the City of Houston and **THE GAIA GROUP 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 - \$75,000.00 - Residential Energy Efficiency Program Fund – was presented. All voting aye. Nays none. ORDINANCE 2013-0117 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City and **COMPSYCH CORPORATION** for Employee Assistance Program Services for the Human Resources Department; providing a maximum contract amount - 3 Years with two one-year options \$1,256,832 - Health Benefits Fund – was presented. All voting aye. Nays none. ORDINANCE 2013-0118 ADOPTED.
31. ORDINANCE amending Ordinance No. 2012-259 (Passed March 28, 2012) to increase the maximum contract amount for contract between the City of Houston and **PCS MOBILE, INC** for the Mobile Data Strategy of the Houston Police Department – was presented. All voting aye. Nays none. ORDINANCE 2013-0119 ADOPTED.

33. ORDINANCE approving and authorizing an agreement between the City of Houston and **THE CO-PARTICIPANTS OF THE CHELFORD CITY MUNICIPAL UTILITY DISTRICT** for the Regional Wastewater Treatment Plant to expand the plant's service area - **DISTRICTS F - HOANG and G - PENNINGTON** – was presented. All voting aye. Nays none. ORDINANCE 2013-0120 ADOPTED.
35. ORDINANCE appropriating \$2,150,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **ADS ENVIRONMENTAL SERVICES** for Citywide Wastewater Hydraulic Modeling Support (Approved by Ordinance No. 2012-0595) – was presented. All voting aye. Nays none. ORDINANCE 2013-0121 ADOPTED.
36. ORDINANCE appropriating \$2,895,846.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Wastewater Collection System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4235-62) – was presented. All voting aye. Nays none. ORDINANCE 2013-0122 ADOPTED.

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

**ACCEPT WORK**

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,280,885.68 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION CO.** for City Wide Overlay / Rehabilitation Project Package #16 (Work Order Contract) - 4.60% over the original contract amount and under the 5% contingency amount - **DISTRICTS C - COHEN; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** – was presented, and tagged by Council Member Adams.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,596,263.16 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Texas Avenue Lift Station Upgrade and Force Main Replacement - 1.38% under the original contract amount - **DISTRICTS B - DAVIS and H - GONZALEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2013-0124 ADOPTED.

**PROPERTY**

9. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. Perzetta Hurd, et al., Cause No. 992,498; for acquisition of Parcel AY10-068; for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT (Little York - W. Gulf Bank) - DISTRICT B - DAVIS** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2013-0125 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

13. ORDINANCE appropriating \$335,579.11 out of Equipment Acquisition Consolidated Fund for purchase of Light-, Medium- and Heavy-Duty, Cabs & Chassis Mounted with Truck Bodies for Various Departments - \$5,019,739.20 - Enterprise and Other Funds – was presented, and tagged by Council Member Brown.
- 13a. **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$3,724,482.68, **HOUSTON FREIGHTLINER, INC** - \$157,070.00, **TEXAS UNDERGROUND, INC** - \$441,288.00, **GAP VAX, INC** - \$471,875.00, **CHASTANG ENTERPRISES, INC d/b/a CHASTANG BAYOU CITY FORD** - \$84,101.85 and **PHILPOTT MOTORS LTD. d/b/a PHILPOTT FORD** - \$476,500.78 for Light-, Medium- and Heavy-Duty Cabs & Chassis and Truck Bodies through the Interlocal Agreements for Cooperative Purchasing with Houston-Galveston Area Council and the Texas Local Government Purchasing Cooperative (BuyBoard) for Various Departments – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford, and tagged by Council Member Brown.

### **RESOLUTIONS AND ORDINANCES**

14. RESOLUTION supporting the Texas Department of Transportation’s delivery of the SH288 managed lanes and direct connectors for access to the Texas Medical Center - **DISTRICT D – ADAMS** – was presented, and tagged by Council Member Adams.
16. ORDINANCE **AMENDING SECTIONS OF CHAPTERS 1, 5, 7 AND 8 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to criminal background check requirements and results for the consideration and issuance of certain licenses and permits – was presented, and tagged by Council Member Brown.
17. ORDINANCE approving and authorizing Professional Services Agreement between the City of Houston and the **SCIENCE APPLICATIONS INTERNATIONAL CORPORATION** for Regional Catastrophic Preparedness Planning, Training, and Exercise Services - \$983,115.00 - Grant Fund – was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0123 ADOPTED.
18. ORDINANCE approving and authorizing agreement between the City of Houston and **WILLIAM MARSH RICE UNIVERSITY (“RICE”)** for Research and Training Services associated with the enhancement of a Storm Risk Calculator - \$194,077.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2013-0124 ADOPTED.
19. ORDINANCE approving and authorizing Subgrant Contract between the City of Houston and **HARRIS COUNTY** for a reimbursable grant from **HARRIS COUNTY**, on behalf of the Harris County Judge’s Office to support the Coastal Impact Assistance Program Grant for Willow Waterhole Greenspace Project - **DISTRICT K – GREEN** – was presented.

After discussion by Council Member Green, a vote was called on Item no. 19. All voting aye. Nays none. ORDINANCE 2013-0125 ADOPTED.

20. ORDINANCE appropriating \$11,829,092.52 out of Transportation Security Administration Other Transaction Agreement Funds and approving and authorizing Amendment No. 1 to the Construction Management-At-Risk Agreement between the City of Houston and **MANHATTAN CONSTRUCTION COMPANY** for Advanced Surveillance Program at George Bush Intercontinental Airport/Houston and William P. Hobby Airport (Project No. 612V; Contract No. 4600011577); providing funding for contingencies - **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. ORDINANCE 2013-0126 ADOPTED.

21. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **CENTRAL HELICOPTER SERVICE, INC** for certain premises at William P. Hobby Airport **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2013-0127 ADOPTED.
22. ORDINANCE approving and authorizing Amendment No. 1 to second amended and restated Special Facilities Lease Agreement at George Bush Intercontinental Airport/Houston between the City of Houston and **CONTINENTAL AIRLINES, INC - DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. ORDINANCE 2013-0128 ADOPTED.
23. ORDINANCE approving and authorizing an Airport Use and Lease Agreement at William P. Hobby Airport between the City of Houston and **SOUTHWEST AIRLINES CO. - DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2013-0129 ADOPTED.
24. ORDINANCE authorizing the sale by the City of Houston, Texas, Seller, to **TRELLEBORG OFFSHORE US, INC, Purchaser**, of the Former North Water Lab, 1822 Rankin Road, Houston, Texas, for a purchase price of \$706,500.00 - **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. ORDINANCE 2013-0130 ADOPTED.
26. ORDINANCE appropriating \$3,450,000.00 out of Fire Consolidated Construction Fund, \$2,100,000.00 out of Police Consolidated Construction Fund and \$100,000.00 out of Public Health Consolidated Construction Fund to the In-House Renovation Revolving Fund for the Renovation and Office Build-out Projects for various City facilities during Fiscal Year 2013 - was presented, and tagged by Council Member Costello.
29. ORDINANCE approving and authorizing various contracts between the City of Houston and 1) **LINEBARGER GOGGAN BLAIR & SAMPSON LLP, (“LINEBARGER”) GILA LLC d/b/a MUNICIPAL SERVICES BUREAU (“MSB”), GC SERVICES LIMITED PARTNERSHIP (“GC SERVICES”), and PROFESSIONAL ACCOUNT MANAGEMENT LLC, A DUNCAN SOLUTIONS INC COMPANY (“DUNCAN SOLUTIONS”)** for Unpaid Account Collection Services for the Finance Department; 2) **DUNCAN SOLUTIONS, MSB** and **GC SERVICES** for Unpaid Parking Citation Collection Services for the Administration and Regulatory Affairs Department; and 3) **MSB** and **GC SERVICES** for unpaid Utility Account Collection Services for the Public Works & Engineering Department; authorizing the addition of a collection fee of thirty percent (30%) to delinquent accounts owed to the City, as provided under §103.0031(c) of the Texas Code of Criminal Procedure; authorizing the Mayor to add additional contractors who meet criteria approved by City Council - Revenue – was presented. All voting aye. Nays none. ORDINANCE 2013-0131 ADOPTED.
30. ORDINANCE appropriating \$3,200,000.00 out of Equipment Acquisition Consolidated Fund as an additional appropriation for the Municipal Courts Case Management System; approving and authorizing third amendment to contract between the City and **SOGETI USA, LLC**; and amending Ordinance 2009-863 to increase the maximum contract amount – was presented.

After discussion by Council Members Christi, Mayor Parker stated that she was the third Mayor that had at least been on this treadmill and was determined that like the sexual assault kits and these other things, that she was the last Mayor that had to touch this.

After further discussion by Council Members Bradford and Burks, Council Member Bradford stated that he had some meetings with Judge Hartle and more specifically and recently with Director Thompson over the IT Department and he was able to come by and visit,

A vote was called on Item No. 30. All voting aye. Nays none. ORDINANCE 2013-0132 ADOPTED.

32. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing 0.2486 acre commonly known as 2606 West Dallas Street, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT C – COHEN** – was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0133 ADOPTED.
34. ORDINANCE appropriating \$110,485.00 out of Metro Projects Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MIDTOWN ENGINEERS, LLC** for Silber Paving and Drainage from IH-10 to Hartland; providing funding for contingencies relating to construction of facilities financed by the Metro Projects Construction Fund - **DISTRICT A - BROWN** – was presented. All voting aye. Nays none. ORDINANCE 2013-0134 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Rodriguez first

Council Member Rodriguez stated that he wanted to congratulate the Mayor and thank his colleagues for the unanimous support of the Hobby Airport Lease Agreement with Southwest Airlines, that he was told that over the 25 year lease it looked like the City would generate revenue in the \$1.25 billion range, that was a great economic impact for their City and addressed the ease of travel internationally for their constituents and residents. Council Members Hoang, Burks and Noriega absent.

Council Member Gonzalez stated that he wanted to acknowledge some City of Houston employees, Marlene McNeese-Ward, Cathy Wiley, Benjamin Hernandez, Lisandra Lamboy, John Michael Gillespie, Barry Barnes and Amber David who played pivotal roles in making the Health and Human Services Department booth at the Houston Hispanic Forum a success, their presence led to hundreds of interactions with young Latinos; and announced events he attended or would be attending; 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; that he wanted to remind all residents that this weekend was NBA All Star weekend so be patient, there was going to be a lot of rerouting of traffic and heavy crowds, just make sure to plan for ample time to get to and from and try to enjoy the festivities, that it was really an event that allowed them to showcase their City and hopefully help build on hosting additional events of this caliber that brought revenue to their City. Council Members Brown, Hoang, Laster, Burks and Noriega absent.

Council Member Adams stated that she wanted to congratulate Ms. Doris Ellis Robinson, President of Friends of Emancipation Park, for receiving the Advocate of the Year Award provided by the Advisory Board of the Parks Department; and announced events she attended or would be attending; and stated that yesterday the Senate voted 78 to 22 to reauthorize the Violence Against Women Act, that it would now go to the House and hopefully they would have a positive outcome; and she wanted to wish everyone a Happy Valentines Day for tomorrow. Council Members Brown, Hoang, Gonzalez, Laster, Burks, Noriega and Bradford absent.

Council Member Pennington announced events he attended or would be attending; that the Capital Improvement Plan meeting for District G would be held on Tuesday, February 26,

2013, from 6:30 p.m. to 8:30 p.m. at Briargrove Elementary School, 6145 San Felipe. Mayor Parker and Council Members Brown, Adams, Hoang, Gonzalez, Laster, Burks, Noriega and Bradford absent. Council Member Rodriguez presiding. NO QUORUM PRESENT

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

Council Member Davis announced events he attended or would be attending. Mayor Parker and Council Members Brown, Adams, Hoang, Laster, Burks and Noriega absent. Council Member Rodriguez presiding.

Council Member Cohen announced events she attended or would be attending; that she wanted to congratulate Ms. Leonor Corona, a secretary at Stevens Elementary School, who was named HISD Employee of the Month of January. Council Members Brown, Davis, Adams, Hoang, Laster, Green, Burks and Noriega absent.

Council Member Christi stated that he wanted to quote from last night's State of the Union Address, "We believe the most powerful magnet to attract new jobs, especially in the manufacturing sector, was reliable, affordable energy, of which this Nation had a surpassing abundance", that again like last week they bought a few hundred trucks, this time they were large trucks on Item Numbers 13 and 13a, they could transfer these to compressed natural gas, lock in 10 year contracts on compressed natural gas; that in the newspaper this morning GE had a gas turbine gigantic generator, the Mayor had authorized a three year deal for \$400 million for kilo watt hours, that was \$160 million for kilo watt hours for the City's use, if they took 4 turbines of General Electric and put them in four quadrants of the City, and in the article the Texas Medical Center was looking at doing this, that if it was good for a profit making industry it would be good for the City. Council Members Brown, Davis, Adams, Hoang, Pennington, Rodriguez, Laster, Green, Burks and Noriega absent. NO QUORUM PRESENT

Council Member Martin stated that he wanted to thank Council Member Christi and the only thing he would say to that was that CenterPoint tried to use that same thing and they hedged gas prices at \$12, which was why they were in a legal battle with them, that hedging was a tough thing; that he hoped that every one would have a blessed Ash Wednesday and a reflective Lenten Season; that he wanted to congratulate Mr. Feldman who was nominated for the University of Houston Master of Public Administration Public Service Award, that it was the second year the ceremony would be highlighting the work of Houston's Metropolitan area public officials who had contributed significantly to the public good, that Mr. Feldman was nominated for his tireless work to improve the City's Legal Department, his efficiency in saving thousands of dollars in taxes, that he was one of four finalists along with former NASA Director, Mr. Michael Coates. Council Members Brown, Davis, Adams, Hoang, Pennington, Rodriguez, Laster, Green, Burks and Noriega absent. NO QUORUM PRESENT

Mayor Parker stated that she wanted to thank Council Member Martin for bringing that up. Council Members Brown, Davis, Adams, Hoang, Pennington, Rodriguez, Laster, Green, Burks and Noriega absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 10:58 a.m. Council Members Brown, Davis, Adams, Hoang, Pennington, Rodriguez, Laster, Green, Burks and Noriega absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 10:58 a.m. Council Members Brown, Davis, Adams, Hoang, Pennington, Rodriguez, Laster, Green, Burks and Noriega 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