

City Council Chamber, City Hall, Tuesday, April 2, 2013

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 2, 2013, Mayor Annise Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division; Ms. Marta Crinejo, Agenda Director and Ms. Stella Ortega, Agenda Office present. Council Member Al Hoang absent on city business. Council Member Andrew C. Burks, Jr. absent due to being ill.

At 1:52 p.m. Mayor Pro Tem Gonzalez stated that they would begin the presentations and recognized Vice Mayor Pro Tem Bradford for the first presentation. Mayor Parker and Council Members Davis, Martin, Rodriguez, Laster and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Bradford stated that today he was honored to present a proclamation to Escape Family Resource Center, because this was National Child Abuse Prevention Awareness Month, whereas Escape Family Resource Center was a Houston based privately supported nonprofit organization founded in 1983 by the Houston Area Chapters of the National Exchange Clubs, with a mission to prevent child abuse and neglect, therefore, he, Brad Bradford, Vice Mayor Pro Tem, on behalf of Mayor Annise Parker and the full City Council, hereby proclaimed April 2013, in Houston Harris County, Texas, as National Child Abuse Prevention Awareness Month for the Escape Family Resource Center. Mayor Parker and Council Members Davis, Martin, Rodriguez, Laster and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Ms. Lydia K. Osadchay, CEO, stated that she wanted to thank Mayor Parker and the City Council and wanted to acknowledge the proclamation with gratitude; that they had given them a wonderful gift, t-shirts, to remember that Lean To Parent was a basic right that all of their children deserved because it should not hurt to be a child. Mayor Parker and Council Members Davis, Martin, Rodriguez, Laster, Green and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Members Brown, Cohen and Gonzalez, thanked Ms. Osadchay for all that their organization did; and Council Member Cohen stated that she knew Escape was looking for new housing, it needed a new facility to move it's offices and she would urge anyone listening if they had property that they might like to donate it would be wonderful; and Council Member Gonzalez asked if she could mention their website. Mayor Parker and Council Members Davis, Martin, Pennington, Rodriguez and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Ms. Osadchaey stated that their website was www.learntoparent.org, that it had all of the information on their classes and locations. Mayor Parker and Council Members Davis, Martin, Pennington, Rodriguez and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Vice Mayor Pro Tem Bradford recognized Mayor Pro Tem Gonzalez for the next presentation. Mayor Parker and Council Members Davis, Martin, Pennington, Rodriguez and Noriega absent. Vice Mayor Pro Tem Bradford presiding.

Mayor Pro Tem Gonzalez stated that today was a very special day, that it began yesterday with the arrival of the inaugural flight from Turkey to Houston and they were proud to be the latest destination for Turkish Airlines, that the flight had already proven to be so successful that they were expanding from four flights per week to six per week, that he wanted to welcome the Mayor's of the cities of Adana and Saricam, Turkey, the Honorable Zihni Aldirmaz and Ahmet

Zenbilci, and members of the Turkish delegation to the City, that they would be visiting Houston until Friday, their goal was to expand cooperation and bilateral business activities between their cities, that on Friday they would sign a Memorandum of Understanding between Houston and Adana, which would be supported by the Texas Turkish American Chamber of Commerce, that Mr. Tarik Celic, President of the Chamber was also present today, and on behalf of the City of Houston, Mayor Parker, Vice Mayor Pro Tem Bradford and their colleagues, he wanted to present them with Certificates of Welcome to recognize their visit today, that they had been at a recognition event previous to the meeting and Mayor Parker would be present momentarily. Mayor Parker and Council Members Davis, Rodriguez and Noriega absent. Vice Mayor Pro Tem Bradford presiding.

Mr. Celic stated that he wanted to thank Mayor Parker and the Council Members for giving them the chance to say a few words, that Turkey and Houston were two great places in the world that could share a lot of culture, education and trade relations, that was why they were excited to have this direct flight from Turkey and Houston and Istanbul, that there was an amazing trade relationship and opportunity and they were hoping that the numbers they had as of last year, \$3.6 billion, to double that number in a couple of years by having such a great relationship with the City of Adana and the direct flight they had enjoyed yesterday, that the Turkish American Chamber of Council settled in Houston and they had six offices all over Texas and they would do anything possible to increase the relationship and they asked them to help them meet the goal of doubling the number in a couple of years. Mayor Parker and Council Members Davis, Rodriguez and Noriega absent. Vice Mayor Pro Tem Bradford presiding.

Honorable Mayor of Adana, Mr. Zihni Aldirmaz, stated through a translator, that he believed they would have a great relationship with Houston, that there was energy going through the Middle East and Africa, so he believed this relationship would be so important for Adana and Houston; and Honorable Mayor of Saricam, Mr. Ahmet Zenbilci, through a translator, stated that he would like to thank them all today. Mayor Parker and Council Members Davis, Rodriguez and Noriega absent. Vice Mayor Pro Tem Bradford presiding.

Mr. Celic stated there were two things they all should know, Adana was the center of energy and health in that region, and second, the Mayor already brought a group of companies with him to show his commitment to this relationship and would be bringing another group in May, which showed his commitment. Mayor Parker and Council Members Davis, Rodriguez and Noriega absent. Vice Mayor Pro Tem Bradford presiding.

Vice Mayor Pro Tem Bradford and Council Members Christi and Pennington welcomed the Mayors of Adana and Saricam and the Turkish Delegation and thanked them very much for coming to the City of Houston. Mayor Parker and Council Members Davis, Rodriguez and Noriega absent. Vice Mayor Pro Tem Bradford presiding.

At 2:17 p.m. Mayor Pro Tem Gonzalez recognized Council Member Costello for the invocation and pledge of allegiance, and Council Member Costello welcomed Father Michael Barrett, for the invocation and Council Member Costello led all in the pledge of allegiance. Mayor Parker and Council Members Davis, Rodriguez and Noriega absent. Mayor Pro Tem Gonzalez presiding.

At 2:22 p.m. Mayor Pro Tem Gonzalez requested the City Secretary to call the roll. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. Mayor Parker absent. Mayor Pro Tem Gonzalez presiding.

Council Members Bradford and Noriega moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. Mayor Parker absent. Mayor Pro Tem Gonzalez

presiding. MOTION ADOPTED.

Mayor Pro Tem Gonzalez requested the City Secretary to call the list of speakers. Mayor Parker absent. Mayor Pro Tem Gonzalez presiding.

Ms. Tammy Betancourt, 12018 Wood Hollow Ln., Houston, Texas 77043 (713-203-0726) appeared and stated that she was present to speak about the proposed ordinance on Chapter 47 that they would be considering tomorrow, that she represented the Houston Building Owners and Managers Association and they would like to respectfully request that commercial users be included in the appeals process throughout the ordinance, that there were two areas that commercial could be included, 47-75 and 47-75.1, that right now commercial users which included hospitals, industrials, restaurants and retail were all excluded from the appeals process, that they felt that it was only fair that all user classes were afforded the same rights and appeals as each other, there should be no exclusion throughout the appeals process, everyone should pay for the water they used, if the bills were to high or low adjust them, but all user classes should be afforded the appeals process equally. Mayor Parker absent. Mayor Pro Tem Gonzalez presiding.

Council Member Davis asked if Ms. Betancourt, if she knew why commercial was not included in the appeals process, and Ms. Betancourt stated that Director Krueger shared with them that it was excluded as a financial issue, that the City did not know at this time what the financial implications would be. Mayor Parker absent. Mayor Pro Tem Gonzalez presiding.

Council Member Green stated that he had raised the issue with committee as to why they were excluding their corporate partners from the water appeals, and asked Legal whether or not the City could, from a legal perspective, exclude an entity from the appellate process when it came to water and had they looked at being able to do that and Mr. Harlan Heilman, Legal Department, stated that he was not involved in the hearing process, and Mayor Pro Tem Gonzalez stated that they would follow with those answers, perhaps through City Attorney Feldman.

After further discussion by Council Members Laster, Pennington and Bradford, Council Member Costello moved to extend the time to question Ms. Betancourt, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. Mayor Parker absent. Mayor Pro Tem Gonzalez presiding. MOTION 2013-0200 ADOPTED.

Mayor Parker stated that she was sorry to be a little late, that several of them were with her at lunch and it went long, but they celebrated the new direct Houston to Istanbul, Istanbul to Houston flight last night and then lunch today, that she appreciated those Council Members who were able to participate.

Dr. Alkebu Motapa, 5022 Crosby, Houston, Texas (713-741-5150) had reserved time to speak, but was not present when his name was called

Mr. Cordero Jennings, 101 Crawford, Houston, Texas 77002 (832-566-7747) had reserved time to speak, but was not present when his name was called.

Mr. Steven Williams, (No address, no phone) had reserved time to speak, but was not present when his name was called

Mr. John Johnson, 7102 Wendemere St., Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called.

Ms. Carolyn Graham-Faison, 6722 LaSombra Dr., Houston, Texas 77083 (281-433-3421) had reserved time to speak, but was not present when her name was called

Mr. Isaia Monroe, 6311 Dell Fern Dr., Houston, Texas 77035 (281-795-9326) had reserved time to speak, but was not present when her name was called

Ms. Shiryl Chambers, 12327 Ormandy, Houston, Texas 77085 (832-618-8944) had reserved time to speak, but was not present when her name was called

Mr. Donell Wheeler, 3334 Dragonwick Dr., Houston, Texas 77045 (713-434-0258) appeared and stated that he and his mother Ms. Mary Wheeler were present, that they both understood the Texas Constitution, Article 11, Section 13, that normally no liability for the property damage from a sewage backup and also prohibiting the City of Houston from paying for their claim or any claim, that his mother, Mary Wheeler, experienced a sewage backup in her home last year, February 15, 2012, at 3:00 a.m. on a Wednesday morning, pretty much destroying her entire home, that due to their minimum financial resources they would probably not be able to bring a sensible solution to the damaged property, that she was a retired and disabled senior citizen, that he was a Navy Veteran, that they needed the Mayor and City Council help, that Council Member Green and his staff had been communicating with contractors and took it as far as their office could take it. Council Member Costello absent.

After discussion by Council Members Green and Adams, Mayor Parker stated that this unfortunate situation had been thoroughly examined from a legal and technical standpoint, there was no evidence that there was any obstruction in the City line, the construction work, she believed, was a year prior to the incident and there had been no evidence of liability on the part of the City, and they were prohibited from simply saying they were going to fix it if there was not a direct cause or link between something that the City did, that she appreciated Council Member Green bird dogging it and knew he was going to continue to see if there were ways that they could assist the family outside of the legal process; that her notes indicated that any construction related to any City work was a year prior to the incident, and Mr. Wheeler stated that the contractors were still coming into the neighborhood, cleaning up and picking up collapsed ground and so forth, and Mayor Parker stated that she would confer with the District Council Member to see what that was about and get more information. Council Members Pennington, Costello and Noriega absent.

Ms. Mary Wheeler, 3334 Dragonwick Dr., Houston, Texas 77045 (713-434-0258) appeared and stated that she was asking Mayor Parker for some kind of relief for this sewer backup, that it was not the first time it had happened, that it happened in 2003 and 2012, that she called the City to try to get some relief in 2003 and they refused, that she had to do it herself, but this time it was too much for her to do, that the sewer water was backing up in the years due to contractors negligence, that she was asking for some kind of relief because this problem kept happening, that she had mold all over her home and she could not do anything. Council Member Noriega absent.

Council Member Green stated that they understood the challenges that she was having with the mold and carpet and water backing up in her house, that they were going to continue to work their private resources to see who could bring some sort of assistance to her. Council Member Noriega absent.

Mayor Parker asked Council Member Green if he came across any evidence that could be tied to a City contractor, subcontractor or City department, certainly the Legal Department would be glad to examine, and Council Member Green stated that the Houston Volunteer Lawyers that were coming on board and would review both claims, and Mayor Parker stated that she realized there was an arms length position, but if it was a City job, and whether it was a sub or prime,

they needed to make City jobs right, but she had not seen any evidence that it was related to the work that was being done. Council Member Noriega absent.

Mr. Barbaraanna Lacourse, 6363 Beverly Hills, Houston, Texas 77057 (832-880-2010) appeared and stated that she was present to ask what was the job of HPD, that she was falsely arrested, she was a handicapped lady and senior citizen, that she was walking and sat down to have a cigarette, that she was drinking a soda, not a beer, that he did not give her no rights and transported her with another man in the car and was in the car for three hours before she was dropped off, they dropped off the man and she was the only one arrested, they went to two substations before they finally took her to Mykawa, that she spent two nights in jail, that they lost merchandise of hers, that she was afraid to leave her house without her wheelchair, that she was arrested for public intoxication.

Mayor Parker asked if Ms. Lacourse had encounters with Houston Police Department previously, and Ms. Lacourse stated that not since 2008 when they got her for public intoxication when she had a seizure, and Mayor Parker stated that she knew Ms. Lacourse had been to Council before with a similar incident, that if there were possessions of hers that were not returned to her she would assume that Ms. Lacourse would want to file a claim, and Sergeant Herndon was present to visit with her about that and she would encourage her to visit with Sergeant Herndon.

Ms. Chi Kha, 3127 Skypark, Houston, Texas 77082 (626-217-6266) appeared and stated that she was present because her house was in water, that she had sent letters to Mayor Parker, Public Works and the City Council, with instructions from Congressman Al Green, that she had not received any answers, but received a second denial dated November 19, 2012, that they stated her lack of supported documents or evidence to prove that the City had caused damage.

Mayor Parker stated that her memo indicated that they had communicated by mail three times in 2011, a couple of times in 2012 and they had no record of any City service line that ran anywhere in proximity to her house that could cause a foundation failure, if Ms. Kha had any evidence that there was a line they did not know about or some kind of utility line that ran under her house that could have caused a failure they would welcome her to provide that evidence, that Mr. Gary Norman, Public Works Department, was in the audience and would be happy to tell her the process, but they had communicated with her and examined all of their records, again if the City did something wrong they would fix it, but they had no indication that the City of Houston was in any way involved with what happened in her home, if she would visit with Mr. Norman he would tell her what the process was. Council Members Adams and Green absent.

Ms. Linda Murray, 6207 Bending Oaks, Houston, Texas 77050 (281-449-5232) appeared and stated that she was a resident of District B, that she was present for a singular item, that she had been wronged, they had not given her blood pressure medication, that she sent them a check in January and they cashed her check but she did not get blood pressure medication, that they had given her the run around, they began by telling her that her husband owed \$125, he did not, they had now reduced that sum to \$18, and told her that she was still not going to get her blood pressure medication, that she told them to send her back her prescription and she would fill it because she was not going to do business with them, that she disliked home pharmaceuticals, mail order pharmaceuticals. Council Member Adams absent.

Mayor Parker asked if Ms. Murray had communicated with anyone in the HR Department, that a representative from HR was present in the audience to meet with her, that she had been dealing with a third party and they wanted to make sure they helped her get what she needed as an insured City dependent. Council Member Adams 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 Member Adams absent.

Ms. Grace Gagle, 6731 Hamburg, Houston, Texas 77011 (817-658-0246) appeared and stated that she had some reports to present to Members of the City Council, they were from the air quality monitor in Manchester, that there had been some poor and bad smells in the air recently, that she highlighted all of the errors, that the monitor had not been working since February 5, 2013, that it was terrifying to the people who lived in that neighborhood who had not been notified, they did not know what was in the air, that life could not exist with this sort of pollution and they needed to know what it was, they had to have clean air, they needed to make some informed decisions about it, they needed to see who was in charge of the air monitor. Council Members Davis, Adams and Noriega absent.

Mayor Parker stated that she had no idea what it was that Ms. Cagle had handed out, but Ms. Kathy Barton, Health Department, was present in the audience and she would ask that she follow up with her and the Council on an answer to the question. Council Members Davis, Adams and Noriega absent.

Elder Anthony Lawrence, 7135 Langley, Houston, Texas 77016 (832-329-9070) appeared and stated that the members of Wings of Faith, Deliverance Temple Church, were present to ask for support to help revitalize their community, they wanted their help to obtain the Old Rodgers School Building to make it a better place for the children and community, and wanted to put a biblical museum in the building that would bring more revenue into the City of Houston. Council Members Adams and Gonzales absent.

Mayor Parker stated that Rodgers Elementary School was abandoned and they were aware that it belonged to the Houston Independent School District and not the City of Houston, they physically owned the building, and Council Member Davis stated that they did not have ownership of the building, it was in District B, they had to sit down and HISD and purchase it. Council Members Adams, Gonzalez, Costello and Noriega absent.

Mr. Lawrence stated that they were in the process of purchasing it, they were just asking for the City's support, and Council Member Davis stated that they could call his office, they were in support of all of the activities for crime prevention strategies, that he would have someone give him information so that he could get in contact with them. Council Members Adams, Gonzalez, Costello and Noriega absent.

Mayor Parker stated that they were very concerned when any of their school districts decided to close a school because it really pulled the heart out of a community and while they did not own them they did engage with the school district to try to find productive uses for those abandoned schools. Council Members Adams, Gonzalez, Costello and Noriega absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 had reserved time to speak, but was not present when his name was called. Council Members Adams, Gonzalez, Costello and Noriega absent.

Ms. Bridget Alexander McDaniel, Post Office Box 53993, Houston, Texas 77052 (713-987-3754) appeared and stated that she was present about Metro Police, and continued voicing her personal opinions until her time expired. Council Members Adams and Noriega absent.

Ms. Angela Velasquez, 101 Crawford, Houston, Texas 77002 (713-478-2360) appeared and read from Chapter 26, 473D and 473C; that the Downtown Management District put this on their website, Development Framework, A Vision for 2025, and she liked the sentence "The

most important participants in an active street life would be the people who lived there"; that she lived in downtown, 101 Crawford, that she had a brief conversation with Council Member Rodriguez's service director, she was explaining to her that she was interested in submitting a residential permit parking designation application and getting everyone in her building to sign it, since there was ample parking around her house that just happened to be metered, and she assured her "that won't happen". Council Members Adams and Martin absent.

Mayor Parker stated that Ms. Velasquez lived in the Central Business District, which had its own set of parking rules, those rules had been in place for some time, and they just completed revisions of their overall parking ordinance for the City of Houston, but did not make substantive changes to the Central Business District, the belief was that people who lived in the Central Business District would either be aware of what the parking limitations were or be more prone to use public transportation. Council Member Adams.

Council Member Pennington asked if Ms. Velasquez owned or rented, and Ms. Velasquez stated that she rented, and Council Member Pennington asked if she believed the landlord should be providing her with a place to park, and Ms. Velasquez stated that the ordinance basically said that if they were a developer in the Central Business District the City did not require that they provide parking spaces for their residents, they were exempt, that her fallback position was to not live downtown, or live downtown and rough it with the private parking garages who wanted her out at 6:00 p.m. and her landlord who wanted her in at 6:00 p.m., which meant two times a day, six days a week, was when she would be moving her car, that she knew what the parking situation was when she moved downtown, and any future resident coming to downtown would know that they were going to have a problem with their parking and they would either chose to become a resident of downtown or not. Council Members Brown and Adams absent.

Mr. Randall Kallinen, 511 Broadway, Houston, Texas 77012 (713-320-3785) had reserved time to speak but was not present when his name was called. Council Members Brown and Adams absent.

Ms. Amanda Lodoza, 1428 Wentworth, No. 1, Houston, Texas 77004 (281-414-3327) appeared and stated that she was present two weeks ago to make sure the City Council was aware of the extreme pollution happening in the Community of Manchester, they did not have solid solutions at this point, they discovered that the air monitor device responsible for letting them know what exactly the emission levels were was not working properly at all, so obviously they needed to get it fixed, but once they did she wanted to know what it was exactly that the City did in the event that emitters violated their caps. Council Members Brown and Adams absent.

Mayor Parker stated that enforcement was largely the prerogative of the State rather than the City, and asked Mr. Heilman there was anything else to add to that, and Mr. Heilman stated that the TCEQ and the Health Department did do monitoring as well, but enforcement was TCEQ, that the previous Mayor brought suit to try to persuade the polluting entities and the State of Texas to do more; Mayor Parker stated that she thought the State was less responsive now then it was at that point, that she encouraged Ms. Lodoza to raise the heat on their State Representatives and State Senators. Council Members Brown and Adams absent.

Mr. Eric Head, 1209 Herkimer, Houston, Texas 77008 (No phone) appeared and stated that Council Members Noriega and Christi should have received an email from him this morning detailing the points they went over two weeks ago, that there was an ordinance in place in Houston which required sexually oriented businesses to not be located near schools and also imposed taxes on these institutions, this type of ordinance could be applied to Benzene emitters by an amendment to Chapter 28; and continued to voice his personal opinion until his time

expired. Council Members Brown, Adams and Gonzalez absent.

Mayor Parker stated that although every time they had invoked an ordinance like that, whether it was an SOB Ordinance or some other noxious use, they had grandfathered existing facilities, and to the best of her knowledge there were only two refineries in the corporate limits of Houston existing today, that they would do their best not to allow any more to occur in the future. Council Members Brown, Adams and Gonzalez absent.

Ms. Alice Melendez, 411 Evonne St., Houston, Texas 77017 (859-556-0112) appeared and stated that she was following the same pollution in Manchester, and continued voicing her opinions until her time expired. Council Members Brown and Adams absent.

Ms. Yudith Nieto, 9243 East Avenue O, Houston, Texas 77012 (713-960-3831) appeared and stated that she was from Manchester and spoke a couple of weeks ago, and continued to voice her opinions until her time expired. Council Members Brown, Adams and Gonzalez absent.

At 3:22 p. m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, April 3, 2013. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. Council Members Brown and Adams absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, April 3, 2013, with Mayor Annise D. Parker presiding and Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. David Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director, and Ms. Stella Ortega, Agenda Office, present. Council Member Al Hoang absent on city business. Council Member Andrew C. Burks, Jr. absent due to being ill.

At 8:27 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:07 a.m. Mayor Parker called the meeting to order and stated that they had the Monthly Financial and Operations Report and two public hearings. Council Members Davis, Adams, Rodriguez and Noriega absent.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Mayor Parker stated that they would begin with the Monthly Financial and Operations Report and recognized Mr. Ronald Green, City Controller, and Ms. Tantri Emo, Assistant Director, Finance Department. Council Members Adams, Rodriguez, Laster and Noriega absent.

Mr. Green and Ms. Emo, reviewed the Monthly Financial and Operations Report, a copy of which is on file in the City Secretary's Office for review. Council Members Rodriguez and Noriega absent.

Council Member Christi asked if under the AIA Grants the revenues in were miniscule compared to what was supposed to be given to them, was that an impact of sequestration, and Ms. Tantri stated that she would have to check on that, and Mr. Green stated that it was a question for Finance but he would say that the issues with sequestration probably would not show up until either the next MOFR or the one after that since those cuts just went into the

effect within the last 30 days, and Mayor Parker stated that it was the February report, that they would provide an answer to him; and Council Member Christi stated that they were reviewed or screened by the MBA Candidates at Rice University and asked when would that report be given to them, and Mr. Green stated that they were still working on it, the Finance Department was spearheading that side and they would expect it within the next 60 days or so. Council Member Noriega absent.

Council Member Bradford stated that the health care fee or penalty that some of them were required to pay over the last two year period, how much money was collected from City employees and where were those dollars, and Ms. Tantri stated that as of February 28, 2013 the year-to-date was about \$234,213 and it would be used to cover the Wellness Program and was not listed individually but was part of the expenditures to cover the Wellness Program, that she could give them details on the cost of the Wellness Program, and Mayor Parker stated that they distributed that to all Council Members in December, but would make sure they would resend it. Council Member Noriega absent.

Council Member Bradford stated that his other question was about Rebuild Houston, the dedicated Drainage, Street and Repair Renewal Fund, that he had sat through most of the CIP meetings and the Executive Director Dale Rudick did presentations indicating that the fund dollars were divided into three accounts, Storm Drainage, Thoroughfares and Collectors, and Local Streets, and those accounts did not compete with each other, how had those dollars been allocated for those activities, when were they allocated and what were the percentages and when did Council get engaged in that.

Mayor Parker stated that was the administrations position, all of those were presented individually to the District Council Members and as part of the CIP, that the entire City Council, when it weighs in on the adoption of the Capital Projects Plan, had the ability and authority to move money within those categories, because they ultimately decide how that money was spent, that the money was prioritized by all of those categories and based on the adopted CIP that Council approved last year that money was allocated, that what they were adding now was the next year, that Council had the ability to alter what they had previously decided, but it was rare, that ultimately what Council would decide was what the allocation was among those three categories for the next year that they added to the CIP, that it was the administration's proposal for the fifth year of funding.

Mayor Parker stated Mr. Dowe was summoned to Austin at the last minute, they knew they were at the mercy of the Legislature.

Council Member Adams stated that she did not see where they were with the Health Benefits as of today, in the hole, above or were they balancing out, and Mr. Green stated that there was still a gap, they had not replaced the entire amount where there was a deficit, that what they saw was an increase in expenditures, but there was an offset with the increase in revenue and thought that was something that they could decide what they would do with that revenue that would come in, rightfully so paying any sort of deficits in the Health Benefits Fund, he thought, was smart, and along the way they would see other revenue increases, which the Controller and Finance would project and they could decide whether they would put that in their Fund Balance or use it to pay other things.

After further discussion Council Member Adams stated that she would like a report on how many employees utilized the Wellness Program, how many employees were actually participating in the program, and Mayor Parker stated that she was glad that Council Member Adams referenced that they had made a complete presentation last December and her recollection was that it did show the number of employees participating by category, that she would make sure that report was reissued and believed that there was a Health Benefits Sub

Committee meeting this afternoon.

Council Member Costello stated that yes they would have a sub committee meeting today at 2:00 p.m. to talk about revamping the Wellness Program and addressing some of the issues that his colleagues were talking about today, that it would be held in the Mayor's conference room.

Council Member Christi stated that the graph of the number of traffic violations issued showed almost 20,000 less tickets according to the budget, and the next graph stated that it was \$26 per ticket, a half million dollars in less revenue, was there any change in policy that had a drop off of 20,000 tickets, and Mayor Parker stated that it was lack of federal overtime dollars, that there had been no internal change of policy, that the lack of overtime dollars had a tremendous impact.

Council Member Bradford stated that as to the Special Revenue Funds, the Controller's Office projected revenues from the Red Light Camera Revenue of \$1.7 million and the Finance Department projected the same \$1.7 million for the fiscal year and they were three quarters way through the fiscal year, and if he understood the data correctly they had actually collected \$135,000, no where near the \$1.7 million, that the agreement that Council sanctioned to close out the law suit with the red light camera company there were some specific obligations made to pay and the agreement was backed up by General Fund if the account did not deliver the collectibles from that account, and the burden potentially existed on the General Fund.

Mr. Feldman stated that the obligation to pay ATS was a calendar year obligation, not based on a fiscal year, that for 2013 they had to pay \$740,000 by December 31, 2013, and in fact they were currently engaging in a stepped up effort to collect, but he was correct that in the event there was a shortfall the money would come from the General Fund, that they were obligated to pay over a million for 2012 and they did that before December 31, 2012, which would have included money collected in Fiscal Year 2013, so he did not know what the \$100,000 or so represented, it could be an amount after they used money from last year. Council Member Rodriguez absent. Council Member Rodriguez absent.

Council Member Adams asked where they were with the deficit, and Mr. Green stated that according to the Finance Department they were even at this point, and Mayor Parker stated that it was a question for Finance and she wanted to remind them that the reason for the significant portion of that shortfall was because of the layoffs and the premiums did not come in and that was laid out in detail in previous meetings, and in the projections going forward, they projected their employees paying in premiums and when they were laid off they stopped bringing premiums in, and Council Member Adams asked if in the next report they could get an update on projections for land sales. Council Member Rodriguez absent.

Mayor Parker stated that they no longer projected land sales as part of the budget, that in previous years they used projected land sales and budgeted hard numbers and then transactions did not close appropriately, that she would be glad to give an update on their projected land sales. Council Member Rodriguez absent.

Council Member Costello stated that the meeting on the Wellness Program was at 2:00 p.m. at the Annex, where the Planning Commission met, on the public level. Council Member Rodriguez absent.

Council Member Costello moved to accept the Monthly Financial and Operations Report, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang out of the city on city business. Council Member Burks absent due to being ill. Council Members Rodriguez and Noriega absent. MOTION 2013-0201 ADOPTED.

HEARINGS - 9:00 A.M.

Mayor Parker stated that the next items had to do with public hearings, that the first item would be a second hearing on the Curfew Ordinance by Lieutenant Frank Miller and Sergeant A. A. Valdez. Council Members Adams and Noriega absent.

1. Pursuant to Section 370.002 of the Texas Local Government Code, City Council will conduct a public hearing regarding the Juvenile Curfew Ordinance (Ch. 28, Art. V, City of Houston Code of Ordinances) to determine whether the Juvenile Curfew Ordinance should be continued. The Local Government Code requires City Council to conduct public hearings every three years to review and take action to continue the Juvenile Curfew Ordinance. Copies of the Curfew Ordinance and data provided by the Houston Police Department are available for inspection in the Office of the City Secretary. To reserve time to appear and testify call the Office of the City Secretary (832) 393-1100 prior to the commencement of the public hearing. Alternatively, written comments may be submitted to the Office of the City Secretary. Council Members Adams and Noriega absent.

The City Secretary stated that no one had signed up to speak at the public hearing. Council Members Adams and Noriega absent.

Lieutenant Miller stated that this would be their final presentation on the Curfew Ordinance and as a remind the ordinance needed to be revisited by Council every three years and the last time Council acted on the ordinance was April 2010, and Sergeant Valdez. reviewed a slide presentation titled "Juvenile Curfew Ordinance Review Proposal 2013", a copy of which is on file in the City Secretary's office for review. Mayor Parker and Council Members Brown, Green and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Lieutenant Miller and Sergeant Valdez were questioned by Council Members and Mayor Parker stated that there was communication among HPD and HISD Police, they both enforced the Curfew Ordinance and when they picked them up during school hours they took them back to school.

After further discussion Mayor Parker stated that she would give the public an opportunity if they wanted to weigh in, and asked if there was any one present who wished to speak to the issue, and seeing no one in the Chamber who wished to address this issue requested a motion to close the public hearing.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. MOTION 2013-0202 ADOPTED.

2. **PUBLIC HEARING** on proposals for the City of Houston to enter into separate Strategic Partnership Agreements with the below named Districts in Harris County, Fort Bend County and Montgomery County; on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts; and on separate proposals by the City of Houston to annex for limited purposes certain territory in the vicinity of certain Districts:
 1. Harris County Municipal Utility District No. 120
 2. Fort Bend County Municipal Utility District No. 194
 3. White Oak Bend Municipal Utility District
 4. Cinco Municipal Utility District No. 12
 5. Harris County Municipal Utility District No. 345
 6. Cornerstones Municipal Utility District

7. Harris County Water Control and Improvement District No. 109
8. Northwest Harris County Municipal Utility District No. 5
9. Dowdell Municipal Utility District

The City Secretary stated that no one had signed up to speak at the public hearing. Council Members Adams and Noriega absent.

Mayor Parker stated that remarks would be presented by Ms. Margaret Wallace, Planning Department and Ms. YuShan, Legal Department.

Ms. Wallace stated that since January 2001, the City had approved 301 Strategic Partnership Agreements with 223 separate MUDs generating approximately \$214 million in revenue to the City thru Fiscal Year 2012, the revenue from SPAs now represented approximately 6.5% of the sales tax collection for the City of Houston, that this was the first of two required public hearings, for the next round of annexations, that a second public hearing was scheduled for April 10, 2013, and following the second public hearing, the Department would be seeking Council approval for the SPAs and the limited purpose annexations on May 1, 2013, if approved, tax collections begin October 1, 2013; for all of the Utility Districts included in this hearing, the City would levy a 1 percent sales tax, which it would divide evenly with the Districts, these areas included commercial territory only, there were no residents to be included in the areas annexed, that all districts would receive the animal control and rescue service provided by the City of Houston; that the agreements for May 2013 were as follows, for the following Districts, the City would amend an existing agreement by adding new territory, there is no territory outside the district to be included in the annexation; the districts included Harris County Municipal Utility District No. 120, White Oak Bend Municipal Utility District, Cinco Municipal Utility District No. 12 and Fort Bend County Municipal Utility District No. 194; that for the following Districts, the City would execute a new Strategic Partnership Agreement, there was no territory outside the district to be included in the annexation, Harris County Municipal Utility District No. 345 and Cornerstones Municipal Utility District; that for the following Districts, the City would amend an existing agreement by adding new territory, however there was territory outside the District to be included in the annexation, the City would enforce the animal control service in the area to be annexed, Northwest Harris County Municipal Utility District No. 5 and Harris County Water Control and Improvement District No. 109; that for the following District, the City would execute a new Strategic Partnership Agreement and there was territory outside the District to be included in the annexation, the City would enforce the animal control service in the area to be annexed, Dowdell Public Utility District; that Parkway Utility District had withdrawn their request for the SPA at this time.

Council Member Green asked if within these MUDs were there any existing neighborhoods that would be part of the annexation, and Ms. Wallace stated that there were neighborhoods within the utility districts, but the annexation would be for commercial properties only, it would not include any of the neighborhoods.

Mayor Parker stated that no members of the public signed up to speak at the public hearing, but the floor was open if anyone wanted to weigh in, and seeing no one who wished to be heard requested a motion to close the public hearing.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. MOTION 2013-0203 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 29

PROPERTY - NUMBERS 3 and 4

3. RECOMMENDATION from Director Department of Public Works & Engineering for purchase and pay relocation assistance expenses related to purchase of Parcel AY10-244, owned by Juan Regalado, located at 134 Annette Lane for the **FULTON PAVING AND DRAINAGE PROJECT from East Tidwell to East Parker - DISTRICT H – GONZALEZ** - was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. MOTION 2013-0204 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Hong Hoa Do, declining the acceptance of, rejecting, and refusing the dedication of a portion of 14th Street adjacent to Blocks 192 and 193, located within the Genoa Townsite Subdivision, out of the Juan Sutton Survey, Parcel SY13-024 - **DISTRICT E - MARTIN** - was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. MOTION 2013-0205 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 10 through 29

10. ORDINANCE authorizing the issuance of City of Houston, Texas Public Improvement Refunding Bonds in one or more Series or Subseries (Tax-Exempt and Taxable) as may be further designated and described herein and providing for the payment and security thereof; authorizing the Mayor, the City Controller and/or certain other designated City Officials to approve the sale, principal amount, interest rates, prices and terms thereof; authorizing such officials to determine the outstanding obligations to be refunded and/or defeased and to approve certain other procedures, provisions and agreements related thereto; authorizing the execution and delivery of one or more Purchase Contracts, Paying Agent/Registrar Agreements, Escrow Agreements, and other Agreements; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement in connection with such offerings; authorizing a Bond Counsel Agreement and a Special Disclosure Counsel Agreement; and making certain findings and other declarations necessary and incidental to the issuance of such Refunding Bonds; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0286 ADOPTED.
11. ORDINANCE authorizing the issuance of the City of Houston, Texas Certificates of Obligation (Demolition Program), Series 2013; authorizing the Mayor, City Controller and/or certain other designated City Officials to approve the sale, principal amount, interest rates, prices and terms thereof; authorizing and approving a Purchase Contract, Paying Agent/Registrar Agreement and other related Documents; approving the use a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement in connection with such offering; ratifying the designation of Bond Counsel and Special Disclosure Counsel; making certain findings and other provisions regarding such certificates and matters incident thereto; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0287 ADOPTED.

16. ORDINANCE appropriating \$16,990.69 out of Parks Consolidated Construction Fund for Purchase and Installation of Furniture for Keith Wiess Park Maintenance Facility - **DISTRICT B - DAVIS** - was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0288 ADOPTED.
18. ORDINANCE appropriating \$260,000.00 out of Metro Projects Construction DDSRF; approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Installation of Uninterruptable Power Supply Systems and Battery Backups at traffic signals along corridors within the City of Houston - was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0289 ADOPTED.
19. ORDINANCE appropriating \$698,448.00 out of Water & Sewer System Consolidated Construction Fund; awarding contact to **SEWER AND STORM MAINTENANCE, LLC**, for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation; 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 contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4277-73) - was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0290 ADOPTED.
20. ORDINANCE appropriating \$1,788,464.00 out of Water & Sewer System Consolidated Construction Fund; awarding contact to **PMG PROJECT MANAGEMENT GROUP, LLC**, for Fire Hydrant and Small Diameter Valve Replacement 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (11008) - was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0291 ADOPTED.
22. ORDINANCE No. 2013-0234, passed second reading March 27, 2013
ORDINANCE granting to **FCC ENVIRONMENTAL, LLC, A Delaware Limited Liability Company**, 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 Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0234 ADOPTED THIRD AND FINAL READING IN FULL.
23. ORDINANCE No. 2013-0235, passed first reading March 20, 2013
ORDINANCE granting to **SPECIALIZED WASTE SYSTEMS, 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 Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0235 ADOPTED THIRD AND FINAL READING IN FULL.

24. ORDINANCE No. 2013-0236, passed second reading March 27, 2013
ORDINANCE granting to **AAA FLEXIBLE PIPE CLEANING CO., 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 Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0236 ADOPTED THIRD AND FINAL READING IN FULL.
25. ORDINANCE No. 2013-0237, passed second reading March 27, 2013
ORDINANCE granting to **DESIGNING TECHNIQUES LLC dba DURAN'SYOURDUMPSTER.COM, A Texas Limited Liability Company**, 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 Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0237 ADOPTED THIRD AND FINAL READING IN FULL.
26. ORDINANCE No. 2013-0238, passed second reading March 27, 2013
ORDINANCE granting to **GREG MORALES dba HOUSTON HARRIS COUNTY SEPTIC TANK SERVICE, A Texas Sole Proprietorship**, 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 Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0238 ADOPTED THIRD AND FINAL READING IN FULL.
27. ORDINANCE No. 2013-0239, passed second reading March 27, 2013
ORDINANCE granting to **CLEAN SERVE 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 Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0239 ADOPTED THIRD AND FINAL READING IN FULL.
28. ORDINANCE No. 2013-0240, passed second reading March 27, 2013
ORDINANCE granting to **BERKELEY OUTSIDE SERVICES 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 Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0240 ADOPTED THIRD AND FINAL READING IN FULL.
29. ORDINANCE No. 2013-0241, passed second reading March 27, 2013
ORDINANCE granting to **LATINOSI, LLC, A Texas Limited Liability Company**, 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 Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0241 ADOPTED THIRD AND FINAL READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PURCHASING AND TABULATION OF BIDS

5. ORDINANCE appropriating \$541,383.00 out of Equipment Acquisition Consolidated Fund for Purchase of Ambulance Cabs & Chassis for the Houston Fire Department - was presented.

Council Member Costello stated that last week he talked about the lack of funding for their facilities and how they had to look out for the next few years in terms of allocating money for taking care of what they would call maintenance neglect, that it was an issue related to budget and he thought that Item No. 5 was an issue also related to budget, that he wanted to quote some numbers, and it was a discussion that he had with Director Hogle, they currently had 11,000 to 12,000 vehicles, that was combined public safety and non public safety, that ideally they would want to replace about 1,200 annually and right now they were only replacing about less than half and it was all budget driven, they had to recognize that these were problems they needed to attend to on the long term, that ideally what they needed to do was have a replacement cost sinking fund of \$30 million per year, and they were doing something far less than that, that he would encourage his colleagues to talk about this item as they addressed their five year projections moving into the budget cycle.

Mayor Parker thanked Council Member Costello for raising the issue and could not agree more, but would say that it was not just a budget issue, it was a critical budget issue, but it was a lack of will by lots of successive Councils where they just would not spend money on maintenance, now they had the facilities assessment and knew what they needed in facilities, and now they knew what they needed in fleet and it was time to get on a refreshed basis, not build anything else until they got everything brought up to speed and not launch new projects until they could take care of what they already had.

After further discussion by Council Members, a vote was called on Item No. 5. All voting aye. Nays none. Council Member Hoang out of the city on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0292 ADOPTED.

- 5a. **KNAPP CHEVROLET, INC** for Purchase of Ambulance Cabs & Chassis 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 Pennington. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. MOTION 2013-0206 ADOPTED.
6. **TECHNICAL COMMUNITIES, INC** for Purchase of Software License Maintenance Agreement for the VidSys Video Management System from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Houston Police Department \$68,862.40 - Grant Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. Council Member Brown voting no, balance voting aye. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. MOTION 2013-0207 ADOPTED.

7. ORDINANCE appropriating \$235,463.48 out of Equipment Acquisition Consolidated Fund for Purchase of Earth Moving Equipment for Various Departments – was presented. Council Member Brown voting no, balance voting aye. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0293 ADOPTED.
- 7a. **JOHN DEERE SHARED SERVICES, INC acting through JOHN DEERE CONSTRUCTION RETAIL SALES DIVISION - \$439,368.35, MUSTANG MACHINERY COMPANY, LTD. d/b/a MUSTANG CAT - \$139,988.48, DOGGETT HEAVY MACHINERY SERVICES, LLC - \$999,876.00, HI-WAY EQUIPMENT COMPANY, LLC - \$644,838.80, and ROMCO EQUIPMENT COMPANY, LLC - \$95,475.00** for Purchase of Earth Moving Equipment through the Interlocal Agreements for Cooperative Purchasing with Houston-Galveston Area Council and Texas Local Government Purchasing Cooperative (BuyBoard) for Various Departments - \$2,319,546.63 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 Hoang absent on city business. Council Member Burks absent due to being ill. MOTION 2013-0208 ADOPTED.

RESOLUTIONS AND ORDINANCES

8. RESOLUTION supporting and approving the proposed development for affordable rental housing of Wilmington House, located at 4000 Wilmington Street in the City of Houston, Texas, and authorizing the allocation of 2013 Housing Tax Credit to such development - **DISTRICT D – ADAMS** – was presented.

Council Member Adams stated that many of them knew where Worthing High was and this was the apartment complex that sat behind the high school, and she wanted to commend the Housing Department and the board for working closely with their office on this item, and would ask her colleagues to support this item.

A vote was called on Item No. 8. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. RESOLUTION 2013-0017 ADOPTED.

9. ORDINANCE **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to City water service and water service charges; containing other provisions relating to the foregoing subject; providing for severability – was presented.

Council Member Pennington offered the following written motion to amend Item No. 9:

“I move to amend Section 47-75.1 to include commercial accounts. Thus, the language would state:

- (a) Under exceptional circumstances as identified in this section, any billed amount in excess of five times the average monthly bill of a commercial, residential or not-for-profit account....”

Upon discussion and questions by Council Members, Mr. Feldman stated that under exceptional circumstances non-profits were already in, which included churches and community association, that Council Member Pennington amendment would add commercial, just like they were covered under the leak adjustment; that under Council Member Pennington amendment the commercial user would be treated just like a residential user; that under the amendment no one would be excluded for the exceptional circumstance based on this amendment, that just like under the leak adjustment no one was excluded; that they tied it in with the original language

from the ordinance where under the lead adjustment provision there was identification of different users, whereas under the unusually large bill adjustment it was just single family, so they just continued with the use of the same language, but he would agree, if they said all customers it was all customers. Council Member Noriega absent.

Upon question by Council Member Davis, Mayor Parker stated that there was more information in the ordinance and this made it consistent with the rest of the ordinance, and Mr. Feldman stated that one of his colleagues brought up a point, one of the customers that they contracted with to provide water, which would not come under this, this was a different kind of customer, so he thought they did have to stay with the distinction that they utilized in the ordinance, and Mayor Parker stated that they had other mechanisms for resolving dispute's, but since they did have more customers than the ones identified here, and Mr. Feldman stated that they had contractual mechanisms, that they were talking about industrial users or MUDs would be an example, that they had separate agreements, that it was an entity that they had a contract with to provide water.

A vote was called on Council Member Pennington motion to amend Item No. 9. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. Council Member Rodriguez absent. MOTION 2013-0209 ADOPTED.

After discussion Council Member Cohen stated that she would tag Item No. 9, and Council Member Bradford stated that he would also tag Item No. 9.

Mayor Parker stated that Item No. 9 as amended had been tagged by Council Members Cohen and Bradford.

Council Member Cohen stated that she would release her tag for the purpose of discussion.

After further discussion by Council Members, Mayor Parker stated that these changes provided for the public to have an opportunity to observe testing of the water meters; that she would be happy to have them explore this further, but would say that if every other month they had a spike in their bill it was no longer an exceptional circumstance it was a problem they needed to address and she did not want to make this something that caused the City lots of money without getting resolution, the goal was to provide recourse to citizens, not necessarily to allow them to ignore the fact that there was something going on.

After further discussion by Council Members, Mayor Parker stated that when she was Controller they did an audit of meters, very similar to what the Controller was doing today and she was assuming that he would come back and say that some percentage of the meters were faulty, but they believed that the ordinance changes addressed that because they had the opportunity to have the meter tested so they would know whether it was one of the duds or not. Council Members Adams and Martin absent.

After further discussion by Council Members, Mayor Parker stated that Item No. 9 had been tagged by Council Members Cohen and Bradford. Council Members Adams and Martin absent.

12. ORDINANCE authorizing the issuance of the City of Houston, Texas Qualified Energy Conservation Tax Notes (QECB Direct Pay to Issuer), Series 2013Q; authorizing the Mayor, City Controller and/or certain other designated City Officials to approve the sale, principal amount, interest rates, prices and terms thereof; authorizing and approving a Purchase Contract, Paying Agent/Registrar Agreement and other related Documents; approving the use of a Preliminary Official Statement and authorizing the preparation and

distribution of an Official Statement in connection with such offerings; ratifying the designation of Bond Counsel and Special Disclosure Counsel; making certain findings and other provisions regarding such notes and matters incident thereto; and declaring an emergency - was presented.

Council Member Pennington stated that he was going to tag Item No. 12, that his question related to the procedure for the approval of the use of a preliminary official statement, who had legal responsibility for the preliminary official statement.

Mayor Parker stated ultimately when Council votes on an item, Council had the responsibility and they did their best to make sure that these kind of disclosures were available to Council timely if they wanted to read everything, that probably it was not practical under most circumstances,

13. ORDINANCE authorizing and approving Purchase and Sale Agreement between **MOHAMMAD TARIQ ZAKA, NKA TARIQ ZAKA AND SALMA ZAKA** (Seller) and the City of Houston (Purchaser), for the purchase of 10,000 square feet of land located at 2810 and 2812 Dowling Street, Houston, Harris County, Texas at a price, including due diligence and closing costs, of \$159,638.00; allocating \$79,819.00 of Texas Parks and Wildlife Department Grant Funds; appropriating \$79,819.00 out of Park Consolidated Construction Fund for the Expansion of Emancipation Park – was presented. Council Member Brown voting no, balance voting aye. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0294 ADOPTED.
14. ORDINANCE pursuant to and implementing the provisions of Ordinance No. 2012-685, appropriating \$1,800,000.00 of Section 108 HUD-Guaranteed Loan Funds; allocating \$5,550,000.00 of EDI Grant Funds; approving and authorizing the issuance of non-recourse City of Houston notes in the amount of \$1,800,000.00, a contract for loan guarantee assistance and related loan documents between the City of Houston and the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** and a Loan Agreement and related documents between the City of Houston and **806 MAIN, LLC** to provide a \$7,350,000.00 Second Lien Loan to finance acquisition, furniture and equipment costs related to the redevelopment of the building located at 806 Main Street, Houston, Texas - **DISTRICT I – RODRIGUEZ** – was presented, and tagged by Council Member Brown.
15. ORDINANCE appropriating \$49,000.00 out of Equipment Acquisition Consolidated Fund for Purchase of Used All Electric Vehicles for the Fleet Management Department – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0295 ADOPTED.

Council Member Pennington stated that had not seen a report on the efficiency, on how they were performing in relationship to the other vehicles, and Mayor Parker stated that they would be pleased to provide that, that she would point out that these were all pool vehicles and were in rotation, that most of them got charged over night and were not take home vehicles, that she would have Director Hoglund provide that information to all Council Members.

17. ORDINANCE approving and authorizing Revenue Contract between the City of Houston and **ELEMENT MARKETS, LLC** for Emission Credit Brokerage Services for the Public Works & Engineering Department – was presented, and tagged by Council Member Brown.
21. ORDINANCE No. 2013-0281, passed first reading March 27, 2013
ORDINANCE adopting Drainage Impact Fees in accordance with Chapter 395 of the

Texas Local Government Code; **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS** and containing findings and other provisions relating to the foregoing subject; containing a savings clause; and providing for severability - **SECOND AND FINAL READING** – was presented. Council Member Brown voting no, balance voting aye. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0281 ADOPTED SECOND AND FINAL READING IN FULL.

MATTERS HELD - NUMBERS 30 through 35

30. MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Purchasing Agent to **AMEND MOTION #2007-0612, 06/20/07 previously amended by #2012-0419, 06/06/12, TO INCREASE** spending authority from \$34,926,668.33 to \$48,897,335.53 for Chemical, Sodium Hypochlorite for Department of Public Works & Engineering, awarded to **ALTIVIA CORPORATION** – (**This was Item 7 on Agenda of March 27, 2013, TAGGED BY COUNCIL MEMBER GREEN**) – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. MOTION 2013-0210 ADOPTED.
31. ORDINANCE **AMENDING CHAPTERS 1 and 2 OF THE CITY OF HOUSTON FIRE CODE and CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Orders, Permits, and Abatements by Fire Department Officials; containing findings and other provision relating thereto; providing for savings; providing for severability – (**This was Item 8 on Agenda of March 27, 2013, TAGGED BY COUNCIL MEMBER BROWN**) – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0296 ADOPTED.
32. ORDINANCE awarding contract to **FIRST STUDENT, INC** for School Buses Rental Services for the Parks & Recreation Department; providing a maximum contract - 2 Years with three one-year options - \$390,250.00 - Park Special Revenue Fund – (**This was Item 25 on Agenda of March 27, 2013, TAGGED BY COUNCIL MEMBER GONZALEZ**) – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0297 ADOPTED.
33. ORDINANCE appropriating \$293,250.00 out of Street & Traffic Control and Storm Drainage DDSRF as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **OTHON, INC** for Negotiated Work Orders for Design of new and rehabilitation of existing Pump Stations and Flood Warning Systems (Approved by Ordinance No. 2012-0173); providing funding for contingencies relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF – (**This was Item 30 on Agenda of March 27, 2013, TAGGED BY COUNCIL MEMBER GREEN**) - was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0298 ADOPTED.
34. ORDINANCE approving and authorizing agreement with **MITHOFF LAW FIRM and COTCHETT, PITRE & MCCARTHY, LLP** relating to the pursuit of damages associated with London Interbank Offered Rate Manipulation – (**This was Item 65 on Agenda of March 27, 2013, TAGGED BY COUNCIL MEMBER ADAMS**) – was presented. All voting aye. Nays none. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0299 ADOPTED.

35. ORDINANCE awarding contract to **DRC EMERGENCY SERVICES, LLC** for Base Camp Services (Post Disaster) for the City of Houston - 5 Years – **(This was Item 67 on Agenda of March 27, 2013, TAGGED BY COUNCIL MEMBER ADAMS)** – was presented. Council Member Brown voting no, balance voting aye. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. ORDINANCE 2013-0300 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Green announced events he attended or would be attending. Council Members Brown, Martin, Pennington and Rodriguez absent.

Council Member Davis stated that he wanted to recognize and announced events he attended or would be attending. Council Members Brown, Martin, Pennington and Rodriguez absent.

Council Member Cohen announced events she attended or would be attending. Council Members Brown, Martin, Pennington and Rodriguez absent.

Council Member Bradford read from a Houston Chronicle article titled “Texas DPS Review Finds Shift in Top Gang Threat”, which stated that the Texas Gang Threat Assessment Report, Tangle Blast, estimated that 10,000 members had displaced the 6,000 member Texas Mexican Mafia as the top of the their threat list, that it was the biggest gang in the Houston area and had a heavy presence also in Dallas/Fort Worth, as did the white supremacy Arian brotherhood of Texas, that the report said that Mexican Cartels were using Texas gangs to help smuggle drugs, people, weapons and cash across the border and conduct violence on both sides of the border, that as it related to Houston specifically, per guidelines in the Texas Penal Code and the Code of Criminal Procedure, HPD had identified, confirmed and documented a 33% increase in gang membership over the last 3 year period, that they were not going to eradicate these gangs completely, that After School Programs were effective crime prevention strategies, that they had to scrub the budget and see what they could do to send a clear signal that After School funding was not something they could do if they had dollars left over after they had done everything else. Council Members Brown, Martin, Pennington and Rodriguez absent.

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

Mayor Parker stated that the challenge had been that a lot of the things the neighborhoods were asking for had nothing to do with Chapter 42 and they had slowed down Chapter 42 to try to address all of those peripheral issues and thought they had achieved, if not consensus, then an understanding among the various parties. Council Members Brown, Martin, Pennington, Rodriguez and Christi absent.

Council Member Gonzalez announced events he attended or would be attending; and stated that he wanted to offer a special thank you to Lieutenant Johnny Gonzales, HPD, for his prompt response to a constituent concern about speeding on Cavalcade, along Irvington Park, that over a two hour period yesterday Lieutenant Gonzales was able to issue 23 citations to vehicles driving at unsafe speeds; that he wanted to offer a Happy Birthday to Ms. Tanya Deboise, Independent Heights Redevelopment Council, and a belated Happy Birthday to Ms. Natasha Johnson, President of Super Neighborhood No. 13; that the home of Mr. John Branch of District H, sustained another fire and if anybody wished to reach out to him and offer their support; that he wanted to commend the Houston Astros on a great opening day. Council Members Brown, Martin, Pennington, Rodriguez and Christi absent.

Council Member Noriega stated as to the new version of Chapter 42 they did not have it yet and understood that it was going to be released this afternoon and there was an amendment coming to Council Members and then would be released, talking about what the specifics were and she really appreciated that, that she was uncomfortable that she was not clear about all of the pieces of it, that she thought that Chapter 42 was going to be a cataclysmic change in so ways for some neighborhoods, that if they had deed restrictions and their neighborhood was settled and up to date they were going to do great, that if they renters or neighborhoods that had mixtures she thought it was going to be a little more difficult and she was not sure that every transitional neighborhood was going to do as well as some parts of town where they had very sophisticated advocates, that she was not sure it was a problem, she was just uncomfortable. Council Members Brown, Martin, Pennington, Rodriguez and Christi absent.

Council Member Adams stated that she wanted to welcome El Franco Lee's staff that was visiting them today; and announced events he attended or would be attending; and stated that she wanted to salute Mr. Scott Minnix, who received an award; that there was an article in the newspaper about Sheriff Adrian Garcia, who said that Harris County wanted the power to regulate game rooms. Council Members Brown, Martin, Pennington, Rodriguez and Christi absent.

Mayor Parker stated that she wanted to congratulate the Houston Sun for 30 years of publishing and thanks to Doris Ellis Robinson for including her as a Women of Power and Purpose on Saturday morning; that she left that event and attended the funeral of Mr. Frank Thompson, that Colonel Thompson had a huge impact on the City of Houston and to his two surviving children he would be missed by the community. Council Members Brown, Martin, Pennington, Rodriguez and Christi absent.

There being no further business before Council, the City Council adjourned at 11:18 a.m. Council Member Hoang absent on city business. Council Member Burks absent due to being ill. Council Members Brown, Martin, Pennington, Rodriguez and Christi absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary