

City Council Chamber, City Hall, Tuesday, April 16, 2013

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 16, 2013, Mayor Annise Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Marta Crinejo, Agenda Director, present.

At 1:37 p.m. Mayor Parker called the meeting to order and that they had three presentations today and recognized Council Member Davis for the first presentation. Council Members Hoang, Pennington, Rodriguez, Laster, Green, Costello and Bradford absent.

Council Member Davis invited Mr. Archie Bell and the Drells to come forward to the podium and read from a proclamation that stated that Archie Bell, a Rock and Roll Hall of Fame Artist was born in Henderson, Texas and moved to Houston with his family when he was a young boy, he started his career at the age of 5 at a little known Baptist Church where he memorized crowds with his powerful and soulful singing, that as a teenager Archie Bell formed the Drells, that in the past 40 years Archie Bell had made 36 top hits, and the 1968 recording of "Tighten Up" by Archie Bell and the Drells had become the most memorable dance song for the 1960's and formed the foundation for his career, that Archie Bell was now a solo artist, writer, arranger and producer, managed new artists and continued to perform worldwide, and Mayor Parker stated that they may not know that Mr. Bell performed at her inaugural celebration at Discovery Green, and stated therefore, she Annise Parker, Mayor of the City of Houston, hereby proclaimed today as Archie Bell and the Drells Day in Houston, Texas. Council Members Hoang, Pennington, Rodriguez, Laster, Costello and Bradford absent.

Mr. Bell stated that it was a blessing to receive this proclamation, that it had been long overdue but people told him that good things came to those who waited, that whenever they traveled around the world they always wanted people to know they were from Houston, Texas and were good at what they were doing, that they traveled around the world and never had one drug incident and never been arrested and that was kind of hard to do in the music field because it was filled with all kind of problems. Council Members Hoang, Pennington, Rodriguez, Costello and Bradford absent.

Council Members Noriega, Adams, Burks, Green and Christi congratulated Mr. Bell. Council Members Adams, Hoang, Pennington and Rodriguez absent.

Mayor Pro Tem Gonzalez recognized Council Member Cohen for the next presentation. Council Members Adams, Hoang, Pennington and Rodriguez absent.

Council Member Cohen invited Ms. Deonicia Grace to join her at the podium and stated that Deonicia unfortunately had a daughter who drowned in 2005 and had been very involved in the April Pool Water Safety Awareness Program and Month; that drowning was the leading cause of death by injury among children ages 1 to 4, and the second leading cause of unintentional injury death in ages 1 to 64, that investing in drowning prevention saved lives and helped to eliminate severe health care costs for near drowning victims and drownings were preventable and all Houston Drowning Prevention and Water Safety Awareness Groups were committed to changing residents behaviors and risk factors associated with drowning through community awareness and education, and Mayor Parker stated that they had many bodies of water, they had swimming pools all over Houston and unfortunately they had drowning deaths every year, drowning deaths were preventable and they wanted to raise awareness during the month of April prior to the peak pool season, that she was so glad that Ms. Grace was helping raise that

awareness, therefore, she, Annise Parker, Mayor of the City of Houston, hereby proclaimed the Month of April as Pool Water Safety Awareness Month in Houston, Texas. Council Members Davis, Martin, Pennington, Rodriguez and Laster absent.

Ms. Grace stated that she wanted to thank the City of Houston for recognizing April as Pool Water Safety Awareness Month, that in 2012 there were 23 drowning deaths and that was the highest in Texas, that drowning prevention was so important to her after the loss of her daughter, Bria, at the age of 4, which was the age range that most children drowned, but from Bria it gave her the motivation to help other families, so she started Bria's House, and what Bria's House did was offer 10 lessons a summer to families who could not afford swimming lessons, so it was very important that they watched their kids and give the instructions and things they needed so they would be safe in swimming this summer. Council Members Davis, Pennington, Rodriguez and Laster absent.

Council Members Adams, Green and Burks thanked Ms. Grace for being present. Council Members Davis, Pennington, Rodriguez, Laster and Noriega absent.

Mayor Pro Tem Gonzalez recognized Council Member Noriega for the final presentation.

Council Member Noriega invited Dr. Nicolas Kanellas from Arte Publico Press and Dr. Rhea Brown Lawson, Director, Houston Public Library to the podium and stated that this was about El Dia de Los Niños, El de Los Libros, Children's Day Book Day, that Arte Publico Press was one of the Nation's largest and most established publishers of contemporary and recovered literature by United States Hispanic Authors, they were joining with the Public Library System to celebrate El Dia de Los Niños, El de Los Libros, that the annual Spring event reaffirmed a daily commitment to link children to books, languages and cultures, that the first celebration of the Dia in Houston was in 1997 and then in 2012 these two groups collaborated to create Dia at Discovery to mark the 16th anniversary of the Literacy Initiative and to bring children and books together, and Mayor Parker stated that therefore, she, Annise Parker, Mayor of the City of Houston, hereby proclaimed April 16, 2013 as El Dia de Los Niños, El de Los Libros, Children's Day Book Day in Houston, Texas and invited all Houstonians to participate on April 20, 2013 at Discovery Green. Council Members Davis, Pennington, Rodriguez and Laster absent.

Mr. Kanellos thanked Mayor Parker, Council Member Noriega and the City Council for this distinct honor, that Arte Publico Press's home was at the University of Houston and had myriad activities all year long throughout the community, they had a special program called Salud Familia, which published a series of kids books, and they gave hundreds and thousands of them away for free, which combated Juvenile Diabetes and Juvenile Obesity, and promoted nutrition and exercise, they were distributed through community health centers in their low income neighborhoods, that this was the second year they were doing Dia with their partners at the Houston Public Library, Dr. Lawson and her team, that Dia was founded in 1996 by one of the Arte Publico Press authors from El Paso, Pat Mora, and subsequently it became an official event of the American Library Association and was run through the United States; that last week Mayor Parker named one of their Arte Publico authors as Poet Laureate of Houston, Gwendolyn Zepeda. Council Members Davis, Pennington, Rodriguez and Laster absent.

Dr. Lawson stated that a couple of years ago Professor Kanellos reached out to her and said they should find a way to partner, that Dia Day was a result of a collaboration and was something that the whole community should celebrate, it was a way to celebrate diversity in the City of Houston and partnerships, this was what could happen when partners got together for a common cause, they were delighted to be their partner and looked forward to more partnerships and thanked Council Member Noriega for recognizing the work they did, they could not do it without their teams and thank you to Mayor Parker and the City Council. Council Members Davis, Pennington, Rodriguez and Laster absent.

Council Member Adams thanked Council Member Noriega, Mayor Parker, Professor Kanellos and Dr. Lawson and stated that she never seemed to amaze her in bringing many diverse programs into the City of Houston, and asked Professor Kanellos to translate in Spanish an invitation to what was happening on April 20, 2013, and Dr. Kanellos stated in Spanish that it was an honor to invite the community to their event.. Council Members Pennington, Rodriguez and Laster absent.

Mayor Parker stated that she knew everybody was aware of the tragic incidence in Boston yesterday during the Boston Marathon, that flags across the Country were being flown at half staff and they had joined in that commemoration, that she wanted to assure everyone that they always had a emergency plan for all of their major events, it was unfortunately a fact of life for those of them in big cities these days, that she saluted the people of Boston for the way they responded to the two explosions, the first responders, that she understood that many lives were saved because of the quick, well prepared, response to those along the marathon route, that they would all hope that if something unthinkable happened in their City that they would respond as well, and asked everyone in the Chamber for a moment of silence. Council Members Pennington and Laster absent.

At 2:10 p.m. Mayor Parker recognized Council Member Gonzalez for the Invocation and Pledge of Allegiance. Council Member Pennington absent.

At 2:12 Mayor Parker requested the City Secretary to call the roll. Council Member Pennington absent.

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

Mayor Parker recognized Council Member Christi for a procedural motion. Council Member Pennington absent.

Council Member Christi moved to suspend the rules to move Mr. Thomas Burell to the top of the three minute non-agenda speakers list, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Pennington absent. MOTION 2013-0243 ADOPTED.

Ms. Lois Myers, 9701 Westview, Houston, Texas 77055 (713-775-2443) appeared and stated that she was a 34 year old resident of Houston, that she was a flood victim because of improper drainage, and asked why would they vote to pass a bill, in this case, Chapter 42, which would increase the building on one acre by four times, meaning instead of 4 houses there would now be 27 houses, without first implementing proper drainage to handle that extra capacity of water, that involved two things, Proposition One for the drainage pipes underneath the streets to handle the excess water, and number two, Chapter 9, which was the City required, commercial developer, detention pond ordinance for an acre or more, without loopholes and grandfathering, they needed to eliminate all of that, why would they not first protect their citizens by first implementing proper drainage in the streets, and then change Chapter 9 to require City developers to do one detention pond if they built on one acre or more without any grandfathering or loopholes. Council Member Pennington absent.

Upon discussion and questions by Council Members, Mayor Parker stated that they would be amending Chapter 9, the potential amendment had already been distributed to Council, that was part of the reason they had the one year phase in period in the proposed implementation of Chapter 42, so that could be accomplished, they were not doing Chapter 9 before Chapter 42. Council Members Pennington and Noriega absent.

Ms. Christina Walsh, 10434 Brinwood, Houston, Texas 77043 (832-488-0531) appeared and stated that she also wanted to speak about Chapter 42, that many super neighborhood leaders expressed concerns and objections, they currently did not have infrastructure to fully address their needs at 8 units per acre and were moving to 27, that she understood the premise from the City Council was that they were trying to address the other concerns, that at this point it appeared the super neighborhood members goal was to secure the one point of their top ten list, that they did secure, the phase in, and she understood there was a future promise regarding complete streets, regarding the infrastructure concerns, she did not yet see that there were changes to evidence good faith yet on the other infrastructure needs, that they were provided, week before the public session, responses to all of the Chapter 42 top ten concerns, but that time had not been sufficient for the super neighborhood to evaluate those responses before a vote was taken and she would want to understand whether that amount of time was enough for the Council Members to evaluate those responses; that Chapter 9 did not yet address the fact of grandfathering and if they were having problems right now with flooding with 8 units per acre, the new proposal for Chapter 9 did not yet appear to be going in the direction to provide what they needed, that in addition to that fact there were also two new amendments being proposed, which were not yet adopted by Public Works, and she understood that Public Works, rightfully so, had provided push back for those two new amendments, one was in lieu fees, they did not want in lieu fees in lieu of detention, they wanted detention where it was supposed to be. Council Members Davis and Adams absent.

Council Member Brown stated that based on the information she had received City Council would not have a vote in regards of amending Chapter 9, she did not know if that process would be changed and did not know what would be proposed for Council to be involved in that process, that she would be proposing an amendment to the changes tomorrow morning. Council Member Davis and Rodriguez absent.

Mayor Parker recognized Council Member Adams for a point of personal privilege. Council Members Davis and Rodriguez absent.

Council Member Adams stated that she wanted to note that they had Simon Criswell from Cosby, Texas, who was seeking a merit badge today from the Boy Scouts and asked that he stand and be recognized.

Ms. Tomaro Bell, 3214 Charleston, Houston, Texas 77021 (713-825-8449) appeared and stated that she was present to discuss Chapter 42, that she had a meeting yesterday with Ms. Marlene Gafrick for the Super Neighborhood Alliance to meet with some opposition to their opinion, and for them to come up with a consensus, that she understood that Chapter 42 was something that had to move forward, the City had to grow, but where in the growing pains it did not eliminate those people who were already there, when she came and discussed her concerns they addressed several things they wanted, the size of the acreage and the phase in, which they were very happy with, they also had some concerns with Chapter 9, and as the Mayor repeatedly reminded her, Chapter 42 and Chapter 9 were separate and she agreed with her, but she told Council Member Costello that Chapter 9 still affected Chapter 42, which nobody would deny, and she wanted to publicly request a public hearing like they had for Chapter 42, that she wished they would give that some consideration, that most of the concerns that were around Chapter 42 were not just the density but the impact the density would have on the flooding they felt would occur, so if they would please give that some consideration, that the amendments they agreed to yesterday she thought Legal would have been through by now, and they were not, so she would state public, the amendments they proposed yesterday she supported, they agreed to the amendment yesterday evening, any deviation from that was not going to be good. Council Member Rodriguez absent.

Upon discussion and questions by Council Members, Mayor Parker stated that they had heard to and she had stated publicly last week and would reiterate this week that the ordinance, as it was presented to Council, and available at the public hearing, was what was before Council today, that was what she supported and indicated that she would not support any amendments unless they were agreed to by the majority of the stake holders, that they were starting with the document that everybody spoke to last week, there would be an amendment and believed it would be discussed by one of the Council Members later, but there would be a proposal put forward and it should reflect exactly the discussions that were held with them yesterday, she expected both the proposed amendments and the main item would be tagged tomorrow to make sure that everybody had a chance to know what they were voting on. Council Member Rodriguez absent.

After further discussion by Council Members, Mayor Parker stated that Chapter 9 did not require a public hearing, she was happy to invite public comment on Chapter 9, her position was that they had an agreed change to Chapter 9, that they had vetted through the super neighborhoods and that was what she intended to bring forward, that she was happy to have a public discussion and post it appropriately. Council Member Rodriguez absent.

After further discussion by Council Members, Council Member Gonzalez moved to suspend the rules to extend time for questions of Ms. Tomaro Bell, seconded by Council Member Laster. All voting aye. Nays none. Council Members Hoang and Rodriguez absent. MOTION 2013-0244 ADOPTED.

After further discussion by Council Members, Mayor Parker stated that what they agreed to was to be brought forward, it was in the design manual and did not require a vote of Council, they were not going to surprise anybody, they were going to bring it forward and they could change the changes they were going to make, they would be the changes they agreed to in their public discussions with the Super Neighborhoods, it was in the design manual and not in the ordinances anywhere, so it was not a required public hearing and would not have a vote of Council, but there would be plenty of public disclosure, they had all worked in good faith throughout this process and that was going to continue. Council Members Rodriguez and Hoang absent.

Upon questions by Council Member Green, Mayor Parker stated that it would be coming from the administration, and they would of course, take it to the appropriate Council Committee so there could be full public discussion. Council Members Rodriguez and Noriega absent.

After further discussion by Council Members, Council Member Burks moved to suspend the rules to continue questions of Ms. Tomaro Bell, seconded by Council Member Christi. All voting aye. Nays none. Council Members Davis, Rodriguez, Green and Noriega absent. MOTION 2013-0245 ADOPTED.

Mayor Parker stated that as she had said before Chapter 42 of the Code of Ordinances, and Chapter 9 of the design manual, they were legally different entities, they knew what they agreed to, they had a long phase in period so it would give them time to get there on Chapter 9 and other changes, such as the complete streets discussion that they had been having, but there was a little chicken and egg stuff going on and they had to get some of this stuff cleared out so they could get to the other. Council Members Davis, Rodriguez, Green and Cohen absent.

After further discussion by Council Members, Council Member Adams moved to suspend the rules to continue questions of Ms. Tomaro Bell, seconded by Council Member Laster. All voting aye. Nays none. Council Members Davis, Rodriguez, Green and Burks absent. MOTION 2013-0246 ADOPTED.

Ms. Bell stated that they were making promises with everybody around the Council table, and everybody around the Council table were not going to be here in two years, and that was their concern and fear about this, the amendments they had were in writing, the Chapter itself was in writing, the enforcement and implementation and the inspection was not in writing, they came in good faith and expected good faith, but they told Marlene yesterday, that was still their concern, that they wanted a guide, and Ms. Gafrick stated that she was going to go around to the different neighborhoods, that this was her opinion, they had vetted two years and knew this was coming up and that part of it should have already been worked out, how they were going to phase in, how they were going to inform people, how they were going to make sure, and when they came back to the table again she hoped that they had engaged them and give a little more information on implementation, inspection and information, bilingual speakers for Spanish, Vietnamese, Chinese, this was a big City, they had a large Arabic Community, they needed to make sure the inclusiveness did not stop when they broaden this. Council Members Davis, Adams, Rodriguez, Green and Burks absent.

Mayor Parker stated that her expectation was that what was in front of Council, which was exactly there last week, they were aware of only two changes, one by Council Member Laster to lower the threshold for minimum lot size and minimum building lines, and another to tweak the size of lots under certain circumstances, which was presented by Ms. Gafrick to the super neighborhoods, that she thought everything would be tagged so there could be complete transparency and everybody could see what was coming, that her position was that she agreed to the compromise that was on the table today and was not going to vote for one thing if she did not vote for the other and she wanted all of the stake holders to be lined up, otherwise her vote would be not to change anything. Council Members Davis, Adams, Rodriguez, Green and Burks absent.

Ms. Jordan Ashcraft, 1605 Rice Blvd., Houston, Texas 77005 (225-588-4106) appeared and stated she was a Junior of Biochemistry and Biology Major at Rice University, that she wanted to bring to their attention a possible emerging health problem in Houston and that was Hookah smoking, it was a flavored tobacco that was filtered through water in a pipe before being inhaled, the prevalence of Hookah smoking was on the rise across the U.S., one of the main problems was that people thought there was not a risk or danger associated with it, that Hookah contained the same toxins as cigarette smoke, another problem with Hookah was that there were very few regulations on it, when she tried to find Hookah regulations in the City she was not able to find any, that many States were starting to look at it and implement the same regulations for cigarette smoking for Hookah, that she would like to ask the City of Houston to consider this as an emerging health problem and consider educating students, especially college students, on the risks that were posed by Hookah smoking and the danger that it posed to the young adult population. Council Members Davis, Adams, Rodriguez and Burks absent.

Council Member Christi asked if Ms. Ashcraft saw a prevalence on the Rice University Campus and Ms. Ashcraft stated yes, and Council Member Christi stated that she get together with Professor Jones at Rice University and write up a proposal where she thought it would help them curtail a new avenue of getting the evils of tobacco in the blood streams of kids and send the City Council something back that she would recommend for the City of Houston. Council Members Davis, Adams, Rodriguez, Burks and Noriega absent.

Ms. Jacklyn Kelty, 1605 Rice Blvd., Houston, Texas 77005 (301-655-4498) appeared and stated that she was a Junior of Bio Chemistry and Environmental Major at Rice University, that a huge issue beyond flooding property was industrial runoff that changed the physical properties of water, which caused problems to human health downstream and eco systems downstream, that the pollution generally ended up in the soil and water and was a serious problem for groundwater contamination, a major way to prevent this pollution from industrial facilities was to

use biological processing on facilities of waster water and the City of Houston had the power to change the way this was regulated through the Texas Pollutant Discharge Elimination System Permitting, that she would like to suggest that biological processing was required at industrial facilities and that would be done making sure that drainage systems included vegetation that would remove pollutants from the wastewater. Council Members Adams, Burks and Noriega absent.

Council Member Cohen stated that Ms. Ashcraft, Ms. Kelty, Mr. Levine and Ms. Hyde were all with Rice University and were present because, and Ms. Kelty stated that they were presenting some research they had done through their Environmental Health Class at Rice University, and Council Member Cohen stated that she wanted to thank them for taking the initiative and articulating in two minutes the problems they had in the City and also how pleased she was that Rice produced such clever and intelligent students who really cared about the quality of the earth. Mayor Parker and Council Members Brown, Adams, Green, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Member Pennington asked Ms. Kelty if she had studied the regulations, and Ms. Kelty stated that the issue she was looking at was storm water runoff, which was not necessarily filtered so it was not the effluent from the actual facility, not the wastewater they were producing, it was the runoff after it rained or during a natural disaster like a flood, and Council Member Pennington stated that it was beginning to be regulated, as she well knew, but was in process right now and she was suggesting they needed to keep their eye on it right now. Mayor Parker and Council Members Adams, Green, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Mr. Noah Levine, 6310 Main St., Houston, Texas 77005 (914-819-2101) appeared and stated that playing fields were a great resource for both children and adults to get outside, build social bonds and be physically active, however a responsible City should consider how it built and maintained it's playing fields, in particular the City should consider the use of pesticides in grass fields and the release of toxic chemicals from artificial turf fields, pesticide exposure was associated with Leukemia, Brain, Breast, Colon and Lung Cancer, according the National Resource Defense Council, when children played on fields sprayed with pesticides the pesticides got on hands, shoes and clothes and entered the home, that artificial turf fields were often considered as an alternative to grass fields, however, emissions from the rubber and synthetic fields also presented a potential health concern, how could these risks be minimized, for artificial turf fields the City could set standards for lead and toxic organic chemicals, alternate rubbers had lower levels of VOC in lead than recycled tire rubbers, for grass fields the City should reduce pesticide use thru integrated pest management, that Texas A&M and Seattle University had informative websites, if City decisions regarding playing fields were made with health in mind Houstonians who used these fields would be safer. Mayor Parker and Council Members Adams, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Member Christi stated that if that was his crusade do not take no for an answer because he was absolutely correct so stick with it. Mayor Parker and Council Members Adams, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Ms. Rebecca Hyde, 1605 Rice Blvd., Houston, Texas 77005 (301-655-4498) appeared and stated that she was a senior at Rice, that she decided to talk about the obesity epidemic and take a possible look at some steps Houston could take, that obesity was not a weight issue either, there were serious health risks associated with obesity from Type 2 Diabetes to increased chance of stroke, it was an economic issue to, it was estimated that obesity caused the Country \$150 billion every year, that she would present four suggestions for a healthier Houston, one, school programs for healthy school lunches with few processed foods and lots of produce and make sure PE was part of their day, have playgrounds be accessible after hours

and implement a walking school bus program where chaperons escort groups of children from school, two, green spaces, keep people moving by providing them with safe and clean spaces to walk, bike and lay, three, workplace wellness, encourage private and public offices to create wellness programs that promoted exercise and healthy food choices for workers, require new buildings that featured staircases and hid elevators, and four, food availability, support local farmers and make sure all neighborhoods, rich and poor, had access to stores that provided affordable fresh produce, if the trajectory of this problem did not change they could expect to see huge consequences in terms of human health and economics, solutions were going to need to be made, so why not now. Mayor Parker and Council Members Rodriguez, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Member Pennington asked if there were any formal courses or informal meetings on nutrition and obesity on campus, and Ms. Hyde stated there were some optional courses they could take, and Rice had ALPAPS, a gym credit that every student needed to take to graduate, that she was interested in public health in general. Mayor Parker and Council Members Rodriguez, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Member Christi stated that Ms. Hyde should stick with her crusade also because she would be saving lives in the next generation. Mayor Parker and Council Members Rodriguez, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Member Green stated that one of the issues she brought up was making sure the urban area had access to healthy foods and vegetables, that the challenge they had in some of their urban neighborhoods was that they did not have quality grocery stores, that was a serious problem they had so they needed to figure out how to get the fresh produce to those communities who did not have access. Mayor Parker and Council Members Rodriguez, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Member Adams asked with their program at Rice University did they reach out to their local schools to educate them or intern in some of the programs they may have concerning obesity and/or public health and nutrition, and Ms. Hyde stated that it was not a part of their program at this point but Rice was big on promoting clubs and that sort of thing so she thought it would be a good venue for Rice, and Council Member Adams asked all of the students from Rice present to stand and be recognized, and recommended that Ms. Hyde reach out to the Health and Human Services Department of the City of Houston because they had great programs dealing with obesity. Mayor Parker and Council Members Rodriguez, Laster, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Dr. Winifred J. Hamilton, 1120 Texas St., Houston, Texas, Apt 3c, Houston, Texas 77002 (713-205-2786) appeared and stated that she was Director of Environmental Health at Baylor College of Medicine and also taught Environmental Health at Rice University, that one insidious form of air pollution was exponentially worsened and that was noise, that urban noise was associated with elevated blood pressure, increased heart rate, vascular inflammation, increased aggression and criminal activity and changes in brain chemistry, a 2009 study found that 2% to 3% of all heart attacks could be attributed to urban noise, that urban noise also had been linked to childhood obesity, and a study published several months ago found that residential road noise was associated with a higher risk of developing Diabetes, in one study researches found that students near a freeway were a full grade behind in reading compared with classmates in quieter schools, there was also link between urban noise and sleep disturbance, a key cause of traffic accidents, that they needed education and a state of the art noise ordinance Mayor Parker and Council Members Laster, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Member Christi stated that they had a Noise Ordinance and asked they could get



Ms. Hamilton a copy and she stated that she had a copy and was very familiar with it and it was a very poor ordinance, and Council Member Christi asked that she send them some recommendations on it. Mayor Parker and Council Members Laster, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez stated that the point of contact would be Mr. Newport, they did have an update forthcoming on the Noise Ordinance. Mayor Parker and Council Members Laster, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Member Adams stated that she was the Chair of the Housing and Regulatory Affairs Committee and anything they needed to do to improve the City they were always looking for ideas, that they would like to see what her ideas were. Mayor Parker and Council Members Laster and Burks absent. Mayor Pro Tem Gonzalez presiding.

Council Member Cohen stated that noise pollution was extremely important to her and they did have a Noise Ordinance and she thought it could use a lot of improvement, that they had to be able to implement and hold people responsible, that she would be interested, if she had suggestions, for her to share those with her, that she shared a lot of the concerns she had. Mayor Parker and Council Members Laster and Burks absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez stated that Mr. Newport, whom he had referenced earlier, was standing by the doorway. Mayor Parker and Council Members Laster and Burks absent. Mayor Pro Tem Gonzalez presiding.

Ms. Marla Turner, 2323 S. Shepherd Dr., Houston, Texas 77019 (281-222-3158) appeared and stated that she was an employee of AARP, in the Houston office, and was also representing the Houston Complete Streets Coalition, that Houston Complete Streets Coalition started four years ago with a handful of organizations and they now had 33 organizations that were members, including the health community, City of Houston Health Department, businesses, older and younger people, cycling and walkers, mom's and dad's with strollers, because it really affected everybody with the City, that when most of them thought of AARP they thought insurance, discounts and that kind of thing, but AARP was really involved in making cities become more livable for all ages, that Walk Score just last week named Houston as the most walkable big city in Texas, however Dangerous by Design continued to score Houston as one of the top ten most dangerous cities in the Country, they were at the top of the list for pedestrian fatalities, especially among older people, that many on the Council had participated in pedestrian audits with them and they had done them all over the City, that unfortunately Council Member Rodriguez's district was the worst probably in the Country, but they appreciated his support. Mayor Parker and Council Members Laster and Burks absent. Mayor Pro Tem Gonzalez presiding.

Council Member Pennington stated that he knew Shepherd was going to be redone by the City and did not think the plans were to increase the size of the sidewalks because of the limitations on the width of the right-of-way, he hoped when complete streets were discussed in particular areas that they would try to get involved and try to help promote a project that was satisfactory to her, and Ms. Turner stated that they had been meeting with Public Works and the Planning Department, people on the Mayor's staff and with Council Members and staff. Mayor Parker and Council Members Laster, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Mr. Thomas Burrell, 7616 Chapel Creek Parkway, Cordova, Tenn., 318016 (901-522-8880) appeared and stated that he was the President of the Black Farmers and Agriculturalist Association, Inc., they were a membership association and advocated lawful liens

for the rights, in particular, of American African decedents and the heirs of Black farmers and share holders and share croppers, that Texas had an opportunity to receive billions of dollars through several class action lawsuits for the benefit of the sons and daughters, the heirs, of African American farmers, unfortunately for whatever reason Texas received one of the lowest amounts of payouts from the billions of dollars that were available, from the defendant's in the particular lawsuits, the United States Department of Agriculture, the Department admitted that it had engaged in systemic means of discriminating against African Americans and agreed to be sued, for all intents and purposes, in the Federal District Court for the District of Columbia, that many heirs, who perhaps did not know that their rights were referenced in the greater area of Texas, did not participate and by association there were many of those heirs in the City of Houston, that their association had been holding workshops at the CWA Union Hall, 6622 Local, 1730 Jefferson Street, Houston, Texas, they were meeting every morning from 10:00 a.m. to 2:00 p.m. to help these individuals, the heirs, fill out the claim forms so that they too could receive the portion of the proliferation of monies that had been set aside for their benefit, they knew there was a deadline of May 1, 2013, which was roughly 20 days, however the deadline had been set back 30 days already because other advocacy groups had been able to get the Secretary of Agriculture to extend the deadline, that the City Council perhaps might be in a position to also send a letter to the United States Secretary of Agriculture, Mr. Tom Vilsac, and ask him to extend the deadline for the benefit of those heirs in this area who may not have a chance to present a wholesome argument of discrimination. Mayor Parker and Council Members Brown, Laster, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Council Member Green stated that he was not sure what the administration would do, but from his Council office, if they needed a letter from their office, they would be glad to provide one. Mayor Parker and Council Members Brown, Laster, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Ms. Glenola Hines, 3814 Lyons, Houston, Texas 77020 (281-865-3774) appeared and stated that she was a disable senior citizen and was present to vent because nothing really could be done about her situation, she moved into Pleasant Hill Retirement Community on March 5, 2013 and she was so excited to move in that it really did not compute to her that there was no counter space whatsoever to put her microwave, coffee pot or whatever, the bathroom had no where for toilet paper, towels or toiletries and that sort of stuff, that it was hard to imagine that a builder would build apartments like this, that the only reason she would not move was because she was on a fixed income and it was expensive to move and she had a one year lease. Mayor Parker and Council Members Brown, Hoang, Laster, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Council Member Davis stated that she was partially correct, there was not much they could do from the Council, and Ms. Hines stated that she understood, she just wanted somebody to know that this was ridiculous, that they would do this to poor people, that she lived in the heart of the Fifth Ward on Lyons Avenue, that all of the units were on the same floor plan. Mayor Parker and Council Members Brown, Hoang, Laster, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez stated that Mr. Ickenbon was present in the Council so maybe she could talk to him. Mayor Parker and Council Members Brown, Hoang, Laster, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Ms. Shantera Chatman, 10223 Broadway, Houston, Texas 77584 (281-414-1208) appeared and stated that she was the founder of the Annual Women's Empowerment Conference and was present to offer an invitation to the Council Members and their families to come out on May 18, 2013 at the Houstonian, that it was for every women who ever had

something that they wanted to do, build a business, climb the corporate ladder, step out on their own and this event was going to help them to be able to do just that, they had gathered some of the most diverse experts she had in the six years that she had at this event, that she was excited about the possibilities and the ventures that were going to be discovered at the event on May 18, 2013, that it had been a passion of her's for the past 8 years, it had been in the making from volunteering at the women's shelters in the Clear Lake and growing up and living in Houston and knowing what it was like to try to build something, that on behalf of all of their sponsors she wanted to invite each of them to participate, even if they could only come at lunch time. Mayor Parker and Council Members Brown, Hoang, Laster, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Member Adams asked if they had someone who was listening today could she say the website, RSVP deadline and who they needed to contact for more information, and Ms.Chatman stated the website was [www.4empoweringwomen.org](http://www.4empoweringwomen.org), the RSVP deadline was May 5, 2013, that was for them to have their numbers to the Houstonian, if they had any questions for her they could contact her at [shantera@4empoweingwomen.org](mailto:shantera@4empoweingwomen.org). Mayor Parker and Council Members Brown, Martin, Hoang, Laster, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Dr. Alkebu Motapa, 5022 Crosby, Houston, Texas 77021 (713-741-5150) had reserved time to speak, but was not present when his name was called Mayor Parker and Council Members Brown, Martin, Hoang, Laster, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Mr. Dwight Bordelon, 5002 Eigel, Houston, Texas 77007 (832-627-0295) had reserved time to speak, but was not present when his name was called Mayor Parker and Council Members Brown, Martin, Hoang, Laster, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Mr. Elbert Robertson, 7225 Belleive, Houston, Texas 77036 (832-338-2994) appeared and stated that he was President of the Belereve Resident Council, he was present to speak about the corruption that was in the Houston Housing Authority, because there were criminal activities going on on government property with government money and the Housing Authority seemed not to care anything about it other than to punish the residents for things that other people were doing, that recently a President of the resident council withdrew \$1,579,.00 from the account and deposited it into their own account, and the residents were punished for that, they discontinued their funds until they could replace the money, which never was, so they received no funding in 2008, 2009, 2010 and in November 2011 they released \$3,100 to the then president and they did not know anything about it until a week later when she had sent out a letter saying she had spent it and Housing discontinued their money again and they had not seen any money since because they said they needed to replace the \$1,300 that the president misused, that misuse of government funds was a felony, not reporting a felony and covering up a crime was a felony also, that they were participating in trading food stamps for cash money, which was another felony, but yet Housing knew about these actions, but the only thing they wanted to do was punish the residents for something they had nothing to do with, that now they were saying that they were going to discontinue their laundry room money and turn it over to the management and let the management distribute to the residents, which was a great miscarriage of justice, that just because they were on public assistance he thought they deserved justice. Mayor Parker and Council Members Brown, Davis, Martin, Hoang, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Member Adams stated that Belereve was public housing underneath the Housing Authority of the City of Houston, in which the City Council had no jurisdiction over, they were two separate entities, but they had a representative from the Housing Department present to

talk with him, that she would suggest that they get somebody who could contact the Housing Authority and investigate the accusations. Mayor Parker and Council Members Brown, Martin, Hoang, Burks and Noriega absent. Mayor Pro Tem Gonzalez presiding.

Council Member Green stated that he wanted to thank Mr. Robertson for letting them hear the challenges that they were having, the Housing Authority had a monthly meeting of the Housing Authority Board, which oversaw Belereve and other Housing Authority properties in the City, if he would get with Mr. Ickenbon he could maybe give him information on when the next meeting was and just give the same presentation that he gave to that board and they should be able to do something for him. Mayor Parker and Council Members Brown, Martin, Hoang, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez stated that the next meeting was tonight at Cuney Homes on Truxella. Mayor Parker and Council Members Brown, Martin, Hoang, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Council Member Laster stated that as a resident of District J he was proud that Mr. Robertson came down and visited with them and if he they could assist him in any way to let him know. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Ms. Maria Palacios, 6201 Bonhomme Rd., Ste 150, Houston, Texas 77036 (713-974-4621) appeared and stated she was present on behalf of Complete Streets and as a person with a disability she could not begin to tell them the many challenges that people with disabilities faced just simply by venturing outdoors, that when they spoke of complete streets they were talking about accessibility and equality and opportunity for everybody to be as independent as possible, that one of the misconceptions surrounding complete streets, as Marla stated, was that it was just for old folks, in the Houston area alone they had 600,000 people with disabilities, many of those, like herself, had immobility impairment of some sort, that Complete Streets would provide independent living, the ability to be as productive and happy as possible, that most people did not realize that the disability community was the only minority in the world that anybody could join at any given moment, nobody was immune, that also they were the only minority that everybody would eventually join through the aging process, so when they talked complete streets they were talking about the future of their City, the future of the people, that she dreamed of the day when she could roll through the streets of her City with the same liberty, freedom and comfort as her able bodied peers. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Council Member Adams stated that on Thursday, 8:00 a.m. there would be a Complete Streets Workshop, Laying the Foundation for Complete Streets, in the Museum Area at the Clayton Library, 5300 Caroline Street, Houston, Texas 77004, that she would be present and would love for Ms. Palacios to be there so when the time for comments she could give her input, and Ms. Palacios stated that she would be there. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Council Member Cohen stated that she had the pleasure of working with Ms. Palacios for a number of years at the Houston Area Women's Center where her passion was clearly obvious, that she shared her dreams and as long as she was out there advocating they would work to change the environment, that she supported Complete Streets. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez stated that this was Complete Streets Week and he believed that streets should be designed for all users, and thanked Ms. Palacios for advocating that, that many times they focused on the cycling community but it was also for those with disabilities, seniors and children. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Green, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Mr. Jay Crossley, 3015 Richmond, Ste. 301, Houston, Texas 77090 (713-244-4746) appeared and presented information and stated that he was with Houston Tomorrow and was present to talk about Houston Complete Streets Week, they were doing lunch tomorrow, the Bike Texas Shifting Gear Luncheon Series, with John Pucher, professor and author of a book called City Cycling, at the Julia Ideson Library, if they could check out HoustonCompleteStreets.Org they had a lot of information, they presented to them a year ago a 15 point plan for how they thought Houston could start moving forward and were happy to see that some of those things were coming along, they were excited that the Public Safety Committee discussed a Safe Passing Ordinance, it was a crucial part of Complete Streets, that immediately the Safe Passing Ordinance could make their streets safer; that the other was transportation spending, aligning their spending with what the people of Houston actually wanted would really move them along, that the Houston Galveston Area Council, Transportation Policy Council, would spend around \$460 million over the next several months, there were a lot of really good transit, bike, walk, planning projects in that process, if they spent the money on all of the proposed alternative transportation projects there would still be 67% of the money left for roads, so he hoped that the City of Houston representatives on that Council would advocate for and vote for spending as much as possible on Complete Streets; that in the City's CIP Process he thought every citizen of every Council District deserved to have some amount of Complete Streets in their district. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Green, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

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. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Green, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

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. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Green, Burks, 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, Cohen, Martin, Hoang, Rodriguez, Laster, Green, Burks, 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 her opinions on First Baptist Church of Houston until her time expired. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Laster, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Ms. Angela Velasquez, 101 Crawford, Houston, Texas 77002 (713-478-2360) appeared and stated that the Council had passed an ordinance which exempted developers from being required to provide parking for their tenants in the Central Business District, that in 1999 the City Council created the East Downtown Tax Increment Reinvestment Zone, which had just initiated

a program which would give a \$15,000 reimbursement per unit, up to 2,500 units, for developers building in the eastside of the CBD, at an average of 1.5 persons per unit this meant the City was willing to pay \$10,000 per head for new CBD residents, this was \$37.5 million which would be spent in vain if the Council did not swiftly address an issue, which today, was turning many potential residents away, that she was born a mile from the spot and would like to see her City face head on the challenges of urban sprawl by following through on their promise to future downtown residents, perhaps was in the name, Downtown Business District, which excluded family, resident and pedestrian, that she lived for 10 years in New York City and in following through with her civic duty she was willing to make herself available to the Council to share ideas and tell them how it was done there. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Laster, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-705-5594) appeared and stated that he was present regarding the ordinance against dumpster diving, picking food out of the garbage in certain parts of downtown Houston, because it was his understanding that the vote on this ordinance was postponed last week, that he still had mixed feelings about eliminating or letting stand a law that should probably not have been passed in the first place, that he again wanted to reaffirm that what he felt was needed, to prevent the City that he lived in from appearing mean and uncaring, was a plan to provide public restrooms, showers, food and a bed downtown, next to City Hall, with an orientation to services for homeless and service, that it was needed, otherwise that homeless veteran, James Kelley, would not have had to have his ticket fixed last week. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Laster, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

Ms. Alice Melendez, 411 Evonne St., Houston, Texas 77017 (859-556-0112) appeared and stated that first she appreciated that they had been named A Solar America City, she went to the HGAC presentation on the subject, they could definitely do more to incentivise solar power, and knew that people had worked on it, they had to keep pushing that, that opponents to tar sand refining in Houston had spoken over several weeks about why they thought this project would do more harm than good for Houston, she was speaking about Keystone, they had suggested that control of the Keystond Pipeline, which would bring tar sands, was not in their jurisdiction, public comment was now open to the State Department, who did have jurisdiction, they asked if the City Council would make a commitment to make a public comment in opposition to the pipeline and they wanted to offer that opportunity if they to recognized that it would be a overall bad influence on their community, that she had sent each of them an email with a link to submit and a Houston specific comment which emphasized the increased risk of toxic spills, they were already exceeding toxic emissions caps, that water demands were going to be huge at a time of ongoing drought, that other infrastructure demands put by increasing their refining capacity were paid for because they were in a foreign trade zone and did not pay them any taxes. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Laster, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

At 3:52 p. m. Mayor Pro Tem Gonzalez stated that City Council was recessed until 9:00 a.m., Wednesday, April 17, 2013. Mayor Parker and Council Members Brown, Martin, Hoang, Rodriguez, Laster, Burks, Noriega and Christi absent. Mayor Pro Tem Gonzalez presiding. NO QUORUM PRESENT

The Houston City Council reconvened at 9:00 a.m., Wednesday, April 17, 2013, with Mayor Pro Tem Edward Gonzalez presiding and Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Al Hoang, Oliver Pennington, 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; and Ms. Marta Crinejo, Agenda Director, present. Mayor Annise D. Parker out of the city on city business.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:10 a.m. Mayor Pro Tem Gonzalez called the meeting to order and stated that the first item would be a public hearing.

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

1. **PUBLIC HEARING** regarding the proposal to permanently take approximately 28,000 square feet of Shady Lane Park to widen and make other improvements to Parker Road adjacent to the Park as part of the rehabilitation and reconstruction of a portion of Parker Road from the Hardy Toll Road to U. S. Highway 59 - **DISTRICT B - DAVIS** - Council Members Davis and Adams absent.

The City Secretary stated that no one had reserved time to appear and Mr. Joe Turner, Director, Parks Department, would make remarks regarding the hearing. Council Members Davis and Adams absent.

Mr. John Quo, Assistant Director, Public Works, Street and Traffic Engineering, stated that the Parker Road Reconstruction Project involved the rehabilitation of approximately 7,700 linear feet of existing undivided, two lane roadway to a four lane divided roadway in accordance with the Major Thoroughfare Freeway Plan Standards, "The Project", that the proposed project improvement included a four lane divided concrete roadway with curbs, underground storm sewer system to mitigate street flooding, new inlets, sidewalks, street lights and necessary underground utilities, that the project would extend from Hardy Toll Road on the west to U.S. Highway 59, East Freeway, on the east, that as far as the project the Department of Public Works and Engineering had requested to take approximately 28,000 square feet of Shady Lane Park, "The Park", to widen and make other improvements to Parker Road, that Section 26.001 of the Texas Parks and Wildlife Code, provided that a City may not approve any program or project for the use of taking of land designated as parkland unless, after a public hearing, it's governing body determined that one, there was no feasible and prudent alternative to the use or taking of the parkland, and two, the program or project included all reasonable planning to minimize harm to the parkland, that the project would widen Parker Road right-of-way from two full lanes to four lanes in accordance with the City Major Thoroughfare Freeway Plan Standards, that while improving pedestrian access to the park the project would improve mobility, elevate traffic and enhance public infrastructure along Parker Road, since Parker Road must be widened in order to meet the Major Thoroughfare Freeway Plan Standards there was no feasible and prudent alternative to the taking of a portion of the park for the project, that the Department of Public Works and Engineering and the Parks and Recreation Department had worked together to minimize harm to the park, including the implementation of park improvements that would provide a benefit to the community, that on April 24, 2013, City Council would be asked to consider an ordinance making the findings necessary for the Department of Public Works and Engineering to take a portion of the park for the project. Council Member Adams absent.

Mr. Turner, stated that Shady Lane Park was comprised of approximately 12.4 acres of land, that the park was in City Council District D, Jerry Davis Council Member, that the park amenities included a community center, a playground, a half mile hike and bike trail, lighted

sport field and an outdoor basketball pavilion, that the Parks and Recreation Department had worked with the Department of Public Works and Engineering to determine that there was no reasonable or prudent alternative to the taking of a portion of the park for the project and to minimize impacts of the park, that this project would provide a benefit to the community with minimal impacts to the park, the benefits to the park would include elimination of a green strip behind the back of the curb and edge of a sidewalk along the proposed right-of-way continuously eastern to Jensen Drive and Parker intersection from Shady Lane, there would be the installation of a six foot wide sidewalk from Shady Lane up to Jensen Drive and Parker on the northside, that connection of the proposed six foot sidewalk to an existing park trail in the park, construction of approximately 65 linear foot, 10 foot high, chain link fence between the outdoor basketball pavilion and the proposed right-of-way, that it would also include removal and demolition of an existing concrete pad outside of the proposed right-of-way, and lastly mitigation of an impervious area of the outdoor basketball pavilion by the storm sewer system to be constructed under Parker Road. Council Member Adams absent.

Council Member Davis thanked Mr. Turner and Mr. Quo for their presentation and for all the work they had done in making this park probably one of the top parks in the City. Council Member Adams absent.

Mayor Pro Tem Gonzalez stated that no one had signed up to speak, and asked if there was anyone in the audience who wished to address this item, and seeing none, requested a motion to close the public hearing. Council Member Adams absent.

Council Member Noriega moved to close the public hearing, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. MOTION 2013-0247 ADOPTED.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 2 through 27**

#### **PURCHASING AND TABULATION OF BIDS - NUMBERS 2 through 5**

2. **AMEND MOTION #2008-752, 10/8/08, TO INCREASE** spending authority from \$1,019,007.00 to \$1,273,758.75, for Sewer Casting Products for the Department of Public Works & Engineering, awarded to **CPR SERVICES AND SUPPLIES, INC dba MDN ENTERPRISES** – was presented, moved by Council Member Martin, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. MOTION 2013-0248 ADOPTED.
3. **DUBOSE INTERESTS, LLC dba PERFORMANCE GRADE ASPHALT, LLC** for Asphalt Emulsion for Various Departments - \$924,050.00 - General and Enterprise Funds – was presented, moved by Council Member Martin, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. MOTION 2013-0249 ADOPTED.
5. **APPROVE** Spending Authority to purchase Industrial Supplies from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Various Departments, from **SID TOOL CO., INC dba MSC INDUSTRIAL SUPPLY COMPANY, INC** - \$2,419,858.24 - General, Enterprise and Other Funds – was presented, moved by Council Member Martin, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business.



Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. MOTION 2013-0250 ADOPTED.

**ORDINANCES** - NUMBERS 12 through 27

12. ORDINANCE approving and authorizing additional right-of-way encroachments by CenterPoint Energy in the form of temporary March of Dimes Memorial Banners on a skybridge located at the intersection of Louisiana and Dallas Streets; making other findings and provisions related to the subject; and declaring an effective date - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0324 ADOPTED.
15. 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 Adams absent.
16. ORDINANCE approving and authorizing second amendment to agreement between the City of Houston and **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for reimbursement for design and construction of a pilot project to develop local data for Storm Water Quality Best Management Practices (Approved by Ordinance No. 2010-0353) - **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0325 ADOPTED.
17. ORDINANCE consenting to the addition of 42.42 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 419**, for inclusion in its district; repealing Ordinance No. 2012-946 – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0326 ADOPTED.
18. ORDINANCE consenting to the addition of 43.786 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0327 ADOPTED.
19. ORDINANCE consenting to the addition of 5.70 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 500**, for inclusion in its district – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0328 ADOPTED.
20. ORDINANCE appropriating \$690,000.00 out of Street & Traffic Control and Storm Drainage DDSRF and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CHESTER ENGINEERS, INC** for Design of New and Rehabilitation of existing Pump Stations and Flood Warning Systems; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0329 ADOPTED.

21. ORDINANCE appropriating \$1,266,766.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KELLOGG BROWN & ROOT SERVICES, INC** for Lift Stations Renewal and Replacement - East Park Ten, Maxey Road, Mesa Drive, Westmont and North Shore; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS E - MARTIN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0330 ADOPTED.
22. ORDINANCE appropriating \$2,753,695.00 out of Metro Projects Construction DDSRF, awarding contract to **DURWOOD GREENE CONSTRUCTION CO.** for City Wide Overlay / Rehabilitation Project Package #19 (Work Order Contract); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing services, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Metro Projects Construction DDSRF – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0331 ADOPTED.
23. ORDINANCE appropriating \$601,396.40 out of Metro Projects Construction DDSRF, awarding contract to **TIKON GROUP, INC** for Montrose Safe Sidewalk Project; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Metro Projects Construction DDSRF - **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0332 ADOPTED.
24. ORDINANCE appropriating \$1,799,371.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **T CONSTRUCTION, LLC** for Wastewater Collection System Rehabilitation and Renewal (Force Main); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0333 ADOPTED.
25. ORDINANCE appropriating \$1,723,433.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CALCO CONTRACTING, LTD** for Wastewater Collection System Rehabilitation and Renewal (Force Main); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0334 ADOPTED.

26. ORDINANCE appropriating \$4,197,948.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4257-135) – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0335 ADOPTED.
27. ORDINANCE appropriating \$680,006.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund (4277-76) – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Adams absent. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0336 ADOPTED.

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

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

4. ORDINANCE appropriating \$4,003.22 out of Equipment Acquisition Consolidated Fund for purchase of Grounds Maintenance Equipment for the Parks & Recreation Department – was presented. Council Member Adams absent.

After discussion by Council Member Brown, a vote was called on Item No. 4. Council Members Burks and Brown voting no, balance voting aye. Mayor Parker out of the city on city business. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0337 ADOPTED.

- 4a. **JOHN DEERE COMPANY** - \$432,915.66 and **BROOKSIDE EQUIPMENT SALES, INC** - \$203,086.00 for Grounds Maintenance Equipment through the Interlocal Agreement for Cooperative Purchasing with BuyBoard for Various Departments - Enterprise, Equipment Acquisition Consolidated and Storm Water Funds – was presented, moved by Council Member Noriega, seconded by Council Member Pennington. Council Member Brown voting no, balance voting aye. Mayor Parker out of the city on city business. Mayor Pro Tem Gonzalez presiding. MOTION 2012-0251 ADOPTED.

### **ORDINANCES**

6. ORDINANCE **AMENDING CHAPTERS 10 AND 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to subdivision and development; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause – was presented.

Council Member Laster offered the following written motion to amend Item No. 6.

“I move to amend proposed Sec. 42-201. Additional procedures for a special minimum lot size area application.

“(f) After the deadline for returning response forms mailed in accordance with subsection (e) has passed, the director will determine if owners of 55 percent of the lots in the proposed area support the designation of the special minimum lot size area. If so, the application will be considered complete. If the director is unable to make the determination, the director shall:

(1) Modify the boundaries of the proposed area by removing one or more blockfaces if the modification will result in boundaries where the owners of 55 percent of the lots support designation of the proposed area. If the director modifies the boundaries in a way that achieves 55 percent support, the application will be considered complete; or”

Council Member Laster offered the following written motion to amend Item No. 6:

“I move to amend Item 6 by amending Section 5 of the Ordinance to read as follows:

**Section 5.** Upon passage and approval of this Ordinance, the provisions of Sections 42-145, 42-146, and 42-147, relating to shared driveways, Sections 42-153, 42-154, and 42-157, relating to building lines, and Sections 42-181, 42-182, 42-184, and 42-185, relating to lots and reserves, as amended by this Ordinance, shall apply to a subdivision plat or development plat that includes land outside the boundaries of Interstate Highway 610, but within the corporate boundaries of the City, in accordance with the following:

1. A subdivision plat or development plat that includes one acre of land or more shall be treated as though it is located within the extra-territorial jurisdiction of the City if it is submitted before one year after the effective date of this Ordinance;
2. Except as provided in Item 3 below, a subdivision plat or development plat that includes less than one acre of land shall be treated as though it is located within the extra-territorial jurisdiction of the City if it is submitted before two years after the effective date of this Ordinance;
3. A subdivision plat or development plat that includes less than one acre of land shall be treated as though it is located within the City if it is submitted one year after the effective date of the Ordinance, and:
  - a. The property that is the subject of a subdivision plat or development plat is not in use for or restricted to single-family residential use on the effective date of this Ordinance; and
  - b. 51% or more of the combined area of the blockface and opposing blockface of the property, as those terms are defined in Chapter 42, is not in use for or restricted to single-family residential use on the effective date of this Ordinance; and
4. A subdivision plat or development plat shall not be treated as though it is located within extra-territorial jurisdiction of the City if it is filed two years after the effective date of this Ordinance and is located within the corporate boundaries of the City

Council Member Laster stated that he would tag his amendments to Item No. 6.

Mayor Pro Tem Gonzalez stated that the written amendments submitted by Council Member Laster to Item No. 6 had been tagged by Council Member Laster.

Council Member Brown offered the following written motion to amend Item No. 6.

“I move to substitute the following for agenda Item No. 6

**Sec. 42-2. Scope.**

(a) This chapter shall apply to all development and subdivision of land within the city and its extraterritorial jurisdiction. This chapter establishes the general rules and regulations governing plats, subdivisions and development of land within the city and its extraterritorial jurisdiction to promote the health, safety, morals and general welfare of the city and the safe, orderly and healthful development of the city.

(b) The rules and regulations of this chapter shall apply to all development and subdivision of land that is less than one acre in size within City Council District A, as established pursuant to Article V of the Charter of the City of Houston, Texas, as though City Council District A is part of the extraterritorial jurisdiction of the City.”

After discussion by Council Members, Mr. Feldman stated if the question was would it be lawful to carve out one particular area of the City, such as a Council District, the answer preliminarily was that it would most likely be doubtful, unconstitutional validity, because there would have to be a rationale basis for distinguishing that particular area which was drawn by political lines from the rest of the City; that the question from a constitutional or equal protection standpoint was whether or not there was a rationale basis for the distinction, and undoubtedly when the matter came up for debate they would be able to address that issue.

After further discussion, Council Member Brown stated that she would tag her motion to amend Item No. 6.

After further discussion by Council Members, Council Member Laster stated that he would tag Item No. 6.

7. ORDINANCE appropriating \$36,148.17 out of Fund 7556 (Gulfgate Fund) for payment to the Gulfgate Redevelopment Authority as a refund of excess payment made by the Authority on behalf of the City in connection with a Texas Department Of Transportation STEP Grant – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Mayor Pro Tem Gonzalez presiding. ORDINANCE 2013-0338 ADOPTED.
8. ORDINANCE approving and authorizing first amendment to Interlocal Agreement between the City of Houston and **HOUSTON SHIP CHANNEL SECURITY DISTRICT** to support the operational costs of the Houston Police Department’s Helicopter Patrol Operations (Approved by Ordinance No. 2012-0339) - \$270,600.00 - Grant Fund – was presented, and tagged by Council Member Brown.
9. ORDINANCE approving and authorizing an Economic Development Agreement between the City of Houston and **HOUSTON REDEVELOPMENT AUTHORITY** providing up to \$4,000,000.00 of Community Development Block Grant Funds for Economic Development Activities – was presented, and tagged by Council Members Rodriguez and Bradford.
10. ORDINANCE approving and authorizing agreement between the City of Houston and **LIL AUDREY’S SAFE PLACE FOUNDATION** to provide a \$975,000.00 grant of Federal Community Development Block Grant Funds for costs associated with the acquisition of property located at 2505, 2505 A and 2507 Southmore, Houston, Texas, to be used as a

Transitional Living Facility for Foster Care Alumni - **DISTRICT D - ADAMS** – was presented, and tagged by Council Member Adams.

11. ORDINANCE appropriating \$1,650,000.00 out of Equipment Acquisition Consolidated Fund for the Data Center Consolidation Project – was presented, and tagged by Council Member Bradford. Council Member Laster absent.
13. ORDINANCE approving and authorizing Contingent Fee Agreement for Legal Services between the City of Houston and **JAN WOODWARD FOX, P.L.C., REICH & BINSTOCK, LLP** and **NORMAN JOLLY, P.C.** relating to the pursuit of damages associated with the Deepwater Horizon Oil Spill – was presented. Council Member Laster absent.

Council Member Brown stated that she would tag Item No. 13, and Mayor Pro Tem Gonzalez stated that Item No. 13 was not taggable and had been discussed at the agenda briefing.

Upon discussion and questions by Council Members, Mr. Feldman stated that as to whether other governmental entities had brought similar claims, it was important to recognize that governmental entities that were geographically contiguous to the gulf had been able to assert claims against a fund that was established by BP in settlement of a criminal matter that was brought against them by the federal government, so any number of governmental entities along the gulf coast, stretching from Florida west had brought claims as to that fund, that of course Houston was not contiguous to the gulf coast, this particular claim would be brought under the Federal Oil Pollution Act of 1990, which would be asserting the same kind of claim as was available against that fund that he referred to, that he did not know of any other governmental entities that had yet to file a separate action under the Federal Oil Pollution Act; that the Oil Pollution Act would give rise to a cause of action for any damages that were based on a spill, that here they were talking, obviously, the Water Horizon spill and the resulting moratorium and the loss of business, obviously many private and governmental entities were affected by this along the coast, the question was whether or not a causal connection could be established by ponderance of the evidence between the moratorium and the obvious loss of sales tax revenue and Hot Tax during the relative time frame in Houston and that was what it really was going to come down to, did the gross data show that there was loss in the Sales Tax Revenue and Hot Tax Revenue, yes it did, whether or not a sufficient causal connection could be established was something that was the challenge of the lawyers that would be undertaking to represent the City in this claim, that it would require expert testimony, he suspected that a very significant amount of money would have to be expended by these attorneys in order to develop that expert evidence, forensically and otherwise, it was important to note that the agreement that was proposed between the City and these attorney's was a pure contingency, where the City barred no risk whatsoever, and that was very important to them in setting forth this agreement, the risk was entirely that of the lawyers, if there was recovery then they would be able to recover their expenses, if there was no recovery then they obviously could not recover their expenses, but in no event would the City of Houston have to expend any monies in the pursuit of this claim. Council Member Laster absent.

After a further lengthy discussion by Council Members, Mr. Feldman stated that the Federal Oil Pollution Act of 1990 included a three year statute of limitations which ran on April 20, 2013, if Council did not act today then no lawsuit could be filed by the limitations cutoff and it would become moot and that was why it was not taggable. Council Member Laster absent.

Council Member Davis moved to call the question on Item No. 13, seconded by Council Member Martin. Council Members Christi, Costello, Pennington, Brown and Noriega voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Laster absent. MOTION 2013-0252 ADOPTED.

A roll call vote was called on Item No. 13

**ROLL CALL VOTE:**

|   |                                     |
|---|-------------------------------------|
| Mayor Parker out of the city on<br>city business. | Council Member Rodriguez voting aye |
| Council Member Brown voting no                    | Council Member Laster absent        |
| Council Member Davis voting aye                   | Council Member Green voting aye     |
| Council Member Cohen voting aye                   | Council Member Costello voting no   |
| Council Member Adams voting aye                   | Council Member Burks voting aye     |
| Council Member Martin voting no                   | Council Member Noriega voting no    |
| Council Member Hoang voting aye                   | Council Member Bradford voting aye  |
| Council Member Pennington voting aye              | Council Member Christi voting no    |
| Council Member Gonzalez voting yes                | ORDINANCE 2013-0339 ADOPTED.        |

14. 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** – was presented. Council Member Laster absent.

After discussion by Council Member Pennington, a vote was called on Item No. 14. Council Member Brown voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Laster absent. ORDINANCE 2013-0340 ADOPTED.

**NON CONSENT AGENDA** - NUMBERS 28 and 28A

**PURCHASING AND TABULATION OF BIDS**

28. ORDINANCE appropriating \$147,746.00 out of Equipment Acquisition Consolidated Fund for purchase of additional Automobiles, Utility Vehicles and Vans for the Health & Human Services Department – was presented. All voting aye. Nays none. Mayor Parker out of the city on city business. Council Member Laster absent. ORDINANCE 2013-0340 ADOPTED.
- 28a. **AMEND MOTION #2013-97, 2/6/13, TO PURCHASE** additional Vans and a Utility Vehicle and to award Item No. 1, Compact Sedans for the Health & Human Services Department as follows: **REQUIRES THREE MOTIONS**  
**McCALL-T, INC dba STERLING McCALL TOYOTA** - \$68,265.00 - Award Item No. 1  
3 Compact Sedans  
**TOMBALL DODGE, INC** - \$17,351.00 - Item No. 7 - Purchase One Utility Vehicle  
**RON CARTER AUTOMOTIVE** - \$62,130.00 - Item No. 13 - Correct vendor name from Ron Carter Autoland to Ron Carter Automotive and to purchase three additional Vans

Council Member Rodriguez moved to suspend the rules for the purpose of reconsidering Motion 2013-97, passed and adopted February 16, 2013, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. MOTION 2013-0253 ADOPTED.

Council Member Rodriguez moved that Motion 2013-0097 be brought back to Council for reconsideration, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Mayor Pro Tem Gonzalez presiding. MOTION 2013-0254 ADOPTED.

Council Member Rodriguez moved to adopt the recommendation of the Purchasing Agent to amend Motion 2013-0097, passed and adopted February 16, 2013, seconded by Council Member Bradford. All voting aye. Nays none. Mayor Parker out of the city on city business. Mayor Pro Tem Gonzalez presiding. MOTION 2013-0255 ADOPTED

**MATTERS HELD** - NUMBER 29

29. 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 – **(This was Item 12 on Agenda of April 10, 2013, TAGGED BY COUNCIL MEMBER GREEN)** – was presented.

Council Member Laster offered the following written motion to amend Item No. 29

“I move to amend proposed Sec 39-2. *Distributing or removing contents of containers.*

(a) It is unlawful for any person to intentionally, knowingly or recklessly handle, scavenge from, disturb, or remove any contents of any bin, bag, or other container that has been placed for collection of garbage, trash or recyclable materials at the designated location for pickup by the department, or for pickup by any other public or private collection service. This subsection does not apply to trash receptacles that are clearly intended for the general public’s use and are placed in City Parks or City rights-of-way.”

After discussion by Council Member Laster, a vote was called on Council Member Laster’s written motion to amend Item No. 13. Council Member Brown voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Martin absent. MOTION 2013-0256 ADOPTED.

After discussion by Council Members Pennington and Rodriguez, a vote was called on Item No. 29. Council Members Adams, Martin, Pennington, Rodriguez, Burks, Noriega and Christie voting no, balance voting aye. Mayor Parker out of the city on city business. Council Member Laster absent. ORDINANCE 2013-0342 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

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

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

Council Member Adams announced events she attended or would be attending; and stated that she wanted to wish her brother and Mother a Happy Birthday. Council Members Brown, Davis, Martin, Hoang, Pennington, Rodriguez and Burks absent.

Council Member Green announced events he attended or would be attending; and stated that he wanted to thank the administration for authorizing CenterPoint to install 8 metal pole street lights along Hobby Street in Fort Bend earlier this year, fronting the new Fort Bend Boys and Girls Club. Council Members Brown, Davis, Martin, Hoang, Pennington, Rodriguez and Burks absent.



Council Member Christi stated that he wanted to respond to Council Member Bradford statement earlier that Chiropractors were out there looking for cases like lawyers were out there looking for cases, the response was they looked for cases where people had their head screwed on wrong. Council Members Brown, Davis, Martin, Hoang, Pennington, Rodriguez, Burks and Noriega absent.

Council Member Costello stated that he was running with a friend this morning and she owned a horse and told him she had to go to the barn this morning to watch the Equine Chiropractor work on her horse and then she was going to have to walk her horse for thirty minutes, it was a kind of interesting business to have. Council Members Brown, Davis, Martin, Hoang, Pennington, Rodriguez, Burks and Noriega absent.

Council Member Adams stated that she would ask that they continue to keep their Boston family in their prayers because it was a tragedy. Council Members Brown, Davis, Martin, Hoang, Pennington, Rodriguez, Burks and Noriega absent.

Council Member Green announced events he attended or would be attending; and stated that the District K Newsletter was out and on their website, that next week he would be traveling to Austin to get a Legislative update on their City of Houston initiatives. Council Members Brown, Davis, Martin, Hoang, Pennington, Rodriguez, Burks and Bradford absent.

There being no further business before Council, the City Council adjourned at 11:01 a.m. Mayor Parker out of the city on city business. Council Members Brown, Davis, Martin, Hoang, Pennington, Rodriguez, Burks and Bradford absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell .

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Anna Russell, City Secretary