

City Council Chamber, City Hall, Tuesday, September 24, 2013

A Regular Meeting of the Houston City Council was held at 2:00 p.m. Tuesday, September 24, 2013, Mayor Annise Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega, C. O. "Brad" Bradford and Jack Christie, D. C.; Mr. Harlan Heilman, Legal Department, Division Chief, Claims & Subrogation Division; Ms. Marta Crinejo, Agenda Director, and Ms. Stella Ortega, Agenda Office, present.

At 1:44 p.m. Mayor Parker called the meeting to order and recognized Council Member Noriega.

Council Member Noriega stated that they had a friendly rivalry between them and their neighbor City, San Antonio, the I-10 Freeway, separating two very significant football teams, they had Chairman Jarvis Hollingsworth, Board of Regents, University of Houston, Mr. Darin Hall, Government Relations and at least 8 Council Members who had degrees or some kind of ties to the U of H and invited them to join them at the podium, and Mayor Parker stated that they wanted to show support for the hometown team as they played in San Antonio this weekend, that they were challenging the Mayor and City Council in San Antonio to see which team was the best team on the field and would ask Mayor Julian Castro to put up a friendly wager for his team and she would put up a friendly wager for their team, that Mayor Castro had offered to send her special San Antonio hot sauce or salsa if they lost, that they had some of the best brewery's in the State of Texas and she was going to send him some special editions from some of the wonderful craft brewery's if they happened to win, that she looked forward to eating the salsa. Council Members Brown, Davis, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Bradford absent.

Chairman Hollingsworth thanked Mayor Parker for the confidence she had shown in their team by putting a wager on the game this weekend, that on behalf of his fellow regents and the 70,000 students at the University of Houston System they were very proud and pleased to be present, they had always had a great partnership with the City of Houston and were happy that was continuing, that the coaches for each team would be wearing a patch for Coach to Cure MD, to bring awareness of Muscular Dystrophy and it's affects. Council Members Brown, Davis, Hoang, Pennington, Rodriguez, Green, Costello, Burks and Bradford absent.

Mayor Pro Tem Gonzalez and Council Member Adams thanked those from the University of Houston for all they did for the City of Houston. Council Members Brown, Davis, Hoang, Pennington, Rodriguez, Burks and Bradford absent.

Mayor Pro Tem Gonzalez recognized Council Member Martin for a Council presentation. Council Members Brown, Davis, Hoang, Pennington, Rodriguez, Burks, Noriega and Bradford absent.

Council Member Martin invited the folks from Boeing to join him at the podium and stated that he would invite them, after the meeting was over, to the corner of Bagby and Walker Streets and they would see the Texas Alliance for Minority and Education Trailblazer Two, it was a teaching environment, an incubator for science technology, engineering and math, that yesterday they had the opportunity to bring the Trailblazer Two to the Humble Independent School District, Kingwood Middle School, where they had a number of middle school kids go through the Trailblazer Two to learn a little bit about what engineering, science, technology and the applications for NASA and space exploration was doing for the City and the United States, that he wanted to thank Mayor Parker for all of the wonderful things she did for Johnson Space Center and the NASA Program, she had been a big supporter of what they were trying to do in

the south end of District E; that the people at Boeing were fine examples of what partnerships were all about within the City of Houston, and Mayor Parker stated therefore, she, Annise D. Parker, Mayor of the City of Houston, hereby proclaimed today as Boeing Space Exploration Day in Houston, Texas. Council Members Brown, Davis, Hoang, Pennington, Rodriguez, Burks and Bradford absent.

Mr. Mark Mulqueen thanked Mayor Parker and the City Council for the recognition, that Boeing and their Heritage Companies had been in the Houston area supporting NASA and human space flight for the last 60 years, that into the future they were looking at their CST 100 Vehicle, which they may have seen in the newspaper a couple of months ago, that there were a lot of new ideas and new things they needed to help support the job market for engineers and scientists, that there were over 2,000 employees with Boeing locally and over 2,000 retirees in the area, that it was astronomical what they could do as a company helping NASA and they thanked the great City of Houston for supporting them and giving them the opportunities that they had. Council Members Brown, Davis, Hoang, Pennington, Rodriguez, Burks and Bradford absent.

Mayor Pro Tem Gonzalez, Council Members Noriega, Green, Christi, Burks and Pennington thanked Boeing for all of the work that they did and for their service to the City of Houston.

At 2:13 p.m. Mayor Parker recognized Council Member Green for the invocation and pledge of allegiance.

At 2:15 p.m. the City Secretary called the roll. All present.

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

The City Secretary began calling the list of public speakers. Council Member Noriega absent.

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

Ms. Yamelys Nava, 4127 Floyd, Houston, Texas 77007 (832-563-6155) appeared and stated that she was a resident of the Magnolia Grove Neighborhood, as well as the Vice President of the civic club, that she lived in the 4100 Block of Floyd Street and this was a block that was 14 feet wide, that it was narrower than many other streets and with very deep ditches, there were three visible "no parking" signs along the northside of Floyd that were continuously ignored by builders and construction workers, the residents did not park along the street given the fact that it was very narrow and they could not get in or out of their driveway if they allowed somebody to park there, that she had called the non emergency number many times and the cars were removed temporarily, but the problem continues once the officer leaves the area, that she and her husband had personally talked to the construction workers, as well as the builder, in a friendly manner and so had her next door neighbors, they had been completely ignored, that nobody gets fined and the problem continues. Council Member Noriega absent.

Mayor Parker asked if this was an ongoing situation or was there a construction project, and Ms. Nava stated that it was because of the construction project, which had taken place for 7 months at 4122 Floyd, and Mayor Parker stated that she would ask Parking Management to go in, that if there was a "no parking" sign there they were not supposed to be parking there.

Council Member Noriega absent.

Ms. Carolyn Webster, 6823 Reed Road, Houston, Texas 77087 (832-563-6155) had reserved time to speak, but was not present when her name was called. Council Member Noriega absent.

Ms. Marlene Beita-McCourt, 3913 Barres, Houston, Texas 77007 (832-405-0299) appeared and stated that she was the President of the Magnolia Grove Civic Club, that it was situation between Washington Avenue and Memorial Drive, and Shepherd and Waugh, the reason that several of them were present was for responsible development, that as their neighborhood got higher density they were coming up with issues such as the one that Ms. Nava pointed out, where they had continuous construction going on in their streets and builders having their crews parking on the 14 and 16 foot streets and blocking their right-of-way, a way for them to get in and out of their homes and emergency vehicles to get in and out, that other issues they were having were trees, they had mature trees being cut down, that trees that were protected and were not supposed to be cut down in the City right-of-way and were being cut down by the builders at 4:45 p.m. on Friday afternoons and Sunday mornings, they had called the various departments they were supposed to call and reached out to some of the Council Members, and called the police, and nothing happens and they were losing mature trees in their neighborhoods, this was happening almost on a monthly basis, they also had issues with sidewalks, that because the shared driveways were so narrow the residents were forced to park on the very narrow streets and it created a problem, that builders were parking in tow away zones and they had flooding issues, that she lived in a house that was built in 1920 and to their knowledge it had never flooded, neither during Ike or Allison, but now with any storm they got 4 inches to 6 inches of water in their yards, that as construction was going on across the street she talked to the developer and the City engineer that came to look at it and they said not to worry, that nothing was going to happen to her yard, that this was happening throughout their neighborhood, that she had recent pictures from the storm on Friday where a house was flooded inside because of new construction, the builder paved the alleyways and now these houses were getting flooded.

Council Member Cohen stated that one of the big problems was when it appeared that a tree was going to be cut down and was in a right-of-way or private property, who do they call so that there might be action taken to stop it, and Mayor Parker stated that even if it was a significant tree and was on private property they had no ordinances that protected trees on private property, but a tree in the right-of-way did belong to the City of Houston and they made every effort to protect it, that Ms. Beita-McCourt had taken the right steps, but the calls should go to the City of Houston Parks Department, Forestry Division, but they were making an effort to make examples, the builders knew they were not supposed to take down the trees, which was why they did it at night and on the weekends and they needed citizens to be their eyes and ears to take pictures of whoever was operating the chainsaw, the cars they were driving, if they were a tree service, if they were contractors, because they had been aggressively taking them to court and fining them for it and she thought if they made examples of enough of these builders who were illegally removing trees that they could get the message out to the rest of them.

Council Member Costello moved that the rules be suspended for the purpose of extending time for questions of Ms. Beita-McCourt, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Pennington, Noriega and Christi absent. MOTION 2013-0646 ADOPTED.

Upon further discussion and questions by Council Members Cohen and Laster, Mayor Parker stated that there was a recent case of a tree on Bomar and they estimated the value of that tree in six figures, that they had to be able to prove it and yes they were aggressive about it, that they could certainly suspect that the developer took down the tree, but they really needed to

know who did it. Council Members Pennington, Costello, Noriega and Christi absent.

Mr. Michael Albert, 522 lever Kuhn, Houston, Texas 77007 (832-498-7991) appeared and stated that he was also a resident of the Magnolia Grove Neighborhood, that he was present as to how do they try to enforce good behavior on developers for developing property for new townhomes and houses, that they were not against developers, they liked good development and thought development done properly could enrich their neighborhood and make it a nice livable urban center, they did have plenty of examples of that in their neighborhood, however to try and dissuade people from trying to take shortcuts he had a couple of suggestions, one, before the City granted any permits was to require an upfront deposit on all new development from anybody who was building a residence or commercial property, the City would hold the deposit and when they were completely done the City would verify that there were no violations, no trees cut down illegally, drainage had been done properly and if not they would lose their entire deposit, and second, for anybody developing a new piece of property the City would place an automatic lien against it and the lien would not be released until the City verified and signed off that everything had been done properly. Council Members Adams, Pennington, Green, Costello, Noriega and Christi absent.

Mr. Marco Antonio Roberts, 522 lever Kuhn, Houston, Texas 77007 (832-782-7394) appeared and stated that he lived in the Magnolia Grove Neighborhood, and echoed his neighbors comments about the development situation at Magnolia Grove, that they were not expressing opposition to development, on the contrary they saw value in it, but there was good development that was responsible and added long term value to the homebuyer, the neighborhood and the City, and there was too much of what they had been seeing lately in Magnolia Grove, it had been very distressing to see the weekly loss of huge grand trees in the City's right-of-way that were important not only for the leafy canopy, but also important in the way they facilitated the water drainage of the area, that also of great concern to many of them along Washington Avenue was the way even minimal ordinances regarding sidewalks and driveways and other things that had been mentioned were essentially ignored for purposes that could only be about saving a few developer bucks in the short run, that huge utility poles blocked sidewalks that they did have, that population was growing bringing more traffic, bicycles and people to their narrow streets and this situation would become dangerous very soon. Council Members Brown, Adams, Green, Costello, Noriega and Christi absent.

Ms. Lillian Johnson, 4801 Leffingwell, Houston, Texas 77026 (832-573-3982) appeared and stated that there was a trail that went from Rand to Falls, that she was on the corner of Leffingwell and Rand, that for five months she had been trying to get the yard cut, that it was a property of the City, on the map it was 454, Zone T, that she had spoken with several people from Council Member Davis office, that what did she have to do to get it cut, that she had her own yard that she had to pay over \$100 per month trying to get cut. Council Members Brown, Adams and Noriega absent.

Mayor Parker stated that her notes from Public Works stated that it did not belong to the City of Houston, it was not City of Houston land, however she would ask the Department of Neighborhoods to work on a clean up plan, that they access whoever the property owner was, that Mr. Landon Taylor was present in the audience and would work with her, that there were occasionally unclaimed pieces of property and left over rights-of-way scattered around Houston, it was not on their land inventory, but they would work with her to see if they could figure it out. Council Members Brown, Adams and Noriega absent.

Mr. Noe Garay-Reyes, 5906 Redding Rd., Houston, Texas 77036 (832-439-1002) appeared and stated that he lived in the Sharpstown area, that lately they had seen an increase of crime activity in his neighborhood, there had been four robberies and were breaking in houses and cars, that he was afraid, he had a wife and a kid and worked nights in the refinery

industry, that in the neighborhood they were asking for more patrols, more police presence in their area, or some different safety measures, they would be glad to work with the City of Houston, that he needs help. Council Members Brown, Adams and Noriega absent.

Mayor Parker stated that she was sorry that he had been having problems, that her understanding was that the Council Member had been on top of this and had been working with the Police Department for Hot Spot Enforcement. Council Members Brown, Adams and Noriega absent.

Council Member Laster asked Mr. Garay-Reyes to meet him outside afterwards, that he wanted to share with him some other information, that he wanted to thank him for sharing his experience, they had been experiencing a little bit of a crime wave in his neighborhood, that he wanted to thank the Mayor for helping designate that area as a "hot spot", they had been meeting with Captain Dale of the Mid West Command Station, which was not very far away from Mr. Garay-Reyes home, they had also been working very closely with the Sharpstown Civic Association, which had a private security firm that operated 24/7 in the neighborhood, that he wanted to encourage him to participate in that program if he was not already doing so. Council Members Brown, Adams and Noriega absent.

Mr. John Cieslewicz, 1250 DuBarry, Houston, Texas 77018 (no phone) appeared, passed out information which he read from regarding the Astrodome, Johnson Space Center and history of his reporting an illegal blocking of a swale that drained storm water from his and his neighbors backyards. Council Members Brown, Hoang, Rodriguez, Laster and Noriega absent.

Mr. Serigo Lira, 7001 Sloan, Houston, Texas 77087 (832-541-6130) appeared and stated that he was a lifelong resident of Houston and grew up in the Magnolia East End area, that he had a petition with 336 signatures from his neighbors, and requested that it be handed to the Mayor, that he and his wife wanted to share three concerns, they lost their home in Hurricane Rita in 2004 and in 2006 they endured a lot of flooding in their home also, they rebuilt, that he had noticed over the years that their neighborhood had declined little by little, there was chronic flooding in their area, in front of Barnett Stadium, and he had contacted the City of Houston several times; there were a lot of stray dogs in their neighborhood, there was a brown pit bull and the mail person refused to deliver mail; also their street lights, which he just found out were part of CenterPoint, but in the evenings there was just one light down Fairway and Chaffin, it was very dark and there were a lot of abandoned homes, that as the children got on the school bus this morning he noticed the dogs were around, thank God for smart phones, he had taken several pictures and forwarded them to Ms. Angela Solis, Harris County, that he did have some evidence. Council Members Brown, Davis, Hoang, Laster and Noriega absent.

Mayor Parker asked if the street lights were out or there were not sufficient street lights, and Mr. Lira stated there were plenty of street lights on Fairway, they just were not working, and Mayor Parker stated that he could report them to 3-1-1, each street light had a number on the pole and when he called 3-1-1 he had to give them that number, if he could make a list of them and submit them to her office and to Council Member Rodriguez's office, that CenterPoint would come out and make the repair; on the issue of the stray dogs, she appreciated that he had taken the pictures of them, that should also go to 3-1-1 with a description of where they were and when they were there so they could try to have the animal control officers out at the appropriate time, and Mr. Lira stated they had been doing that for the last several months and the mail person had left notes and he had forwarded that to the City of Houston, that he called 3-1-1, they gave him a confirmation number but the animal control folks never showed up, and Mayor Parker stated that they would work with him on that. Council Members Brown, Davis, Hoang, Laster and Noriega absent.

Council Member Rodriguez stated that Mr. Lira could have called his office and they could

have sped through and expedited a lot of these issues, that Eva from his office was present and would get together with him and make sure they addressed this issues. Council Members Brown, Davis, Hoang, Laster and Noriega absent.

Mr. Ferdinand Durisseau, 16315 Covery Run, Missouri City, Texas 77489 (832-579-8477) appeared and stated that he was present again to try and get the injustice corrected, that he had a prime contract on a freeway segment, towing contract 46007453, someone forged his name on the contract and he had been fighting this for years, that Mayor Parker sent him outside the Chamber to people who just passed the problem to someone else and nothing had gotten done, that he had talked to Ms. Carlicia Wright, Mr. Roger Harris, Mr. Morris Scott, Ms. Marsha Murray and now it was Mr. Donald Black in Contract Compliance, that Allied Collision had forged his name on a contract and the people the Mayor sent him to had different answers, that he needed for the Mayor to take care of the problem like she said she would, that nothing had been done yet, these people were still on the freeways making millions of dollars and he had made nothing. Council Members Brown, Davis, Hoang, Laster and Noriega absent.

Council Member Adams asked Mr. Durisseau if he was saying that a prime contractor forged his name to say he was doing business, and Mr. Durisseau stated when he got certified that was when he knew that he was supposed to get a percentage, they were telling the City that he did not want to run on the freeway, but they were telling him to not run on the freeway because it took the City to long to pay them, so all they needed him to do was run accidents off of the freeway, and Council Member Adams asked if his name was currently listed on that same contract, and Mr. Durisseau stated that he was out of business now, and Council Member Adams asked if he was saying that when he signed on they needed him to sign on to get the contract and Mr. Durisseau stated that once he got the contract they never included him in the process. Council Members Brown, Davis, Hoang, Rodriguez, Noriega and Christi absent.

Mayor Parker stated that this process started before any of the Council Members were in office with the original SafeClear Contracts, that she did not know how it got to this point, certainly there would be nothing with the contract with the City that would guarantee any particular tow truck driver a certain percentage of the work, however they split it up within the consortiums they put together, that was not normally where the City engaged, that she was going to ask if the City Legal Department would at least help figure out where they were in this process. Council Members Brown, Davis, Hoang, Rodriguez, Noriega and Christi absent.

Ms. Evelyn Merz, 7095 San Fe Dr., Houston, Texas 77061 (713.-644-8228) appeared, presented a handout on which she based her opposition to the "One Bin for All" process, and stated that the Houston Regional Group of the Sierra Club called for the City of Houston to adopt a long-term Zero Waste plan, which would do away with the concept of "trash" and maximize stewardship of their resources; that once the City delivered the big green recycle bins they could look down the street and see them in lines like soldiers, everyone was participating. Council Members Brown, Davis, Cohen, Hoang, Rodriguez, Noriega and Christi absent.

Mayor Parker stated she was glad the recycling program for the City of Houston was popular and being used in her neighborhood, that she would point out that with adoption of the last budget and the roll out they were engaged in right now they would have doubled the number of households receiving recycling in the City of Houston, just since she had been Mayor, and now approximately half of the households in Houston were participating in curbside recycling, as she was also aware it was more expensive to recycle, that she would like to see a recycling bin in front of every household but they had to compete with After School Programs, libraries, health clinics and a whole range of other activities that the City funded, that it was about trying to fund the balance and expand as rapidly as they could without impacting those other services. Council Members Brown, Davis, Cohen, Hoang, Rodriguez, Noriega and Christi

absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (FA34511) had reserved time to speak, but was not present when his name was called. Council Members Brown, Davis, Cohen, Hoang, Rodriguez, Noriega and Christi absent.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-738-3410) had reserved time to speak, but was not present when his name was called. Council Members Brown, Davis, Cohen, Hoang, Rodriguez, Noriega and Christi absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak, but was not present when his name was called. Council Members Brown, Davis, Cohen, Hoang, Rodriguez, Noriega and Christi absent.

Mayor Parker stated that as a reminder there was another mandatory public hearing at 6:00 p.m. today and she did need a quorum for that or they would have to reschedule and they did not want to have to do that. Council Members Brown, Davis, Cohen, Hoang, Rodriguez, Noriega and Christi absent.

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (713-928-2871) appeared and stated that he was requesting more time and if it was not allowed they would be criminally charged and the case would be brought forward at another time and date, and continued to express his personal opinions until his time expired. Council Members Brown, Davis, Cohen, Hoang, Rodriguez, Noriega and Christi absent.

At 3:00 p.m. Mayor Parker stated the City Council was recessed until 6:00 p.m., Tuesday, September 24, 2013.

The Houston City Council reconvened at 6:00 p.m., Tuesday, September 24, 2013, with Mayor Annise Parker presiding and with Council Members Ellen R. Cohen, Dave Martin, Oliver Pennington, Edward Gonzalez, Mike Laster, Stephen C. Costello, Andrew C. Burks, Jr., and C. O. "Brad" Bradford; Ms. Sameera Mahendru, Legal Department; Ms. Marta Crinejo, Agenda Director and Ms. Stella Ortega, Agenda Office, present. Council Members Helena Brown, Jerry Davis, Wanda Adams, Al Hoang, James G. Rodriguez, Larry V. Green, Melissa Noriega and Jack Christie, D. C., absent.

HEARING - 6:00 P.M.

1. **PUBLIC HEARING** relating to the Proposed 2013 Tax Rate of \$.63875/\$100 of value – was called.

At 6:00 p.m. Mayor Parker called the meeting to order, the purpose of the meeting was to hold a public hearing, required under State Law, as they set their tax rate for the coming year.

The City Secretary stated that no one had reserved time to appear at the public hearing.

Mayor Parker stated that they were not changing the tax rate for the City of Houston, that it was her understanding that no one had reserved time to speak to day, and asked if anyone wished to speak, who did not previously reserve time, and hearing none requested a motion to close the public hearing.

The City Secretary read the following required written statement. "The vote to adopt a

property tax rate for the City of Houston for 2013 will be considered at the City Council meeting to be conducted in City Council Chambers, 2nd floor, City Hall, 901 Bagby on October 16, 2013 convening at 9:00 A.M.”

Council Member Burks moved to close the public hearing, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Members Brown, Davis, Adams, Hoang, Rodriguez, Green and Christie absent. MOTION 2013-0647 ADOPTED.

At 6:02 p.m. Mayor Parker stated the City Council was recessed until 9:00 a.m., Wednesday, September 25, 2013.

The Houston City Council reconvened at 9:00 a.m., Wednesday, September 25, 2013, with Mayor Annise Parker presiding and with Council Members Helena Brown, Jerry Davis, Ellen R. Cohen, Wanda Adams, Dave Martin, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Mike Laster, Larry V. Green, Stephen C. Costello, Andrew C. Burks, Jr., Melissa Noriega, C. O. “Brad” Bradford and Jack Christie, D. C.; Mr. David Feldman, City Attorney; and Ms. Marta Crinejo, Agenda Director and Ms. Stella Ortega, Agenda Office, present.

At 8:34 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:06 a.m. Mayor Parker called the meeting to order. Council Members Brown, Davis, Adams, Rodriguez, Burks and Noriega absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 33

MISCELLANEOUS - NUMBER 2

2. REQUEST from Mayor for confirmation of the reappointment of **J. KENT FRIEDMAN** as Chair of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY**, for a term to expire August 31, 2015 - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford. All voting aye. Nays none. Council Members Brown, Davis, Adams, Rodriguez, Burks and Noriega absent. MOTION 2013-0648 ADOPTED.

ACCEPT WORK - NUMBERS 4 through 5

4. ORDINANCE deappropriating \$550,897.10 appropriated out of the Water & Sewer Contributed Capital Fund (“The Fund”) by Ordinance No. 2008-0186 from a contract with **PEPPER LAWSON, INC** for Construction of the Southeast Water Treatment Plant Expansion and re-appropriating the same amount out of The Fund for Contract No. C39963 with CDM for Design of the Southeast Plant Expansion (approved by Ordinance No. 1999-0001) as reimbursement for creation of an operating manual - **DISTRICT E – MARTIN** - had been pulled from the Agenda by the Administration, and was not considered. Council Members Brown, Davis, Adams, Rodriguez, Burks and Noriega absent.
- 4a. RECOMMENDATION from Director Department of Public Works and Engineering for approval of final contract amount of \$168,161,517.43 and acceptance of work on contract with **PEPPER LAWSON, INC** for Southeast Water Purification Plant - Phase I-80 MGD Expansion 0.07% under the original contract amount - **DISTRICT E - MARTIN** - had been pulled from the Agenda by the Administration, and was not considered. Council Members Brown, Davis, Adams, Rodriguez, Burks and Noriega absent.

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 11

6. **CANBERRA INDUSTRIES, INC** for purchase of Personal Radiation Monitors for the Houston Police Department - \$83,700.00 - Grant Funds - was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. Council Members Brown, Davis, Adams, Rodriguez, Burks and Noriega absent. MOTION 2013-0649 ADOPTED.
7. **EAN HOLDINGS, LLC** for Vehicle Leasing Services for the Houston Police Department \$7,300,000.00 - 3 years with two one-year options - General and Other Funds - had been pulled from the Agenda by the Administration, and was not considered. Council Members Brown, Davis, Adams, Rodriguez, Burks and Noriega absent.
10. ORDINANCE appropriating \$1,000,288.94 out of Water & Sewer System Consolidated Construction Fund for the Purchase of Heavy Duty Electrical Motors for the Public Works & Engineering Department - was presented. All voting aye. Nays none. Council Members Brown, Davis, Adams, Rodriguez, Burks and Noriega absent. ORDINANCE 2013-0851 ADOPTED.
- 10a. **AMEND MOTION #2012-702, 9/26/12**, to purchase additional Heavy Duty Electrical Motors for the Public Works & Engineering Department awarded to **EVANS ENTERPRISES, INC** - was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. Council Members Brown, Davis, Adams, Rodriguez, Burks and Noriega absent. MOTION 2013-0650 ADOPTED.
11. **LEOTEK ELECTRONICS USA CORPORATION** - \$199,422.50; **REPUBLIC INTELLIGENT TRANSPORTATION SERVICES, INC** - \$158,700.00; **GENERAL TRAFFIC EQUIPMENT CORP.** \$154,000.00; **GLOBE ELECTRIC CO., INC** - \$540,384.75 for Traffic Signal Control Hardware for the Department of Public Works & Engineering - \$1,052,507.25 - Dedicated Drainage and Street Renewal Fund - 3 years with two one-year options - was presented, moved by Council Member Gonzalez, seconded by Council Member Pennington. All voting aye. Nays none. Council Members Brown, Davis, Adams, Rodriguez, Burks and Noriega absent. MOTION 2013-0651 ADOPTED.

Mayor Parker stated they had confirmed the re-appointment of Mr. Kenny Friedman, as Chair of the Harris County-Houston Sports Authority, and they appreciated his long years of service and the work that he did for all of them. Council Members Brown, Davis, Adams, Rodriguez, Burks and Noriega absent.

Council Members Cohen, Pennington, Laster, Martin, Adams, Bradford, Green and Burks congratulated Mr. Friedman on his re-appointment and thanked him for his service to the City of Houston and Harris County.

Mayor Parker thanked Mr. Friedman again for his long years of service on the Sports Authority, and his long years of service to the City of Houston, and Mr. Friedman stated that he appreciated the re-appointment very much.

Mayor Parker stated that she wanted to recognize that they lost a City employee on Monday, on the job, Mr. Guillermo "Bill" Varela, was an employee of Municipal Courts and died at the courthouse on Monday, they wanted to offer their condolences to his family, including his wife, Miriam, who also worked at Municipal Courts and asked that they pause for a moment of silence.

Council Member Pennington moved that the rules be suspend for the purpose of considering Item No. 34 out of order prior to Item No. 8, seconded by Council Member Hoang. All voting aye. Nays none. MOTION 2013-0652 ADOPTED.

ORDINANCES - NUMBERS 18 through 33

18. ORDINANCE approving and authorizing the submission of an application for and acceptance of a U.S. Department of Transportation FY14 Federal Motor Carrier Safety Assistance Program High Priority Grant; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. ORDINANCE 2013-0852 ADOPTED.
20. ORDINANCE appropriating \$834,595.77 out of Equipment Acquisition Consolidated Fund for purchase of Capital Equipment for the Houston Police Department - was presented. All voting aye. Nays none. ORDINANCE 2013-0853 ADOPTED.
22. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on: Strategic Partnership Agreements between the City of Houston and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21** and on proposals for the City of Houston to annex for limited purposes certain territory located within such district in Harris County; proposed Strategic Partnership Agreements between the City of Houston and **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98** and **LOUETTA ROAD UTILITY DISTRICT** and on proposals to annex for limited purposes territory located within and in the vicinity of such districts in Harris and Montgomery Counties; proposed amendments to the Strategic Partnership Agreements between the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36**, **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191**, **MEMORIAL HILLS UTILITY DISTRICT**, **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2** and on proposals for the City of Houston to annex for limited purposes certain territory located within such district in Harris County; proposed amendments to the Strategic Partnership Agreements between the City of Houston and **SPRING CREEK UTILITY DISTRICT**, **HARRIS COUNTY FRESHWATER SUPPLY DISTRICT NO. 61**, **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 5**, AND **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368** and on proposals for the City of Houston to annex for limited purposes territory within and in the vicinity of such districts in Harris and Montgomery, and Fort Bend Counties; proposals for the City of Houston to impose the City of Houston's sales and use tax in such territory; providing for the publication of notice of such hearings **HEARING DATES WEDNESDAY - 9:00 A.M. - OCTOBER 16 and 23, 2013** - was presented. All voting aye. Nays none. ORDINANCE 2013-0854 ADOPTED.
23. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the public improvement project known as the Hughes Road Reconstruction Project from Beltway 8 to the city limits; authorizing the acquisition of fee simple title interest in or easement to 4 parcels of land required for the project and situated in the Dickinson Putnam Survey, Abstract No. 638 and the A. M. Gentry Survey, Abstract No. 292; in Harris County, Texas, said parcels of land being along the north-westerly and south-easterly lines of Hughes Road from Beltway 8 to the city limits in Houston, Harris County, Texas, by gift, dedication, purchase and the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for relocation assistance, appraisal

fees, title policies/services, recording fees, court costs, and expert witness fees in connection with the acquisition of fee simple title interest in or easement to the 4 parcels of land required for the project - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. ORDINANCE 2013-0855 ADOPTED.

24. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests in connection with the public improvement project known as the Martin Luther King Boulevard Reconstruction Project from IH-610 south to Bellfort Street; authorizing the acquisition of fee simple title interest in or easement to 7 parcels of land required for the project and situated in the Chauncey Goodrich Survey, Abstract No. 306 and the W. C. R. R. Survey, Section 1, Abstract No. 936 in Harris County, Texas, said parcels of land being along the westerly and easterly lines of Martin Luther King Boulevard from IH-610 south to Bellfort Street in Houston, Harris County, Texas, by gift, dedication, purchase and the use of eminent domain and further authorizing payment of the costs of such purchases and/or eminent domain proceedings and associated costs for relocation assistance, appraisal fees, title policies/services, recording fees, court costs, and expert witness fees in connection with the acquisition of fee simple title interest in or easement to the 7 parcels of land required for the project - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. ORDINANCE 2013-0856 ADOPTED.
25. ORDINANCE consenting to the addition of 17.53 acres of land to **NORTHWOOD MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district - **DISTRICT B - DAVIS** - was presented. All voting aye. Nays none. ORDINANCE 2013-0857 ADOPTED.
26. ORDINANCE consenting to the addition of 42.5446 acres of land to **TIMBER LANE UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2013-0858 ADOPTED.
27. ORDINANCE appropriating the sum of \$1,554,994.90 out of Water & Sewer System Consolidated Construction Fund and \$3,465,945.64 out of the Street & Traffic Control and Storm Drainage DDSRF; approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Reconstruction of South Shaver Road from Interstate Highway 45 to State Highway 3; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund and the Street & Traffic Control and Storm Drainage DDSRF **DISTRICT E - MARTIN** - was presented. All voting aye. Nays none. ORDINANCE 2013-0859 ADOPTED.
28. ORDINANCE appropriating \$585,000.00 out of Metro Projects Construction DDSRF; awarding contract to **ISI CONTRACTING, INC** for Work Order Bridge Rehabilitation/Replacement Citywide; setting deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract document to City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, CIP Cost Recovery and contingencies relating to construction of facilities financed by Metro Project Construction DDSRF - was presented. All voting aye. Nays none. ORDINANCE 2013-0860 ADOPTED.
32. ORDINANCES granting to the following listed as A through E, 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. ORDINANCE 2013-861 to 2013-865 PASSED FIRST READING IN FULL.

VEOLIA ES TECHNICAL SOLUTIONS, L.L.C., a Delaware Limited Liability Company – 2013-861

WASTE CORPORATION OF TEXAS, L.P., a Delaware Limited Partnership – 2013-862

BAY AREA VACUUM SERVICE, a Texas Limited Liability Company – 2013-863

MZ TECH, INC. DBA UTS ENVIRONMENTAL, a Texas Corporation – 2013-864

COAL CITY COB COMPANY INC., an Illinois Corporation – 2013-865

33. ORDINANCE Nos. 2013-821 to 2013-842, passed first reading September 18, 2013 for Ordinances granting to the following listed as A through V, 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 **SECOND READING** – was presented. All voting aye. Nays none. ORDINANCE Numbers. 2013-821 to 2013-842 PASSED SECOND READING IN FULL.

A. **HERITAGE-CRYSTAL CLEAN, LLC**, an Indiana Limited Liability Company – 2013-821

B. **LIQUID ENVIRONMENTAL SOLUTIONS OF TEXAS, LLC**, a Texas Limited Liability Company – 2013-822

C. **INLAND ENVIRONMENTS LTD.**, a Texas Limited Liability Company – 2013-823

D. **CONSOLIDATED WASTE LLC DBA LIQUID WASTE SOLUTIONS**, a Texas Limited Liability Company – 2013-824

E. **TREE EXPERTS INC. DBA DEMOLITION EXPERTS**, A Texas Corporation – 2013-825

F. **ANTONIO VALVERDE JR., DBA SOUTHERN DISCOUNT VACUUM SERVICE**, a Texas Sole Proprietorship – 2013-826

G. **A. G. RADCLIFF DBA I.G.S. ENVIRONMENTAL**, a Texas Sole Proprietorship – 2013-827

H. **PAMELA BUSSEY DBA 1ST CHOICE GREASE SERVICE**, a Texas Sole Proprietorship – 2013-828

I. **CHIEF SOLUTIONS, INC.**, a Texas Corporation – 2013-829

J. **HUFF & MITCHELL, INC.**, a Texas Corporation – 2013-830

K. **POT-O-GOLD RENTALS, LLC**, a Louisiana Limited Liability Company – 2013-831

L. **EZ WASTE INC.**, a Texas Corporation – 2013-832

M. **SONJA BERTRAN DBA ANITA'S VACUUM SERVICE**, a Texas Sole Proprietorship – 2013-833

N. **PORTLAND UTILITIES CONSTRUCTION COMPANY, LLC**, a Tennessee Limited Liability Company – 2013-834

O. **TEXAS DISPOSAL SYSTEMS**, a Texas Corporation – 2013-835

P. **CAMINO SERVICES, LLC**, a Texas Limited Liability Company – 2013-836

Q. **WASTE MANAGEMENT OF TEXAS, INC.**, a Texas Corporation – 2013-837

R. **SUPERIOR SEPTIC SERVICES, LLC**, a Texas Limited Liability Company – 2013-838

S. **PROGRESSIVE ENVIRONMENTAL SERVICES, INC. D/B/A SWS ENVIRONMENTAL**

SERVICES, a Texas Corporation – 2013-839

T. **TEXAS GREASE ACQUISITIONS, LLC DBA A-AFFORDABLE VACUUM SERVICE**, a Texas Limited Liability Company – 2013-840

U. **HOUSTON WASTE SOLUTIONS, LLC**, a Texas Limited Liability Company – 2013-841

V. **EXCEL WASTE PARTNERS, LLC**, a Texas Limited Liability Company – 2013-842

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

ACCEPT WORK

3. RECOMMENDATION from Director Department of Public Works and Engineering for approval of final contract amount of \$5,316,612.50 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Groundwater Treatment Plants Improvements Package 1; Jersey Village, District 123, Acres Homes and Sims Bayou - 1.31% under the original contract amount - **DISTRICTS B - DAVIS, F - HOANG and K – GREEN** – was presented, moved by Council Member Gonzalez, seconded by Council Member Adams, and tagged by Council Member Davis.
5. RECOMMENDATION from Director Department of Public Works and Engineering for approval of final contract amount of \$7,936,180.19 and acceptance of work on contract with **TOTAL CONTRACTING LIMITED** for Aldine Westfield Paving and Drainage: Tidwell to Little York 0.67% under the original contract amount - **DISTRICTS B - DAVIS and H - GONZALEZ** – was presented, moved by Council Member Gonzalez, seconded by Council Member Adams, and tagged by Council Member Davis.
34. ORDINANCE appropriating \$13,500,000 out of Equipment Acquisition Consolidated Fund for the purpose of Professional Services and Equipment for the Houston Information Technology Services Department – (**This was Item 22 on Agenda of September 18, 2013, TAGGED BY COUNCIL MEMBER BURKS**) - was presented. All voting aye. Nays none. ORDINANCE 2013-0866 ADOPTED.

PURCHASING AND TABULATION OF BIDS

8. **DATA VOX, INC** for purchase of Professional Services and Equipment through the Texas Department of Information Resources for the Houston Information Technology Services Department - \$13,500,000.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Gonzalez, seconded by Council Member Hoang.

After discussion Council Member Burks stated that in the future he would like to see more MWBE participation in an ongoing project like this and there was a length of time, that in the RCA nothing tells him how long this was going to take, and he knew they talked about it with IT, how long would the projects be, how long would they last, when would they find closure on them, the answers were given to him but they were not in writing, that when the RCAs came to them they needed to be clear as to what they were.

A vote was called on Item No. 8. All voting aye. Nays none. MOTION 2013-0653 ADOPTED.

9. **AMEND MOTION #2013-97, 2/6/13, as previously amended by MOTION #2013-0255, 4/17/13** to purchase additional Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for the Department of Public Works & Engineering awarded to **TOMBALL DODGE, INC** - \$1,006,358.00; **RON CARTER AUTOMOTIVE** - \$57,392.00; **CALDWELL AUTOMOTIVE PARTNER, LLC, DBA CALDWELL COUNTRY FORD, LLC** \$498,212.00 - \$1,561,962.00 - Various Funds - was presented, moved by Council Member Gonzalez, seconded by Council Member Bradford.

After discussion by Council Members Brown and Bradford, Mayor Parker stated that the Drainage and Street Renewal Fund was going to street and drainage, but was part of a larger fund that included 11.8 cents of ad valorem tax, which was available to fund a range of items, including personnel; that the Controller's would be doing an audit of the Rebuild Houston Fund Utilization Program to finally put all of the rumors and misinformation to bed.

A vote was called on Item No. 9. Council Member Brown voting no, balance voting aye. MOTION 2013-0654 ADOPTED.

ORDINANCES

12. ORDINANCE authorizing the issuance of City of Houston, Texas Tax and Revenue Certificate of Obligation (QECB – Direct Pay to Issuer), Series 2013Q; prescribing the terms and conditions thereof; providing for the payment of Principal and Interest thereon; authorizing execution of a Purchase Agreement and a Paying Agent/Registrar Agreement; making other provisions and findings; and declaring an emergency - was presented. All voting aye. Nays none. ORDINANCE 2013-0867 ADOPTED.
13. ORDINANCE approving and authorizing Six Professional Materials Engineering Laboratory Agreements between the City of Houston and **GEOTEST ENGINEERING, INC, TOLUNAY-WONG ENGINEERS, INC, GEOTECH ENGINEERING AND TESTING, AVILES ENGINEERING CORPORATION, PARADIGM CONSULTANTS, INC AND HVJ ASSOCIATES** for Engineering Materials Testing Services for the Houston Airport System **DISTRICT B - DAVIS; E - MARTIN and I - RODRIGUEZ** - was presented. All voting aye. Nays none. ORDINANCE 2013-0868 ADOPTED.
14. ORDINANCE appropriating \$1,010,000.00 out of Woodlands Regional Participation Fund; awarding construction contact to **MENADE, INC** for Lake Houston Wilderness Park – Phase Two; setting a deadline for the proposer’s execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and materials testing services, Civic Art Program and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - \$80,000.00 - Special Revenue Fund - was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0869 ADOPTED.
15. ORDINANCE amending Ordinance No. 2010-0316 (passed by City Council April 28, 2010) to increase the maximum contract amount for legal services contract between the City of Houston and **OLSON & OLSON, L.L.P** relating to Cause No. 799233; Trail Enterprises, Inc. d/b/a Wilson Oil Company, et al. v. The City of Houston, Texas; in the County Civil Court at Law No. One of Harris County, Texas - \$25,000.00 - Enterprise Fund - **DISTRICT E – MARTIN** – was presented.

Council Member Green stated that they were increasing the contract from \$25K to \$375K and when he read the litigation history it had been appealed and taken up, back and forth, was this matter about to be resolved, what was the status.

Upon questions by Council Members Green and Martin, Mr. Feldman stated this had been pending for about 20 years, so it was a little difficult for him to say when the end would come, hopefully the Texas Supreme Court would deny the Trail Enterprises request for a petition for review the decision of the Court of Appeals, which had reversed an adverse decision against the City from the trial court; that the only cost that would be recoverable would be expenses in connection with the appeal, which was very limited, there was no basis for recovery of attorney’s fees under Texas Law in an inverse condemnation case, that if the Texas Supreme Court denied the petition for review the \$375 K would be enough, if not the tortured procedural history would continue on; that Trail Enterprises owned the mineral rights to drill.

A vote was called on Item No. 15. All voting aye. Nays none. ORDINANCE 2013-0870 ADOPTED.

16. ORDINANCE approving and authorizing contract between the City and **BAYLOR COLLEGE OF MEDICINE** for Tuberculosis Physician Services; providing maximum contract amount \$221,000.00 - 1 year with four one-year renewal terms - Grant Fund - was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0871 ADOPTED.
17. ORDINANCE approving and authorizing contract between the City and **THE UNITED WAY OF TARRANT COUNTY** for Consumer Health Insurance Marketplace Enrollment Services; approving the acceptance and disbursement of funds thereunder - \$1,132,931.00 - Grant Fund - was presented.

Upon question by Council Member Pennington, Mayor Parker stated that the State of Texas chose the provider and gave the City no choice, that she would agree that a local provider would greatly benefit the City of Houston.

Council Member Bradford stated that these were grant dollars and did not know that they had any opportunity to spend them on anything other than what they were designated for, so he thought they were better off at least doing something toward health care enhancement as opposed to not doing anything.

A vote was called on Item No. 17. Council Members Brown, Pennington and Christi voting no, balance voting aye. ORDINANCE 2013-0872 ADOPTED.

19. ORDINANCE approving and authorizing first amendment to loan agreement among the City of Houston, Houston North Apartment Homes I LLC and Houston North Apartment Homes, LP for Northline Apartments, an affordable rental housing community located in the vicinity of 7211 Northline Drive, Houston, Texas - **DISTRICT H - GONZALEZ** - was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2013-0873 ADOPTED.
21. ORDINANCE appropriating \$22,519.83 out of Police Consolidated Construction Fund for Emergency Remediation and Cleanup of hazardous waste for the General Services Department on behalf of the Houston Police Department - **DISTRICT B - DAVIS** - was presented. All voting aye. Nays none. ORDINANCE 2013-0874 ADOPTED.
29. ORDINANCE appropriating \$2,865,970.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **T CONSTRUCTION, LLC** for Wastewater Collection System Rehabilitation and Renewal; setting deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract document to City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund (4235-68) - was presented. All voting aye. Nays none. ORDINANCE 2013-0875 ADOPTED.
30. ORDINANCE appropriating \$1,004,684.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **T CONSTRUCTION, LLC** for New Front Easement Reconnections; setting deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract document to City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund (5159) - was presented. All voting aye. Nays none. ORDINANCE 2013-0876 ADOPTED.

31. ORDINANCE appropriating \$1,715,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **T CONSTRUCTION, LLC** for Work Order Contract for Small Diameter Water Lines; setting deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract document to City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2013-0877 ADOPTED.

MATTERS HELD - NUMBERS 35 through 36

35. ORDINANCE appropriating \$45,538,562.92 out of Houston Airport Improvement Fund and awarding construction contract to **SPAWGLASS CIVIL CONSTRUCTION, INC** for Reconstruction of Taxiway NB at George Bush Intercontinental Airport/Houston (Project No. 647); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by such funds - **DISTRICT B - DAVIS – (This was Item 30 on Agenda of September 18, 2013, TAGGED BY COUNCIL MEMBER GREEN and DAVIS)** – was presented. Council Members Green, Burks, Bradford and Adams voting no, balance voting aye. ORDINANCE 2013-0878 ADOPTED.
36. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2013-722 by adding one Deputy Chief position; adding three District Chief positions; adding four Senior Captain positions; adding one Assistant Arson Investigator position; and deleting four Captain positions; substituting the amended Exhibit as part of the current Fire Department Classified Personnel Ordinance – **(This was Item 33 on Agenda of September 18, 2013, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** - was presented.

Council Member Gonzalez moved to refer Item No. 36 back to the administration, seconded by Council Member Laster.

Council Member Bradford stated that they had agreements in place and they should adhere to those agreements, particularly when it was clear what the issues were.

Mayor Parker stated they believed there position was consistent with the plain language of the document, but there had been a number of changes at the union leadership level and they hoped to be able to sit down with the incoming union president and their new executive board to perhaps not have so many challenges and grievances going forward and this was an opportunity to do that.

A vote was called on Council Member Gonzalez motion to refer Item No. 36 back to the administration. All voting aye. Nays none. MOTION 2013-0655 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Martin thanked everyone who stopped by the Trailblazer Two Exhibit yesterday and thanked the Boeing Companies, Texas Alliance of Minorities and Engineers and the Mayor's Office of Special Events; and stated that tomorrow was the last day for Mr. Kevin Zuniga, who worked in the District E office and they wished him nothing but the best. Council Members Brown, Hoang and Rodriguez absent.

Council Member Laster stated they announced again for the second or third time, that the Friends of the Lee LeClear Tennis Center had not only organized themselves, but had

undertaken a fund raising campaign to raise \$5.4 million to reposition that facility, which had been known as the Southwest Tennis Center. Council Members Brown, Hoang, Rodriguez and Burks absent.

Council Member Costello announced events he attended or would be attending; and stated that he received an email from Ms. Valerie Casey regarding her contacting the City with a question about whether the previous owner of her home had taken advantage of a Capital Improvement Project to redirect sewer lines from an outdated main line to a new line at the street, that she called the City's Public Works Department and was referred to Ms. Jacqueline De Diego, that she was so helpful and kind and persevered over a period of several days until she was finally able to determine that her sewer line had in fact been redirected, she was immensely relieved, that she was surprised at Ms. De Diego's commitment to assist her and wanted to make sure that she did not go unrecognized and wanted to personally thank her for doing that. Council Members Brown, Hoang, Rodriguez and Burks absent.

Council Member Gonzalez commended Mayor Parker, Police Chief McClelland, Sheriff Adrian Garcia and the Mayor's task force for leading last night's "Shine a Light on Human Trafficking" event at City Hall; announced events he attended or would be attending; and stated that Prostate Cancer was the most common form of Cancer in men, that it strikes about 200,000 each year and over the course of this month the Blue Cure Foundation set up by his good friend, Mr. Gabe Canales, had worked diligently to spread information and educate citizens, that all men were encouraged to talk to their health care providers and have Pro state Cancer Screenings; that he wanted to pay his condolences to Sheriff Garcia and his family on the passing of his brother, Ignacio Garcia, Jr., who was a former Houston Police Officer and retired and went to work with the Metro Police Department, that he passed away last week. Council Members Brown, Martin, Hoang, Rodriguez and Burks absent.

Council Member Noriega stated that her office had tried to increase the number of collaborations and relations between all of the institutions in Houston, that as part of that they were involved with the University of Houston Faculty Senate Fifteenth Community Conference, about Greater Houston's Urban Health Care in the 21st Century, that it would take place on October 4, 2013 at the University of Houston Hilton Hotel and would feature speakers from the City, County and the University, that the University of Houston Board of Regents and Chancellor Khator recently announced the creation of a University of Houston Health Science Center, it was an important step to try to bring new emphasis on the Houston Community's health . Council Members Brown, Martin, Hoang, Rodriguez and Burks absent.

Council Member Adams announced events she attended or would be attending; and stated that she had talked with State Representatives concerning Pay Day Lending and knew Mayor Parker had met with State Senator Rodney Ellis and Senator Sylvia Garcia on these issues and asked what was the status moving forward, that she would like some information on that; and the issue of game rooms, that she wished they could look at things they could do, she knew they had been trying to create some changes in the ordinance to look at those things legally, that right now they needed to look at distance from schools and churches, that there had been robberies and murders at game rooms and was touching to close to home, that she was asking the administration to go back and re-look at this. Council Members Brown, Martin, Hoang, Rodriguez and Noriega absent.

Mayor Parker stated that they had a number of meetings with her on this issue and would be happy to meet with her again, but believed they were doing everything they could under the law and until the State Legislature decided to either approve legal gambling or outlaw the quasi gambling that went on, they were going to continue to have problems; on the issue of payday lending she actually had a meeting with the consumer stakeholders yesterday and would be having a meeting with the industry stakeholders maybe the first week of October, they had

posted on the City's website a new draft of their proposed Legislation and Senator Whitmire was also in the meeting, that she fully intended to have something happen by the end of the year. Council Members Brown, Martin, Hoang, Rodriguez and Noriega absent.

Council Member Pennington stated that he received a few favorable comments on the trails that were being constructed downtown, east of Shepherd, that it was a great asset for the City; that homeless and panhandler issues seemed to be a problem, that the Mayor's office was working on that, that they probably needed to have the residents more aware that the voluntary contributions they made at the intersections encouraged that sort of contact, but they also needed to work out of the Mayor's office and HPD to try to control the pan handlers and also to find homes for the homeless; that Kirkwood Street kept coming up, he knew it had preliminary engineering and residents felt very strongly that something needed to happen to improve that street, it was very heavily traveled, there was a lot of construction going on as well as the existing travel so it should be high priority. Council Members Brown, Adams, Martin, Hoang, Rodriguez and Noriega absent.

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

Council Member Davis stated that today they voted on Item No. 35, which was about \$45 million, that it was going to run probably about 586 days, that he had talked to the prime and they did everything they were supposed to do within the guidelines, but he approached the job in a different manner, he went through District B every day and saw people who were not working and thought this was a possible opportunity for some constituents to receive work, almost for two years, that he would like to work with the administration because he felt that maybe there was some way they could construct some of these contracts, talk to department heads, he did not see any African Americans on this contract, that he knew they could not specifically say who to hire, but at this point he just saw the money leaving District B, that he thought there was an opportunity for them as elected officials to be able to fight and make sure everyone had a spot at the table, that he would continue to work with SPAW Glass and other companies to make sure they were trying to get everyone at the table, that he believed the Office of Business Opportunities may have dropped the ball on this. Council Members Brown, Martin, Hoang, Rodriguez and Noriega absent.

Mayor Parker stated that the point was well taken, she would certainly commit to work with him to get companies from District B certified so they could bid, but they had to be in the process, and respectfully they could not specify which companies would be hired, that they needed to bring more companies in, there was no question, and she would caution Council Members who wanted to penalize a company who met every requirement they had. Council Members Brown, Martin, Hoang, Rodriguez and Noriega absent.

Council Member Cohen stated that last night she attended the "Shine a Light on Human Trafficking" event at City Hall and there were a number of her colleges there, that it was interesting because City Hall turned blue, that blue was the color they were using to bring attention to human trafficking, that it was modern day slavery, that they could be alert as to what was going on around them; and announced events she attended or would be attending. Council Members Brown, Martin, Hoang, Rodriguez and Noriega absent.

Council Member Christi stated that he wanted to explain his vote against the Navigators from Fort Worth on the Affordable Care Act, that there were 30 million uninsured, at any given time only 15 million would be sick, the government had doctors and hospitals shaved so much to where 50% of doctors would not see Medicare and Medicaid patients because there was no profit, he had a \$3 profit in his office visit, but 50% of doctors and hospitals were altruistic, so yet 15 million people sick, they go to the altruistic compassionate doctors and hospitals, instead

of \$740 billion give that hospital and doctor tax credits for the full cost of their visit and he guaranteed that they total up all of the tax credits of the hospitals and doctors they would not exceed \$5 billion and \$8 billion, and wherever there was big money there was going to be fraud, so any doctor that took over \$400,000 in tax credits they automatically audited, any hospital that took over \$4 million in tax credits they automatically audited, honest or not they just automatically audited, they would keep fraud out of it, so for \$8 billion they had solved an \$840 billion government take over of the medical industry, that was why he would vote against the Affordable Care Act because there were simpler, more logical and common sense ways of serving the uninsured. Council Members Brown, Adams, Martin, Hoang, Rodriguez and Noriega absent.

Council Member Burks announced events he attended or would be attending; and stated that he noticed on Sunday that the old Foley's building was torn down and understood there was asbestos in that building and did not know if it was cleaned out before it was torn down, but from his home he could see a big cloud of smoke, and he lived near Hobby Airport. Council Members Brown, Adams, Martin, Hoang, Rodriguez and Noriega absent.

Mayor Parker stated that Cherry Demolition, who did the demolition work on the Macy's building was an excellent firm, very well qualified and would assure him that they met all environmental requirements in that demolition, and appeared to have taken down a very large building in a very tight site without doing damage to their neighbors, so she would salute them on the job they did. Council Members Brown, Adams, Martin, Hoang, Rodriguez and Noriega absent.

Council Member Bradford stated that next Tuesday they would celebrate National Night Out, and would encourage Houstonians and the region, that the extreme heat and humidity for the most part was gone, so they should look at their neighbors and look at their neighborhoods, that it was good to eat the food and shake the hands, but also a take some time to talk about safety measures and crime prevention strategies because based on his professional experiences many of the criminal activities that they were experiencing today were incidents that were preventable in the neighborhoods or businesses if they would take more prevention type strategies, often time still garage doors were left open, items that were of available or appeared to be available were left in plain view in automobiles, children were not where they should be or need be during certain hours, that parents failed to communicate with children as often as they should and they just simply did not look out for each other as strongly as they should, in his neighborhood, on his street, they got involved, if people or a person appeared as if they should not belong in that neighborhood or on that street, and he did not mean based on how they were dressed or the color of their skin, based on what they knew as someone who lived there, what someone was doing or not doing, look at their behavior and activity, if they did not belong there write down a description, what the vehicle looked like, that personally he would be bouncing across the City, making as many locations as he possibly could; and announced events he attended or would be attending. Council Members Brown, Martin, Hoang, Rodriguez and Noriega absent

Mayor Parker stated that she wanted to thank Council Members who had attended the public hearings on the tax rate, the third and final hearing on the tax rate would be at the next Council meeting, October 2, 2013. Council Members Brown, Martin, Hoang, Rodriguez and Noriega absent

There being no further business before Council, the City Council adjourned at 10:13 a.m. Council Members Brown, Martin, Hoang, Rodriguez and Noriega absent NO QUORUM PRESENT

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary