

City Council Chamber, City Hall, Wednesday, November 13, 2013

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 13, 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, , Stephen C. Costello, Andrew C. Burks, Melissa Noriega, Jr., C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. Dave Feldman, City Attorney; Ms. Marta Crinejo, Agenda Director, and Ms. Stella Ortega, Agenda Office, present. Council Member Larry V. Green absent on city business.

At 8:35 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:10 a.m. Mayor Parker called the meeting to order and stated it was a consolidated meeting and would begin with the Monthly Operations and Financial Report and the Quarterly Investment Report, and then go to the public session of Council at approximately 9:30 a.m. and then go back to the business meeting, but first recognized Council Member Bradford for the invocation and pledge of allegiance, and Council Member Bradford invited Pastor James Nash, St. Paul Missionary Baptist Church, for the invocation, and Council Member Bradford led all in the pledge of allegiance. Council Members Davis, Cohen, Burks and Noriega absent.

At 9:14 a.m. the City Secretary called the roll. Council Member Green absent on city business. Council Members Davis, Burks and Noriega absent.

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

Mayor Parker stated they had guests in the Chamber and recognized State Representatives Armando Walle and Ana Hernandez Luna. Council Members Davis, Cohen, Burks and Noriega absent.

**REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller – was presented. Council Members Davis, Cohen, Burks and Noriega absent.

Mayor Parker recognized Mr. Chris Brown, Chief Deputy City Controller and Mr. Kelly Dowe, Director, Finance Department, for the Monthly Operations and Financial Report. Council Members Davis, Cohen, Burks and Noriega absent.

Mr. Brown and Mr. Dowe reviewed the Monthly Operations and Financial Report, and Mr. Brown reviewed the Quarterly Investment Report and SWAP Report, a copy of which is on file in the City Secretary's office. Council Members Davis, Cohen, Gonzalez, Burks and Noriega absent.

Council Member Pennington stated that as they knew there was a projected deficit for next year's budget, based upon the Mayor's submission at the time they approved this year's budget and asked what the role of the Controller's Department was during the budget period, Mr. Brown stated he thought their role was primarily through the budget processes advisory role, they would see them making comments related to the projected budget, but their formal role was limited in the budget process, they would continue to review proposed budgets and offer their advice to Council. Council Members Davis, Burks and Noriega absent.

Upon further questions by Council Member Pennington, Mr. Brown stated that through their audits, they would look at the different departments, a lot of those were performance and cost saving audits, they had done a lot of those throughout the year; that right now the cash flow was a positive cash flow, they had a negative fair value, but that had to do with the yield curve, they were seeing positively slow yield curve as rates in the short end of the curve continued to rise, they would start to see a reduction in that cash payment and would also see, on the long end of the curve, a reduction in the negative fair value, that he thought when they entered into the SWAP agreement it was around 3.78%, something around there, as they started to see short term rates rise and got back to where they were when they entered into the agreement, they would see a flat fair value and would try to exit out of those positions, they were actually receiving cash, about \$8 million last year, in positive cash flow, and that was a market to market gain with a negative fair value, they did not have any risk to unwind, that was only a counter party risk so if for some reason they got downgraded with their debt there might be an issue there, but otherwise there was no reason why they would terminate those early, they were hoping that rates continued to rise, that the SWAP extended over the life of the bonds, which were serial bonds and would not be maturing at the same time. Council Members Davis, Burks and Noriega absent.

Mayor Parker stated that as to the question about projected deficits for next year she thought it was important to reiterate that they took a very conservative approach to projecting income and expenses for out years and they tried to present to Council a worse case scenario, that by no means did they expect to have a \$81 million deficit next year, based on the current revenue picture, but it was always their policy, and it was the Controller's policy as well, to always prepare Council for the worse, which was why they went for a very conservative revenue projection and a rather generous expenditure projection for that year, and Council Member Pennington stated that he presumed she would be presenting some proposed numbers to them in the near future. Council Members Davis, Burks and Noriega absent.

Council Member Bradford stated that some time ago a request was made of the Controller's office to do an audit of Rebuild Houston, Prop 1, Renew Houston now, his inquiry had to do with the status of that audit and when could they expect to see the results of that audit, specifically to help them try to resolve the issue about the utilization of some of the funds, as it related to the specific ballot language and whether that ballot language would help them put to rest, around the table, whether the funds were being utilized within the authority of the ballot language or not, and Mr. Brown stated they were currently in process with that, it was quite complicated, they had been looking at multiple aspects of the agreement and basically should have something hopefully by the end of the year, if not the beginning of next year. Council Members Davis, Burks and Noriega absent.

Council Member Gonzalez stated that he noticed the Controller's office was projecting lower ticket issuance and that seemed to be an ongoing trend since the last fiscal year where they predict lower ticket issuance and asked if it was something that was internal that was causing less ticket issuance, that at what point did they say it was going to be lower now and they were going to have to adjust budget differently, and Mr. Brown stated that it had been trending lower, he thought the lack of overtime maybe was part of the issue that there was just not as many people out there writing tickets, but everything they were seeing was that it was trending lower, and Mr. Dowe stated that he knew the administration had instructed police officers that law enforcement was as important as writing tickets, so they had also adjusted their projections downwards, they were down from their projections from last year, their budget was slightly above the Controller's but he believed it was because they were factoring in a big collections effort this year where they intended to maybe make up some of the revenue that the Controller was being conservative on, but they had also, over time, adjusted down their projections to reflect the reality of a downward trend in ticket issuance. Council Members Davis

and Noriega absent.

Mayor Parker stated that as they knew, in what she would call boom years for ticket revenue, a lot of that was funded by federal overtime programs and those programs had completely disappeared, so it was a matter of balancing their own local overtime efforts. Council Members Davis and Noriega absent.

Council Member Costello moved to accept the Monthly Operations and Financial Report and the Quarterly Investment Report, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Green absent on city business. Council Members Davis and Noriega absent. MOTION 2013-0727 ADOPTED.

At 9:30 a.m. Mayor Parker stated they would move to the public session, that there was a really robust sign up for today and did not see so many folks in the Chamber, but by Council policy if signups exceeded 150 amount of minutes everyone was converted to a one minute presentation, that she suspected that many of those present signed up to speak about the issue of wage theft and she appreciated seeing so many of them present, that item would not reach the agenda today, it had deferred for a week, but their presentations were still timely, that she wanted to let them know that they would not actually be voting upon that once the business meeting began. Council Members Davis and Hoang absent.

Mayor Parker requested that the City Secretary call the list of speakers. Council Members Davis and Hoang.

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77023 – 713-923-9473 – had reserved time to speak, but was not present when his name was called. Council Members Davis and Hoang absent.

Ms. Maria Jimenez, 7105 Sherman, Houston, Texas 77011 – 713-213-1678 – appeared and stated that many of them were present because they supported the ordinance on wage theft, that she had the experience of having to deal with workers who did not fit under the Federal or State laws for their protection and therefore needed a City ordinance to protect their rights to just wages for hours worked, that she had the experience of dealing with workers who had been shot when they wanted to reclaim wages from an employer, she had the experience of families who suffered greatly because employers were not paying them. Council Members Davis and Hoang absent.

Ms. Helen De Leon, 18707 Kingstown, Houston, Texas 77058 – 281-415-5855 – appeared and stated that she was present on behalf of the Wage Theft Ordinance, that she was disappointed it would not come to a vote today, but it was a sound policy, that she was a native Houstonian and she wanted her City to be known for supporting their workers, that workers in the City had to frequently been robbed of the pay they had earned, not by armed gunmen or gangs, but by the people they should most be able to trust, those for whom they had worked and toiled, those employers who steal workers wages by any means must be held accountable. Council Members Davis and Hoang absent.

Ms. Laura Perez, 943 Woodland, Houston, Texas 77009 – 832-755-7013 – appeared and stated that she was the Director of the Fey Justicia Workers Center and they were spearheading the “Down With Wage Theft Campaign”, they were disappointed to hear today that the Wage Theft Ordinance would not be brought up for a vote, but were committed to insuring that a sound strong policy, to insure that wage thieves were not afforded rights to City benefits, did pass, that mostly what concerned them was to know that there were highly paid lobbyists working behind the scenes and they wanted to know who were these companies who were funding the lobbyists that were likely guilty of wage theft, they encouraged all of them to

support justice and they would be making a press statement outside directly following the wage theft speakers. Council Member Davis absent.

Mr. Jose Perez, 7119 Woolridge Dr., Houston, Texas 77087 – 504-335-7672 – had reserved time to speak, but was not present when his name was called. Council Member Davis absent.

Ms. Melissa Stewart, 550 Westcott, No. 380, Houston, Texas 77007 – 713-802-1200 – appeared and stated that she was with the Greater Houston Restaurant Association, that the GHRA strongly condemned wage theft and believed businesses should be held to the highest legal and ethical standards, their concern with the current ordinance was that it duplicated existing laws at the State and Federal levels, they were supportive however of an ordinance that applied only to City contractors, they hoped to work with the administration to find a solution that was good for employees and good for Houston business. Council Members Davis and Martin absent.

Ms. Bridget Jensen, 1902 W. Clay, Houston, Texas 77019 – 713-417-2056 – had reserved time to speak, but was not present when her name was called. Council Members Davis and Martin absent.

Ms. Carissa Baldwin-McGinnis, 1220 Omar St., Houston, Texas 77008 – 626-808-2483 – had reserved time to speak, but was not present when her name was called. Council Members Davis and Martin absent.

Mr. Jesus Waldo, 1406 Richmond, Ave. #229, Houston, Texas 77006 – 832-597-1581 – had reserved time to speak, but was not present when his name was called. Council Members Davis and Martin absent.

Reverend Ronnie Lester, 7200 Shady Villa, #25, Houston, Texas 77055 – 832-207-5053 – had reserved time to speak, but was not present when his name was called. Council Members Davis and Martin absent.

Mr. Joe Marcinkowski, 351 Lakeside Ln., #310, Houston, Texas 77058 – 713-473-000 – had reserved time to speak, but was not present when his name was called. Council Members Davis and Martin absent.

Mr. Alvaro Rodriguez, 4403 Prince Pine Trail, Houston, Texas 77059 – 281-387-3798 – appeared and stated that he was with the Working Americans, an affiliate of the AFL-CIO, and was present to urge them to support the Wage Theft Ordinance, that this ordinance provided real deterrents and protection of the most vulnerable low wage employees, working single moms, young workers and new immigrants, the working poor of the City, it would make a clear, unambiguous statement to all communities in Houston that the City effectively supported equal protection under the law, that the City should not do business nor provide permits and licenses to wage theft violators. Council Members Davis, Martin and Rodriguez absent.

Mr. William Gonzalez, 2506 Sutherland, Houston, Texas 77023 – 713-923-9473 – had reserved time to speak, but was not present when his name was called. Council Members Davis, Martin and Rodriguez absent.

Ms. Sarah Wood, 3819 Olympia Dr., Houston, Texas 77019 – 713-408-1191 - had reserved time to speak, but was not present when her name was called. Council Members Davis, Martin and Rodriguez absent.

Mr. Carlos Duarte, 1903 Brushy Creek, Sugarland, Texas 77478 – 832-746-1108 - had

reserved time to speak, but was not present when his name was called. Council Members Davis, Martin and Rodriguez absent.

Mr. Paul Puente, 11403 Sagetown, Houston, Texas 77089 – 832-473-2822 - had reserved time to speak, but was not present when his name was called. Council Members Davis, Martin and Rodriguez absent.

Mr. Jerome Wald, 9600 Glenfield Ct., No. 113, Houston, Texas 77096 - had reserved time to speak, but was not present when his name was called. Council Members Davis, Martin and Rodriguez absent.

Mayor Parker stated that she trusted many of the folks who were not speaking today would sign up for next week, and they would be allowed to sign up fresh. Council Members Davis, Martin and Rodriguez absent.

Ms. Margaret Oser, 50 Waugh Dr., Houston, Texas 77007 – 713-685-2788 – appeared and stated that she was present representing the United Way of Greater Houston, that each and every day they worked hard to ensure their hard working families had all of the support and resources they needed to be successful in their community, that two of their primary initiatives were family financial stability, as well as education, they were present to ask that they pass the ordinance for wage theft as was written because as they all knew they could only do so much to fill the gap when their families were denied the wages they earned, they could only do so much to help them with food, shelter, clothing and education, but if a family was earning their own money they should be able to provide these resources for themselves, wage theft took that away from them, they hoped they would consider and approve the ordinance as written today. Council Members Davis, Martin and Rodriguez absent.

Council Member Burks asked Ms. Oser if there was a particular reason for her saying “as written”, and Ms. Oser stated yes, because there was some concern that it could be altered and would not be as currently written and not just for contracts but also for licenses and permits. Council Members Davis, Martin, Rodriguez and Noriega absent.

Ms. Ashley Hernandez, 2350 Bagby, No. 16204, Houston, Texas 77006 – 502-664-9406 - had reserved time to speak, but was not present when her name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Ms. Marcia Garcia, 8210 Bauman, Houston, Texas 77022 – 832-306-5984 - had reserved time to speak, but was not present when her name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Ms. Adalinda Guajarda, 10131 Commanche Ln., Houston, Texas 77041 – 832-366-4431 - had reserved time to speak, but was not present when her name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Mr. Francisco Arguelles, 1353 Ramanda Dr., Houston, Texas 77062 – 832-212-2091 - had reserved time to speak, but was not present when his name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Ms. Tammy Betancourt (Private) – appeared and stated that she represented the Houston Building Owners and Managers Association, that she wanted to thank the administration for their willingness to work with them on the Wage Theft Ordinance, that it was their understanding from the inception of the ordinance that it would apply only to City contracts and City contractors and they applaud the City for taking that task, to be certain that any one who did business with the City was not stealing wages from workers, that as written at the moment it did apply to

private business, so they encouraged them to entertain amendments going forward on this issue so it applied only to City contractors. Council Members Davis, Martin, Rodriguez and Noriega absent.

Mr. Noey Ramirez, 9519 Summer Laurel Ln., Houston, Texas 77088 - 281-746-8554 - had reserved time to speak, but was not present when his name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Mr. Amin Alehashem, 2006 Wheeler Ave., Houston, Texas 77004 – 801-577-5548 - had reserved time to speak, but was not present when his name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Mr. Mustafa Tamez, 10850 Richmond, Houston, Texas 77047 – 713-247-9600 - had reserved time to speak, but was not present when his name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Mr. Juan Rodriguez Garcia, 1810 Lone Oak, Houston, Texas 77093 – 281-987-7537 - had reserved time to speak, but was not present when his name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Mr. Ivan Omar, 181 Woodson, Houston, Texas 77060 – 281-706-7583 - had reserved time to speak, but was not present when his name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Mr. Sebastian Lindo, 6061 Beverly Hill, No. 62, Houston, Texas 77057 – 713-427-9516 - had reserved time to speak, but was not present when his name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Ms. Mercedes Herria, 6231 Westward, Houston, Texas 77081 – 713-385-5222 - had reserved time to speak, but was not present when her name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Mr. Cesar Espinoza, 6610 Harwin, Houston, Texas 77036 – 832-497-5035 - had reserved time to speak, but was not present when his name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Ms. Marcia Garcia, 8210 Beaumont, Houston, Texas 77022 – 832-306-5984 - had reserved time to speak, but was not present when her name was called. Council Members Davis, Martin, Rodriguez and Noriega absent.

Ms. Debra Walker, 5022 Edfield St., Houston, Texas 77033 – 832-282-7968 – stated from the audience that she would speak next week. Council Members Davis, Martin, Rodriguez and Noriega absent..

Mr. Jose Sanchez, 3915 Chenevert, Houston, Texas 77004 – 832-715-5975 appeared and stated that he was present to urge them to consider the anti wage theft ordinance, he wanted to remind them of the folks that were in the Chamber and the folks that were affected most by this issue. Council Members Davis, Martin, Rodriguez and Noriega absent.

Mayor Parker stated that Mr. Sanchez was correct, it was not about numbers or business licenses, but about human beings and their ability to receive the wages for the work that they did, that she apologized that the item had been pulled and would not be considered today, it would be back on the agenda next week, that clearly she was in strong support or it would not be moving forward, that she appreciated the work of Council Member Gonzalez in moving this

as well. Council Members Davis, Martin, Rodriguez and Noriega absent.

Mr. Durrell Douglas, 2014 Canal, Houston, Texas 77003 – 832-857-5737 appeared and stated that he was the Texas State Director for Working America, the community affiliate of the AFL-CIO, that he was present to congratulate them on the success that they had brought to the City, that Forbes had called Houston America's next great global City, that he personally called Houston, his home, the greatest City that there ever was, that secondly, he urged them to continue along that path by passing the Down With Wage Theft Ordinance. Council Members Davis, Martin and Rodriguez absent.

Ms. Olga Conde, 2506 Sutherland, Houston, Texas 77023 – 713-923-9473 – appeared and stated that she had worked for the airport for almost nine years, that they had great jobs in the airport because of that they had great benefits, they had moved from New Orleans eight years ago and found that Houston was the biggest City where they could find good jobs and a lot of opportunities and they wanted to make sure they could afford insurance and kept their jobs safe and asked that they work with them. Council Members Davis, Martin and Rodriguez absent.

Mayor Parker asked if Ms. Conde worked for a contractor at the airport, and Ms. Conde stated yes, DNC at Bush Airport. Council Members Davis, Martin and Rodriguez absent.

Mr. Brad Patterson , 2506 Sutherland, Houston, Texas 77023 – 713-923-9473 – appeared and stated that he was present on behalf of himself and his co-workers, who were present and the ones still working at the airport, that he proudly served the folks flying in and out of Bush Intercontinental Airport, that he had done it for the last 8 years and loved his job as a bartender, that he was proud to represent his City and hoped even with the change of concessionaires at the airport he and his co-workers would be able to keep their good jobs at the airport. Council Members Davis, Martin and Rodriguez absent.

Mayor Parker stated that it was the policy of the administration that as contracts expired and came up again that they specify labor neutrality and the ability for workers to organize should they chose to do that. Council Members Davis, Martin and Rodriguez absent.

Mr. Robert McGinn, 1002 Wakefield, Houston, Texas 77018 – 713-206-0852 – appeared and stated that he had a problem with parking from a bar across the street from his house, called the Petro Station, they brought in over a hundred people a day, they had ten parking spots, they covered up the fire hydrants, they urinated on the yards, put trash out, that within a two block radius of his house he had 5 bars, that he called the City of Houston Police Department, they come out and drive by and did not write tickets, he had asked that they write tickets for covering the fire hydrant with parking, they could not even get a car down the road half the time, horns were honking at 10:00 p.m. to 12:00 p.m. at night, that he did not know what else to do, but appreciated their listening to him, that within a mile radius he believed there were 12 to 13 bars from his house and probably 4 schools, that he had been there for 25 years and it had gotten worse in the last two years. Council Members Davis, Martin and Rodriguez absent.

Mayor Parker asked if that was Garden Oaks or Oak Forest, and Mr. McGinn stated it was the separation between Oak Forest and Garden Oaks, right at his corner it separated from residential to commercial, that he felt for the residents around there for them blocking the fire hydrant because they could not even get a fire truck in, and Mayor Parker stated there was no excuse for that, they could do some police enforcement to watch for that, but she understood that Parking Management, ARA, had visited with him, and Mr. McGinn stated that they called him yesterday and he talked to them, and Mayor Parker stated they would see if some stepped up enforcement could help him out, and believed they would also talk to him about whether his residential street qualified for permit parking, they looked forward to following up with him.

Council Members Davis, Martin and Rodriguez absent.

Mr. Michael Abramowitz, 2119 Leeland, No. 2, Houston, Texas 77003 – 281-857-5370 – had reserved time to speak, but was not present when his name was called. Council Members Davis, Martin and Rodriguez absent.

Mr. Jorge Corona, 114 Estelle, Houston, Texas 77003 – 281-684-8928 – appeared and stated that he was present to request their assistance as he sought employment with the City of Houston, he had submitted 7 applications within the last 30 days, that he previously worked for the City of Houston for 16 years, he worked for the Houston Police Department, General Services and Public Works and Engineering, that during his last years of employment with the City of Houston his father was ill and needed family care, he was forced out of his position and forced to resign, his father died in 2011, that he received a Masters Degree in 2013, that the high unemployment rate and the current economic conditions had made it difficult to find employment. Council Members Davis, Martin, Rodriguez and Costello absent.

Mayor Parker stated that in 2008 Mr. Corona had submitted a letter of resignation to the Public Works Department, he was not barred from working the City of Houston, but believed that he may be prohibited from working again in Public Works, but he could submit applications to other departments, and Mr. Corona stated that was the clause that he was concerned about, that was like a cloud over him, and Mayor Parker stated that he accepted that when he offered his letter of resignation, and Mr. Corona stated that was what Public Works wanted to have on there. Council Members Davis, Martin, Rodriguez and Costello absent.

Mr. Alberto Flores, 12006 Meadow Green, Houston, Texas 77076 – 281-684-5782 – appeared and stated that he had issues in his neighborhood, a lot of homeowners were converting their garages into apartments, and the homeowners were not living in the home, they were renting the home and garage apartments and it was really over crowded, that he was born and raised in his neighborhood and would like to preserve his neighborhood, that he had called 3-1-1 and they directed him to so many places, that he was present because he was frustrated and would like for them to help him out with his issues. Mayor Parker, Council Members Davis, Martin, Pennington, Rodriguez and Costello absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez stated that he thought Mr. Flores area might be his Council District, that Ms. Mercedes Sanchez, was present and follow up with him to get more details and find out what the department liaison with Public Works had to say about this, they would definitely do everything they could to try to see if there was something that they could help mitigate, they would also have Mr. Gary Norman, Public Works, visit with him. Mayor Parker, Council Members Davis, Martin, Pennington and Rodriguez absent. Mayor Pro Tem Gonzalez presiding.

Mr. Jose Ortega, 409 Schwartz, Houston, Texas 77020 – 713-884-9411 – appeared, presented pictures and information, and stated that he was present with Mr. Jesse Perez and Mr. Joel Melendez, to basically get more information on the project as far as drainage, sewer and things like that, that he knew everything was being built to City Code but at the end of the day he lived there, he wanted to know how was all that factored into the building of the structure, the new building, because sewage was basically a big problem, basically a retention pond in that area, that he had an 8 foot street on the south side, the school behind him, which was another 8 feet, and to the north the park, which was built up about 5 feet, so everything coming from the west was basically drainage to his area, and that was why he was present. Mayor Parker, Council Members Davis, Martin, Pennington, Rodriguez and Laster absent. Mayor Pro Tem Gonzalez presiding.

Mayor Pro Tem Gonzalez stated that after the City received his information they did follow

up with the developer and the design engineer to try to review their plans once again, based on his input, stopped work orders were placed to stop that work, and they worked with the developer to come up with the redesign, including some retention walls and other things to prevent some of the runoff that he was talking about, was he aware of some of that work, and Mr. Ortega stated yes, and Mayor Pro Tem Gonzalez asked if he thought it had not resolved the issue yet, and Mr. Ortega stated that just with previous dealings with the school district he was promised the same thing with the retention wall, and everything that came off of the school should drain into the detention pond, that was behind his property, he was literally adjacent to the school, so with that said, the retention wall did not do it's part on the school side, so his biggest fear was that everything was still running off into that property. Council Members Davis, Martin, Hoang, Rodriguez and Laster absent.

Mr. Jesse Perez, Post Office Box 24006, Houston, Texas 77229 – 281-726-9363 – appeared and stated that he was present on Mr. Ortega's project, that he had two properties, 402 Schwartz and 0 Cline, they were using them as a retention pond because his neighbor was Mr. Ortega and every time it rained everything flooded, they were going through City Code but it was still going to affect them because everything was going to the same manhole, there was only one manhole in the area, and it was going to flood them, they raised that property about 12 feet high of dirt, which the City had already, but when they came in they stopped the project, the work, and they stated they did it wrong, so now they got engineers to do it and it was still going to be the same thing and probably going to be worse because instead of coming down slower with the flow it was going to come with the flow harder and faster, and that was their concern. Council Members Davis, Martin, Hoang, Rodriguez and Laster absent.

Mayor Parker stated that she understood the City required a redesign of the site for construction of retaining walls, which would direct any flow to onsite detention, that Mr. Gary Norman, Public Works, was outside with Mr. Ortega, if they could invite out to that meeting that would be the best place to start, so he would have a point of contact in the Public Works Department to bulldog the issue. Council Members Davis, Martin, Hoang, Laster and Noriega absent.

Mr. Joel Melendez, 12918 Tri City Beach Rd., Beach City, Texas 77523 – 713-553-1643 – appeared and stated that he was the property owner right next door to the property that Mr. Ortega and Mr. Perez were discussing, he was at 2910 Cline Street, that he was requesting their support pertaining to the recent alterations that had been going on, Community Development Project No. 13035716, Urban Lofts, that the activities, the development, was certainly creating a big situation, impacting negatively the value of their properties, that he was present to see if the City could help them with some type of solution that affects the property owners, that the 12 foot retention wall on the west side properly controls the storm sewer and would create a retention pond problem in the adjacent properties, that he realized good neighbors should work out issues before this point, but they were in a position to ask the City to intervene. Council Members Davis, Martin, Hoang, Gonzalez, Laster and Noriega absent.

Mayor Parker stated that they recognized the problem and thanked him for coming to Council. Council Members Davis, Martin, Hoang, Gonzalez, Laster and Noriega absent.

Ms. Deborah Elaine Allen, 12000 Milk, No. 2059, 77048 – 713-264-0127 – had reserved time to speak, but was not present when her name was called. Council Members Davis, Martin, Hoang, Gonzalez, Laster and Noriega absent.

Ms. Mubashir Chaudhry, 5002 Hearthollow Ln., Sugarland, Texas 77479 – 713-562-6237 appeared and stated that he was present to speak about the murder of Farooq Khanani, it took place at 8103 Holmstead, where his brother happened to be Mr. Khanani's partner, and he was only a few minutes away from being shot as well, that the sad story was not only the murder, it

was the second murder in a period of nine months, one in January and one in October, that beside the safety issue there was some money that was found on the body of the dead, a police officer gave the money to a person who had no business there. Council Members Martin, Hoang, Gonzalez and Noriega absent.

Mayor Parker stated that it sounded like he had an issue with the police investigation, that he said that the police officer gave something that was found with the deceased to some one who should not have received it, that was an issue with the police investigation, and asked Mr. Khanani to meet with Sergeant Hendon. Council Members Hoang, Gonzalez and Noriega absent.

Ms. Yvette Gbalzeh, 3402 Johnstock Bauer, Victoria, Texas 77901 – 936-672-3335 – appeared and stated that she represented a movement called “Will Rap for Weed”, it stood for the legalization of medicinal marijuana in Texas for patients, that she thought it was disgusting that heroine addicts and meth heads could go to clinics and get legal medicine for them and be considered patients when there were AIDS and Cancer patients that had recommendations from physicians and were being penalized and put in jail and incarcerated, that she holding her sign, which she displayed, invigorated a lot of anger out there among the ignorant people, that last Tuesday, at a voting stand on Scott and Wheeler, she was jumped by 8 males because of the ignorance about her sign, they were drug dealers and the officers who came to the scene actually told her they were drug dealers, they were bullies, and that was their area to hang out and for her safety not to come back. Council Members Hoang, Gonzalez and Noriega absent.

Mayor Parker asked Ms. Gbalzeh if her point was that she wanted to see medical marijuana legalized in the State of Texas, and Ms. Gbalzeh stated that she would like more education among the community and within the Police Department, that most officers were educated and knew, but there were a couple of them out there that did not understand that she represented medicine for the sick and took it out on her, and Mayor Parker stated she actually supported legalization of medical marijuana, however until that happened in the State of Texas their police officers would enforce the law, and her sign was freedom of speech and did not necessarily mean she was distributing marijuana. Council Members Hoang and Noriega absent.

Mr. James Partsch Galvan, had reserved time to speak, but was not present when his name was called. Council Members Hoang and Noriega absent.

Mr. Paul Fruge, 1241 Omar St., Houston, Texas 77008 – 713-825-8474 appeared and stated that he lived in the Heights and was a property owner in the Houston Heights Historic District East, he was also an ex member of the Houston Archeological and Historic Commission for five years, under Mayor White and Mayor Parker, that he was present with a concern of the inconsistent interpretation of the Historic Preservation Ordinance by the HHAC, the problem had been exacerbated by the lack of design guidelines, the Planning and Development Director informed him that the Historic Preservation Manual, on the City’s Website, was a guideline for owners wanting to improve their properties, that web manual was only an excerpt of the Preservation Ordinance with no illustration as to what could be done, hence, it was a design guideline without the designs, they needed illustrated design guidelines that depict what was acceptable according to the preservation ordinance, they needed it in order to make the process of improving homes easier. Council Members Hoang and Noriega absent.

Mayor Parker stated that she was not opposed to design guidelines, they were not called for in the updated ordinance, except for districts that came after the passage of the ordinance, so German Town had it, that it was her understanding that the Planning Department was working to create a more extensive set of illustrations, but any design guidelines would have to be voted upon, district by district, by the Houston City Council. Council Members Hoang and

Noriega absent.

Mr. Fruge stated that during the time period when Mayor Parker's administration was touting the benefit of the preservation ordinance, Ms. Gafrick, at a Woodland Heights meeting, stated that the historic districts not having design guidelines would have at minimum illustrations depicting what was allowed, that Ms. Gafrick also stated that her office would work with each district to make them as moderate or strict as each district wanted, she showed slides of this depicting that, and Mayor Parker stated that they did have illustrations on the website and there was that information available, there were no prescriptive design guidelines, and again, if the districts wanted to work with the Planning Department to create a set of prescriptive design guidelines, they had to get it through the City Council, but she was not opposed to bringing those forward. Council Members Hoang, Rodriguez and Noriega absent.

Mr. Michael Bastian, 725 W. 18th, Houston, Texas 77008 – 713-875-4323 appeared and stated that he was the principle of Bastian Builders, a Houston Heights builder and renovator, they needed specific guidelines to be followed by the HAHC for determining appropriateness for new construction and renovation in the Houston Historic Districts, these guidelines should be developed with all stake holders participating, for the past six months they had been working on a \$7 million project to redevelop land that currently contained a 16,000 square foot poultry packing plant in the middle of a residential neighborhood, they were dismayed to learn there were no published specific tangible guidelines to direct their efforts, that without specific guidelines it was a business man's fools errand to attempt redevelopment in one of the Houston historic districts, that when an ordinance interpreted and implemented by department without boundaries there were opportunities for discord, that this ordinance was sold as a plan to maintain the historic richness of Houston's first suburb, the reality was that it was not about history, it was about preserving the uniformity of the existing houses without consideration of the original highly diverse character of the neighborhood. Council Members Adams, Hoang, Rodriguez, Costello and Noriega absent.

Mr. Sam Giankuos, 505 Merrill, Houston, Texas 77009 – 713-880-3158 appeared and stated that he had lived in the Heights since 1976, built over and remodeled over more than 100 houses in the Heights, with builders also did the building himself, that they needed illustrated guidelines, when he met with a client and was not able to tell a client specifically what they could do it made it almost impossible, that for the last six months it was 50% back that they could start on a remodeled house, then it went to 66% and 75% and now it was currently at the back of the house, the ordinance had not changed, but the commission basically was changing the ordinance at the commission, that he was just looking for direction from the City to help him draw for people that came to him and trusted him to draw for them, to make matters even worse they had an ad hoc committee, which was a group of homeowners in the neighborhood, there was five of them, and one of them worked for one of the Council Member's, and they were now calling the Historical Commission and telling them what they should approve or not approve. Council Members Rodriguez and Costello absent.

Mayor Parker stated that there were no ad hoc commissions, there was only the Archeological and Historical Commission, if any of her appointees were misinterpreting the ordinance tell her who they were, if they were Council appointees who he believed were misinterpreting the ordinance, tell the appropriate Council Member, and Mr. Giankuos stated that he would like to meet with Mayor Parker and point that out to her. Council Members Rodriguez and Costello absent.

Mr. Steven Carruba, 1438 Fredonia Dr., Houston, Texas 77055 – 713-202-4517 – had reserved time to speak, but was not present when his name was called. Council Members Rodriguez and Costello absent.

Mr. Mary Giankuos, 1514 Columbia St., Houston, Texas 77008 – 713-516-2282 - appeared and stated that she lived in the house and owned her house before it was a historic district, she fought heavily against the historic district change that was made to the Historic Ordinance, because she feared exactly what was happening now, that what the Houston Archeological and Historic Commission was doing was arbitrary and capricious, there was a rule and ordinance in place and was not being applied, they needed design guidelines so that everyone in the Historic Heights District knew for a fact what they could and could not build, they needed certainty, it was a problem when laws were arbitrary and capricious and could be meted out depending on who they knew in the commission or who they could get to in the commission, that was not how it should be enacted and that was what was happening, that this was a way to challenge the law, the interpretation by the commission was the problem. Mayor Parker, Council Members Martina and Costello absent. Mayor Pro Tem Gonzalez presiding.

Mr. Clay Watson, 525 Portlandt, Houston, Texas 77007 – 713-943-2200 – appeared and stated that was a homeowner in the Heights currently going through the process of trying to obtain a certificate of appropriateness, that all he really wanted to say was that they were trying to hit a moving target right now, they had no clear design guidelines, they had worked with the staff at the Planning Commission and they clearly said he had satisfied all eleven conditions, and then he was moved to a deferral, the only suggestion he had to progress his project was to go spend an additional \$500, provide a 3D rendering that did not provide any certainty that his house was going to get approved, that he had been in the Heights for 8 years and was in full support of the ordinance, that he did not want three story stucco homes going up in the middle of a historic neighborhood, that this was not in the spirit of the ordinance, that he did not know what he needed to do to approve it, that it was very frustrating. Mayor Parker, Council Members Martina and Costello absent. Mayor Pro Tem Gonzalez presiding.

Ms. Sue Lovell, 1802 W. Main, Houston, Texas 77098 – 713-520-6756 – appeared and stated that she was very familiar with the Historic Preservation Ordinance and had worked very hard to pass it and still believed in it, that she did though believe that now they needed to put some predictability and stability into the ordinance and design guidelines, which they had in other historic districts and worked very well and should be in place for the Heights, that the Mayor said she was supportive of that and would like to ask that in some way move forward, put a committee together, go out to public hearings, come back to the Council and have design guidelines that they vote on so the people that were investing in the Heights would be able to know exactly what they could do. Council Member Martin absent.

Mayor Parker stated that she had no objections to design guidelines, and if neighborhoods had suggested design guidelines they were welcome to submit them to the Planning Department staff, they would be drafted and developed by staff to come to Council and would require a district by district vote by City Council, that she actually thought it was a path fraught with peril because she was not sure there was a single member of City Council who was an expert in that area, but so be careful what they wished for. Council Member Martin absent.

Council Member Costello moved that the rules be suspend for the purpose of extending time for questions of Ms. Sue Lovell, seconded by Council Member Laster. All voting aye. Nays none. Council Member Green absent on city business. Council Member Martin absent. MOTION 2013-0728 ADOPTED.

Council Member Bradford asked what had gone wrong with the implementation, and Ms. Lovell stated that they really needed something that was predictable that they could look at that was not subjective, it worked very well in the Old Sixth Ward and in the new historic districts that had guidelines.

Council Member Bradford moved that the rules be suspend for the purpose of extending

time for questions of Ms. Sue Lovell, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0729 ADOPTED.

Ms. Lovell further stated that in the Heights, where it was so busy right now, was especially needed because there was so much development going on.

Council Member Bradford moved that the rules be suspend for the purpose of extending time for questions of Ms. Sue Lovell, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0730 ADOPTED.

Ms. Lovell further stated that she did not know that the ordinance was contrary, she thought that any ordinance was a work in progress sometimes.

Council Member Bradford moved that the rules be suspend for the purpose of extending time for questions of Ms. Sue Lovell, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0731 ADOPTED.

Ms. Lovell further stated that now they were saying this was working, but it could work better by coming forward and putting some predictability in, such as formulas for how back they could go for an addition, instead of having just these 11 criteria's they could choose from, that the staff worked really hard to deal with people and work through it, and then they got in front of the commission and the commission decides they did not want that and sent it back, just some things that streamlined the process, she thought, would help.

Mayor Parker stated that the vast majority of the projects, dozens and dozens of things went through the Houston Archeological and Historic Commission with no problem, there were a handful of projects that got gummed up, but well over 90% of the things just flew through with very little debate.

Council Member Laster moved that the rules be suspend for the purpose of extending time for questions of Ms. Sue Lovell, seconded by Council Member Costello. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0732 ADOPTED.

After further discussion, Council Member Laster moved that the rules be suspend for the purpose of extending time for questions of Ms. Sue Lovell, seconded by Council Member Noriega. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0733 ADOPTED.

After further discussion and questions by Council Members Noriega, Cohen and Gonzalez, Ms. Lovell stated that people were told to start 60% back when they added on, and then the commission said they wanted 75%, and now they said they really wanted them to save and preserve the whole house, add onto the back of the house, and so everybody does that and then they go to the commission and the commission said they did not want it set all the way back, it was taking up the whole back yard, that it should be here was what they wanted, here was what they would approve and work within these confines, and there were times for variances, just like in any other thing they had, that was what needed to be in place and design guidelines would give them that template they could use and go forward.

Mayor Parker stated that she was not opposed to it, she was simply saying that once they got that tool there would be a lot of folks coming in complaining how prescriptive it was, so they needed to be careful about that, and the disconnect was not with the staff, it was with the Archeological and Historic Commission, which wanted to substitute it's judgment, on occasion, for that of the staff.

After further discussion Ms. Lovell asked if the Library could open it's parking before 10:00 a.m. on Wednesday's, because like today, she could not park, it was the most perfect place to park, why would they turn down that revenue.

Mayor Parker stated that she would ask., it was not a bad idea.

Ms. Kathleen Powell, 1224 Columbia St., Houston, Texas 77008 – 713-862-5355 – had reserved time to speak, but was not present when his name was called.

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

Ms. Bridget Alexander McDaniel, Post Office Box 53993, Houston, Texas 77052 – 713-987-3854 – appeared and stated that she filed on SEARCH and HPD and the City did the processing, that she was interested in getting an appointment with the City Attorney.

Mayor Parker stated that she assumed there was somebody in the City Attorney's office who would be happy to sit down with her if she had an issue, and Ms. McDaniel stated that was what she was requesting, and Mayor Parker stated that the City Attorney would assign someone.

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (713-928-2871) had reserved time to speak, but was not present when his name was called.

At 10:30 a.m. Mayor Parker stated that for the benefit of Council the City Attorney and Mr. William Paul Thomas were celebrating Crimson Tide today, that would teach them not to bet against the Tide, and stated they were back to the agenda.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 37**

#### **MISCELLANEOUS** - NUMBER 1

1. REQUEST from Mayor for confirmation of the reappointment of **DENNIS J. STOREMSKI** for Position One to the **GREATER HARRIS COUNTY 911 EMERGENCY BOARD OF DIRECTORS** for a term to expire 9/30/2015 – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0734 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 3 through 5-1A

3. **CONTRACT RESOURCE GROUP, LLC** - \$48,380.28; **J. TYLER SERVICES, INC** - \$28,468.79 for purchase of Office Furniture from the State of Texas Procurement and Support Services Contract through the State Cooperative Purchasing Program for the Fleet Management Department - \$76,849.07 - Fleet Management Fund - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0735 ADOPTED.
4. **NEOS CONSULTING GROUP, LLC** for purchase of Professional and Consulting Services to enable SAP Human Capital Management module relating to Employee Self Services through the Texas Department of Information Resources for the Human Resources Department and Houston Information Technology Services - \$2,690,000.00 - Equipment

Acquisition Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0736 ADOPTED.

- 5-1. ORDINANCE appropriating \$2,275,000.00 out of Water & Sewer Consolidated Construction Fund for the purchase of Professional Services for the Department of Public Works & Engineering – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1010 ADOPTED.
- 5-1a. **CRYSTAL COMMUNICATIONS LTD** - \$1,075,010.05; **APEX SYSTEMS** - \$1,199,989.95 for purchase of Professional Services for final build out phase of the Advanced Metering Infrastructure System through the Texas Department of Information Resources for the Department of Public Works & Engineering - \$2,275,000.00 - Enterprise Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0737 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 6 through 37

6. RESOLUTION approving and adopting the Investment Policy for the City of Houston, Texas – was presented. All voting aye. Nays none. Council Member Green absent on city business. RESOLUTION 2013-0052 ADOPTED.
7. RESOLUTION approving and authorizing the nomination of **APACHE CORPORATION** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as a Texas State Enterprise Zone Project - **DISTRICT G - PENNINGTON** – was presented. All voting aye. Nays none. Council Member Green absent on city business. RESOLUTION 2013-0053 ADOPTED.
8. RESOLUTION designating the **RANDOLPH AND VIRGINIA WEST HOUSE** located at 2245 Dryden Road within the City of Houston as a historic landmark - **DISTRICT C - COHEN** – was presented. All voting aye. Nays none. Council Member Green absent on city business. RESOLUTION 2013-0054 ADOPTED.
9. RESOLUTION designating the **GLEN AND JUDY WOODSON HOUSE** located at 2023 Claremont Lane within the City of Houston as a historic landmark - **DISTRICT G - PENNINGTON** – was presented. All voting aye. Nays none. Council Member Green absent on city business. RESOLUTION 2013-0055 ADOPTED.
10. RESOLUTION designating the **WILLIAM H. AND BOOG EYSSEN HOUSE** located at 3449 Overbrook Lane within the City of Houston as a historic landmark - **DISTRICT G - PENNINGTON** – was presented. All voting aye. Nays none. Council Member Green absent on city business. RESOLUTION 2013-0056 ADOPTED.
11. ORDINANCE supplementing Ordinance No. 2009-1118 relating to the issuance of City of Houston, Texas, Combined Utility System Commercial Paper Notes, Series B-1; authorizing the Substitution of a Credit Facility, the Execution and Delivery of the Revolving Credit Agreement, Bank Fee Letter, a Co-Bond Counsel Agreement, and approving an updated offering memorandum in connection therewith; resolving other matters related thereto; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1011 ADOPTED.

12. **ORDINANCE AMENDING CHAPTERS 1 AND 15 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to wage theft; declaring the policy of the City regarding wage theft; defining certain terms; providing for the creation of a wage theft database and procedures relating to its use; providing sanctions relating to wage theft; containing findings other provisions relating to the foregoing subject; providing for severability; providing an effective date - had been pulled from the Agenda by the Administration, and was not considered.
13. ORDINANCE relating to the rescheduling or postponement of certain City Council Meetings – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1012 ADOPTED.
14. ORDINANCE approving and authorizing an agreement for Legal Services between the City of Houston and **CONNELLY BAKER WOTRING LLP** for Representation of the City in negotiations with the United States Environmental Protection Agency; providing a maximum contract amount \$350,000.00 – Enterprise Fund – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1013 ADOPTED.
15. ORDINANCE authorizing the sale of a 50-foot-wide Pipeline Easement across El Franco Lee Park to Seaway Crude Pipeline Company LLC for a price of \$168,393.60; authorizing and approving an easement agreement among **SEAWAY CRUDE PIPELINE COMPANY LLC**, Harris County, Texas, and the City of Houston, Texas - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1014 ADOPTED.
16. ORDINANCE approving and authorizing the first amendment to Operation and Maintenance Agreement between the City of Houston, Texas, as owner and **BRAEBURN GLEN CIVIC CLUB** as operator for approximately 24,998 square feet of real property located at 9505 Braeburn Glen Boulevard, Houston, Harris County, Texas, to be operated and maintained as a Neighborhood Community Events and Recreational Facility - **DISTRICT F - HOANG** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1015 ADOPTED.
17. ORDINANCE appropriating \$7,299,998.00 out of Reimbursement of Equipment/Projects Fund as an additional appropriation to **J.E. DUNN CONSTRUCTION CO. (F/K/A J.E. DUNN SOUTH CENTRAL, INC)** for Fire Station No. 84 - **DISTRICT B - DAVIS** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1016 ADOPTED.
18. ORDINANCE approving a Foreign Trade Zone Agreement for the payment of ad valorem taxes between the City of Houston and **MILLETT DUTY FREE, INC., A LOUISIANA CORPORATION**; authorizing the Mayor to execute a letter of non-opposition to the establishment of a Foreign Trade Zone - **DISTRICT H - GONZALEZ** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1017 ADOPTED.
19. ORDINANCE awarding a contract to **HBS NATIONAL CORPORATION** for Janitorial Cleaning and Associated Services for the Houston Airport System; providing a maximum contract amount \$563,550.49 - 3 years with two one-year options - Enterprise Fund - **DISTRICTS B - DAVIS; E - MARTIN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1018 ADOPTED.

20. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **ATLANTIC AVIATION CORPORATION**, for certain premises at William P. Hobby Airport; terminating Lease Agreement No. 191809, as amended, by and between the City of Houston and Atlantic Aviation Corporation - Revenue - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1019 ADOPTED.
21. ORDINANCE approving and authorizing Amendment No. 1 to a Luggage Carts and Lockers Concession Agreement between the City of Houston and **SMARTE CARTE, INC** for George Bush Intercontinental Airport/Houston and William P. Hobby Airport - Revenue - **DISTRICTS B - DAVIS and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1020 ADOPTED.
22. ORDINANCE approving the issuance of bonds and notes by the Southwest Houston Redevelopment Authority - **DISTRICTS F - HOANG and J - LASTER** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1021 ADOPTED.
23. ORDINANCE appropriating \$7,224,348.92 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Six, City of Houston, Texas (Eastside Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone), Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone), Reinvestment Zone Number Twenty-Two, City of Houston, Texas (Leland Woods Zone), And Reinvestment Zone Number Twenty-Three, City of Houston, Texas (Harrisburg Zone) for affordable housing, payments to Houston Independent School District, payment of project costs and payments to certain redevelopment authorities as provided herein – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1022 ADOPTED.
24. ORDINANCE consenting to the addition of 0.8608 acre of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 172**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1023 ADOPTED.
25. ORDINANCE consenting to the addition of 0.11 acre of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 494**, for inclusion in its district – was presented. All

voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1024 ADOPTED.

26. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1025 ADOPTED.
- 26a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** (“the district”), in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed areas to the adjacent council district from which a district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1026 ADOPTED.
27. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1027 ADOPTED.
- 27a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98** (“the district”) and certain territory located in the vicinity of the district, in Montgomery County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain territory in the vicinity of the district; imposing the sales and use tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed areas to the adjacent council district from which a district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1028 ADOPTED.
28. ORDINANCE approving and authorizing the Strategic Partnership Agreement between the City of Houston and **LOUETTA ROAD UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1029 ADOPTED.
- 28a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **LOUETTA ROAD UTILITY DISTRICT** (“the district”) and certain territory located in the vicinity of the district, in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain territory in the vicinity of the district; imposing the sales and use tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed areas to the adjacent council district from which a district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1030 ADOPTED.
29. ORDINANCE approving and authorizing the second amended and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1031 ADOPTED.

- 29a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36** (“the district”) in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed areas to the adjacent council district from which a district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1032 ADOPTED.
30. ORDINANCE approving and authorizing the third amended and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1033 ADOPTED.
- 30a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191** (“the district”), in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed areas to the adjacent council district from which a district council member is elected until such time as district may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1034 ADOPTED.
31. ORDINANCE approving and authorizing the second amended and restated Strategic Partnership Agreement between the City of Houston and **MEMORIAL HILLS UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1035 ADOPTED.
- 31a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **MEMORIAL HILLS UTILITY DISTRICT** (“the district”), in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed areas to the adjacent council district from which district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1036 ADOPTED.
32. ORDINANCE approving and authorizing the first amended and restated Strategic Partnership Agreement between the City of Houston and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1037 ADOPTED.
- 32a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2** (“the district”), in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; imposing the sales and use tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed areas to the adjacent council district from which a district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1038 ADOPTED.

34. ORDINANCE approving and authorizing the second amended and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1039 ADOPTED.
- 34a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61** (“the district”) and certain territory located in the vicinity of the district in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain territory in the vicinity of the district; imposing the sales and use tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed areas to the adjacent council district from which a district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1040 ADOPTED.
35. ORDINANCE approving and authorizing the first amended and restated Strategic Partnership Agreement between the City of Houston and **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 5** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1041 ADOPTED.
- 35a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 5** (“the “district”) and certain territory located in the vicinity of the district in Fort Bend and Harris Counties, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain territory in the vicinity of the district; imposing the sales and use tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed areas to the adjacent council district from which a district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1042 ADOPTED.
36. ORDINANCE approving and authorizing the first amended and restated Strategic Partnership Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1043 ADOPTED.
- 36a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368** (“the district”) and certain territory located in the vicinity of the district in Harris County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain territory in the vicinity of the district; imposing the sales and use tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed areas to the adjacent council district from which a district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1044 ADOPTED.
37. ORDINANCES granting to the following listed as A through H, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of

Ordinances, Houston, Texas; providing for related terms and conditions and making certain findings related thereto **FIRST READING** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCES 2013-1045 to 2013-1052 PASSED FIRST READING IN FULL.

**MIDSTATE ENVIRONMENTAL SERVICES**, a Texas Limited Partnership – 2013-1045

**GLOBAL WASTE SERVICES, LLC**, a Texas Limited Liability Company – 2013-1046

**TWISTER WASTE, INC.**, a Texas Corporation – 2013-1047

**NORTHSIDE GARBAGE SERVICE, INC**, a Texas Corporation – 2013-1048

**REPIPE CONSTRUCTION DBA IPR SOUTH CENTRAL, LLC**, a Texas Limited Liability Company – 2013-1049

**ASTRO WASTE, INC**, a Texas Corporation – 2013-1050

**AZTEC PORTACANS AND CONTAINERS LTD**, a Texas Limited Partnership – 2013-1051

**NATIONAL WORKS, INC**, a Texas Corporation – 2013-1052

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

### **PROPERTY**

2. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners in the amount of \$44,995.00 into the Registry of the Court, pay the costs of Court incurred; Cause No. 1032296; City of Houston v. Burger King Corporation, et al., for acquisition of Parcel AY12-160; for the **WEST LITTLE YORK PAVING & DRAINAGE PROJECT, (T. C. Jester - Alabonson/Deep Forest) - DISTRICT A – BROWN** – was presented, moved by Council Member Gonzalez, seconded by Council Member Adams. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0738 ADOPTED.

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

5. **RCC CONSULTANTS, INC** for Professional Services to update the Regional Interoperable Communications Plan for the Houston Urban Areas Security Initiative Program through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Information Technology Services - \$122,144.00 - Grant Fund – was presented, moved by Council Member Adams, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0739 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

33. ORDINANCE approving and authorizing the first amended and restated Strategic Partnership Agreement between the City of Houston and **SPRING CREEK UTILITY DISTRICT** – was presented. All voting aye. Nays none. Council Member Green absent on city business. Council Member Costello absent. ORDINANCE 2013-1053 ADOPTED.
- 33a. ORDINANCE annexing to the City of Houston, Texas for limited purposes a certain area located within **SPRING CREEK UTILITY DISTRICT** (“the district”) and certain territory located in the vicinity of the district in Montgomery County, Texas; containing findings and other provisions relating to the foregoing subject; adopting a regulatory plan for certain territory in the vicinity of the district; imposing the sales and use tax of the City of Houston in the area within the district annexed for limited purposes; assigning annexed areas to the adjacent council district from which a district council member is elected until such time as district boundaries may be changed pursuant to the City of Houston Charter – was

presented. All voting aye. Nays none. Council Member Green absent on city business. Council Member Costello absent. ORDINANCE 2013-1054 ADOPTED.

**MATTERS HELD** - NUMBERS 38 through 50

38. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,245,041.22 and acceptance of work on contract with **ALSAY INCORPORATED** for Rehabilitation of Existing Water Wells - 0.17% over the original contract amount and under 5% contingency amount - **DISTRICTS A - BROWN; B - DAVIS; E - MARTIN; F - HOANG; G - PENNINGTON and J - LASTER** - **(This was Item 6 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBER DAVIS)** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0740 ADOPTED.
39. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,186,410.00 and acceptance of work on contract with **LEM CONSTRUCTION CO., INC** for Northgate and Imperial Valley Wastewater Treatment Plant Improvements - 6.03% under the original contract amount **DISTRICT B - DAVIS** - **(This was Item 8 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBER DAVIS)** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0741 ADOPTED.
40. RECOMMENDATION from Purchasing Agent to award to **GCR, INC** for purchase of Automated Passport Control Kiosks and Support Services from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Houston Airport System - \$485,739.00 - 3 years - Enterprise Funds - **DISTRICT B - DAVIS** - **(This was Item 16 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBER DAVIS)** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0742 ADOPTED.
41. RECOMMENDATION from Purchasing Agent to award to **DOGGETT HEAVY MACHINERY SERVICES, LLC** - \$1,537,367.00; **MUSTANG MACHINERY COMPANY, LTD d/b/a MUSTANG CAT** - \$699,254.01; **ASSOCIATED SUPPLY COMPANY, INC** - \$656,512.00; **ONE SOURCE EQUIPMENT, LP** - \$140,610.00; **JOHN DEERE SHARED SERVICES, INC** acting through **JOHN DEERE CONSTRUCTION RETAIL SALES DIVISION** \$299,944.24 for purchase of Earth Moving Equipment, Boom Lifts and Trailers through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Department of Public Works & Engineering - \$3,333,687.25 - Stormwater and Enterprise Funds - **(This was Item 18 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBER BROWN)** - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford.

Council Member Brown stated that she would speak on Item Numbers 41, 42 and 45, because they were the same issue, they had literally millions of dollars again coming out of the Dedicated Drainage and Street Renewal Fund, and prior to the passage of the Drainage Fee they were very protective of this fund, the limited dollars that they had, and they even had more limited resources, they seemed to be a little bit more carefree in utilizing these funds for matters that they did need and had previously purchased, but not out of this fund, that she thought that regardless of whether it was legal and permitted and all of that, that question was not up for discussion in her book, it was fine if it was legal and permitted, but why were they not as protective today in utilizing these precious dollars, that when they referenced most of these

items, including earth moving equipment, which they needed, which they previously did not use the Dedicated Drainage Fund, concrete, they had an example where they went and used all of these other funding sources, including the General Revenue Fund, which was limited, and now they were talking about \$2.5 million from the Drainage Fund, they used to not do this, she was going to go ahead and vote for this because it was stuff they needed, but they needed to be more careful, they needed to not be as carefree in tapping this precious resource because they went to the voters for this fee because they needed additional revenue to help move these capital improvement projects forward, and then they had janitorial services, \$64,000, a small amount, but janitorial services, let's really be careful of what they did and have the heart of the community, they were going out and tagging on this additional burden on their water bill because they wanted to move things forward, and yet prior spending habits were being ignored and they were going and now digging into this fund, she thought they needed to stay clear of that and continue the policies of the past where they were more protective of the limited dollars.

Mayor Parker stated that she was challenged by the idea that they had a Drainage Fee but they could not spend it on personnel, equipment or cement, she was not exactly sure what they could spend it on, that was what created the projects, and Council Member Brown stated she agreed, but they did not do this, this was a new policy after the fact of implementing the Drainage Fee and thought it was a bad policy to take on, because these were precious dollars that they used to focus entirely on capital improvement projects moving forward, and Mayor Parker stated they could not spend it on equipment or personnel, and Council Member Brown stated to look at the references they passed out where they utilized other streams, they did not tap into the fund previously, it was only a new policy moving forward and thought it was a bad policy.

Council Member Costello stated that he appreciated the fact that Council Member Brown was going to support these items, the problem was that she neglected to understand the accounting procedure that was done when they first started the program, essentially what they did was take the same group of people, doing the same exact activity, using the same funds, and moved it over to a combined fund, that by the way, included the Drainage User Fee, this was all an accounting procedure, and she was constantly referring to the fact that they were taking money out of what it's intended purpose was, why did she not just follow the accounting procedure and follow the money properly, and would suggest that she strongly reach out to the Controller's office because they were currently doing an audit of this particular program and she would see, and they would justify the fact, that they were using the money properly.

A vote was called on Item No. 41. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0743 ADOPTED.

42. RECOMMENDATION from Purchasing Agent to award to **TEXAS CONCRETE ENTERPRISE READY MIX, INC** for Ready Mix Concrete 5-7 Sack Mix for Various Department - \$7,679,912.00 24-months with 3 one year options - General, Stormwater and Enterprise Funds – **(This was Item 19 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBER BROWN)** – was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford.

Council Member Adams asked Council Member Costello that when they looked at the Dedicated Drainage and Street Renewal Fund were they talking about concrete and streets and infrastructure, let them know how all that was working together and why they needed to fund projects like this.

Council Member Costello stated he thought what was being missed in this particular situation was the fact that they used concrete to do street improvements, used concrete to do drainage improvements and used concrete to backfill, these were all activities that were done to

repair and improve their storm sewer system, as well as their street system, and they had done it in the past, that most of the time when it was done in the past it was either through General Fund money, that was actually Metro Rebate money, and what they did was move all of those activities into a combined fund, which was DDSRF, that included the Metro dollars and the Drainage User Fee money, it was all applicable to the same purpose, they just shifted everybody over, and then combined everything into one combined source, if they legally did this there was a reason why, it was because they had to do this, it was maintenance related issues and it was also capital improvement related issues, that some of the activity would be applicable to maintenance, and if they recalled the Charter amendment initiative was that they wanted to make sure they limited the maintenance to 25% of the total funds raised, both in terms of third party money, as well as Developer Impact Fee money, as well as Drainage Fee User money, that this particular item was associated with the maintenance activity that they did throughout the City, and they did have an accountability, they did have Public Works that went before the oversight committee, which was now the advisory committee, and gave them an accounting of how much money they were spending on capital improvements, how much money they were spending on maintenance and it was done on an annual basis.

Mayor Parker stated that again Street and Drainage, where it required the cement, the actual human beings to apply the cement, operate the equipment, she did not know what else they would spend the money on if not those items.

A vote was called on Item No. 42. All voting aye. Nays none. Council Member Green absent on city business. MOTION 2013-0744 ADOPTED.

43. ORDINANCE relating to the Fiscal Affairs of the **CITY PARK REDEVELOPMENT AUTHORITY ON BEHALF OF REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE)**; approving the Fiscal Year 2014 Operating Budget for the Authority **DISTRICT C - COHEN** – **(This was Item 25 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBER GONZALEZ)** – was presented, and tagged by Council Member Noriega.
44. ORDINANCE relating to the Fiscal Affairs of **REINVESTMENT ZONE NUMBER TWENTY-THREE, CITY OF HOUSTON, TEXAS (HARRISBURG ZONE)**; approving the Fiscal Year 2014 Operating Budget for the Zone - **DISTRICTS B - DAVIS; H - GONZALEZ and I – RODRIGUEZ** – **(This was Item 29 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBER GONZALEZ)** – was presented, and tagged by Council Member Noriega.
45. ORDINANCE awarding contract to **MCLEMORE BUILDING MAINTENANCE, INC** for Janitorial Cleaning and Associated Services for Various Departments managed by the General Services Department; providing a maximum contract amount - \$11,254,426.83 - 3 years with two one-year options - General, Enterprise and Other Funds – **(This was Item 31 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBERS LASTER and BROWN)** – was presented.

Council Member Laster stated that he tagged the item last week, because he had a growing number of concerns about what he was reading about the contract for janitorial services that were being let to McLemore Building Maintenance for roughly \$11 million, that he wanted to thank the administration for doing the best to answer a number of his questions, that one of the things that caught his attention was, as he understood, that McLemore had been a service provider for several years now and they still did not yet provide benefits to the janitorial employees, that of particular concern to him was that McLemore had not yet implemented a labor relations plan, that because of those concerns he would be voting against Item No. 45. Council Members Adams and Gonzalez absent.

Mayor Parker stated that all of their janitorial contracts were tied to the wage scale negotiated with the private sector janitorial companies by SEIU, so they had put that into their contracts, that McLemore had chosen to operate under the pay or play, by not providing the benefits, that was their right under City ordinance, they did have a labor relations provision in their contract, and Council Member Laster stated that he understood it was in the new contract that they were about to vote on, and he congratulated the Legal Department for moving that forward. Council Members Adams and Gonzalez absent.

A vote was called on Item No. 45. Council Member Laster voting no, balance voting aye. Council Member Green absent on city business. ORDINANCE 2013-1055 ADOPTED.

46. ORDINANCE appropriating \$1,489,579.00 out of Airports Improvement Fund for Professional Materials Engineering Laboratory Agreements with **TOLUNAY-WONG ENGINEERS, INC** and **AVILES ENGINEERING CORPORATION** (approved by Ordinance No. 2013-0868) - **DISTRICT B - DAVIS – (This was Item 39 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBER DAVIS)** – was presented.

Council Member Davis thanked Mr. Roger Harris for explaining more information about this item, as well he wanted to thank Director Daiz and Ms. Kent for coming to the Budget and Fiscal Affairs Committee meeting and giving them more information on Item No. 40.

Mayor Parker stated that they wanted to wish Mr. Harris well on his new position at HCC.

A vote was called on Item No. 46. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1056 ADOPTED.

47. ORDINANCE approving and authorizing fourth amendment to the Interlocal Agreement (approved by Ordinance No. 2007-1144) between the City of Houston and **GEOTECHNOLOGY RESEARCH INSTITUTE** to extend the contract term for the implementation of a sustainable development program that will improve the Energy Efficiency of City Buildings and Residential Homes – **(This was Item 40 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBER DAVIS)** – was presented.

Council Member Davis thanked Ms. Nisby for coming and explaining Item Numbers 47 and 48.

A vote was called on Item No. 46. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1057 ADOPTED.

48. ORDINANCE appropriating \$3,266,295.00 out of General Improvement Consolidated Construction Fund and \$2,785,705.00 out of reimbursement of Equipment/Projects Fund; awarding Construction Management at Risk Contract to **TEAL CONSTRUCTION COMPANY** for the New Bureau of Animal Regulation and Care Adoption Center - **DISTRICT B – DAVIS – (This was Item 41 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBER DAVIS)** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1058 ADOPTED.

49. ORDINANCE appropriating \$1,531,000.00 out of General Improvement Consolidated Construction Fund, \$702,000.00 out of Public Library Consolidated Construction Fund, \$1,004,000.00 out of Parks Consolidated Construction Fund, \$1,488,000.00 out of Police Consolidated Construction Fund, \$955,000.00 out of Solid Waste Consolidated Construction Fund, \$496,500.00 out of Public Health Consolidated Construction Fund, and \$272,000.00 out of Water & Sewer System Consolidated Construction Fund for the **TASK**

**ORDER AND JOB ORDER CONTRACTING PROGRAM** for FY2014 (originally approved by Ordinance No. 2008-0374 and 2009-1316 respectively) – **(This was Item 42 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBER DAVIS)** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1059 ADOPTED.

50. ORDINANCE appropriating \$114,000.00 out of General Improvement Consolidated Construction Fund, \$100,000.00 out of Parks Consolidated Construction Fund, \$118,000.00 out of Fire Consolidated Construction Fund, \$100,000.00 out of Police Consolidated Construction Fund, \$71,000.00 out of Solid Waste Consolidated Construction Fund, \$50,000.00 out of Library Consolidated Construction Fund, and \$50,000.00 out of Public Health Consolidated Construction Fund as an additional appropriation for the **ENVIRONMENTAL TASK ORDER PROGRAM** for FY2014 for Various City Departments (approved by Ordinance No. 2012-0900) – **(This was Item 43 on Agenda of November 6, 2013, TAGGED BY COUNCIL MEMBER DAVIS)** – was presented. All voting aye. Nays none. Council Member Green absent on city business. ORDINANCE 2013-1060 ADOPTED.

Mayor Parker stated that there had been some discussion about the City of Houston's response to the horrendous natural disaster in the Philippines, that working with the Philippine Community of Houston they were working to pull together a public event on Friday and more information about that would be forthcoming, as well as appropriate avenues for relief. Council Member Noriega absent.

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

Council Member Hoang stated that as to the Philippine disaster the Vietnamese Community was going to organize a fund raising event to aid the victims on Sunday, November 17, 2013, from 1:00 p.m. to 5:00 p.m. at the Vietnamese Community Center at the 7100 block of Clarewood, they were working closely with all of the Asian Community, that his prayers and condolences to the deceased and victims of the Haiyan Typhoon. Council Members Brown, Martin, Noriega and Bradford absent.

Council Member Pennington stated that he listened with interest to the problems of getting remodels approved in the Heights District, they may recall when they were considering that district there was substantial support for local control and he favored that approach because he knew it was a very dynamic area and there would be a lot going on, that he was happy to hear that those present today testified that the staff was doing great work to consider applications, that he was not happy with the procedures that were employed during the public hearings for

the historic districts because written questions had to be submitted, he did not think it gave the public an opportunity to give meaningful input, that he hoped they had some public meetings where citizens would be able to offer their opinions about what the design criteria should be if they did proceed to do that. Council Members Brown, Martin, Hoang, Burks, Noriega and Bradford absent.

Council Member Davis acknowledged Pastor F. M. Williams and the Acres Homes Community who celebrated his church's 90th anniversary this past week; that as they talked about historic districts, they really had not had that issue in District B, but before his term was over they wanted to have discussions like this, he thought the Fifth Ward area was prime and ready to go through the procedure to declare some of those areas historic and they needed to keep working on it so they would not have these problems when they got ready to jump in. Council Members Brown, Martin, Hoang, Rodriguez, Burks, Noriega and Bradford absent.

Mayor Parker stated that actually because it would be a new historic district it would be required to have guidelines. Council Members Brown, Martin, Hoang, Rodriguez, Burks, Noriega and Bradford absent.

Council Member Cohen announced events he attended or would be attending; that a reception was held yesterday for Ms. Marlene Gafrick to wish her all the best in her next career move and thought the number of people who were there and the comments that were said was prove to the fact that she was an amazingly accomplished individual. Council Members Brown, Martin, Hoang, Rodriguez, Burks, Noriega and Bradford absent.

Mayor Parker stated that she had been with the City for 33 years; that she wanted to remind Council Members that they had four Council sessions between now and the end of the year, they were going to try not to jam it up to much on the last meeting, that was a message to

the departments as well. Council Members Davis, Brown, Martin, Hoang, Rodriguez, Burks, Noriega and Bradford absent. NO QUORUM PRESENT

Council Member Christi stated that they had some great directors and they honored a few of them this week, with Ms. Gafrick being one of them, and Mr. Buddy Grantham, Veterans Affairs, that he went to a function with Mr. Mario Diaz, Director, Airport System, where the Chinese Government honored him with great fanfare because of the success of China Airlines; that they had the loss of Dr. Kelsey, Kelsey Seybold Clinic, who they honored a few months ago and had done a good job over the years for the City of Houston, that he thought he was 99 or 100 years old; that he wanted to compliment the City on the Veterans Day Parade and the 9:00 a.m. function at Minute Maid Stadium where the French Government honored some World War II Veterans with their highest Medal of Honor. Council Members Davis, Brown, Martin, Hoang, Rodriguez, Burks, Noriega and Bradford absent. NO QUORUM PRESENT

Council Member Laster announced events he attended or would be attending. Council Members Davis, Brown, Martin, Hoang, Rodriguez, Burks, Noriega and Bradford absent. NO QUORUM PRESENT

Council Member Costello acknowledged and gave his condolences to the Kelsey Family, Mr. Mavis Kelsey, Sr. passed away, and he was a true icon in the Health Care Industry for taking on the clinical side; that he wanted to congratulate Council Member Davis and the administration, he was watching the news last night and there was a section on illegal dumping and they actually had cameras showing people doing illegal dumping, so hopefully this pilot program would be successful in catching the perpetrators who were actually dumping trash, construction, old furniture and refrigerators, hopefully it would be a successful program moving forward. Council Members Davis, Brown, Martin, Hoang, Rodriguez, Burks, Noriega and Bradford absent. NO QUORUM PRESENT

Council Member Gonzalez stated that Tech Street Houston was almost here, as the honorary chair of the event he encouraged all Houstonians to attend the City's first ever major technology conference, that it would kick off at the George R. Brown Convention Center on November 20, 2013, thanks to the support of Mayor Parker; that as they celebrated Veterans Day this Monday he wanted to take a moment to once more thank their active and retired military service members for their bravery and dedication to their Nation; and announced events he attended or would be attending; that he wanted to thank Ms. Marlene Gafrick for 33 wonderful years, that Mayor Parker's comments yesterday were right on point in terms of her steady leadership, that he wanted to welcome Mr. Patrick Walsh to the team. Council Members Davis, Brown, Martin, Hoang, Rodriguez, Burks, Noriega and Bradford absent. NO QUORUM PRESENT

Mayor Parker stated that in answer to the question of why the library parking garage was not open on Wednesday mornings, a simple explanation, the only exit from that parking garage was through the library and they would have to open the entire library in order to allow the use of the parking garage, they could walk up the ramp, but they did not want people to do; that she wanted to encourage them to patronize the Farmers Market. Council Members Davis, Brown, Martin, Hoang, Pennington, Rodriguez, Burks, Noriega and Bradford absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 11:02 a.m. Council Member Green absent on city business. Council Members Davis, Brown, Martin, Hoang, Pennington, Rodriguez, Burks, Noriega and Bradford absent. NO QUORUM PRESENT

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary