

City Council Chamber, City Hall, Tuesday, April 09, 2013

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 09, 2013, Mayor Annise Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division; Ms. Marta Crinejo, Agenda Director and Ms. Stella Ortega, Agenda Office present. Council Member Al Hoang absent on personal business.

At 1:42 p.m. Mayor Parker called the meeting to order and called on Council Member Adams for the first presentation. Council Members Davis, Martin, Rodriguez, Laster, Costello and Noriega absent.

Council Member Adams stated that this week they would celebrate the Houston Black Real Estate Association Realty Group and asked the members of the group to join her at the podium, and stated that they were a local chapter of the National Association of Real Estate Brokers in the City of Houston, that was founded in 1947 and the oldest and largest minority trade association in America, that in 1949 eleven progressive real estate brokers founded the HBREA on the principle that all citizens had the right to equal housing opportunities, regardless of race, creed or color and in 1956 the HBREA was incorporated and in 2012 they began the Houston Black Real Estate Association, that the President of HBREA was Mr. Gerald Womack, and Mayor Parker stated that she, Annise Parker, Mayor of the City of Houston hereby proclaimed today as Houston Black Real Estate Association Realtors Day in Houston, Texas. Council Members Martin, Rodriguez and Costello absent.

Mr. Womack stated that this month was Fair Housing Month and they had celebrated today with the Council to talk about the things they did and wanted for them to think about the over 60 years that they had served the Houston Community in housing, and they had decided that this week be Realtors Week, which was a very important week for them, they had 2,500 or more people who would show up this week at a housing fair, that all over the Country Houston was known as a premier City as it related to real estate and their organization, with all of these great professionals, had chosen on a Saturday, when everyone else could be out selling homes, to have a housing fair for veterans, a counseling session for people who needed housing and a tax initiative, that they had five neighborhoods that they were identifying where they had formed a partnership with Pat O'Connor and Associates to advocate and protest the taxes of their properties, and they also deal with the many sponsors who had helped them sponsor this week's occasion, that he wanted to say, on behalf of all of them who served this great City, thank you and wanted to thank all of their members and to the citizens of Houston. Council Members Martin, Rodriguez and Costello absent.

Members of Council thanked Mr. Womack and the Houston Black Real Estate Association for all the great work that they did in the City of Houston. Council Members Rodriguez and Costello absent.

Vice Mayor Pro Tem Bradford recognized Mayor Pro Tem Gonzalez for the next presentation. Council Members Rodriguez and Costello absent.

Mayor Pro Tem Gonzalez invited Mr. Terry Ganell, on behalf of all of the National Service Members, that he was with the Texas Field Office, Austin, Texas, and they were also joined by National Service Commission Board Members, Jonie Haley, Mary Grace Landrum, Dan Woodward and invited anyone in the audience who was with the group to join them at the podium, and stated that this was for the Houston/Harris County Senior Corp Program, it was a

national day of recognition and was proud to say that in Texas they always did it big, that around the State more than 56 similar presentations were being made today, more than any other State in the United States, that every day in cities across America, National Service was tackling tough problems and strengthening communities, whether supporting food banks and homeless shelters, restoring City parks, building homes, managing community volunteers, providing health services or tutoring and mentoring students, National Service members helped Mayor's across the Country tackle tough problems. Council Members Davis, Martin, Pennington and Rodriguez absent.

Mayor Parker stated that she would encourage Council Members to use their social media, tweet and Facebook and reviewed the value of National Service, that cities did a lot and were close to the people and they provided a lot of critical services but they all knew that what they did was supplemented by the work of thousands of volunteers, that people did not realize that a lot of those volunteer efforts were a coordinated national program for service, that she knew there were some Ameri Corp members in the audience and her son was in Ameri Corp for a couple of years, that it was a great program but there were many other programs available, that it did not matter how old they were there was an opportunity to give back to the community, therefore she, Annise Parker, Mayor of the City of Houston hereby proclaimed today as Mayor's Day of Recognition for National Service in Houston, Texas. Council Members Davis, Martin, Pennington and Rodriguez absent.

Mr. Ganell stated that on behalf of more than 22,000 Senior Corp volunteers across the State of Texas, and almost 10,000 Ameri Corp, Ameri Corp Triple C and Ameri Corp Vistra members across the State of Texas he would like to thank Mayor Parker and the Council for this extraordinary recognition of the services that their volunteers did, both in the City of Houston and across the State of Texas. Council Members Martin and Rodriguez absent.

Members of Council thanked the members of the National Service Program for all they did, and Council Member Gonzalez stated that they were joined by Ms. Katie Tipton, Department of Neighborhood and Mayor Parker stated that Ms. Tipton and Mr. Turner, Parks Department, tapped into this. Council Members Martin and Rodriguez absent.

Mayor Parker also stated that they had a lot of volunteers across the community of Houston, the National Service Program was a stipend program and was like having a full time job, they got a stipend for performing the job, that if they were old enough they would remember the Civilian Conservation Corp, and the idea of a National Service Program had been around a long time in the United States and was still active, that in the City of Houston they used the youth and they were doing a lot of work in the parks and knew that every year since they acquired Lake Houston Wilderness Park they had Ameri Vista Corp volunteers doing a lot of work for them, that it was a range of opportunities but a serious commitment to engage. Council Member Rodriguez absent.

At 2:21 p.m. Mayor Parker stated that Council Member Rodriguez was not present and she would offer the invocation and lead them all in the Pledge of Allegiance. Council Member Rodriguez absent.

At 2:23 Mayor Parker requested the City Secretary to call the roll. Council Member Rodriguez absent.

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

Mayor Parker requested the City Secretary to call the public speakers. Council Member

Rodriguez absent.

Mayor Parker stated that there were a couple of former Council Members present in the audience, former Council Members Ada Edwards and Brenda Stardig, that they were glad to have them in the Chamber today. Council Member Rodriguez absent.

Council Member Brown moved to suspend the rules to move Mr. Tony Jones to the top of the 3 minutes non agenda list, seconded by Council Member Gonzalez. All voting aye. Nay none. Council Member Hoang absent on personal business. Council Member Rodriguez absent. MOTION 2013-0211 ADOPTED.

Council Member Noriega moved to suspend the rules to add Ms. Hetty Wolpa to the bottom of the 3 minute agenda list, seconded by Council Member Pennington. All voting aye. Nay none. Council Member Hoang absent on personal business. Council Member Rodriguez absent. MOTION 2013-0212 ADOPTED.

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

Ms. Hetty Wolpa appeared and stated that she was with the East End Management District, that litter abatement within the management district's 16 square miles cost them about \$233,000 annually and that was 11% of their total operating expense, their litter crew and staff picked up about one and a half tons of litter, trash and plastic every week within their boundaries and cleared illegal dump sites, that they provided and maintained 36 covered trash containers that sat within the public right-of-way and it was their experience that when the trash in those containers was scavenged the lids were removed, damaged and ultimately the management district expended funds to replace those covers, that it was their belief that allowing individuals to access public trash receptacles would generate more refuse and litter and it was removed by those individuals, that this included containers in the right-of-way that the management district provided, as well as those located at the businesses in the East End, fuel stations, convenience and grocery stores, as these were located on private property but were intended for public use, that it included public trash receptacles in the City and County parks and bus stops, that allowing individuals to root through public trash cans, while they would not be ticketed for doing so were subject to being ticketed by law enforcement for the litter that they might leave behind afterwards, that the management district respectfully requests that the Council not give worthy consideration to amending the existing ordinance to legalize access to public trash receptacles. Council Members Gonzalez and Rodriguez absent.

Mayor Parker stated that she appreciated Ms. Wolpa acknowledging that the ordinance in question was superfluous in terms of being able to issue tickets because they already had trespassing and littering on the books, it would still be enforced. Council Members Gonzalez and Rodriguez absent.

Council Member Adams asked if the trash in the neighborhood increased or decreased, and Ms. Wolpa stated that they had a litter service contract that was about \$215,000 and that was the same price it was last year, and they maintained staff and equipment to pick up litter and clear dump sites, so it was approximately the same from the previous year. Council Members Gonzalez and Rodriguez absent.

Council Member Pennington asked if Ms. Wolpa's position would be that she would be against amending the existing ordinance, and Ms. Wolpa stated that was correct. Council Members Gonzalez and Rodriguez absent.

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-705-5594) appeared and stated that he was present because he also was concerned about the ordinance because he felt that it put the City in a very poor light, that he would ask them to consider for a moment the plight of someone who was so poorly off that it was the best thing they could think of to do to alleviate their pangs of hunger, that he hoped someone would propose something more like a program whereby the City of Houston, very publicly, would provide a place for the homeless to get a meal, go to the bathroom, take a shower and find a room, at least for the night, that it seemed like the very least they could do to their fellow human being should be afforded those considerations. Council Members Pennington, Gonzalez and Rodriguez absent.

Mayor Parker stated that all of those services were provided by a multitude of organizations across the City of Houston. Council Members Pennington, Gonzalez and Rodriguez absent.

Ms. Ada Edwards, 1033 Theresa, Houston, Texas 77051 (did not wish to give phone number) appeared and stated that she had a problem at her house last Tuesday, all of the services were closed and she happened to call Mayor Parker's office and got some assistance, not only from her, but from Chief Durden and Chief McClelland, Harry Hayes and a worker from Solid Waste, and she just wanted to come down and say thank you, that when she was on City Council Member they had a policy called a "partnership of service", that they did things in the City in partnership with elected officials and it really worked, that she wanted to thank Karen Heller, District D, Keith Wade and a host of people who went beyond to help her. Council Members Pennington, Gonzalez and Rodriguez absent.

Mayor Parker stated that she would hope they would provide the same service to any citizen in her situation, but she must know in what high regard they all held her. Council Members Pennington, Gonzalez and Rodriguez absent.

Mr. Matt Dietrichson, 1505 Rosalie St., Houston, Texas 77004 (214-733-0757) appeared and stated that he was present on behalf of the Houston Coalition for Complete Streets, that he was thrilled that there was a Safe Passing Ordinance going to the Safety Committee tomorrow and as he was an avid cyclist he thought it was a great step towards making their streets safer, that he was present to invite them to the Houston Complete Streets Week, starting on Saturday, trying to inspire Houstonians to get out and get more active modes of transportation, that he looked forward to working more with them in the future. Council Members Pennington, Gonzalez, Rodriguez and Noriega absent.

Mayor Parker stated that she would remind everybody that Friday was "Bike to Work Day". Council Members Pennington, Gonzalez, Rodriguez and Noriega absent.

Ms. Dorothy Ellison, 5250 Keystone St., Houston, Texas 77021 (832-882-5061) appeared and stated that she was present to speak on the insurance for the City of Houston, that her daughter had a special need and always had to go to a specialist, which seeing the specialist had gone up, and in the department that she worked in, Parks, did not pay that much money, that she had to take her to the doctor and the specialist every month, that it was going to get to a point that she was not going to be able to take her to the doctor because she could not afford the insurance that was going up, what was she going to tell her daughter when she asks why she could not take her to the doctor, was she supposed to tell her that the insurance went up and they could not afford to go or to get her medicine. Council Members Pennington, Gonzalez, Rodriguez and Noriega absent.

After discussion by Council Members Adams and Green, Mayor Parker stated that she wanted to remind Council Members that they had presented potential changes to the entire Council, asked for feedback and suggestions on modifications to the plan, and she did not

receive any, and Council Member Green asked if he could get a copy of that so he could review it, and Mayor Parker stated of course. Council Members Gonzalez and Noriega absent.

After further discussion, Mayor Parker stated that there were no plan design changes offered to her. Council Members Gonzalez and Noriega absent.

Mr. Tony Jones, 1950 Spenwick Dr., #318, Houston, Texas 77055 (832-888-7460) appeared and stated that he had brought them a resolution from the Gulf Coast Work Force Development Board, they had appointed him last summer to that particular board, that it was concerning Mr. Frank Thompson, his funeral was on March 31, 2013, but unfortunately he had to work that day, that last week the Board passed a resolution, which he passed out. Council Members Davis and Gonzalez absent.

Mayor Parker stated that Mr. Frank Thompson, Jr., had a tremendous impact on the City of Houston, he was a Korean War veteran, an American hero and a community leader, that she wanted to thank Mr. Jones for sharing the resolution with them. Council Member Gonzalez absent.

Council Member Pennington stated that he wanted to concur with Mayor Parker, that he knew Mr. Thompson for over 20 years because they had done some lobbying in Austin and he was always up on the issues, that he was thoughtful and very personable. Council Members Gonzalez and Noriega absent.

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

Ms. Appless Stewart, 7450 Lakewood, Houston, Texas 77016 (713-885-3070) appeared and stated that on December 14, 2012 there was an intruder in a school and took the lives of many valuable people, that they had many problems in the Nation and they were starting to show up in Houston, that she had an idea that could help their City if they put some things into existence, that a lot of their schools did not have a lot of cameras and metal detectors in place, that she had done an overview of the schools her children and grandchildren went to, that the lower half of the schools should have bulletproof glass, they should have a monitor to look over the whole campus who should be able to distinguish if there was an intruder coming over a fence or coming out of a car with a gun, if they had that they could get officials there a little more timely, that she had designed a few steps that should be taken. Council Members Gonzalez and Noriega absent.

Council Member Davis stated that they were all concerned about the safety of their kids and family, that the City Council did not have the jurisdiction to govern the school district, that she should try to reach out to her District Trustee for either HISD or North Forest Independent School District, that his office would be more than happy to make the connection with the school district. Council Members Gonzalez and Noriega absent.

Ms. Annie Lyles, 5417 Crane, Houston, Texas 77025 (713-670-0448) had reserved to speak, but was not present when her name was called. Council Members Gonzalez and Noriega absent.

Mr. John Lewis, 9639 Hillcroft, Houston, Texas 77096 (713-816-1351) appeared and stated that he was present because he was concerned about fraud in the United States of America, that he was concerned about the losses in Houston, that they ran a private investigation company and they had a contract with the City of Houston and the Dallas Independent School District, that they stopped a lot of fraud in Dallas and used to stop a lot of

fraud in Houston, that he was present because he ran into people on the street who were on Workers Comp and they were collecting checks from the City of Houston and were working out at 24 Hour Fitness, that he was present to try to save the City of Houston money by going out and checking these people out, were they doing anything about it and was there anybody looking into it, what percentage of people were they watching. Council Members Gonzalez, Rodriguez and Noriega absent.

Mayor Parker stated that they took fraud very seriously, the Controller's office in the City of Houston maintained a fraud hot line and anybody who was aware of someone who was collecting Workman's Comp benefits or full disability benefits and was doing it fraudulently should contact that number or office, or the Mayor's office or the HR Department of the City of Houston and they would follow up. Council Members Gonzalez, Rodriguez and Noriega absent.

After discussion by Council Members, Mayor Parker stated that if it was their desire she could have a presentation to the Fiscal Affairs Committee on what they did to prevent fraud in Workman's Comp, that it was a good opportunity to have that policy discussion, that she would work with the Chairman to arrange it. Council Members Davis, Rodriguez and Noriega absent.

Council Member Bradford moved to suspend the rules to extend time for questions of Mr. John Lewis, seconded by Council Member Burks. All voting aye. Nays none. Council Member Hoang absent on personal business. Council Members Rodriguez and Noriega absent. MOTION 2013-0213 ADOPTED.

After further discussion by Council Members, Council Member Pennington stated that he would take Mayor Parker up on her offer to give a report, which hopefully would include some statistics of what was happening in other jurisdictions. Mayor Parker and Council Members Rodriguez and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Mr. Addisu Walga, 5749 Gulfton, Houston, Texas 77081 (713-367-7661) had reserved time to speak, but was not present when his name was called. Mayor Parker and Council Members Rodriguez and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Ms. Yolanda Williams, 7333 Easter St., Houston, Texas 77088 (832-328-8878) had reserved to speak, but was not present when her name was called. Mayor Parker and Council Members Rodriguez and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Mr. Pedro Sosa, 2011 Bron Holly, Houston, Texas 77018 (832-466-6406) appeared and stated that he was present to talk about the insurance that had gone up at the City, that he was a father and had three kids and a wife and was the only person who worked in the household, and as the insurance had gone up it concerned him, that he took his twins to see their doctor and his daughter was not on the insurance, they had taken her off, the individual put both of the kids through and they did see the doctor, when they went to pick up the medication it was \$10 for his son, but \$130 for his daughter, who was not included in the insurance, although he never took her off, that he did not have the \$130 but his son and daughter needed the same medication so he paid for his son's and split the medication between the two; that as far as their insurance going up he did not know what was in store for them, that he was not sure who negotiated the insurance plan for the City, that the increases were across the board for everyone, not just supervisors or managers, it was also for the low man on the totem pole. Mayor Parker and Council Members Noriega absent. Mayor Pro Tem Gonzalez presiding.

After discussion by Council Member Adams, Mayor Parker stated that Mr. Roland Bienvenu, HR Department, was present in the audience and he was the person that Mr. Sosa should visit with.

Council Member Bradford asked when Council passed and when they accepted Cigna as the carrier, was there some where in the language whereas the carrier and the administration got the unilateral authority to set the rate, was it that Council waved it's involvement in that process; that he was still on the \$25 fee thing that no one had answered that question. Council Members Brown, Pennington, Laster and Noriega absent.

After further discussion Council Member Bradford moved to suspend the rules to continue questions of Mr. Pedro Sosa, seconded by Council Member Costello. All voting aye. Nays none. Council Member Hoang absent on personal business. Council Members Brown, Pennington, Laster and Noriega absent. MOTION 2013-0214 ADOPTED.

After further discussion by Council Member Bradford, Mayor Parker stated that they were maintaining the same split between the City and employees that they had over the last two years, but both the City and employees were paying more, so the ratio on the rate structure had not changed at all, that the covered benefits had changed in order to drive the projected cost increase down. Council Members Brown, Pennington, Laster, Burks and Noriega absent.

After further discussion Mayor Parker stated that they did provide to Council Members an analysis of major public sector employers in the area, what their benefits looked like compared to those and the City still had the richest package of benefits available and she was happy to share that again with Council and distribute it to Mr. Sosa as well. Council Members Brown, Pennington, Laster, Burks and Noriega absent.

Ms. Leonora Issac, 6215 Grandville Dr., Houston, Texas 77072 (832-922-0421) appeared and stated that she had worked with the City for 20 years and this was the first time that she was having a problem with the insurance, that she had to take three medications for maintenance, that she had to take one a day, but because of the cost she took it twice a week, that with the cost going up she thought it was going to be worse, that she had her son also on the policy and when she looked at what she would be paying out of her paycheck she had to make a decision, that it was going to be a burden, not only to herself, but to other employees, that it was going to be very hard for employees with the increase. Council Members Brown, Cohen, Pennington, Burks and Noriega absent.

Upon questions by Council Member Green, Mayor Parker stated that the split, City versus employees, was 75/25, that the cost of the contract had increased 14.9% with the cutbacks in benefits, and Council Member Green stated that the \$25, if they did not enroll in the program, had gone away, and Mayor Parker stated that the \$25 was about participating in a wellness assessment. Council Members Brown, Cohen, Pennington, Burks and Noriega absent.

Mayor Parker stated to Council Member Bradford that Mr. Omar Reid, Director, HR Department, had been trying to schedule a meeting with him, that she believed that it was scheduled and then cancelled by Council Member Bradford's office and they were still attempting for Mr. Reid to provide him with the information he had requested. Council Members Brown, Cohen, Pennington, Burks and Noriega absent.

Mr. Jim Matujec, 2455 Briar West Blvd., Houston, Texas 77077 (832-358-5432) appeared and stated that he was 14 years and plus an employee, that he was in attendance of last Wednesday's Health and Benefits Sub Committee meeting and hoped to see what kind of results came out of that wellness proposal, that he wanted to thank Director Reid for making it to the HOPEs general membership meeting on March 26, 2013, and out of that a number of questions popped in the members head, that as far as the insurance premiums and contract increase he thought it had to do with the data and how they looked at it and the questions that they were really asking, was it really an increase or business as usual in the medical field and health insurance field, how were these costs determined, that one of the big issues that was

brought up by the Director was that the employees were abusing the use of specialists, and they made a point that an employee who was barely making it want to chose a specialist, it was the health profession that was referring the employees to the specialists, so therefore they had multiple co-pays and multiple providers and that drove up cost, that he wanted the Council to be aware that maybe they needed to start asking different questions that had not been asked before with the way the business was run. Council Members Brown, Cohen, Burks and Noriega absent.

Mayor Parker stated that since Mr. Matujec made a reference to the way that the business was run she thought it was timely to note that the City Controller was currently providing an audit of dependents to see if there was fraud and to see if City employees were claiming dependents who were not actually dependents, that was conducted independently by the Controller's office, and both the Controller's office and the Finance Department were doing a billing audit to make sure they were being charged appropriately under the contract, so they did attempt to monitor both sides of that. Council Members Brown, Cohen, Burks and Noriega absent.

After discussion by Council Members Christi and Adams, Council Member Adams moved to extend time for questions of Mr. Matujec, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Hoang absent on personal business. Council Members Brown, Cohen, Burks and Noriega absent. MOTION 2013-0215 ADOPTED.

Council Member Green stated that Mayor Parker had stated that they had a 14% increase in the contract and requested a copy of what that dollar amount was for the entire contract, and Mayor Parker stated that they had sent that to each Council Member and would resend it. Council Members Brown, Cohen, Burks and Noriega absent.

After further discussion by Council Members Pennington and Martin, Council Member Martin moved to suspend the rules to extend time for questions of Mr. Matujec, seconded by Council Member Costello. All voting aye. Nays none. Council Member Hoang absent on personal business. Council Members Brown, Cohen, Burks and Noriega absent. MOTION 2013-0216 ADOPTED.

Council Member Martin stated that he thought that the dilemma they had was when they moved from a fully insured to a self funded plan, that meant that the liabilities were now placed in the City's coffers versus the insurance companies such as Cigna, that he thought there was a fundamental flaw in the plan and hopefully they would get the opportunity to address it when the current contract was up in 2014. Council Members Brown, Cohen, Burks and Noriega absent.

Mayor Parker stated that Council Members may not know, but Council Member Martin had some expertise in this area and she had asked him to sit in the room as they had these conversations. Council Members Brown, Cohen, Burks and Noriega absent.

Council Member Gonzalez stated that these were very difficult situations and they just had to navigate through. Council Members Brown, Cohen, Rodriguez, Burks and Noriega absent.

Mr. Melvin Hughes, 10914 Fairland, Houston, Texas 77051 (281-213-7085) appeared and stated that he wanted to thank the Council Members for hearing City employees and HOPE members, on a familiar subject, their insurance, that he knew that they were well aware of what City employees were going through, that he and the City employees understood where they were, but they had a solution, that he was asking that the Mayor come together with them and give them the information, that he would like for them to take a look at savings, if they looked hard enough they would find something, that he understood the City's side, but this was just a piece of what they were dealing with on a day to day basis, that they were making them make



choices and were going to have more sick people, but the Council already knew about it and this was not the first time they had been present, but HOPE was coming with a solution, they had experts that would look at what they had already done, that he was asking the Mayor to work with them. Council Members Brown, Burks and Noriega absent.

Mayor Parker stated that she had already expressed her willingness, that it was public information and public documents, obviously not individual health information, but he could bring any experts he wanted, they would put them in a room with the documents and their folks, they would open the books, that she was happy to work with him on that and would welcome the suggest. Council Members Brown, Noriega and Christi absent.

After further discussion by Council Members, Mayor Parker stated that they knew that their new emphasis on wellness was liable to drive costs up, they also knew that going to the self insured plan they wanted to anticipate that, it was why it was called the stop loss in the beginning to make sure that it did not spike to much, the only thing that they did not anticipate in any way, and she had been frank about it, was the impact of the layoffs, a lot of the so called shortfall was simply because their employees were not paying premiums into the system and that was just something not in their calculations as they did the layoffs, but again, she understood that SEIU had offered some experts to come in and she believed they had already had some conversations back and forth between Mr. Reid and some of their experts, that it was completely transparent and she welcomed the overview. Council Members Brown, Noriega and Christi absent.

After discussion by Council Members, Council Member Adams moved to suspend the rules to extend time for questions of Mr. Hughes, seconded by Council Member Costello. All voting aye. Nays none. Council Member Hoang absent on personal business. Council Members Brown, Noriega and Christi absent. MOTION 2013-0217 ADOPTED.

After further discussion by Council Members, Council Member Martin stated that he knew the City had a health care reimbursement program and would love to see what percent of their employees took advantage of this, and Mayor Parker stated that the clock was ticking on the re-upping for their benefits, it did not matter how long they had benefits it was a mandatory re-enrollment and if they liked what they had they needed to go in and opt for that again and that was the opportunity to create a medical savings plan. Council Members Brown, Noriega and Christi absent.

Ms. Deborah Allen, Post Office Box 263252, Houston, Texas 713-264-0127) had reserved time to speak, but was not present when her name was called. Council Members Brown, Noriega and Christi absent.

Mr. Mahmoud Olya, Post Office Box 741641, Houston, Texas 77274 (832-287-8487) appeared and stated that he was the owner of a small business in Houston, Texas and holding a Masters Degree from Eastern New Mexico University, that he was present to express his grievances against a ruthless, lawless landlord who neglected, harassed, retaliated and threatened his tenants, that numbers of issues, for a number of months, had been addressed to this landlord and it had been neglected, that his complaint was about a failed air conditioner, failed bathroom, crack in the ceiling, missing sheetrock, missing floodlights, dangerous stairways and unsafe driveways, that the latest retaliation by this person against him and his family members was cutting off the water today, that he had done it for a few days, that yesterday the Mayor's office came to the place and inspected and verified his grievances, that it was a common grievance of people who were stuck with landlords who were not responsive and not respecting their tenants. Mayor Parker and Council Members Brown, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez stated that he knew Mr. Olya had met with some of the department personal and as he had stated they had been out there and were aware of some of the items that Mr. Olya had discussed with them, that they had retagged the property for further action and were giving the owner 90 days to complete some of the work, that they were on top of it, the Mayor's Multi Family Habitability Office, and were going to continue the investigation and work with Mr. Olya on it, that Mr. Gary Norman was present in the Chamber and was aware of the matter as well and for Mr. Olya to please visit with him to make sure they were taking all of the necessary steps to correct the situation. Mayor Parker and Council Members Brown, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Ms. Cheryl Spivey, no address, no phone appeared and stated that she was a homeless person, that she had listened to everyone and thought that she might be the face of what people were trying to avoid, that she came from blue color people and homelessness was something that she was never familiar with, that she wanted to thank Mayor Parker, that she came to the meeting that Mayor Parker had on Friday, that she was quite impressed with the person who shared her feelings about homelessness and how she intended to attack the problem, that part of the reason she was homeless because someone had wrecked her car and she never got a dime. Mayor Parker and Council Members Brown, Pennington, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Ms. Kasey Morgan, 9511 W. Sam Houston Pkwy. N., Houston, Texas 77064 (281-970-8970) appeared and stated that she was the Director of Government Affairs for the Greater Houston Builders Association, that she was present to talk about the HomeAid Houston, Picture This Project, that HomeAid was a 501(c)(3) GHBA Charity that identified long term, stable, homeless care providers who needed additional capacity and then paired them with GHBA Members, whether builders, remodel or suppliers who donated their time and materials to build transitional homeless shelters, that tomorrow following the Council, HomeAid would be hosting a reception to showcase a new project called Picture This, that it was recently started by HomeAid's PR Director in an effort to create awareness about Houston homeless, that she took over 70 cameras to the SEARCH Homeless Services, which provided assistance to the chronically homeless, and asked that they distribute the cameras to the homeless they served so that those folks could document their day to day experiences through a different lens and their own perspective, that the exhibit was available now through the tunnel between the Annex Building and City Hall. Mayor Parker and Council Members Brown, Pennington, Rodriguez, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Council Members Adams stated that the photos were a frame of art and to hear that actual homeless happened to take the photos was great, that she wanted to compliment the organization for what they were doing, and asked if HomeAid would be assisting veterans, and Ms. Morgan stated that currently HomeAid worked with a handful of homeless organizations and they were really involved with the U.S. Veterans Initiative and the DeGeorge at Union Station to basically do the same thing. Mayor Parker and Council Members Brown, Pennington, Rodriguez, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Council Member Burks stated that when he went to their office and see the pictures of all of the charitable work they had done it made him proud, because that was what it was like for Houston when contractors from all over got together to go in for needs for community centers or homeless shelters, that he commended them for the hard work that they all did at the Greater Houston Builders Association. Mayor Parker and Council Members Brown, Pennington, Rodriguez, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Mayor Pro Tem Gonzalez stated that he wanted to thank them for all of the great work that they did. Mayor Parker and Council Members Brown, Pennington, Rodriguez, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Ms. Robin Harrison, 17217 Hafer Rd., No. 4306, Houston, Texas 77090 (281-836-2614) appeared and stated that in February she received an email from the Office of Minority Business to attend an event called "La Idea" and the flyer stated that it was going to be a bilingual event, that there were about 50 people in the room, and there may have been about 5 of them who were not Hispanic, that she was disappointed to see how it was carried out, they had breakout sessions and she went to one that was conducted by the Small Business Development Center with the U of H and they only had the presentation in Spanish and it was not translated in English, and she could not understand what was being said, when they went back to the breakout session the young lady that was hosting the event presented everything in Spanish and she approached her about it, that if they could come out with an initiative to reach out to Latin America, that was what the La stood for, when they had communities in Houston who did not have resources for economic development, she felt, was offensive, the young lady who conducted the event understand how she felt and stated she was going to have the lady who did the presentation translate it and submitted it to her, that was back in February, that she sent an email to Roger Harris explaining how she felt and he did not respond to her. Mayor Parker and Council Members Brown, Davis, Pennington, Rodriguez, Laster, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Upon questions by Council Members, Ms. Harrison stated that she was not looking for somebody to sit and meet with her, because if they did not have anything that she could access that did not require her to have assets and credit, then she did not need to sit down and talk to them, that their office was always open, but this event was not about the Small Business Administration. Mayor Parker and Council Members Brown, Davis, Pennington, Rodriguez, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Council Member Adams asked Mayor Pro Tem Gonzalez that if the City of Houston was hosting an event and had come up with "La Idea" would that indicate that it was maybe an event for the Hispanic population, and Mayor Pro Tem Gonzalez stated that the event was sponsored by Accion Texas, it was not a City of Houston event, they may have sent it out to their database, but the focus of that one event was to address those companies who were either currently trading globally with Latin America or abroad or vice versa, that it was private monies through their organization, that they were the lead organizers. Mayor Parker and Council Members Brown, Davis, Pennington, Rodriguez, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Mr. David Caballero, 5606 Turtlecreek, Houston, Texas 77017 (832-387-1266) had reserved time to speak, but was not present when his name was called. Mayor Parker and Council Members Brown, Pennington, Rodriguez, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Mayor Parker and Council Members Brown, Davis, Pennington, Rodriguez, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Ms. Bridget Alexander McDaniel, Post Office Box 53993, Houston, Texas 77052 (713-987-3754) appeared and stated that she did not wish to speak at this time. Mayor Parker and Council Members Brown, Davis, Pennington, Rodriguez, Green, Costello, Noriega and Christi

absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Ms. Angela Vasquez, 101 Crawford, Houston, Texas 77002 (713-478-2360) appeared and stated that she came to speak about the parking issue, but was going to reserve her speech for next week because she just sat in the Chamber for two hours and watched the Council extend for people and applaud people who were making homeless efforts and had seen two homeless people come to the podium and were treated as if they were not human and she really had nothing to say to that except that it was highly disturbing that they would sit and applaud each other for these programs and then people got up there and were not even acknowledged. Mayor Parker and Council Members Brown, Davis, Pennington, Rodriguez, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

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. Mayor Parker and Council Members Brown, Davis, Pennington, Rodriguez, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Ms. Amanda Lodoza, 1428 Wentworth, No. 1, Houston, Texas 77004 (281-414-3327) had reserved time to speak, but was not present when her name was called. Mayor Parker and Council Members Brown, Davis, Pennington, Rodriguez, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

At 4:19 p. m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, April 10, 2013. Council Member Hoang absent on personal business. Mayor Parker and Council Members Brown, Davis, Pennington, Rodriguez, Green, Costello, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

The Houston City Council reconvened at 9:00 a.m., Wednesday, April 10, 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 9:10 a.m. Mayor Parker called the meeting to order and stated that they had public hearings at the beginning of the agenda and recognized Council Member Gonzalez for a point of order. Council Members Davis, Cohen, Adams, Burks and Noriega absent.

Council Member Gonzalez moved to suspend the rules to consider Item No. 4 out of order, seconded by Council Member Costello. All voting aye. Nays none. Council Members Davis, Cohen, Adams, Burks and Noriega absent. MOTION 2013-0218 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS (MEMORIAL HEIGHTS ZONE) BOARD OF DIRECTORS:**

- Position One - **J. ANDREW MACPHILLIMY**, appointment, for a term to expire 12/31/2014
- Position Two - **ANN LENTS**, reappointment, for a term to expire 12/31/2013, and appointment to serve as Chair, for a term to expire 12/31/2013
- Position Three - **BRYAN BROWN**, reappointment, for a term to expire 12/31/2014
- Position Five - **ALEJANDRO COLOM**, reappointment, for a term to expire

12/31/2014

- was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Davis, Cohen, Adams, Burks and Noriega absent. MOTION 2013-0219 ADOPTED.

Mayor Parker stated that some of the members, whom they had just re-appointed, were present, Ms. Ann Lents and Mr. J. Andrew MacPhillimy, and thanked them for their willingness to serve the City of Houston. Council Members Davis, Adams and Noriega absent.

Council Members Pennington, Gonzalez, Cohen congratulated Ms. Lents and Mr. MacPhillimy on their re-appointment and thanked them for their service to the City of Houston. Council Members Davis and Noriega absent.

Mayor Parker stated that they would move to the first public hearing. Council Members Davis, Cohen and Rodriguez absent.

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

1. **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:

- Harris County Municipal Utility District No. 120
- Fort Bend County Municipal Utility District No. 194
- White Oak Bend Municipal Utility District
- Cinco Municipal Utility District No. 12
- Harris County Municipal Utility District No. 345
- Cornerstones Municipal Utility District
- Harris County Water Control and Improvement District No. 109
- Northwest Harris County Municipal Utility District No. 5
- Dowdell Municipal Utility District

The City Secretary stated Ms. Margaret Wallace, Planning Department, would made the comments at the public hearing. Council Members Adams and Noriega absent.

Ms. Wallace stated that this was the second public hearing for an upcoming round of Limited Purpose Annexations through Strategic Partnership Agreements, that since January 2001, the City had approved 301 Strategic Partnership Agreements with 223 separate MUDs generating approximately \$214 million in revenue for the City thru Fiscal Year 2012, the revenue from the SPAs now represented approximately 6.5% of the total sales tax collection for the City, that this was the second of the two required public hearings, the first hearing was held on April 3, 2013, and following this public hearing, the Department would be seeking Council approval for the Strategic Partnership Agreements and the Limited Purpose Annexations on May 1, 2013, if approved, tax collections would begin October 1, 2013; that 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 in the area to be annexed, that all districts would receive the service of animal control and rescue; that the agreements for May 2013 were as follows, for the following Districts the City would amend the existing agreement by adding new territory, there was no territory outside the district to be included in the annexation; 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 agreements 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, there was territory outside of the District to be included in the annexation and 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 and the City would also enforce the animal control service in the area to be annexed, Dowdell Public Utility District; that one remaining district, Parkway Utility District had withdrawn their request for an SPA at this time. Council Member Rodriguez absent.

Council Member Davis stated that Ms. Wallace had mentioned that animal regulation would be provided and asked if they were adding any more members to BARC to facilitate this, and Mayor Parker stated not to directly facilitate this, but it was part of the budget request that BARC was bringing forth to the next budget, that previously they also did the fireworks enforcement, but they got shot down on that. Council Member Rodriguez absent.

Mayor Parker stated that no one signed up to speak for the public hearing, that this was an opportunity for members of the public to address the issue of the Limited Purpose Annexations, and seeing no one requested a motion to close the public hearing. Council Member Rodriguez absent.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Adams. All voting aye. Nays none. MOTION 2013-0220 ADOPTED.

2. **PUBLIC HEARING** regarding the designation of a **TAX ABATEMENT REINVESTMENT ZONE** for **CYRUS ONE, LLP (CYRUS ONE ZONE) - DISTRICT A – BROWN** – was called.

The City Secretary stated that Ms. Gwendolyn Tillotson, Deputy Director, Mayor's Office of Economic Development, would make comments on the hearing.

Ms. Tillotson stated that the public hearing was to consider the establishment of a Tax Abatement Reinvestment Zone for Cyrus One, LLC, that Cyrus One was a publicly traded real estate investment trust conducting business as a developer, operator and retailer of enterprise class data center capacity, the company began operations in 2000 in Houston and became a public company in January 2013 upon completion of a successful IPO, that Cyrus one had 21 facilities in the U.S., Europe and Asia and it's predominant operations were in the U.S. with data centers in Ohio, Texas, Arizona and Kentucky, that Cyrus One was seeking a flagship data center for the central region of the U.S. and South America, that Cyrus One had already located a mega center in Carrollton, Texas and was seeking a second, that the public hearing today was a statutorily required action in consideration of granting tax abatement, that Cyrus One had filed the required application with the City of Houston and had selected a site adjacent to it's existing facility at 5150 Westway Park Drive, near West Sam Houston Parkway and Clay Road and was in District A, that Cyrus One planned to invest more than \$100 million in real and personal property, with most of the investment representing personal property due to the high capital investment requirement for a data center distribution infrastructure, that upon completion of the building the company would phase in construction and powering of the data halls over a five year period as their customer base increased, that Cyrus One clients would further add to the investment pool as more personal property was stored and operated at the facility, that in addition there were plans to further expand and develop an adjacent thirty two acre site to

create a mega center, which would represent a substantial capital investment, that in conclusion they would request the Council's support for a 10 year, 50% abatement, of the incremental increase in property taxes generated by Cyrus One, LLC. Council Member Adams absent.

Mayor Parker stated that only of the incremental property taxes, and Ms. Tillotson stated exactly. Council Member Adams absent.

Council Member Christi stated that businesses like these used a tremendous amount of kilo watt hours for promoting their business and asked if there was any sizable water usage with a big business like this that she knew of, and Ms. Tillotson stated that no she was not aware, but did know that they had been in communication with Public Works and Engineering as part of the plan for construction and have had some discussions about capacity for water and wastewater, that she had not heard any negative comments from Public Works. Council Member Adams absent.

After discussion by Council Member Brown, Mayor Parker stated that no one had reserved time in the public hearing to address the issue, that it was an opportunity for the public to weigh in on the proposed tax abatement and asked if there was anyone who wished to speak, and seeing no one requested a motion to close the public hearing. Council Member Adams.

Council Member Gonzalez moved to close the public hearing, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Adams absent. MOTION 2013-0221 ADOPTED.

3. **PUBLIC HEARING** to consider amendments to Chapter 42 of the Code of Ordinances, including portions of Article I, Article II (Divisions 1, 2 and 3) and Article III (Divisions 1, 2, 3, 4, 7 and 8) – was called.

The City Secretary stated that the last hearing listed was a public hearing to consider amendments to Chapter 42 and a list of speakers had been distributed.

Council Member Laster moved to suspend the rules to move Ms. Tomora Bell, Mr. David Robertson, Ms. Cindy Chapman, Mr. Ivory Mayhorn, Mr. Ed Brown, Ms. Kathleen O'Riley and Ms. Jane Cahill to the top of the 3 minute list, seconded by Council Member Costello. All voting aye. Nays none. Council Member Hoang absent. MOTION 2013-0222 ADOPTED.

Council Member Christi moved to suspend the rules to add Mr. Joshua Sanders to the bottom of the 3 minutes list, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent. MOTION 2013-0223 ADOPTED.

Mayor Parker recognized Ms. Marlene Gafrick, Director, Planning Department.

Ms. Gafrick stated that State law required the City Council to hold a public hearing any time they made changes to Chapter 42 of the Code of Ordinances and reviewed a slide presentation relative to the Chapter 42 amendments, a copy of which is on file in the City Secretary's office for review; and stated that they went to the Planning Commission in December for a public hearing and it was approved at Council committee on January 30, 2013, that they were holding a public hearing today and the earliest possible day was next week for City Council and they proposed to move forward in that direction unless something came forward today in terms of some significant changes or public comments, so they needed to wait until they closed the public hearing. Council Member Adams absent.

Mayor Parker stated that to confirm, extending the time to process minimum lot size

applications from 180 days to 360 days, it was still which ever came in first, if she was a builder and came in and started pulling permits she had established her place in line and the neighborhood could not come behind her, but if the neighborhood came in first they had established their place in line, and Ms. Gafrick stated that was correct, and Mayor Parker stated that the issue of the phase in they added that at the request of the neighborhoods, recognizing that meant that only large builders would really be able to build in the initial phases, that it was a deterrent to smaller builders, and Ms. Gafrick stated that was correct. Council Member Adams absent.

Upon questions by Council Members, Ms. Gafrick stated that for a neighborhood that wanted to file a minimum lot size application on a large area, over 5 blocks, what they were proposing was that they follow the model for the Historic Preservation Ordinance, so it was an application that was filed by 10% of the property owners, and then they would do an analysis in making sure that at least 80% of the area was developed with single family residential or deed restricted to single family residential, so that there was a gap where properties were not deed restricted, that from there they would hold a community meeting and then they would send ballots out to the owners asking them to let them know if there was support or non support and it would require 60% of the property owners signing in support for them to move forward, that the ordinance allowed the Director to amend the boundary to achieve 60% support, or even as it went to the Planning Commission, the Commission could revise the boundaries to achieve 60% support; that with land prices going up if they add another lot to a proposed development then their lot cost value went down because the cost of the land and the development was spread across more lots, so it did help the price go down, that clearly the product that they were putting on a lot affected the value as well; that they had looked at the drainage implications of this and Mr. Andy Icken and Council Member Costello had been working with Public Works and Engineering and they had looked at it and developed a proposal to address some of the drainage issues. Council Member Rodriguez absent.

Upon further questions by Council Members, Ms. Gafrick stated that Planning and Public Works had a City mobility planning effort that was going on where they were taking segments of the City and were looking at future growth and the roadway needs in different segments of the City, that their end goal was to cover the entire City, but they were taking it off in phases and would be coming to the TTI Committee fairly soon and updating Council Members where they were and where they were going. Council Members Rodriguez and Green absent.

Mayor Parker asked Ms. Gafrick what did they have in the Historic Preservation Ordinance for example, and Ms. Gafrick stated over 60%, it was 67%, and Mayor Parker stated that the original desire was to have their ordinances align so that there would be similar burdens in order to oppose restriction on property, that was the rationality. Council Members Rodriguez and Green absent.

Upon further questions by Council Members, Ms. Gafrick stated that when a subdivision plat to subdivide property was submitted it was sent to Public Works and Engineering to review and they looked at it two different times in the whole process, the first process was in the platting process and they worked with the applicant and looked at the adequacy of the utilities, in addition there was another review process that occurred during the building permit process with Public Works and Engineering, but there were instances when Public Works would require that the infrastructure be upgraded and there was a process that they could go through in terms of getting developer participation contracts from the City to upgrade the infrastructure, particularly in areas where they thought redevelopment was occurring, but there was a review process for the adequacy of the utilities. Council Members Rodriguez and Green absent.

Mayor Parker stated that this would not be addressed under Chapter 42, that there were other ordinances and other permits, there were lots of steps the developer had to go through to



be able to proceed, that this was about the number of structures and the density, those issues whether there were adequate utilities were determined at other steps of the process, that if there were inadequate utilities for what they were trying to do the process would slow down. Council Member Green absent.

Upon questions by Council Member Adams, Ms. Gafrick stated that the sad thing on the daycare issue was after working so hard with legal and getting it pretty much stopped, the community went forward and amended their deed restrictions to allow that commercial business in the middle of the neighborhood; that the deed restriction process was much harder to achieve for neighborhoods, they had to have notarized signatures and other provisions that they had to do that was very hard, that she believed they had to get all of the owners signatures, not just one, so it was a very hard threshold for the neighborhood, that the minimum lot size and the building line was really designed to make it easier for neighborhoods to use these tools rather than follow a deed restriction process because they knew there were some neighborhoods that did have trouble with getting people to sign and following the deed restriction process, that what she would ask, which was really critical, and what they needed help on, was figuring out where the District Council Member's thought were the areas where they should hold the meetings so they could really focus on some of those areas where they did not have a lot of ownership, or the areas that they thought were prone, that was what they would really appreciate, if they could give them that location because that was where they wanted to really concentrate their efforts; that the other thing she thought was critical was the 60% threshold in terms of support, as the Mayor explained their rationale for it, but the question that she heard, was that it was too hard of a threshold for some of their neighborhoods. Council Members Davis, Cohen, Green and Burks absent.

Mayor Parker stated that she wanted to make sure, to someone that may be watching, that the incident Council Member Adams raised that had to do with converting a residence to commercial use, nothing they were going to vote on today would have any impact on that, except in neighborhoods where putting in commercial use might need a larger footprint and that was where minimum lot size and minimum building line could be helpful, that in the process it was the owners of the property that would have to sign, that in one sense if owners had already decided that they were going to be landlords and they were not living there, they were going to possibly be looking at the highest and best use of their property, which may be redevelopment rather than neighborhood integrity, so they recognized the problem. Council Members Davis, Cohen, Green and Burks absent.

After discussion, Council Member Gonzalez stated that they needed to make sure as they did the outreach to the communities that they thought about the diversity of the communities and how people liked to receive information, in his district a heavy Hispanic population, a lot of that information they may not understand in English so he hoped that there could be some translation available, that he was willing to take the responsibility to notify and work with his constituents to make sure that everyone was at the table. Council Members Davis, Cohen, Pennington and Noriega absent.

Ms. Gafrick stated that as to the concern on the phase in, they looked at a five year platting history in terms of new lots that were created and they compared the City to the ETJ and the City was getting 17% of the newly created lots compared to what was being created out in the ETJ, so the ETJ was getting 80% of the new lots. Council Members Davis, Pennington and Noriega absent.

Mayor Parker stated that the phase in was something that came through negotiations with the neighborhood, it was not the preferred course of the administration. Council Members Davis, Pennington and Noriega absent.

Upon questions by Council Member Brown, Ms. Gafrick stated that in the minimum lot size areas if a developer filed a permit or plat application first, then they could proceed with their application, however if a neighborhood filed a minimum lot size application, for example, and they deemed it complete then there was a wait period before they could process that lot size or building line application, unless it met the proposed lot size or building line application; that inside the 610 Loop there were certain rules that would go into effect immediately and that would continue, that in the second year there was a size limitation where some of the development could occur, but it was for those tracts that were under one acre that they would not be able to file an application during that second year. Council Members Davis and Pennington absent.

Mayor Parker asked Ms. Gafrick to please clarify, was that a calendar year from the date of application or date of approval by Council, and Ms. Gafrick stated that she it was one year from the date of adoption. Council Members David and Pennington absent.

After discussion Council Member Adams asked if there would be a point person Planning or Legal, who would they be working with, and Ms. Gafrick stated that one of the things they were setting up in the meetings with the community was who do they contact, that there would be people in the department that would be processing the applications, so whoever was processing the application needed to become the point person for the community, that they would have a point person in terms of someone who was responsible for the whole program, but then there should also be a point person for the individual applications. Council Members Davis and Pennington,

After further discussion by Council Members, Ms. Gafrick stated that it was correct that the changes inside the Loop became effective immediately and any home builder, owner, land owner or developer could use the new changes inside the Loop immediately because inside the Loop many of the standards were improved standards, that it was correct that after the effective date none of those changes would be allowed to be used anywhere outside the Loop for at least one year, that it was correct that any time after it was effective and a neighborhood wanted to do a survey and they determined that their deed restrictions was not applicable to them and they would want to apply for a minimum lot size, they had a full year's opportunity to do that, that there should not be anyone jumping ahead of them. Council Members Davis, Adams, Hoang, Pennington and Cohen absent.

Mayor Parker stated that not under Chapter 42 and these changes, but she could come in and begin to develop a property that she could develop today, and Ms. Gafrick stated that was correct.

Ms. Gafrick stated that year 1 the changes were largely just inside the 610 Loop; year 2 were for tracts that were one acre or larger; and then year 2 the rules were affective for all tracts, and Mayor Parker stated that development was happening in the outlying areas outside the 610 Loop today, if development happened today, quite apart from anything they may do with Chapter 42, that what could happen today would still happen, the goal was not to stop all development in the City for a year, only the more dense development that could happen under Chapter 42, that was why they were giving the legal answer. Council Members Davis, Adams, Hoang, Pennington and Cohen absent.

After further discussion by Council Members, Mayor Parker recognized Council Member Pennington for a procedural motion. Council Members Davis, Adams, Hoang, Pennington and Cohen absent.

Council Member Pennington moved to suspend the rules to add Mr. Michael Huffmaster to the list of speakers at the end of the 3 minutes speakers for Item No. 3, seconded by Council Member Christi. All voting aye. Nays none. Council Members Adams and Hoang absent. MOTION 2013-0224 ADOPTED.

Mayor Parker stated that they would proceed to hear from the public, based on the list that had been distributed. Council Members Davis, Adams, Hoang, Pennington and Cohen absent.

Mr. Mike Knox, 1433 Freedonia, Houston, Texas 77055 (713-516-1358) appeared and stated that he was president of a homeowners association in Spring Branch and he was in support of the Super Neighborhood Alliance position on the matter and the neighborhood they served, that he would be working diligently in his neighborhood to make sure their deed restrictions were improved and strengthened and would also work to help others in their area do the same. Council Members Adams and Hoang absent.

Ms. Toy Woods, 9511 W. Sam Houston Pkwy., N., Houston, Texas 77064 (281-970-8970) appeared and stated that she was with the Greater Houston Builders Association, that as builders they wanted this to pass because they wanted to build inside the city limits of Houston, but if it did not pass they would continue to do what they had been doing and that was building at a rate of five or six to one outside the city limits, that they wanted to try and encourage development and growth in the city limits. Council Members Adams and Hoang absent.

Mr. Russell Garrison, 3939 Washington, Houston, Texas 77007 (713-539-3768) appeared and stated he was the owner of Lloyd Russell Homes and the residing president of a civic association, that he was on the Chapter 42 Task Force that they started six years ago, that Chapter 42 had been delayed, that he was a small builder and looked forward to expanding his company outside of Loop 610, that he could not afford to build on tracts larger than one acre, that under the current phase and proposal his business was locked out and would be unable to build outside of the loop for two years, it seemed unfair and a major disadvantage, that his redevelopment projects inside the loop would be subject to a whole new host of Chapter 42 rules, they were comfortable with the one year delay, and even granting neighborhoods who file an application for special minimum lot size and deemed complete, an additional year, that they did not understand why there had to be additional year of waiting for small builders like himself. Council Members Adams and Hoang absent.

After questions and discussion by Council Members Davis and Green, Mayor Parker stated that all the neighborhoods get one year, and she agreed with Mr. Garrison. Council Members Adams, Hoang and Rodriguez absent.

Mr. Eric Hymowitz, 1602 Shadybrook Dr., Houston, Texas 77094 (713-249-3438) appeared and stated that he was with Rock Homes, another small builder inside the loop, that he wanted to echo the previous speakers comments and was also in favor of the GHBA's thoughts on this issue. Council Members Adams, Hoang and Rodriguez absent.

Ms. Tomaro Bell, 3214 Charleston, Houston, Texas 77021 (713-825-8449) appeared and stated that the compromises that had been made to get to this point were necessary, that deed restrictions generally lasted for 20 to 25 years and in that time people died, moved, divorced, all kind of problems for the neighborhoods, that should not be a curse to them to get involved in the process, that they needed the minimum lot size time, it was not the five acre developers that had been the problem, it was the one acre or less that had been the problem for them inside the

loop, that the Chapter 42 amendments were set so that they could help five acres and above take blighted areas that had been neglected and obsolete to build single family residents; that she was present regarding enforcement, if they did not have any enforcement or making sure that none of the time they were spending to discuss this it was not going to matter, that when Ms. Gafrick said they were going to have one person, it did not make sense. Council Members Adams and Hoang absent.

After discussion by Council Members, Mayor Parker stated that Ms. Gafrick stated there would be one person in charge of the program so they would know whose responsibility it was, she did not say there was only going to be one person working on it; that it was worth emphasizing that inside the loop there were really no changes that would force the neighborhoods to go out and do anything, it was only outside the loop, one point person who was over the program within the Planning Department, but they would have people in different areas, that they understood the concern, that they wanted to know who they were going to be talking to, they heard that very loudly and clearly. Council Members Adams and Hoang absent.

Mr. David Robinson, 2514 Elmen, Houston, Texas 77019 (713-907-8241) appeared and stated that he was the former president of the Super Neighborhood Alliance and was present primarily to thank them for their interest in the issue and working so diligently over the last six years, that he agreed that they needed to move forward, they were pleased with the compromise, with the nature of the proposal that was out there, that implementation was going to be critical, that in the meeting on Monday night, with Council Member Costello chairing, they wrestled with some of the trickiest issues facing their neighborhoods and the importance of protecting against flood and drainage issues. Council Members Adams and Hoang absent.

Ms. Cindy Chapman, 5630 Sanford Rd., Houston, Texas 77096 (713-365-0432) appeared and stated that she was from the Westbury Super Neighborhood and secretary of the Super Neighborhood Alliance, that she thought there had been a lot of movement toward working with the neighborhoods and making the proposed Chapter 42 Ordinance more helpful toward the neighborhoods, that she agreed with those who were concerned about the 60% threshold, that she definitely supported the efforts to add budget support the Department of Neighborhoods and Planning Department, that she thought it was much needed. Council Member Adams absent.

Mr. Ivory Mayhorn, 5409 Vanzandt, Houston, Texas 77016 (281-541-9776) appeared and stated that he was President of the Super Neighborhood No. 47 and representing the North East Houston Super Neighborhoods 48, 49 and 50, that he was still concerned about Chapter 42, it was not a one size fits all for all neighborhoods, where the upper scale neighborhoods may benefit from Chapter 42 the fragile, more low income, neighborhoods could very well suffer, that when Chapter 42 went into a neighborhood and the lot size was less than an acre they were looking at Chapter 42 creating a trigger to the Harris County Appraisal District that would cause the neighborhood properties to go up in taxes and that could affect all of the seniors and low income in those neighborhoods, that as they went forward be reasonable about the impact that it could have on those type of neighborhoods, consider the businesses that were in those neighborhoods and how they may either grow or be lost as well and the character of the neighborhood, that he was concerned about the fragile neighborhoods in the area and he wanted them to think about it to. Council Members Adams and Rodriguez absent.

Upon questions by Council Members, Mr. Mayhorn stated that these neighborhoods were not educated about what Chapter 42 really did to those particular neighborhoods, he would want them to be very much educated on the other side, the impact that it could have as far as property taxes, that they needed to come up with something strategic because neighborhoods were not used to ordinances and those things coming in there with technical verbiage, they needed to level with the neighborhoods and let them know what was happening then they could

more intelligently vote and be willing to vote for the lot size and all of those type of things that they had in the process, education, the right kind of way in the neighborhoods needed to get done, not just come to the multi service center and have 15 people there, that was not the way to educate, they really would like to protect the neighborhoods and he would like to see their elected officials take that responsibility. Mayor Parker and Council Members Adams, Pennington, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding.

Council Member Cohen moved to suspend the rules to add Mr. John Skeelee at the end of the speakers list for Item No. 3, seconded by Council Member Green. All voting aye. Nays none. Mayor Parker and Council Members Adams, Pennington, Rodriguez and Burks absent. Mayor Pro Tem Gonzalez presiding. MOTION 2013-0225 ADOPTED.

Mr. Ed Browne, 41 Rolling Wood Dr., Houston, Texas 77080 (713-365-9902) appeared and stated that he was concerned about the detention requirements on the larger lots, that he had done a spread sheet to see exactly what they got with the equations, that from one to ten acres, if they were 100% covered in concrete, they got 4% detention pond, if it was from ten to fifty, they got 7.5%, that in the City of Houston the 100 year flood plain got larger every year, that the definition of FEMA 100 flood plain was the water that came out of the bayous and the drainage ditches, it did not account for the water that could not get into the ditches, they would see that over 50% of the neighborhoods were in the real 100 year flood plain, this was indicative of the entire City, that right now they mitigated for 50% of the runoff, if they followed the rules, they did not use a two dimensional flow analysis in Public Works at the City of Houston, they needed to, if they did they would find out that they were sitting on something much worse than Katrina. Council Members Davis, Adams, Hoang, Rodriguez, Green and Burks absent.

Council Member Pennington stated that he was not sure that Public Works had the information that was gathered by the TIRZ 17 Hydrological Study, that he thought that Mr. Browne's area was not rated very highly on the needs list right now so they wanted to be sure to get all of that information in. Council Members Davis, Adams, Hoang, Rodriguez, Green and Burks absent.

Council Member Christi moved to suspend the rules to add Mr. Peter Brown to the end of the speakers list for Item No. 3, seconded by Council Member Laster. All voting aye. Nays none. Council Members Davis, Adams, Hoang, Rodriguez, Green and Burks absent. MOTION 2013-0226 ADOPTED.

Ms. Kathleen O'Reilly, 1220 Southmore Blvd., Houston, Texas 77004 (713-303-8938) appeared and stated that she was with the Museum Park Super Neighborhood and they supported the Super Neighborhood Alliance positions on Chapter 42, that her comments were complimentary to elements of Chapter 42 with respect to Complete Streets, they in Museum Park, with support of the Mayor's Office of Sustainability were awarded an EPA Grant and were conducting a Complete Streets Workshop next week, that it was an exciting step for Houston, that appreciated their continuing to craft transit options in Houston, they celebrated 100 million boardings with Metro yesterday, they would appreciate an Executive Order regarding Complete Streets with their unofficial proclaimed Complete Streets Week, through Houston Tomorrow, next week. Council Members Davis, Adams, Hoang, Rodriguez, Green and Burks absent.

Ms. Jane Cahill, 2114 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and stated that she was Vice President of the Super Neighborhood Alliance, that she wanted to extend her thanks and appreciation to the administration, Mr. Andy Icken, Ms. Marlene Gafrick and all of her staff who had worked very diligently and cooperative with them to work out all of the issues they raised a little bit over a year ago, that they had all seen community concerns about proposals to amend Chapter 42 urban standards by extending them to the entire City, they arose primarily from the fear that existing neighborhoods would be adversely impacted by

densification that occurred one lot at a time, a practice known as block busting, that in response to the proposal to extend the urban standards beyond the 610 Loop the Super Neighborhood Alliance asked the City to use those standards as an incentive to encourage the development or redevelopment of large tracts of land that exceeding a minimum size, it was primarily to protect neighborhoods with low rates of home ownership, because those neighborhoods were likely to have the most difficulty qualifying for the special minimum lot and minimum building size programs, that she urged them to support the two phase approach which was the best way to insure that all neighborhoods, including those with low rates of home ownership and high rates of rental properties, would have a two year phase in, that allowing increased density to occur only on tracts of land that were at least one acre in size during that second year would help prevent block busting for an extra year and help to insure that the amendments achieved their stated goal of facilitating development or redevelopment of obsolete commercial and multi family properties, that she wanted to extend thanks to Council Member Costello, that number two on their top ten list was detention and Council Member Costello stated that they were talking about political solutions and what they needed was a real hard fact, science based, engineering solution, they appreciated and supported that, that Council Member Costello had spent the time working with the engineering community to come up with those proposals and spent time going to a special meeting of the Super Neighborhood Alliance on Monday night to explain those proposals to the community and did it with great patience. Council Members Davis, Adams, Martin, Hoang and Rodriguez absent.

Mayor Parker stated that she appreciated Ms. Cahill's diligence in working with this and shared her thanks to Council Member Costello for getting in and adding his expertise, that she wanted to be clear, all of the items that they agreed on were coming to Council, that in order for a Council Member not to vote for them they would have to make a motion to remove the Phase In from the proposal. Council Members Brown, Davis, Adams, Martin, Hoang and Rodriguez absent.

After discussion by Council Members, Ms. Cahill stated that they felt comfortable with this moving forward, they hoped not to see it amended to take out that two phase approach and they understood City resources were strapped, so the inner loop neighborhoods that already had minimum lot and building size programs in place, she thought, could serve as mentor to the neighborhoods that were outside the loop so that entire burden did not fall only on the Planning Department. Council Members Brown, Davis, Adams, Martin and Rodriguez absent.

Mayor Parker stated she thought it would be fair to say the majority of the concerns the neighborhoods raised, and the point that she had made all along, was that they were not in Chapter 42 and they were working productively on all of those other areas from complete streets to drainage issues. Council Members Brown, Davis, Adams, Martin and Rodriguez absent.

Mr. Roger Farrow, 4613 Creekbend, Houston, Texas 77035 (832-618-3691) appeared and stated that he had been a builder in the inner City of Houston for 24 years, that he was Chair of the Urban Task Force, an ad hoc committee of inner City builders, that the changes in Chapter 42 would have real negative and economic impact on the guys who build townhouses inside the loop, that it would also have a negative impact on the people who thought they were going to be able to sell their land to these builders, that he did not understand why small builders like himself, if he wanted to do a townhouse project outside the loop, would not be in a position to buy an acre of land, but by setting a limit on the second part of the phase in they were really giving advantages to big builders and disadvantaging the small local builders. Council Members Davis, Adams and Rodriguez absent.

After discussion by Council Members, Mayor Parker stated that minimum lot size and minimum building line had not been around for ever; that they were in the budget process and

currently she had given budget targets to all of the departments and was now going through the supplemental budget requests, the Houston economy was great, but they were not rolling in the dough and had to say that everything they did, if they put money in one area it came from some place else, that it was going to be a challenge, but believed they would put forward a budget that adequately protected neighborhoods but it was going to be up to Council to decide if they had the right people in the right place, they were committed to making this work once it passed and meant they were going to do a lot of work with neighborhoods, that it had been said at the table it did not really rest on Marlene and her office, it rested with the District Council Members and the At Large Council Members to help identify the neighborhoods that were vulnerable and to help coordinate the meetings in those neighborhoods. Council Members Davis, Hoang, Rodriguez and Noriega absent.

Council Member Brown moved to suspend the rules to add Ms. Karen Kleypass to the end of the speakers list for Item No. 3, seconded by Council Member Costello. All voting aye. Nays none. Council Members Davis, Hoang, Rodriguez and Noriega absent. MOTION 2013-0227 ADOPTED.

Mr. David Hale, 1111 N. Post Oak Rd., Houston, Texas 77055 (713-316-3120) appeared and stated that he was with David Weekley Homes, they had been involved in the process for six years and looked forward to making process, they were in support of Chapter 42, it did a lot of things from when they started six years ago, that it provided redevelopment opportunities in neighborhoods, and provided a lot more in terms of tax revenues that they did not have in the City, that was out in the suburbs and other areas, that they wanted to bring the population back in and create affordability for neighborhoods and protect neighborhoods, they were in support of the proposed amendments with the exception of the phase in approach, if they add the phase in approach for parcels less than an acre in size, what that would cause was potentially a three year delay in that process, that he would be careful about the phase in approach, he thought it was going to preclude some opportunities for redevelopment and also impact some revenues that could be generated. Council Members Davis, Hoang, Rodriguez and Noriega absent.

After discussion by Council Members, Mayor Parker stated that it may have started in the City six years ago and really only hit her radar two years ago and had taken two years to get to this point; that with the passage of Chapter 42 the variance process would still be in place, they would bring a variance request to the Planning Commission just as they did today, they had not changed any of those kind of processes. Council Members Davis, Hoang, Rodriguez and Bradford absent.

Ms. Casey Morgan, 9511 W. Sam Houston Pkwy., N., Houston, Texas 77064 (281-970-8970) appeared and stated that she was with the Greater Houston Builders Association, that GHBA was supportive of the Chapter 42 amendments, they were supportive of the initial one year delay for all new development outside of Loop 610, that they were also supportive of granting those neighborhoods, that filed those applications and were deemed complete by the Planning Department, an additional year delay, they had serious concerns over the extra phase in for tract sizes that were less than one acre, they wanted to note the type of redevelopment projects that would be affected by the phase in, additionally they were concerned because land value was going up and all directions pointed to signs that it would continue to go up and they believed that every delay was a lost opportunity for the City and they did not want to risk builders being priced out of the market, they would ask that they reconsider the phase in and consider the implications of the extra phase in and if it was critical to the ultimate passage of the Chapter 42 amendments to work with them because they would really like to make it better and adjust the phase in if it was absolutely necessary. Council Members Davis, Hoang and Rodriguez absent.

After discussion by Council Members, Mayor Parker stated that the phase in had been

agreed to between the administration and the neighborhoods and as she had indicated earlier, she thought it was a mistake but was necessary to move the process forward, that she was welcome to work with the Super Neighborhoods and knew that her administration would make themselves available but the item would be on next week's agenda, so the time was short if there were going to be any changes. Council Members Davis, Hoang and Rodriguez absent.

Mr. Chris Weekley, 1111 N. Post Oak Rd., 77055 (713-305-4292) appeared and stated that he managed their Central Living Division at David Weekley Homes, that he was in support of Chapter 42, the phase in was an issue for them, that they looked forward to working with them. Mayor Parker and Council Members Davis, Hoang and Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Ms. Virginia Gregory, 9806 Westview Dr., Houston, Texas 77055 (713-465-5814) appeared and stated that her home was built by a developer, that Mr. Burk built the house and the neighborhood to the standards applied at that time under Chapter 9, later in the mid 1970s another area was added to the neighborhood and was built according to Chapter 9, unfortunately in the area around them, all four sides, they were surrounded by massive redevelopment, there were some older neighborhoods to the north of them that had not had control of the deed restrictions and would probably go commercial or housing under Chapter 42, the problem they had was how do they protect their neighborhood, she was with the Spring Branch Civic Association and they had problems with drainage, that she had talked to the City of Houston numerous times, and Public Works said it would take a significant CIP to keep them dry, that in 2009 they had 250 homes flood, the question was if they enforced their deed restrictions and were doing the best they could and were not going to get any CIP under the Rebuild Houston Program, how were they supposed to stay dry. Mayor Parker and Council Members Davis, Cohen, Hoang and Rodriguez absent. Mayor Parker and Council Members Davis, Hoang and Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Ms. Lois Myers, 9701 Westview, Houston, Texas 77055 (713-775-2443) appeared and stated that she had a handout for Mayor Parker and Council Member Adams, that she printed it out from Walter P. Moore's website, that he talked about detention ponds and it did pertain to Chapter 42 and suggested three things, one, before they voted on any changes to Chapter 42 would they please have Walter P. Moore as an engineering company to oversee anything they did before they voted on it. Mayor Parker, Mayor Pro Tem Gonzalez and Council Members Davis, Hoang and Rodriguez absent. Vice Mayor Pro Tem Bradford presiding.

Mr. Mike Dishberger, 2 Rains Way, Houston, Texas 77007 (713-851-2767) appeared and stated that he was in favor of Chapter 42, that he was a small builder, that they had been talking about the phase in approach, that in December 2012 at the Housing and Community Development meeting they agreed to go to one year, one year plus the one year after they were deemed accepted to get the minimum lot size set, and then over the course of the last month it had been increased to another year to an acre or more, that he would ask that they look at some data, pull out HCAD, that he would suggest a number that fit with the detention, the 1,500 foot number. Mayor Parker and Council Members Davis, Hoang, Rodriguez and Noriega absent.

After discussion by Council Members, Council Member Laster stated that he would be interested in seeing what sort of numbers that Mr. Dishberger might be able to bring back, and Mr. Dishberger stated they would get him something, he thought the GHBA would do that for him, they would get a list. Mayor Parker and Council Members Davis, Hoang, Rodriguez and Noriega absent. Vice Mayor Pro Tem Bradford presiding.

Council Member Adams stated that to Ms. Lois Meyers, she was not the Chair over the Flooding Committee, that would either be Council Member Noriega or Council Member



Pennington, that she would share her information with them. Mayor Parker and Council Members Davis and Rodriguez absent.

Council Member Laster moved to suspend the rules for the purpose of remaining in session beyond the scheduled noon recess to complete the agenda, seconded by Council Member Costello. All voting aye. Nays none. Mayor Parker and Council Members Davis and Rodriguez absent. Council Member Bradford presiding. MOTION 2013-0228 ADOPTED.

Mr. Joshua Sanders, appeared and stated that he represented Houstonians for Responsible Growth, they represented a wide variety of the development community in Houston, that he wanted to thank everyone dealing with this, they were actually going to see some real results going forward that he thought most people could be excited about supporting, that they supported the homebuilders position, that the delayed implementation could possibly be shortened or change the acre size. Council Members Davis and Rodriguez absent.

Mr. Michael Huffmaster, appeared and stated that he was a resident of the Lakeside Forest Subdivision, that he represented Super Neighborhood 18, that his passionate plea was that they preserve the neighborhoods and have an opportunity to do that, that his greatest fear was block busting, that he liked the one acre size and the 60% and urged them not to shortcut the opportunity for neighborhood associations to preserve themselves by filing appropriate information for re-platting and preserving lot size, that with respect to drainage, on the 100 year event they understate the consequence, they needed to revisit that from an engineering perspective, and needed to look at detention for provision without destroying the green spaces they had. Council Members Davis, Rodriguez and Green absent.

Council Member Pennington stated that he thought there were some green space requirements and if he would like to visit with his office they would be glad to talk to him about that, and Mayor Parker stated that yes there were green space requirements or drainage requirements, but were not in Chapter 42, but that information was available. Council Members Davis, Rodriguez and Green absent.

Mr. John Skeelee, appeared and stated that he was President of Bayway Homes and were medium size builders, they built town homes, that while not an active player himself in the debate he wanted to thank the City Council and administration for taking the issue on, that he thought it was long overdue and thought it was an issue of fairness for all of the citizens of Houston. Council Members Davis, Pennington, Rodriguez and Green absent.

Mr. Peter Brown, appeared and stated that he was supporting the ordinance, that some of this could lead to some really great things, there may be some kinks so they needed to be in a position to correct the kinks and support the really good outcomes, what would really be helpful as a person in the field working with Chapter 42 would be a users manual, that he thought it would be helpful for all of them. Council Members Davis and Rodriguez absent.

Mayor Parker stated that the issue that had come up today was whether an acre was the right pivot point, and she suspected that it was a round number so they just fixed on it. Council Members Davis and Rodriguez absent.

Ms. Karen Kleypass, appeared and stated that she wanted to address the amount of time it took to make a deed restriction change, she lived in Shadow Oaks, they had 14 different sets of deed restrictions and she was lead on the review, she had done several different sets to keep them from expiring and different things for different deed restrictions, that it took six attorneys to actually find some good wording for them, that it was surprising that the attorneys were not really more geared up for this, to get the deed restrictions signed, and she had one completed she had to get 75% and it took her nine months, she went to the second and third and was

coming close, that the other problem she had was that some of them were amendment process and some petition processes, that she had spent two years on it already and she had only one filed, two close and fourteen total to do, so it was not so easy. Council Member Davis absent.

Mayor Parker stated that they were not talking about anything today that had to do with deed restrictions renewals, it was a completely different process, very different legal standards. Council Member Davis absent.

After further discussion by Council Members, Mayor Parker stated that the owner of the property had to sign, but it was not a notarized signature, that the short version was that deed restrictions was a contract among the citizens, they were choosing, this was a process that Council voted on, in a legal sense it did not matter if one person who signed or a 100% of the people who signed, it was the vote of Council that created the minimum lot size and minimum setback; that Chapter 42 itself would not affect a neighborhood with deed restrictions, they would have to affirmatively chose to put in the minimum setbacks and the minimum lot size, so just the passage of the ordinance would do nothing to their neighborhood, if their neighborhood chose to go forward they had the opportunity to add that outside of the deed restriction process, if they had minimum lot size and setback lines in their deed restrictions it would not affect them at all, they could not take an action at Council that would override their deed restrictions, if they did not then once they passed it they could go through the process of adding those, but they did not have to change their deed restrictions to do that, they maintained those records within the City. Council Members Davis, Adams and Rodriguez absent.

Mayor Parker asked if there were any other public speakers. Council Members Davis, Adams and Rodriguez absent.

Mr. Tom Dornbush, appeared and stated that he was President of Super Neighborhood No. 22 Council, Washington Avenue Corridor/Memorial Park and he wanted to mention that there were points raised by the Super Neighborhood Alliance that were not Chapter 42 issues, but related to other elements of Code, like the work that Council Member Costello did on the drainage issue, they were not seeing any assurance that was going to move forward before Chapter 42 did, and it needed time for those other pieces of Code to be implemented in the process before the total phase in process of Chapter 42, that they mentioned the issue with less responsible development in their neighborhoods, that the ordinance applied to all development. Council Members Brown, Davis, Rodriguez and Laster absent.

Mayor Parker stated that they were not going to happen before Chapter 42, that Chapter 42 would be loaded up next week, that she presumed it would be tagged and passed the week after, that was part of why she agreed to the phase in because they had the opportunity to work on these things, they were working on this and operating in good faith. Council Members Brown, Davis and Rodriguez absent.

Mayor Parker stated this was the final call for speakers on the public hearing, and seeing none requested a motion to close the public hearing. Council Members Brown, Davis and Rodriguez absent.

Council Member Costello moved to close the public hearing, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Brown, Davis and Rodriguez absent. MOTION 2013-0229 ADOPTED.

Mayor Parker stated that they had not touched the agenda for today, some Council Members stated they wanted a break and she would ask that they grind through it unless somebody objected.

Council Member Laster moved to stand in recess for five minutes, seconded by Council Member Costello. All voting aye. Nays none. Council Member Davis absent. MOTION 2013-0230 ADOPTED.

At 12:34 p.m. the City Council reconvened and Mayor Parker stated that they would proceed to the consent agenda. Council Members Hoang, Gonzalez and Burks absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 4 through 34**

#### **ACCEPT WORK** - NUMBERS 6 through 8

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$765,370.70 and acceptance of work on contract with **TIKON GROUP, INC** for Safe Sidewalk Project - 1.58% over the original contract amount and under the 5% contingency - **DISTRICTS D - ADAMS and I - RODRIGUEZ** – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Members Hoang, Gonzalez and Burks absent. MOTION 2013-0231 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,364,709.50 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Bissonnet No. 2 and Belle Park No. 3 Lift Station Replacement - 7.68% under the original contract amount - **DISTRICTS F - HOANG and J - LASTER** – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Members Hoang, Gonzalez and Burks absent. MOTION 2013-0232 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,318,337.71 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for Water Line Replacement in Janowski Area - 1.82% under the original contract amount - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Members Hoang, Gonzalez and Burks absent. MOTION 2013-0233 ADOPTED.

#### **PROPERTY** - NUMBER 9

9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David Hulse, on behalf of Bulmaro Espinoza and L. McBride, declining the acceptance of, rejecting, and refusing the dedication of Charles Street, from Stabler Lane west to its terminus, located within the Mixon Place Subdivision, out of the H.&T.C.R.R. Survey, A-1016, Parcel SY13-004 - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Bradford, seconded by Council Member Costello. All voting aye. Nays none. Council Members Hoang, Gonzalez and Burks absent. MOTION 2013-0234 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 14 through 34

14. ORDINANCE continuing the City's Juvenile Curfew Ordinance; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Hoang absent. ORDINANCE 2013-0301 ADOPTED.

19. ORDINANCE appropriating \$1,140,640.00 out of Equipment Acquisition Consolidated Fund for the purchase of Capital Equipment for the Houston Fire Department – was presented. All voting aye. Nays none. Council Member Hoang absent. ORDINANCE 2013-0302 ADOPTED.
20. ORDINANCE appropriating \$150,000.00 out of Equipment Acquisition Consolidated Fund for the Active Directory and Exchange Program (Approved by Ordinance No. 2012-0608) – was presented. All voting aye. Nays none. Council Member Hoang absent. ORDINANCE 2013-0303 ADOPTED.
21. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON PARKS BOARD** for the provision and acceptance of Local Funds for the construction of projects funded by the US DOT Transportation Investment Generating Economic Recovery (TIGER) Grant (Approved by Ordinance No. 2011-912) - **DISTRICTS A - BROWN; C - COHEN; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Hoang absent.
22. ORDINANCE approving and authorizing contract between the City of Houston and **BUFFALO BAYOU PARTNERSHIP** for the provision and acceptance of Local Funds for the construction of projects funded by the US DOT Transportation Investment Generating Economic Recovery (TIGER) Grant (Approved by Ordinance No. 2011-912) - **DISTRICT I – RODRIGUEZ** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Hoang absent.
23. ORDINANCE approving and authorizing contract between the City of Houston and the **GREATER EAST END MANAGEMENT DISTRICT** for the provision and acceptance of Local Funds for the design and construction of projects funded by the US DOT Transportation Investment Generating Economic Recovery (TIGER) Grant (Approved by Ordinance No. 2011-912) - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Hoang absent.
24. ORDINANCE awarding contract to **SUPERIOR BUILDING SERVICES, INC** for Window and Building Surface Cleaning Services for the Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$1,060,664.45 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Hoang absent. ORDINANCE 2013-0304 ADOPTED.
25. ORDINANCE approving and authorizing the Concession Agreement between the City of Houston and **MARK LATIGUE dba MARK LATIGUE CATERING CO.** for Operation of the Concession Services at the Houston Permitting Center - (\$15,000.00 - Building Inspection Fund for build out) Revenue - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Hoang absent. ORDINANCE 2013-0305 ADOPTED.
26. ORDINANCE consenting to the addition of 3.60 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Hoang absent. ORDINANCE 2013-0306 ADOPTED.

27. ORDINANCE consenting to the addition of 8.8557 acres of land to **NORTHAMPTON MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Hoang absent. ORDINANCE 2013-0307 ADOPTED.
28. ORDINANCE consenting to the addition of 12.949 acres of land to **REMINGTON MUNICIPAL UTILITY DISTRICT NO. 1, OF HARRIS COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Hoang absent. ORDINANCE 2013-0308 ADOPTED.
31. ORDINANCE appropriating \$347,303.00 out of Street & Traffic Control & Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **DANNENBAUM ENGINEERING CORPORATION** for Laura Koppe Road Paving & Drainage: Hirsch to Homestead; providing funding for contingencies relating to construction of facilities financed by the Street and Traffic Control & Storm Drainage DDSRF - **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. Council Member Hoang absent. ORDINANCE 2013-0309 ADOPTED.
32. ORDINANCE appropriating \$1,515,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **GUPTA & ASSOCIATES, INC** for Southwest Wastewater Treatment Plant Improvements (Package 3); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. Council Member Hoang absent. ORDINANCE 2013-0310 ADOPTED.
33. ORDINANCE appropriating \$345,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **JONES & CARTER, INC** for the Design of On-Call Water Facility Projects (Approved by Ordinance No. 2009-0308); providing funding for CIP Cost Recovery relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Hoang absent. ORDINANCE 2013-0311 ADOPTED.
34. ORDINANCE appropriating \$2,585,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CDM SMITH, INC** for Engineering Services associated with the Replacement and Rehabilitation of Valves, Control Devices and Rapid Mixers at Plants 1, 2 & 3 at the East Water Purification Plant; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - MARTIN** – was presented. All voting aye. Nays none. Council Member Hoang absent. ORDINANCE 2013-0312 ADOPTED.

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

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$143,851.00 and acceptance of work on contract with **TRI-POINT CONSTRUCTION SERVICES INCORPORATED** for Edgewood Park Gym Demolition - 6.93% over the original contract amount and under the 10% contingency - **DISTRICT D – ADAMS** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Hoang absent. MOTION 2013-0235 ADOPTED.

## **PURCHASING AND TABULATION OF BIDS**

10. **CALDWELL AUTOMOTIVE PARTNERS, LLC d/b/a CALDWELL COUNTRY FORD** for Medium-Duty Cab & Chassis and Aerial Bucket Lift Truck Body for the Department of Public Works & Engineering - \$72,745.00 - Enterprise 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. MOTION 2013-0236 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

11. RESOLUTION declaring members of the Technical Advisory Group of Houston Forensic Science LGC, Inc, to be “covered persons” within the meaning of Chapter 2, Article X, of the Code of Ordinances, City of Houston, Texas – was presented. Council Member Hoang absent.

Council Member Christi stated that he was going to vote no because it was not tied with the County, and Mayor Parker stated that this had to do with basically the liability coverage. Council Member Hoang absent.

A vote was called on Item No. 11. Council Member Christi voting no, balance voting aye. Council Member Hoang absent. RESOLUTION 2013-0018 ADOPTED.

12. ORDINANCE **AMENDING SECTION 39-2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to disturbing or removing contents of garbage containers; containing other provisions relating to the foregoing subject; providing for severability – was presented.

Council Member Pennington stated that he passed out a written motion to amend Item No. 12 as follows:

“Sec. 39-2. Disturbing or removing contents of containers.

- (a) .....This subsection does not apply to a public trash receptacle marked by the owner with a clearly visible sign, placard, or sticker on the exterior of the receptacle stating that the trash receptacle is for public use.”

After discussion by Council Member Pennington, Mayor Parker stated that he was under the mistaken belief that the amendment to the ordinance was designed to make it easier for the homeless to take food out of trash cans, that it was designed to remove an unnecessary ordinance in an area that was already covered by trespassing and littering laws, that she frankly thought anyone who left food in a trash can for the homeless was demeaning those homeless people and was at a loss for words for people who did that and thought it was a public service, that labeling a trash can as a place where they could rummage in freely for food, she thought, was ridiculous, that the ordinance was designed to allow everything from food recovery, if that was desired, to recycling, and to do it in a way that differentiated, that she thought the entire ordinance was probably problematic, but believed that it was narrowly tailored to be very clear that a trash receptacle in a public place they still could not trespass, still could not litter, but if they wanted to fish anything out of that trash can that they had the opportunity to do so. Council Member Costello absent.

After further discussion by Council Members, Mr. Feldman stated that looking at the words “public trash” and “receptacle” in the dictionary it did appear to be a matter of common logic that they were talking about a trash receptacle that was available for public use, the fact that

someone may have a trash container that was furnished to them by the City of Houston, to put their garbage in and they put it out on the sidewalk, did not make it a public trash receptacle, it happened to be a trash receptacle that was owned by the City, that what they were talking about was use, was it available for use by the public, and thought that by giving the PowerPoint clear examples it would make it obvious, that he had discussed it with the Police Department and they did not seem to have any problem in terms of figuring out what was and what was not covered, at the end of the day all they were trying to do was de-criminalize certain behavior and thought that this ordinance, with the language used, clearly did that, that it was not an invitation for anything. Council Members Noriega and Christi absent.

After further discussion by Council Members, Council Member Cohen moved to postpone Item No. 12 and the motion to amend for two weeks, seconded by Council Member Adams.

After further discussion by Council Members, Council Member Green moved to call the question on the motion to delay Item No. 12 and the motion to amend for two weeks, seconded by Council Member Davis. Council Members Brown, Pennington and Noriega voting no, balance voting aye. MOTION 2013-0237 ADOPTED.

A vote was called on Council Member Cohen's motion to postpone Item No. 12 and the motion to amend for two weeks, Council Members Brown, Cohen, Adams, Pennington, Laster and Noriega voting aye, balance voting no. MOTION 2013-0238 FAILED.

After further discussion by Council Members, Council Member Burks stated that on Council Member Pennington's amendment they were using the word "public" and he would like to see the word "commercial" used, and Council Member Pennington stated that he would not agree, that was one of the main points of his amendment, to not have trash receptacles in front of grocery stores and schools, and facilities like that considered to be public trash vehicles. Council Member Christi absent.

After further discussion Council Member Green moved to call the question on Council Member Pennington's motion to amend Item No. 12, seconded by Council Member Costello. Council Member Noriega voting no, balance voting aye. Council Member Christi absent. MOTION 2013-0239 ADOPTED.

A vote was called on Council Member Pennington's motion to amend Item No. 12. Council Members Pennington, Rodriguez, Laster and Noriega voting aye, balance voting no. Council Member Christi absent. MOTION 2013-0240 FAILED.

Council Member Green stated that he would tag Item No. 12.

13. ORDINANCE supplementing the City of Houston, Texas Combined Utility System Master Ordinance; providing for the issuance of Combined Utility System First Lien Revenue and Refunding Bonds, Series 2013B in one or more series or subseries as may be further designated; authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds including the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of Certain Outstanding Combined Utility System Commercial Paper Notes; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for Certain Escrowed Securities; authorizing Escrow Verification and engagement of an Escrow Agent; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; authorizing the execution and delivery of a Paying Agent/Registrar

Agreement, and other related documents; making other provisions regarding such bonds; and declaring emergency – was presented. All voting aye. Nays none. ORDINANCE 2013-0313 ADOPTED.

15. ORDINANCE approving and authorizing an agreement for Behavioral Surveillance Services between the City of Houston and **THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON**; establishing a maximum contract amount - \$1,500,000.00 - Grant Fund – was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0314 ADOPTED.
16. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for Tuberculosis Physician Services; providing a maximum contract amount - \$78,000.00 - Grant Fund – was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0315 ADOPTED.
17. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **AIDS COALITION OF COASTAL TEXAS, INC**, to extend the original contract and provide an additional \$322,060.00 in Housing Opportunities for Persons With AIDS Funds for the continuing administration of a Tenant-Based Rental Assistance and Short-Term Rent, Mortgage, and Utility Assistance Program, and the provision of supportive services – was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0316 ADOPTED.
18. ORDINANCE approving and authorizing agreement between the City of Houston and **BERING OMEGA COMMUNITY SERVICES** to provide a \$1,100,000.00 grant of Federal Community Development Block Grant Funds for costs associated with the acquisition of property located at 2920 Fannin Street, Houston, Texas, to be used as the site for a community facility which will serve low- and moderate-income persons - **DISTRICT D - ADAMS** – was presented.

After discussion by Council Member Adams, a vote was called on Item No. 18. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0317 ADOPTED.

29. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing an aggregate of 2.2587 acres commonly known as 1600 / 1714 / 1716 / 1720 Memorial Drive and 1708 State Street, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT H - GONZALEZ** – was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0318 ADOPTED.
30. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing 1.931 acres commonly known as 8600 Commerce Park Drive, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT J - LASTER** – was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0319 ADOPTED.

**NON CONSENT AGENDA** - NUMBER 35

**MISCELLANEOUS**



35. **SET A PUBLIC HEARING DATE** regarding the fourth amendment to the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER SIXTEEN (UPTOWN ZONE) - DISTRICTS C - COHEN; G - PENNINGTON and J - LASTER - HEARING DATE - 9:00 A.M. - WEDNESDAY - APRIL 24, 2013** – was presented.

Council Member Costello moved to set 9:00 a.m. Wednesday, April 24, 2013 for a hearing on an amendment to the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Sixteen (Uptown Zone), seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2013-0241 ADOPTED.

**MATTERS HELD** - NUMBERS 36 through 39

36. **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 – **(This was Item 9 on Agenda of April 3, 2013 - TAGGED BY COUNCIL MEMBERS COHEN and BRADFORD)** – was presented. All voting aye. Nays none. ORDINANCE 2013-0320 ADOPTED.
37. 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 – **(This was Item 12 on Agenda of April 3, 2013. TAGGED BY COUNCIL MEMBER PENNINGTON)** – was presented.

Council Member Pennington moved to refer Item No. 37 back to the administration, seconded by Council Member Green. All voting aye. Nays none. MOTION 2013-0242 ADOPTED.

38. 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** – **(This was Item 14 on Agenda of April 3, 2013. TAGGED BY COUNCIL MEMBER BROWN)** – was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0321 ADOPTED.
39. 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 – **(This was Item 17 on Agenda of April 3, 2013. TAGGED BY COUNCIL MEMBER BROWN)** – was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0322 ADOPTED.

**Item received in meeting**

22. ORDINANCE approving and authorizing contract between the City of Houston and **BUFFALO BAYOU PARTNERSHIP** for the provision and acceptance of Local Funds for the construction of projects funded by the US DOT Transportation Investment Generating Economic Recovery (TIGER) Grant (Approved by Ordinance No. 2011-912) - **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2013-0323 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Gonzalez announced events he attended or would be attending. Council Members Brown, Davis, Cohen, Martin, Hoang, Pennington, Rodriguez, Green, Bradford and Christie absent. NO QUORUM PRESENT

Council Member Noriega stated that today's New York Times Dining section had a terrific article about two Houston restaurants, Oxhart, 1302 Nance and Underbelly, 1100 Westheimer, that it talked about making Houston a food destination, that it was an extensive article that absolutely gushed about the food scene in Houston. Council Members Brown, Davis, Cohen, Martin, Hoang, Pennington, Rodriguez, Green, Burks, Bradford and Christie absent. NO QUORUM PRESENT

Council Member Adams announced events she attended or would be attending. Council Members Brown, Davis, Cohen, Martin, Hoang, Pennington, Rodriguez, Green, Burks, Bradford and Christie absent. NO QUORUM PRESENT

Mayor Parker stated that she would be hosting one of her quarterly "Three Minutes with the Mayor Meetings" at the Fiesta Mart on Mesa Drive between 10:00 a.m. and 12:00 p.m. on Saturday. Council Members Brown, Davis, Cohen, Martin, Hoang, Pennington, Rodriguez, Green, Burks, Bradford and Christie absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 1:38 p.m. Council Members Brown, Davis, Cohen, Martin, Hoang, Pennington, Rodriguez, Green, Burks, Bradford and Christie absent. NO QUORUM PRESENT

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary