

City Council Chamber, City Hall, Tuesday, November 14, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, November 14, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell and Michael Berry; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; present. Council Member Ronald C. Green absent on personal business.

Note: Council Member At Large Position 3 vacant.

At 2:12 p.m. Mayor White called the meeting to order and called on Council Member Johnson to begin presentations; and Council Member Johnson invited Council Member Brown and Council Member Garcia to join him and stated it was his pleasure to recognize an organization doing great works in Houston now for about 25 years; that the Houston Hispanic Firefighters Caucus Local 341 had a great party and founded an organization providing opportunities for citizens all over Houston and invited Mr. Richard Gomez, Mr. Lorenzo Diaz, Jr., Mr. Mico Guerra and Mr. Roberto Rocha with the board to the podium. Council Member Johnson further stated that they did 1,300 Christmas baskets annually along with doing many other things and continued to respond to 911 calls; and Council Member Brown stated that it was his pleasure to second what Council Member Johnson just said and to note Council Member Johnson read his part of the program, but they did a great job and congratulated them for their 25 years; and a Proclamation was presented to them for saluting them, extended them best wishes and proclaimed November 14, 2006 as "Houston Hispanic Firefighters Caucus Local 341 Day" in Houston, Texas; and a representative of the group thanked the Mayor and Council for the recognition and introduced other past presidents and group members.

Council Member Johnson stated that again it was his pleasure to recognize a person who did tremendous work and went far beyond their call of duty to provide services to citizens of the City of Houston and invited the chair of the Commission on Disabilities, Ms. Michele Colvart, to the podium. Council Member Johnson further stated that no one could keep pace with her diligent work to bring justice and services to citizens including three playgrounds presented in District D and being appointed to the Parking Commission helping to identify solutions and formulate options for accessible parking; and presented her a proclamation for being a role model, saluted her and wished her continued success and proclaimed November 14, 2006 as "Michele Colvart Day" in the City of Houston, Texas; and Ms. Colvart stated that she was honored and thanked all for their support and recommended a percentage of funds collected from disabled parking citations through the VIP Program go toward adding additional parking downtown. Council Members Lawrence, Wiseman, Holm and Lovell absent.

Council Member Khan thanked Mayor White for appointing Ms. Colvart and stated that she was his hero and the City of Houston would be better because of her and her work. Council Members Lawrence, Wiseman, Holm and Lovell absent.

Council Member Garcia stated that it was a pleasure to work with her and he understood good recommendations were being implemented. Council Members Lawrence, Wiseman, Holm and Lovell absent.

Council Member Alvarado stated while continuing in the spirit of celebrating people who did a lot of work with the Office of Disabilities she had a special presentation; that Mr. Dave Wood was vice president of Chase Bank and was chosen along with an individual from her office by CARE to be presented awards; that because of Mr. Wood's persistence an ill charged \$1,000.00 plus was waived and Ms. Graciana Garces with her office worked to get a sidewalk

repaired along with a METRO ramp for one of her constituents and invited them both to the podium and presented them with the CARE Award. Council Members Lawrence and Wiseman absent.

At 2:33 p.m. Council Member Johnson led all in the prayer and pledge. Council Members Lawrence and Wiseman absent.

At 2:34 p.m. the City Secretary called the roll. Council Members Lawrence and Wiseman absent.

Council Members Garcia and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Lawrence and Wiseman absent. MOTION ADOPTED

Council Member Edwards moved that the rules be suspended for the purpose of hearing Ms. Maria Jimenez at the top of the three minute speakers, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Lawrence and Wiseman absent. MOTION 2006-1026 ADOPTED

Council Member Garcia moved the rules be suspended for the purpose of hearing Mr. Pete Vela, Ms. Lynn Edmundson and Ms. Maria Cannan after Ms. Maria Jimenez, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Lawrence and Wiseman absent. MOTION 2006-1027 ADOPTED

Council Member Lovell moved the rules be suspended for the purpose of hearing Ms. Kathleen Ownby at the top of the three minute speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Lawrence and Wiseman absent. MOTION 2006-1028 ADOPTED

The City Secretary began calling public speakers. Council Members Lawrence and Wiseman absent.

Mr. Dan Barnum, 3108 Austin, Houston, Texas 77036 (713-724-3106) appeared and stated that he was an architect and director of richmondrail.org and present representing the 2,500 plus Houstonians who signed the petition for the University Light Rail Line on Richmond from Main to Hillcroft; that they wanted the rail as that was where the people were and would help with the growth of that side of Houston. Council Members Lawrence and Wiseman absent.

Council Member Lovell stated that from someone who lived two blocks off Richmond she could not wait for the line to get there. Council Members Lawrence, Wiseman and Garcia absent.

Mr. Allen Ueckert, 1920 W. Lamar, Houston, Texas 77019 (713-594-9764) appeared and stated that he was president of Near Town Association and Near Town Super Neighborhood representing over 20 civic associations and 30,000 residents in Montrose and wanted to reiterate their support for rail on Richmond. Council Members Wiseman and Garcia absent.

Council Member Edwards thanked Mr. Ueckert and all involved in this pro or con as there was a up swell of community activism on the issue and the city only won with such activism. Council Members Wiseman and Garcia absent.

Ms. Trisha Keel, 5502 Lincrest Lane, Houston, Texas 77056 (713-952-5429) appeared and stated that she lived and worked off Richmond and represented the Richmond Avenue

Revitalization Group and they were supporting the University Corridor, rail on Richmond, and ready to do whatever necessary; and asked the Mayor and Council to help get it where it was needed most. Council Members Wiseman and Berry absent.

Mr. Bob Mize, 933 W. 23rd, Houston, Texas 77008 (832-892-8334) appeared and stated that he was president of the West End Business Group and they did not want rail or BRT on Washington when it became an issue and would prefer a referendum; and they did not believe any businesses would be in support of it. Council Members Wiseman and Berry absent.

Ms. Roberta Rodriguez, 4299 San Felipe, Houston, Texas 713-514-0005) appeared and stated through an interpreter that she worked as a cleaner at One Source and was paid \$5.15 an hour and had no medical insurance; and her coworker was arrested in a protest on Richmond and they did not think it just. Council Members Wiseman and Berry absent.

Council Member Brown stated that he hoped parties would come together and a resolution between contractors, building owners and janitors would raise minimum wage and provide decent health care. Council Members Wiseman and Berry absent.

Council Member Edwards stated that in January they would be celebrating the life and work of Martin Luther King and his last effort was seeking justice for the workers with sanitation strikers in Tennessee and so for those lifting up the name of Martin Luther King in January maybe they could also lift up his works and try and support and try to get a resolution to this ongoing tragedy. Council Members Wiseman and Berry absent.

Mr. Johnathan Paul, 1641 Milford, Houston, Texas 77006 (713-201-3005) appeared, presented information and stated that he was present to voice support for the silent majority of people who wanted rail on Richmond, where the people were, that crooks hated pedestrian safe and friendly sidewalks and the Houston Chronicle stated that the young and educated were not choosing a place to live and work because of the lack of mobility and poor air quality and major changes were needed and his organization richmondrail.org had almost 3,000 signatures; rail was good for business and property values. Council Members Wiseman and Berry absent.

Ms. Kathy Heard, 1935 Richmond, Houston, Texas 77098 (713-522-5522) appeared and stated that she was an architect with her office in a historic building constructed in 1953 and on Richmond; that she voted for the rail on Westpark because she believed it was the beginning of a real commuter system, but buses on Richmond served needs of the neighborhood and she saw no reason for replacement and they did not need or want rail on Richmond. Council Members Wiseman and Berry absent.

Ms. Hoa Pham, 3522 Suffolk, Houston, Texas 77027 (713-599-0142) appeared and stated that she was a resident of the Lynn Park neighborhood and last month the civic association took a poll for rail on Richmond and the majority did not want it; that in the 2003 referendum they voted for rail on Westpark not Richmond and they wanted the Mayor to honor his promise and not cram rail down their throats. Council Members Wiseman and Berry absent.

The City Secretary read the Council Rules from Chapter 2 of the City Code of Ordinances that stated no person should express approval or disapproval of actions being taken by Council or from the public speakers podium; and Mayor White stated that was so all would have opportunity to speak. Council Members Wiseman and Berry absent.

Ms. Maria Jimenez, 7105 Sherman, Houston, Texas 77011 (713-514-0445) appeared and stated that those at the Southern Christian Leadership Conference were worried about the lack of resolution for the janitors conflict in Houston; and in the letter Martin Luther King wrote it said

that it was not about actions of bad people but about the silence of good people and silence was what janitors were confronting and they wanted a resolution to their struggle. Council Members Wiseman, Holm and Berry absent.

Council Member Edwards stated that she had calls from people from the old days who said Houston was going to be the Birmingham for the janitors and she was hopeful people could recall the past and learn from it and not have to repeat it time and time again; and was hopeful it would have a speedy and just end and did appreciate her work. Council Members Wiseman, Holm and Berry absent.

Mr. Pete Vela, 6625 Lyons Ave., Houston, Texas 77020 (713-231-3999) appeared and stated that he was from Denver Harbor and the Lyons Project was still too slow; that business owners were not told this would happen and the Mayor did not know the devastation it would cause, how many businesses would close because of access and lack of parking and now they were trying to do it to those on Richmond; that last year they did great and now they needed to file bankruptcy and those on Richmond would have to struggle also. Council Members Wiseman and Holm absent.

Council Member Garcia stated that he had been meeting with them almost weekly trying to move the process as quickly as possible and wanted to thank the Administration for their support; that they were learning a lot from this, unfortunately it was because of his experience, and they were close to getting businesses in his area support and the public notice went out last week; and he also thanked him for his advise. Council Members Wiseman absent.

Council Member Clutterbuck thanked Mr. Vela for coming before Council again and stated that his testimony broke her heart and government should not be doing this; that all had been expressing their concerns of having a policy applied across the board addressing business owners concerns and so they did not have to file bankruptcy. Council Members Wiseman absent.

Ms. Lynn Edmundson, P. O. Box 130463, Houston, Texas 77219 (713-522-0542) appeared and stated that she was cofounder and executive director of Historic Houston a 501c membership based nonprofit dedicated to the preservation of Houston's historic architecture in neighborhoods and had won local and state awards and recognition for their work; that when Chapter 42 was adopted by Council the Planning Department actively promoted the prevailing lot size ordinance and building line setback ordinance as a preservation tool to help neighborhoods without deed restrictions and for four years neighborhood residents followed the procedures outlined collecting signatures and believing the two ordinances would protect their neighborhood from inappropriate multifamily housing and she was present today on behalf of hundreds of residents who now felt betrayed as last Wednesday Planning approved a replat for a condominium development at 24th and Arlington and while application may have met requirements the Planning Commission clearly recognized the replat would circumvent the intent of the ordinances and their decision allowed profit of one individual to negate the documented consensus of the neighborhood and set a dangerous precedent; and today was encouraging Council to uphold their commitment to the neighborhoods. Mayor White and Council Member Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that she and Council Member Garcia were at a meeting and what disturbed her was neighbors came to the city and asked how to protect their neighborhood and they told them how and then found out their advise was not as good as a developer who went out and found someone to find a loophole and it presented a problem, did the city need to hire the developer's attorneys to find loopholes so they could figure out how to plug them before ordinances were given to protect; that she was for development but when developers could go

in and knew they were going around wishes of the neighborhood they were making a decision to not be a good neighbor and brought in the question of how could they fight back. Mayor White and Council Member Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia stated that he would echo some of his colleagues comments; that the nuance on this was multifamily dwelling versus what a condo was defined to be and how that applied to the prevailing lot size ordinance and he was disappointed the Planning Department or Planning Commission and Legal Department did not call him, as it was in his district, and there was no dialogue on how this would affect the neighborhood as the neighborhood's intent was clear; and he was hopeful the Administration would look at this and close the loophole and applications for prevailing lot size should be held off until the loophole could be closed. Mayor White and Council Member Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she was still frustrated, if there was going to be a Planning Commission they needed to make a determination, if all they were going to say is it did or did not follow the law a clerk could do that, they needed a commission that would make fine determinations and say this is the intent of the ordinance and they needed to step up and say they were protecting citizens so sue them if they were wrong, to say condos were not listed, many ordinances did not have specific words and maybe they needed to look at every ordinance; that it was lack of service when they were not bold enough to stand in the gap for constituents and say to the developer to take them to court. Mayor White, Council Members Johnson and Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Ms. Maria Cannon, 334 E. 24th, Houston, Texas 77008 (713-426-1148) appeared and stated that she was resident of Sunset Heights and Ms. Edmundson spoke from their hearts and Council Members Garcia, Lovell and Brown spoke on their behalf to the commission last week and they thanked them, most of what she would say was brought fourth, but what Council Member Garcia said about the nuance of determination between a condo etc.; that before the sign said townhouses were to be built and then the developer found out there was something in place against them so he just said he was not building townhouses he was building condos and there was no difference; that they deferred to experts in the city's Legal and Planning Departments and the Planning Commission and it did not matter what this was called it was still multiple structures on a protected lot; and urged the Council to help. Mayor White, Council Members Johnson, Wiseman and Khan absent. Acting Mayor Pro Tem Berry presiding.

Council Member Holm stated that she continued to be concerned that the very reason they existed was to provide core services and avenues for citizens to improve their quality of life and then basically set them up with a well meaning Planning Commission and Planning Department but at the expense of the citizens and it happened over and over again; that transportation and planning were two of the most critical issues for the city and its future and to not have the capacity to make good decisions and move it forward in a positive way was frustrating and heartbreaking. Mayor White, Council Members Johnson, Wiseman and Khan absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that he thought Council was getting the message, but in the city there was a lot size for townhouses and they knew for a longtime if a developer wanted to build on a smaller lot they called it a condominium and you could not blame the developer for cramming whatever he could on the property and he would say there was something fundamentally wrong with the ordinances and it needed to be recognized as a governing body and maybe Ms. McAbee's decision at the Planning Commission Meeting should be revisited, it seemed the intent was prevailing lot size for one house. Mayor White, Council Members Johnson, Wiseman and Khan absent. Acting Mayor Pro Tem Berry presiding.

Ms. Kathleen Ownby, 3928 Tennyson, Houston, Texas 77005 (713-247-2909) appeared, presented information and stated that it was again SPARK Week and nine parks would be opening across Houston this week; that the SPARK calendar featured twelve public art projects on school grounds and at all schools getting the parks the children would get the coloring books and the staff would get calendars; and thanked all Council Members who were attending dedications. Mayor White, Council Members Johnson, Wiseman and Khan absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that attending a SPARK Park dedication was a fantastic event and the children were so excited it was incredible; and thanked all who made it happen. Mayor White, Council Members Johnson, Wiseman and Khan absent. Acting Mayor Pro Tem Berry presiding.

Ms. Rachel Perez, 6351 Limestone, Houston, Texas 77092 (713-680-0466) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Wiseman and Khan absent. Acting Mayor Pro Tem Berry presiding.

Ms. Patricia Heileman, 4901 Wipprecht, Houston, Texas 77026 (713-675-1905) appeared and stated that she wanted to address concerns in her neighborhood including the rise in aggravated assaults, burglary and auto theft; that a crime data report released yesterday by Channel 11 the zip code 77026 had the third number of highest assaults with deadly weapons and they needed more officers; that she was burglarized a couple of times and her car stolen from her yard and she reported the incidents and on a number of times officers did not want to do the paperwork and after she was given an incident number it was basically useless as what was done with the case was a mystery, police reoccurring statements was they were short handed and if nothing turned up their case became inactive and criminals were so aware of protocol they were not intimidated and would strike again and again and she was asking for more accountability and a safer neighborhood. Mayor White, Council Members Wiseman, Khan and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson stated that he appreciated her coming and stating her concerns and the way to stop this was by getting more involved and he believed she was doing it and the Super Neighborhood Council was doing a fantastic job and getting a lot of participation from the Police Department; that people had to start being the eyes and ears and asked that she stay at it and he was working with Chief Hurtt to get more officers in the area. Mayor White and Council Member Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia stated that anytime you dealt with such issues it was tough and criticism was helpful to make sure they were able to respond effectively; and different things were occurring right now by the Police Department and there would be good statistics. Mayor White and Council Member Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lawrence stated that at 10:00 a.m. Monday there would be a committee meeting of development regulation and neighborhood protection and they would talk about the Planning Commission's decision and Ms. McAbee would be there; that some things printed in the press were not actually factual and she would ask her colleagues to attend and find out the rest of the story. Mayor White and Council Member Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Council Member Khan moved the rules be suspended for the purpose of hearing Mr. David Smolensky at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. Mayor White and Council Member

Wiseman absent. Acting Mayor Pro Tem Berry presiding. Acting Mayor Pro Tem Berry presiding. MOTION 2006-1028-1 ADOPTED

Mr. David Smolensky, 8110 Wateka Drive, Houston, Texas 77074 (713-723-8780) appeared, presented information and stated that he moved to a neighborhood where they were all on an acre or larger and residential and called on Neighborhood Protection to do something; that they had a pamphlet on what they would do to enforce fines and he had been two years doing this; that the man was taken to the Municipal Courts and fined, but he called and called and found the paperwork sitting on Mr. West's desk six months because the paperwork had not been filled out correctly and then he had a meeting with Mr. Lathan and Chief Lumpkin and violations gave prices but he was told they did not fine him because he was older, but he had three commercial fork lifts in the yard and two flatbed trucks and the courts said he had sixty days to clean it and that was March but nothing was done. Mayor White, Council Members Johnson, Wiseman and Holm absent. Acting Mayor Pro Tem Berry presiding.

Council Member Khan stated that this was an example where you were horrified to see what kind of people were in your neighborhood; and he visited the property and no one would want to live next door with all the junk being stored on a permanent basis; that Captain Dicker was working on this but the officers could only do so much and he would request of his colleagues as to whether there was something they needed to do to enhance the Neighborhood Protection ordinances so people would not have to live through such a frustrating nightmare; and he hoped soon the property would be cleaned. Mayor White, Council Members Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that Mr. Norris Davis with Neighborhood Protection was present and could speak with him and make sure he had follow-up as what he was going through was not acceptable; and Mr. Smolensky stated that the 80 year old lady who lived behind him finally had to sell her house and move because she could not take it any longer. Mayor White, Council Members Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Ms. Betty Harrison, 1418 W. Donovan, Houston, Texas 77091 (832-283-7688) appeared, presented information and stated that she came on behalf of residents of Ella Park Terrace and the pictures of the back of her home would show the elevations behind her which caused flooding every time it rained in her home and the stagnant water left; that they had dated letters since 1997 and asked all from the Permit, Planning and Public Waste Departments and Council Member Yarbrough when he was in office and Council Member Galloway when she was in office and now Council Member Johnson, how long was enough and what did they need to do to keep their houses from flooding; that the city paid to have dirt dumped in that area and they needed help. Mayor White, Council Members Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Johnson, Ms. Harrison stated that it was a landfill, but on the top they allowed dirt placed and the city Permit Department said no more than two truck loads of dirt should be allowed placement on any area without a permit and they saw no permit for dirt to be built up eight feet above homes; that the landfill had been closed ten years and they flooded every time it rained; and Council Member Johnson stated that he would get the Health Department to look at it as if there was runoff into her yard it could be hazardous and he would like to meet with her and Mr. Smith and see how they could get movement on it. Mayor White, Council Members Clutterbuck, Wiseman, Khan, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she would work with the Council Member, from the flooding and drainage position she noticed in the letter from Mr. Roland to Mr. Smith he said they could not do anything because it was not in the 100 year flood plain and she believed that had changed since then and they would see how they could assist her. Mayor White, Council Members Clutterbuck, Wiseman, Khan, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Brown, Ms. Harrison stated that Mr. Booker was operator of the landfill and what she could understand he was not even licensed to operate the landfill; that she believed he still owned the land and was delinquent in taxes and had a complete disregard for the community; and Council Member Brown stated that he would support Council Member Johnson getting facts and action needed to be taken. Mayor White, Council Members Clutterbuck, Wiseman, Khan, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Clutterbuck, Wiseman, Khan, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Ms. Ramanda Savant, 1417 Cleveland, Houston, Texas 77019 (281-620-6910) appeared and stated that she was from the New Fourth Place and present regarding restricted parking in her area; that her home was in the Victory Apartments Housing Project and when she backed out she had to hope she did not hit someone as she could not see; that an officer had her go speak with Sgt. Wilson as he realized she could not see at all and he also said it was in a bad position; that she thanked those who blocked the parking there but it was being fought by some saying the drive was not used when it was; and also the crime in the area was large and someone shot a rifle near her; that she printed off ten pages of crime from the apartments near her and both concerns were important to her. Mayor White, Council Members Clutterbuck, Wiseman, Khan, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Alvarado, Ms. Savant stated that the Victory Apartments were opposing her; that signs were put up for no parking and it really helped; and Council Member Alvarado stated that she would make sure someone in her office got with her and a townhall meeting would be set for November 30th to talk about crime and infrastructure issues. Mayor White, Council Members Clutterbuck, Wiseman, Khan, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Lawrence, Ms. Savant stated that the apartments address was 1520 Bailey. Mayor White, Council Members Clutterbuck, Wiseman, Khan, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Ms. Katherine Demers, 8461 Rayson Road, Houston, Texas 77080 (713-783-7687) appeared and stated that she was present as after a fire in her home the Fire Department contacted Neighborhood Protection and her home was evaluated in the dark and a decision made to level it and they proceeded to do so in the dark; that she did not think leveling her home helped with public safety as the mountains of debris appeared far more tempting to climb and explore and it all looked more inviting to take; that she would like to have been able to wear a hard hat a retrieve items which survived the fire and if leveling had not been done in the dark certain damage such as to the gas meter would not have happened and as the property owner she felt she should have been a part of the decision process concerning leveling of her home and that the decision to do so should have been done in daylight; and urged homeowners be included in such decisions. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that Mr. Norris Davis was present and wanted to speak with her and record her observations on her case. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that she was very sympathetic for her loss but the Fire Department operated by certain guide lines and they felt they operated under their guidelines, but if things needed to be changed they would look at those. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Moses Villalpando, 314 Lindale, Houston, Texas 77022 (281-236-1808) appeared and stated that he wanted to know the difference between the developer at Sunset Heights and what he did and what METRO was doing to them; that they voted for something in 2003 and METRO decided to change it and Council had agreed with them; that they did not vote on the North Corridor, that the ballot language stated that a rail would go through various communities in the near Northside and would travel down North Hardy, they voted for North Hardy and did not vote so that METRO could put it down North Main and Fulton; did they want rail tracks directly in front of their elementary school or a 25 foot bridge in front of their school or did the Council even care what quality of life those children would have after METRO destroyed their community, that most of them could care less because the rail was not going down their community, that he was sure if the rail was going down their community they would be opposing it, that many of them would seek office in the future and they as a community would not forget what they supported, that they did not vote for what they were getting and they would continue to fight it and not forget who stood on their side when they just wanted METRO to adhere to what they had voted for. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Ron Robles, 2324 N. Main, Houston, Texas 77009 (713-227-7608) appeared and stated that he supported all areas against rail and BRT; that he gave Council Member Berry his petitions but he never contacted him and now he had 166 stakeholders who signed on the North Main corridor, all businesses and 70% of the corridor and he wished Council would listen; and presented letters to Ms. Vasquez of Citizens Assistance; and Council Member Berry stated that he heard him, but it was not typical of his office to not respond and he remembered no letters. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Mariea Hernandez, 2124 N. Main, Houston, Texas 77009 (713-224-1145) appeared and stated that she had a business at 2124 North Main and the rail would cause her to lose everything; and she would appreciate any help. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Ms. Daphne Scarbrough, 2016 Richmond, Houston, Texas 77098 (713-523-8413) appeared and stated that she owned and operated the Brass Maiden on Richmond east of Shepherd and 91% of the stakeholders there were against the rail proposal; that the 2003 ballot said Westpark and not Richmond Avenue and they were asking Mayor White to stand by them and what they voted for. Mayor White, Council Members Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that he agreed with her but whether he did or not all of his colleagues respected citizens who got this involved and they did appreciate her stepping up

and speaking out. Mayor White, Council Members Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Khan stated that he remembered METRO put something on the ballot stating Westpark; and upon questions, Ms. Scarbrough stated that she survived over 70 meetings on this matter in the last year and a half and she did not feel METRO responded to them, they did what they wanted and they did not want to end up like Freedmen's Town with no historic buildings and only plaques standing; that Main Street was a disaster and when she went downtown there was no one there and it was difficult to find restaurants open. Mayor White, Council Members Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that they may disagree on a few things and he felt she was selling the city short on downtown, it was bustling. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Tim Linehan, 2219 Richmond, Houston, Texas 77098 (713-528-1527) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Ms. Wyn Bomar, 2224 Colquitt, Houston, Texas 77098 (713-521-3660) appeared and stated that she lived one block north of Richmond and east of Kirby; that she was saddened by all she heard today and never had less faith in her city; that they were asking her and her neighbors to sacrifice their homes and businesses for rail on Richmond with the implication they would take care of them and there must be a better solution than rail; that she thanked those Council Members who were still present, but she did not think any of them would support rail 18 inches from their front door and she was so disappointed it was difficult to express her feelings. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Ms. Sherri Zucker, 4323 Richmond, Houston, Texas 77027 (713-780-1337) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Ms. Kathy Heard, 1955 Richmond, Houston, Texas 77098 (713-522-5522) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Norm Spalding, 24 Lana Lane, Houston, Texas 77027 (713-516-1059) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Trevor Bello, 1411 Richmond, Houston, Texas 77006 (713-529-6155) appeared and stated that he owned his business on Richmond and was disappointed in what he had seen today, a total disregard for citizens who lived and worked on Richmond Avenue; that he did not care how many signatures they had the people who counted were those who lived and worked on the street, they were the ones who would feel the pain; that he wrote to Council Member Edwards and all those on the METRO Board and never received response; that the Mayor said he would look at his concerns and said he would not cram rail down the throats of an entire

community and in this instance 90% clearly stated they did not want rail and he would like him to publicly say to METRO it would not be accepted. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Dr. Nat Holland, 4311 Stanford, Houston, Texas 77006 (832-794-6577) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Eduardo Lopez, 1422 Richmond, Houston, Texas 77006 (713-502-7374) appeared and stated that he owned and operated a restaurant on Richmond and was concerned about the METRO rail; that basically he could see him in the same situation as Mr. Vella, filing bankruptcy, how long before they learned from past mistakes; that he had 134 employees and knew their families and he wanted to pay bills, raise his family and have quality of life and the rail was a big concern. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) appeared and stated that he was a member of the Northside Coalition and president of the Houston Property Rights Association and they opposed rail and felt buses were a better choice; that they heard from people who had and who were gathering petitions and this would not be the last time stakeholders stepped up asking Council to defend their interests; that if they would look at the history of rail they would see it destroyed businesses and lost rider ship and if transit and quality of life was their goal they needed to do homework and pay attention to those standing at the microphone. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Mario Umanzor, 1622 N. Main, Houston, Texas 77009 (713-227-6721) appeared and stated that he regretted Mayor White and Council Member Garcia were not present but this country was well known for its democracy and human rights and to his understanding all had equal rights and opportunities and he wished he knew the Mayor's understanding of democracy; that they kept saying this was what the community wanted, but they did not want the train or BRT, about 70% along the route did not want it, and they had a petition of about 3,000 signatures and they needed Council's support. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Acting Mayor Pro Tem Berry, Mr. Umanzor stated that his business on North Main was Papa Burger; and Acting Mayor Pro Tem Berry stated that he would tell all to not give up; that some were for it and some were not, but no one felt successful until they were and he saw groups say no one was listening and nothing would be done, but they kept fighting and were successful. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Mr. Umanzor stated that he was worried about during and after construction of the rail, after construction there would be restrictions and some would not be able to turn. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. J. W. Masseh, P. O. Box 742713, Houston, Texas 77274 (713-545-4777) had reserved time to speak but was not present when his name was called. Mayor White, Council

Members Lawrence, Johnson, Clutterbuck, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

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. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Trent Winters, 7960 W. Bellfort, Houston, Texas 77071 (832-882-7761) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that emergency protection was granted him by Council Member Gordan Quan during the Lee P. Brown administration and should be fulfilled; that he was being attacked by Star War weapons; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

At 4:24 p.m. City Council recessed until 9:00 a.m., Wednesday, November 15, 2006. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, November 15, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, November 15, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Addie Wiseman absent on city business.

Note: Council Member At Large Position 3 vacant.

At 8:33 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:20 a.m. Mayor White called the meeting to order and recognized Council Member Lawrence for a special Council presentation.

Council Member Lawrence stated that it was always a pleasure to make a presentation when they had a business in the City of Houston that really stepped up to public safety, that whether they were talking on working with the City on property or public safety for the firefighters Crescent had always been there and willing to work with the City, that she attending a ribbon cutting last week with HPD for their Tactic Force, that they had a facility that they could change the walls around and work and help the SWAT Team but when they came to firefighters they could not change the walls around in a high rise, in their training they did not train with a

high rise, so what they had was a company stepping forward and saying to use their buildings and practice, anything in the name of public safety, and presented Crescent Realty a proclamation and Mayor White proclaimed Wednesday, November 15, 2006 as Crescent Realty Day in Houston, Texas. Council Members Garcia, Alvarado, Lovell and Green absent.

Acting Mayor Pro Tem Berry recognized Mayor White for a special presentation and Mayor White stated that things were not going to be the same around the City Council after today, that one of his greatest sources of information about what was going on at City Hall was not going to be with him anymore, that Mr. Brent Fuller was moving on to greener pastures, that he was the most informed person at City Hall, and who was a medium to the citizens, and presented Mr. Fuller with a proclamation and proclaimed Wednesday, November 15, 2006 as Mr. Brent Fuller Day in Houston, Texas. Council Members Garcia and Green absent.

Members of Council commended Mr. Fuller and congratulated him on his new job and wished him well in the future. Council Members Garcia and Green absent.

MAYOR'S REPORT

Council Member Alvarado moved to suspend the rules to consider Item Numbers 40 and 24 out of order after the consent agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Holm, Garcia, Green and Berry absent. MOTION 2006-1029 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 37

MISCELLANEOUS - NUMBERS 4 through 8

4. RECOMMENDATION from Information Technology Department for funding for software licenses and software/hardware maintenance contracts for FY-2007 - \$273,145.00 - General Fund:
BMC SOFTWARE, INC
IBM CORPORATION
NEWERA SOFTWARE, INC
SOFTWARE ENGINEERING OF AMERICA
SUN MICROSYSTEMS, INC (Formerly STORAGETEK)

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia, Green and Berry absent. MOTION 2006-1030 ADOPTED.
6. RECOMMENDATION from Chief of Police for Injury on duty leave extension for Officer **DON D. MCHENRY** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia, Green and Berry absent. MOTION 2006-1031 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$1,258 per acre for properties connecting to the 12-inch water line located along South Sam Houston Pkwy. constructed by **GARC ENTERPRISES, LTD.** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia, Green and Berry absent. MOTION 2006-1032 ADOPTED.

8. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$5,645 per acre for properties connecting to the 30-inch sanitary sewer line located along Cottingham Street constructed by **GARC ENTERPRISES, LTD.** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia, Green and Berry absent. MOTION 2006-1033 ADOPTED.

ACCEPT WORK - NUMBER 11

11. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$287,281.00 and acceptance of work on contract with **RESICOM, INC** for Mangum Manor Park, WBS F-504C28-0028-4 - 04.47% over the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia, Green and Berry absent. MOTION 2006-1034 ADOPTED.

PROPERTY - NUMBER 12

12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Parker Stuckey, Rohe & Wright Builders, on behalf of RWH Home Builders, LP, [RWH Builders LLC (Chad Muir, Manager), General Partner], for abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement from Ector Street to Yorktown Street, located within Block 13, in the Lamar Terrace Subdivision, Parcel SY7-020 - **STAFF APPRAISERS - DISTRICT C - CLUTTERBUCK** - had been pulled from the Agenda by the Administration, and was not considered. Council Members Garcia, Green and Berry absent.

PURCHASING AND TABULATION OF BIDS - NUMBERS 14 through 20

14. **MEDIA VISIONS, INC** to Upgrade the Backstage Communication Systems in the Brown and Cullen Theaters for Convention & Entertainment Facilities Department - \$69,846.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. MOTION 2006-1035 ADOPTED.
- 14-1. **STAGELIGHT, INC** for Lighting Instrument Package for the Convention & Entertainment Facilities Department - \$279,300.00, minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC, for a net award amount not to exceed \$273,714.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. MOTION 2006-1036 ADOPTED.
15. **HEWLETT-PACKARD** for Hewlett-Packard Computer Hardware through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Finance & Administration Department - \$134,977.16 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. MOTION 2006-1037 ADOPTED.

16. **MARTIN APPARATUS, INC** for Automotive, Pierce Fire Truck Replacement Parts and Repair Service for Fire Department - \$225,000.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. MOTION 2006-1038 ADOPTED.
17. **TOMMIE VAUGHN MOTORS, INC** for Ford Integrated Diagnostic Systems for Police Department \$43,155.40 - Police Special Services Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. MOTION 2006-1039 ADOPTED.
18. **WAUKESHA-PEARCE INDUSTRIES, INC** for Generator System through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Police Department - \$193,096.65 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. MOTION 2006-1040 ADOPTED.
19. **XEROX CORPORATION** for spending authority to Lease High-Speed Document Printers and Associated Accessories from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Houston Police Department - 3 Years - \$696,132.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. MOTION 2006-1041 ADOPTED.
20. **CONSOLIDATED ELECTRICAL DISTRIBUTORS ASTRO** - \$670,913.70 and **VOSS LIGHTING** - \$95,297.90 for Electrical Lighting for Various Departments - General and Enterprise Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. MOTION 2006-1042 ADOPTED.

ORDINANCES - NUMBERS 21 through 37

21. ORDINANCE tabulating the votes cast and canvassing the returns of the City of Houston Elections held on November 7, 2006, for the purpose of submitting to the qualified voters of the City of Houston, Texas, six propositions for the issuance of Public Improvement Bonds for various purposes, a proposition amending the City Charter by making certain changes applicable to City Revenues, and a proposition relating to revenues for Public Safety; containing various findings and other provisions related to the subject; declaring the official results of the elections – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Garcia and Green absent.
23. ORDINANCE relating to the fiscal affairs of the Greater Greenspoint Redevelopment Authority on behalf of Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone); approving the Fiscal Year 2007 Operating Budget for the Authority - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. ORDINANCE 2006-1146 ADOPTED.

26. ORDINANCE approving and authorizing first amendment to contract for Seasonal Interior Design Services for the Houston Airport System between the City of Houston and **ALWAYS IN SEASON DECORATING SERVICES, INC** (approved by Ordinance No. 2003-1079) - 2 Years - \$103,600.00 Enterprise Fund - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. ORDINANCE 2006-1147 ADOPTED.
27. ORDINANCE approving and authorizing Communication Equipment License between the City of Houston and **SPRINTCOM, INC** at the Terminal A Garage at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. ORDINANCE 2006-1148 ADOPTED.
28. ORDINANCE approving and authorizing Communication Equipment License between the City of Houston and **SPRINTCOM, INC** at the Terminal D Garage at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. ORDINANCE 2006-1149 ADOPTED.
29. ORDINANCE appropriating \$2,000,000.00 out of Airports Improvement Fund and approving and authorizing Professional Services Contract with **CARTER & BURGESS, INC** for Airport Spatial Information System Development Services for the Houston Airport System (WBS# A-000417-0002-3-01) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. ORDINANCE 2006-1150 ADOPTED.
30. ORDINANCE appropriating \$3,903,335.00 out of Airports Improvement Fund and \$8,422,023.00 from Federal Aviation Administration Grant Funds and awarding construction contract to **SPAWGLASS CIVIL CONSTRUCTION, INC**; for Construction of Taxiway “H” Pavement Rehabilitation at Ellington Field (Project 614); providing funding for engineering testing services, and for contingencies relating to construction of facilities financed by such funds - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. ORDINANCE 2006-1151 ADOPTED.
31. Omitted
33. ORDINANCE awarding contract to **SOUTH COAST HYDRAULICS** for Hydraulic Vehicle Lift Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$953,744.00 - General and Fleet Management Funds – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. ORDINANCE 2006-1152 ADOPTED.
34. ORDINANCE appropriating \$317,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC, (BSCI)**, for Construction Management and Inspection Services Associated with the Improvement of Disinfecting Facilities at Sims Bayou and Bellaire Braes Pump Stations, (WBS No. S-000533-0004-4) - **DISTRICTS D - EDWARDS and F – KHAN** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Garcia and Green absent.

35. ORDINANCE approving and authorizing first amendment to construction contract between the City of Houston and **FOUR SEASONS DEVELOPMENT CO., INC** for Construction of Diez Park renovations (passed by Ordinance No. 05-912) (WBS F-504C26-0001-4) - \$38,448.00 - CDBG Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. ORDINANCE 2006-1153 ADOPTED.
36. ORDINANCE No. 2006-1135, passed first reading November 8, 2006
ORDINANCE granting to **EZ WASTE, a Texas sole proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. ORDINANCE 2006-1135 PASSED SECOND READING IN FULL.
37. ORDINANCE No. 2006-1119, passed first reading November 8, 2006
ORDINANCE granting to **SPRINT WASTE SERVICES, LP a Texas limited partnership**, 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. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. ORDINANCE 2006-1119 PASSED SECOND READING IN FULL.
40. CONCURRENT Ordinance creating a Freight Rail District pursuant to Chapter 171, Texas Transportation Code – **(This was Item 11 on Agenda of November 8, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Garcia and Green absent. ORDINANCE 2006-1154 ADOPTED.

Council Member Edwards stated that one of the concerns or issues that had been brought to her by constituents was how could constituents have input and or access to the district, that she thought it was a good thing and they needed to do it but they just needed to make sure that they were very clear, that were afraid that like the Toll Authority they just did what they wanted to do and did not have to report to anybody and wanted to know what the access and input citizens had. Council Member Green absent.

Mayor White stated that the intention was to create an entity that had public notice and hearings under the Open Meetings Act requirements, that currently those decisions were made in large part in the board room of one corporation in Omaha, Nebraska and it was their intention for informal meetings, ad hoc, between people like himself and people in the County and TxDOT, that their one great advantage was that there would be an open public forum where the press would be available and subject to the Open Meetings Act requests and they would strive to make it as open and transparent as possible and if they were able to pull of the governance structure with no source of funding specified and all that then Members of Council would be a very important resource in determining who would sit on that board. Council Member Green absent.

Council Member Edwards stated that it would be helpful in people understanding that this was not another makeshift type of issue. Council Member Green absent.

Council Member Garcia stated that as he had mentioned in the public hearing in his district and knew that in other colleagues districts, these were neighborhoods who had long, well documented

history, of the issues affecting those neighborhoods in relation to rail coming through their neighborhoods, that Manchester, Lindale, Second Ward and Denver Harbor as others, that during the public hearing his comment was that he supported, obviously, the thought process into getting them to a better place than they were today but his support on the issue was based on the priority that his neighborhoods would get in relation to the broader picture of freight throughout their region, so if they could make sure, either in some strategic plan of some sort or concept of how neighborhoods would be prioritized in relation to the broader picture. Council Member Green absent.

Mayor White stated that there were extensive studies and analysis that had been done with specific locations of areas of congestion which may reduce trains blocking the streets and other things that may be available from Maureen Crocker and others, and Council Member Garcia asked if he could have specific details as to the neighborhoods in his district, how they were identified in those studies. Council Member Green absent.

Council Member Brown stated that he supported the item and one freight line that he thought was particularly onerous for their mobility was the one that went through Memorial Park and crossed San Felipe, Westheimer and Richmond and cut in half a lot of important business areas and neighborhoods, etc., that engineers had suggested to him that there might be a possibility of sinking that freight line, as they were in the Alameda Corridor in Los Angeles, etc., and the idea that there could be a canal associated with it that would help relieve a lot of flood problems related to Buffalo Bayou and Brays Bayou canal, that he thought he would throw that onto the table because there were a lot of issues that were not just freight trains that came into play and hoped that would be taken into account, that this was an opportunity for Houston in the future. Council Member Green absent.

Mayor White stated that was one of the things that at least two of the studies done in the last four years had looked at and considered and thought about and he appreciated Council Member Brown bringing that to his attention. Council Member Green absent.

24. ORDINANCE approving and authorizing contract between the City and **JOHNSON AND JOHNSON**, a partnership, to represent the City before the 80th Texas Legislature and State Agencies; providing a maximum contract amount - 2 Years - \$690,000.00 - General Fund – was presented. Council Member Green

Council Member Holm asked if the contract with Johnson and Johnson include any other expenses they would do for other lobbyist and support help in addition to Johnson and Johnson, and Mayor White stated that it would be a general contract covering the subcontractors as well.

Council Member Garcia stated that he wanted to applaud Mayor White for the diversity that he included on the team. Council Member Green absent.

A vote was called on Item No. 24. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Green absent. ORDINANCE 2006-01155 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. CONFIRMATION of the appointment of the following to the Board of Directors for **HOUSTON BUSINESS DEVELOPMENT, INC** for three year terms:

MR. LARRY HAWKINS, to serve as Chair
Position 2 - **MR. DICARLOS DAVIS**
Position 4 - **MR. HAROLD W. PRICE**
Position 6 - **MRS. NORMA VELÁZQUEZ HARRIS**
Position 8 - **MR. RAMON MANNING**
Position 10 - **MR. HAROON R. SHAIKH**
Position 12 - **MS. SUDARSHANA (MONA) PARIKH**

- was presented, moved by Council Member Khan, seconded by Council Member Berry. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Member Green absent. MOTION 2006-1043 ADOPTED.

Mayor White and Members of Council congratulated the newly appointed Board of Directors for Houston Business Development, Inc. and asked that they stand and be recognized.

2. REQUEST from Mayor for confirmation of the appointment of the following to the **HOUSTON BUSINESS DEVELOPMENT INC., BOARD OF DIRECTORS**, for unexpired terms ending August 25, 2007:

Position Five - **MR. JOSE P. MADRIGAL**
Position Nine - **MR. DON E. WOOD**

- was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Wiseman absent on city business. MOTION 2006-1044 ADOPTED.

Mayor White and Members of Council congratulated the newly appointed Board of Directors for Houston Business Development, Inc. and asked that they stand and be recognized.

3. RECOMMENDATION for approval of City of Houston Legislative Principles for the 80th Session of the Texas Legislature - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. MOTION 2006-1045 ADOPTED.

5. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreements between **HARRIS COUNTY** and fifty-five (55) different Civic Organizations for law enforcement services of Constables from Precincts 1, 4, 5, 7 as well as Harris County Sheriff Deputies - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Clutterbuck stated that she supported the item, that she knew that many of her colleagues shared the concern and expressed the concerns that they had from their constituents who had contract constable patrol service to supplement Houston Police Department Service and the concern in the community was several fold, first of all, a lot of the civic associations or property owner associations had mandatory dues and they were seeing their dues increase year after year and the vast majority of the dues went to the constable patrol service and the concern was that they were diverting the responsibility for neighborhood patrol and neighborhood policing to the civic clubs who then contracted out with constable deputies and she knew that with their commitment to add a record number of police classes this year their commitment to authorize significant amount of money for police overtime that the Mayor and the Council Members were committed to improving the police service, but it was a concern that was very prevalent in the civic clubs and in the communities and she thought that it was something that they needed to continually monitor and be aware of and encourage their Police Department to not neglect neighborhood policing efforts.

Mayor White stated that if a Council Member got this from any other citizen as a categorical statement that he could make and was sure that Chief Hurtt would accommodate, they do not reduce police presence in some area because they had a contract deputy program and he wanted to assure the citizens that was the case and they relied heavily on the management districts and the citizens to determine the productivity of those programs, they did not measure the productivity of those programs either, but he wanted to assure the citizens that was not the case and if there were any further assurances that they needed he understood Council Member Clutterbuck's point and wanted to make sure that they all communicated clearly and affectively about that.

A vote was called on Item No. 5. All voting aye. Nays none. Council Member Wiseman absent on city business. MOTION 2006-1046 ADOPTED.

ACCEPT WORK

9. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$11,263,064.20 and acceptance of work on contract with **TURNER CONSTRUCTION COMPANY** for Continental Airlines New Cargo Facility at George Bush Intercontinental Airport/Houston, Project 611, WBS A-000491-0002-4-01 - 02.54% over the original contract amount - **DISTRICT B – JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. MOTION 2006-1047 ADOPTED.
10. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,778,903.33 and acceptance of work on contract with **QUALIFIED CONSTRUCTION, INC** for Park Enhancement to Root Memorial Square, GFS B-0072-01-3 04.95% over the original contract - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. MOTION 2006-1048 ADOPTED.

PROPERTY

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Paul Schielack of B & R Distributing Company, for abandonment and sale of ±2,610-square-foot excess fee-owned street right-of-way from Knoblock Street to Delafield Street, located at 5400 Gulf Freeway, in the Edmondson Fourth Addition, Parcel SY7-021 - **INDEPENDENT APPRAISERS - DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. MOTION 2006-1049 ADOPTED.

ORDINANCES

22. ORDINANCE relating to the fiscal affairs of the Memorial Heights Redevelopment Authority on behalf of Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone); approving the Fiscal Year 2007 Operating Budget for the Authority - **DISTRICT H – GARCIA** - was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. ORDINANCE 2006-01156 ADOPTED.
25. ORDINANCE approving and authorizing amended and restated operating agreement between the City and the **WORTHAM CENTER OPERATING COMPANY** for Backstage and other services at Wortham Theater Center; providing a maximum contract amount - 7 Years with 3 one-year options - \$235,000.00 - Enterprise Fund - **DISTRICT I - ALVARADO** - was presented.

All voting aye. Nays none. Council Member Wiseman absent on city business. ORDINANCE 2006-01157 ADOPTED.

32. ORDINANCE approving and authorizing contract between the City of Houston and **NICKENS KEETON LAWLESS FARRELL & FLACK LLP** for Legal Services in connection with the Collection of Hotel Occupancy Taxes from Internet-based Hotel Room Resellers – was presented, and tagged by Council Member Holm.

Council Member Holm stated that she wanted some questions answered, one, she understood it was a contingent fee but there were still some expenses and there still would be a cost to the citizens and she wanted them to explore exactly what they thought could be gained and what was that based on, and she also wanted to know in their pursuit going forward what the record was in other cities, for the success of it and how other cities had approached it and why they felt adamant at this point because it would be an expenditure, and Mayor White stated that they would get that for her.

NON CONSENT AGENDA - NUMBER 38

MISCELLANEOUS

38. RECEIVE nominations for appointment to Position 7 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for an unexpired term ending December 31, 2007 - DISTRICT C – CLUTTERBUCK- was presented.

Council Member Holm stated that she had circulated the resume of Ms. Michele Bower Alvarado for Position 7 of the Board of Directors of Reinvestment Zone Number One (St. George Place), City of Houston, Texas.

Council Member Garcia moved to close nominations for Position 7 of the Board of Directors of Reinvestment Zone Number One (St. George Place), seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on city business. MOTION 2006-1050 ADOPTED.

MATTERS HELD - NUMBER 39

39. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Convention & Entertainment Facilities Department for approval of supplemental budget submitted by the **HOUSTON ARTS ALLIANCE (formerly the CULTURAL ARTS COUNCIL OF HOUSTON/HARRIS COUNTY and referred to as CACHH) - \$1,340,057.00 Enterprise Fund – (This was Item 3 on Agenda of November 8, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and KHAN)** – was presented.

Council Member Garcia stated that he guessed because of the issue of the HOT tax they had always approved the Convention and Visitors Bureau Budget along with this one jointly and asked when did they anticipate seeing the C&V budget come forward and Mayor White stated that he had no idea, and Council Member Garcia asked if there was any work being done on moving that forward, and Mayor White stated that they would find out, but he wanted to say they were not going to do Enron type corporate governance in this City, they would have to replace the Mayor before that happened.

A vote was called on Item No. 39. All voting aye. Nays none. Council Member Wiseman absent on city business. MOTION 2006-1051 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Holm stated that Ms. Debra Cannon, President of the Houston Zoo, was present and asked that she come forward to the podium, that at the Houston Zoo they had a new baby and this morning at 10:00 a.m. he would officially be named, that he was the largest elephant baby born in captivity, that officially his name was going to be "Mac" and Council Member Holm invited Ms. Cannon to speak on the elephant.

Ms. Cannon stated that there were only four successful elephant births last year in U.S. zoos so this was actually a very big occasion and it came after a lot of work by their staff, that they wanted all of them to come out and experience him just like they wanted all citizens of Houston to come out and experience because he was very special.

Members of Council congratulated Ms. Cannon and the Houston Zoo on the birth of the baby elephant Mac and commended the zoo for doing a wonderful job.

Council Member Alvarado stated that she wanted to remind her colleagues that they had a Ethics Committee Meeting on November 16, 2006 at 10:30 a.m., that they would be discussing the story they read about in the Chronicle, the campaign report electronic filing and it was pretty important and their input was welcome and she wanted to make sure that they tried to build as much consensus in what they brought forward to Council. Council Members Holm and Lovell absent.

Council Member Alvarado stated that she wanted to congratulate Ms. Pam Gardner, President of the Houston Astros, that she was being inducted into the Texas Baseball Hall of Fame, that she was Major League Baseball's highest ranking female executive and she thought that said a lot about Drayton McLain and the leadership and example that he sets. Council Members Holm and Lovell absent.

Council Member Khan stated that yesterday they had their Alief Business Breakfast meeting and there were a lot of concerns that the small business community shared about the crime situation which was going on, that Captain Bruce Williams was present and gave a very effective presentation and gave a lot of statistics, that he always thought that there had to be a cooperative effort, a lot of taxes were paid to the County by the citizens of Houston and there had to be a lot more cooperation with the County law enforcement agencies in that regard and he hoped that in the new legislative session that there was some action taken at the State level to help the City of Houston and also at the federal level that he hoped that they would work with their Congressional delegation to get more resources for law enforcement in this area, that on December 13, 2006, from 1:00 p.m. to 5:00 p.m., he and Chief Hurtt, and hopefully Council Member Garcia would join them as well and they would be taking a tour of southwest Houston and stopping at various business locations to share with them what was going on and listen to their concerns. Council Members Holm and Lovell absent.

Council Member Khan stated that yesterday they had a dedication ceremony of a SPARK Park at Smith Elementary in District F, that the park was designed by the Art teacher of that school, Ms. Hajra Rahman, that he wanted to congratulate Ms. Rahman, who did a wonderful job, and all of the students of Smith Elementary. Council Members Holm and Lovell absent.

Mayor White stated that a number of them appear at a number of civic clubs and were asked questions like the meeting Council Member Khan had at Alief and he wanted to share something with them that he thought was going to be in a press release, it bared on a topic that Council Member Khan raised today because the statistics were becoming official today, that it

had to do with crime, that murder had been a problem for most of the big cities of the Nation, it was related to narcotics and gangs, they were nationwide phenomenon, they all knew what had happened in Afghanistan over the last several years with the sheer amount of heroin production that had gone up and was being exported throughout the world, that much of the news on their battle on crime had been good over the last several months but homicide had been one of those tragedies that was the rarest of crime but one where the trends had not been good, that in October they had the lowest number of homicide that they had for five or six Octobers, that one month did not make a trend but it was a significant milestone that on this one number they had seen significant progress, they had seen it on robberies, aggravated assault, rape, burglary, auto theft, every category either from the beginning of the administration or in recent months, when their almost 600 extra officers created by overtime, the effects had really taken lose, they had caught some of the folks who were accused of homicide, sometimes many homicides associated with the same suspect or same individual arrested and at least during the last month they saw one of the lowest homicides months in years and the lowest October since at least 2000, that he just wanted to share that with his colleagues. Council Member Holm absent.

Council Member Khan stated that he had forgotten to mention a couple of things on the SPARK Park at Smith Elementary, the student body with all of their different functions raised \$50,000 for their SPARK Park and the Housing Department came up with a \$60,000 grant for the park. Council Member Johnson absent.

Council Member Green stated that the next Budget and Fiscal Affairs Committee meeting would take place on Tuesday, December 5, 2006 at 10:00 a.m. in the Council Chamber. Council Member Johnson absent.

Council Member Green stated that today one of the Mayor's big initiatives was the "Go Green" recycling rally from 11:30 a.m. to 1:00 p.m. at the Hermann Square at City Hall. Council Member Johnson absent.

Council Member Brown stated that he was wearing green because he supported the Mayor's recycling program, that it was "Go Green Houston" and thought that all Houstonians who cared about the environment and efficient City government needed to get more involved in their recycling program. Council Member Johnson and Green absent.

Council Member Brown stated that he wanted to praise Ms. Judy Johnson and others responsible for the financial format for the TIRZs, that it was standardized and very easy to read, that he thought it was great progress and accountability in their City. Council Members Johnson, Khan and Green absent.

Council Member Brown stated that he had made a point of driving around and looking at what was happening in their vast City, that he was trying to talk about an opportunity they had to think about the future, what were their neighborhoods and City going to be in 20 years, that he saw the governing body as the agent for the owners and the owners were the taxpayers of the City of Houston, that the issue for them was their minimal development regulations, when the Planning Commission had to hold it's nose to approve a clearly unwanted and inappropriate development like the Sunset Heights Condos something was really wrong, that he would not blame the developers they build what the code allows, they crowd the land with the highest possible density and he would also observe that in a minimum regulated City like Houston land costs were escalated by the absence of controls thereby encourage even more over crowding, that it was really not the way to build a modern city, that he was going to hand out some materials on Cottage Grove, that it was really a good example and he and Council Member Garcia had a meeting on Saturday with the major developers in Cottage Grove to say it was not really going in the right direction and ask what do they do and try to get them to be part of the

solution, that in Cottage Grove they had over crowding of lots and paving over of open ditches, that they had drainage pipes to go no where, that the City requires them to be put in and he was sure it happened in other places in the City, the drainage pipes to no where, that it was something that they should really be concerned about because it aggravated the propensity to flood in their neighborhoods, that neighborhoods wanted protection and he thought it was their charge to really address that issue with deliberate speed, that he was hoping to have a conversation with CenterPoint Energy that awful snarl of utility poles, transformers and wires that was really a blight on their neighborhoods and he thought they could do something about it and he would urge all of them to ask the question, what kind of City did they want in 20 years because the one they were going to get was the one they were making decisions about today, that it was going to take a new level of thinking to really make it a great City in 20 years, that he believed that they could match the type and intensity of development with the capacity of their streets and infrastructure to serve that development, that was an authority they had, in his view, with their police powers, they were not talking about zoning they were talking about the ability of the City to serve the neighborhoods they were allowing to be developed, that it was a crucial issue for them but he thought they could deal with it and they could all come out ahead where it was a win win situation for neighbors, historic preservationists, for developers, for builders and for everybody and they would have a much better city for it, that he urged the process, that he knew Council Member Lawrence was going to have a discussion about it on Monday and why not expect even their new neighborhoods to be places of authentic character rather than just cookie cutter subdivisions, that he thought it was serious issue that they needed to work on. Council Members Johnson, Khan, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that he wanted to thank Susan Christian in the Mayor's office, they had a wonderful Veterans Day Parade on Saturday and thought the veterans were very proud, that it was a great day to be in Houston. Council Members Johnson, Khan, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she also wanted to add her thanks to Susan Christian and to Council Member Berry for publicizing it and for getting the involvement of 950 KPRC, it was really an outstanding day. Council Members Khan, Garcia, Alvarado, Lovell and Green absent.

Council Member Clutterbuck stated that the rally yesterday for the Houston Dynamo was really amazing, that she wanted to thank the Dynamo players and their wife's and staff because they were truly representative of all the Houston is, a very diverse group and humble and working very hard, that they were very proud of the Dynamo and looked forward to many more games. Council Members Khan, Garcia, Alvarado and Green absent.

Council Member Clutterbuck stated that she wanted to talk briefly about two items of concern to her and her constituents, the first was Metro and in making sure they took the lessons of Mr. Vela and other constituents who had undergone and experienced construction around their places of business, whether it was street reconstruction or the implementation of a new rail line and to make sure that Metro had a specific set of guidelines for dealing with businesses and homeowners and preventing the kind of devastation that Mr. Vela experienced, that she did not know if that would have happened to his business whether they came in or not but certainly the City government should not be in the business of contributing in any way to the demise of a business, that she was calling on Metro to set forth a specific set of guidelines about the length of time they anticipated being in front of any particular parcel and about guaranteeing access to the parcel with adequate signage and also designating a specific case worker, for lack of a better word, that could be assigned to each of the businesses and homeowners along whatever route they ended up picking so that there could be continual

communication, that she in her office and she knew other Council Members planned to facilitate that on an individual level in their particular districts but it was her hope that Metro would step up to the plate and help them as well, and if there was a formula that they could devise for business insurance or work stoppage insurance or payments that could be applied equitably and objectively and fairly she was eager to participate in that as well. Council Members Khan, Garcia, Alvarado and Green absent.

Council Member Clutterbuck stated that they were very concerned about the interpretation of the minimum lot size requirements and the loophole for condominiums, that certainly when the City Council passed that ordinance it was anticipated and it was the intent of the City Council that condominiums would be included in that and to see the publication or the flyer that one of the constituents brought up that showed an example from the builder of the property saying townhouses for sale and then when they found the loophole changing out the word townhouses for condos certainly it was an effort to circumvent the intent of the law and she did not know what the answer was for them other than a quick and expeditious amendment of the ordinance to deal with it, but certainly for the residents of Sunset Heights who had been to Council, following the rules and trying to comply with the intent of the ordinance and trying to preserve and protect their neighborhood they needed to step up and do what they could to help them and she would like to hear Mayor White's thoughts on that. Council Members Khan, Garcia and Green absent.

Mayor White stated that it made him furious, that it should not depend on what the label was, maybe somebody could agree or disagree with lot size and density but it should not depend on whether it was called a condo or townhome, that he knew what they were doing, he knew what the sort of so called legal extension, that the City Attorney's had gone over it and nobody was infallible, they all made mistakes, but either somebody did the draft all wrong or they were interpreting it wrong and that was it, those were the only two alternatives, that he did not know if it involved also some of the State statutory stuff saying it made a difference between whether it was a condo or townhouse, nor did he believe under the zoning provision of the Charter, dealing with general zoning and court interpretations of that did it depend on whether the ownership structure of the build rights and the underground rights, he did not see how that affected it, that he asked for a review of it and wanted to understand exactly whether they drafted something wrong or whether they interpreted it wrong and which of those mistakes was made and by whom by name, or if it was that some court had interpreted the City Charter contrary to it's plain words then to encompass saying whether something was zoning or not depending on the categorization of the fee simple title ownership to the real estate underline a structure which could be regulated or permitted, if that was really what a court had said the City Charter said then if somebody could show him that; that her suggestions on Metro were superb, especially on a case worker, and he would ask Jenny Bailey to take a look for them and maybe Ms. Stein could help them make sure they got some analysis, that he thought it was worth maybe using their collaborative with Rice what other governmental entities had done, starting with Texas, but with other states or other jurisdictions, including TxDOT and local government entities, on business interruption, that obviously they would cannibalize the Capital budget if they paid people for business interruption but they would take a look at what other local governments had done, he had never been as affected by a speaker at Council as he was by Mr. Vela yesterday in terms of waking up in the middle of the night, along with people in the development where they had brown water, which he did not realize they had places in the City and they cured that pretty quick, that he wanted to thank Council Member Garcia for being a fighter on this and others for doing that. Council Members Khan and Green absent.

Item received during meeting.

21. ORDINANCE tabulating the votes cast and canvassing the returns of the City of Houston Elections held on November 7, 2006, for the purpose of submitting to the qualified voters of the City of Houston, Texas, six propositions for the issuance of Public Improvement Bonds for various purposes, a proposition amending the City Charter by making certain changes applicable to City Revenues, and a proposition relating to revenues for Public Safety; containing various findings and other provisions related to the subject; declaring the official results of the elections – was presented. All voting aye. Nays none. Council Member Wiseman absent on city business. Council Members Khan and Green absent. ORDINANCE 2006-1158 ADOPTED.

Council Member Johnson stated that he wanted to thank Mayor White for making mention and bring some light to the situation that was taking place in the Acres Homes area with some of the aggravated assaults, rapes and murders that had been out there, that since this time, Mayor White was right, those numbers had declined and certainly they had the lowest number of activity in that area since that but he thought there were a few factors that took place because of that and because of the Mayor's leadership and administration but certainly because of Chief King and Chief Hurtt doing a fabulous job of keeping them well informed and continually keeping the information out there, they actually had a press conference yesterday in which they were talking about new developments that took place, unfortunately there might now be a couple of other people out there that might have been identified, but they had identified all of the bodies and now they understood what they were working with so he appreciated the fact that they were doing that and he thought the most important aspect to why the criminal activity had shut down for the most part was because of the community activity, the community had been actively involved, the Super Neighborhood Council, through Dr. Queen Martin, the president, had done a fabulous job going door to door, store to store, keeping the information out there, no criminal likes to work under a watchful eye and he thought that was certainly what had taken place and thought it was something from a community standpoint for all communities to learn from was that when they became actively involved they cut down on the crime that was taking place, they could not just leave it to the Police Department to do the work but they certainly needed to get out there and work in concert with them, so again he wanted to thank the community for being active and keeping their eye out and making sure they were being diligent in their calls, if they saw activity to call in, if they saw someone doing something to call in, that way they were able to get those calls to service and those calls to service meant more police support, and then when they looked at how do they cut down on some of the impediments, those weeded lots, they talked about the sweat equity program and they were working diligently on that and he was going to be meeting with Mr. Calvin Wells and Chief Lumpkin in the near future and they were going to work the Super Neighborhood Council to cut down a lot of those weeded lots and then they needed to start looking at how to deal with some of the slum lords that allow that type of behavior to take place, the drugs, the prostitution and the poor development of the poor housing they had which led to poor quality of life for their neighborhoods so they needed to definitely work to hold those types of owners accountable for the types of rental properties they had, there was a story done last night on Channel 26 in which they talked about those owners saying their houses were the code, but it did not deal with the fact they were renting their house to a known drug dealer and there had been many calls for service that had said that they were dealing drugs out of there and the land owner said he gives them his house, collects the rent and that was all he was being held to, that he thought from a City standpoint they needed to really send those kind of people a message, that every business in the City they regulate except those landlords who use it as a business and he thought they needed to regulate that and certainly he wanted to talk to Council Member Lawrence and see how they might be able to bring it to committee to see how they might be able to put some things in place, they did for the apartments and certainly they now needed to look at some of these landlords who had the rental properties, the shotgun homes that they were called and they were poor quality and they allowed any and everybody to go in and out of them and they just collected the rent and did not

care what went on inside of them so he thought they needed to do a better job of that. Council Members Clutter, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to congratulate the Dynamos, it was great to have another champion in the City and the Dynamos did a great job, that they had become a part of the community real fast and done a lot of work coming into the community and wanting to bring soccer into the streets and the inner city. Council Members Clutter, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to talk about the MDI site in his district, that it was a 36 acre tract of land that they just signed the agreement in which they were going to get the toxic waste site that had been a deterrent for development in their community for a number of years and they were now going to get the site developed, that he wanted to congratulate Mr. Frank Liu, who was going to be the developer and had done a fantastic job and was going to involve the community. Council Members Clutter, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that this weekend they were going to have a Healthy Schools and Healthy Communities which was going to be hosted by the Super Neighborhood Council 47, 48, 49 and 50, it was going to take place at Shadydale Elementary at 10:00 a.m., they had invited a lot of leaders to come out and talk about some of the things that were taking place in the northeast area, in particular the North Forest Independent School District. Council Members Clutter, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he had a youth task force just for District B and they could contact Ms. Ashley Taylor in his office who was a senior at Smiley High School and was the coordinator for the task force, at 713-247-2009, it was a way to keep young people engaged and involved in community issues. Council Members Clutter, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that this weekend would be the UNCF Gala and this year they had eclipsed the all time high for fund raising efforts and they wanted to congratulate them and he thought it was certainly because of the great works of Terrance and Diedra Fontaine, who had done a great job in raising this money, that it would be this weekend at 7:00 p.m. at the George R. Brown Convention Center. Council Members Clutter, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to talk a little about Metro also, that in her meetings with Metro they had a sort of business development component of which she knew they had been going out and speaking to the business owners and letting them know that if they felt their business was going to be hurt when they start building that they were there to work with them, that where she lived there was no West Park it dead ended when they came from the west into Kirby, so in her neighborhood it had always been Richmond and they had been preparing for it, there was no option of West Park, and she really wanted to compliment her neighbors who were present at Council yesterday because they had been very busy collecting signatures and petitions of support, but more importantly they had been going out every Tuesday and designating two restaurants along Richmond and asking neighbors to come and eat there and let those businesses know that when the construction was going on that they in the neighborhood, instead of eating there maybe once or twice a week, would eat there three or four times, and most small businesses were supported by the surrounding neighborhoods, it was not usually people driving across town, so she thought it was very important, that it was heartbreaking to hear the gentleman from Lyons Avenue, but maybe they could take what they had done in their neighborhood as an example of what an organized way of helping businesses

that were under construction and she really wanted to applaud her neighbors for doing that because it had been successful in a lot of those restaurants, at least it had eased some of their fears that they were not going to have any business. Council Members Khan, Holm, Garcia, Green and Berry absent.

Council Member Lovell stated that Mr. Jose Soto, who had been a wonderful Chief of Staff for her first year at Council was leaving her office to go to the Real Estate Department and work with Mr. Christy, that she was very sad to lose him because he had been wonderful and had made her first year at Council very enjoyable and successful, that she wanted to wish him the very best. Council Members Khan, Holm, Garcia, Green and Berry absent.

Council Member Lovell stated that Ms. Estelle Stewart would be moving up to be the Chief of Staff, which she was very pleased about and Ms. Aisha Savoy, who had been in her office as an intern would become her scheduler, that she also wanted to welcome to her staff Ms. Jennifer Camaro, that her mother with her two daughters fled New Orleans on the Sunday before Katrina hit and came to Houston and had been looking for jobs for a year and she met them at the HCC training class and they asked for all the resumes from that class and passed them around and Jennifer's experience really stood out and she was happy that Jennifer joined their staff to do constituent work for them. Council Members Khan, Holm, Garcia, Green and Berry absent.

Council Member Lovell stated that she wanted to wish everybody a Happy Thanksgiving. Council Members Khan, Holm, Garcia, Green and Berry absent.

Council Member Edwards stated that she wanted to extend a birthday salute to Mr. Deloyd Parker, that he became 59 years old and of those 59 years he had worked 37 years at Shape Community Center as it's leader and guide and facilitator of a lot of good things. Council Members Khan, Holm, Garcia, Green and Berry absent.

Council Member Edwards stated that at the Go Green Rally the music would be provided by the High Steppers from Worthing High School in District D, that they were the best high school band in the City. Council Members Khan, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate the Housing and Community Development Department, Mr. Wilson, yesterday they recommended for Council approval 30 houses to be rebuild in Tier 3 for their seniors, that it had been an item that had been lingering and Mr. Wilson and his staff had finally gotten it all set up. Council Members Khan, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that he wanted to say congratulations to Pastor Rudy Rasmus, in addition to the awesome work they did at Saint Johns United Methodist Church everyday, they did a lot of meals a day, that he had put together in partnership with Spirit Rising Music, Beyonce Knowls music group, Music World, a book called "Touch" and a CD and DVD, that it was an awesome testimony to the spirit of humans who wanted to build a better world, that she thought it would be a great gift for anybody. Council Members Khan, Holm, Garcia, Green and Berry absent.

Council Member Edwards stated that she was at Palmer Episcopal Church yesterday in the Medical Center, it was a historic building, that she used to go eat lunch there and then they discontinued it when they had a flood and she went back over there and they had some awesome programs, they had a school that they worked with young people who were going through recovery called Archway and it was an awesome school, they had currently 30 students

enrolled, they also worked and dealt with people who were homeless or needed help, so to the staff, Deacon Bolden and the staff members of Palmer Episcopal Church she wanted to thank them for their work. Council Members Khan, Holm, Garcia, Green and Berry absent.

Council Member Lawrence stated that she wanted to wish a Happy Birthday to Ms. Hedy Maroney, that she was going to make a presentation to her but she had to go to the hospital, that she was 100 years and wanted to wish her a speedy recovery. Council Members Khan, Holm, Garcia, Green and Berry absent.

Council Member Lawrence stated that she wanted to congratulate the Dynamos for their fantastic win, they were truly champions, but so were the Astros, Texans and Aeros, they had great teams in the City that they were very proud of. Council Members Khan, Holm, Garcia, Green and Berry absent.

Council Member Lawrence stated that the Veterans Parade was a great chance for them all to say thank you to the veterans, that it was great to see so many people turn out. Council Members Khan, Holm, Garcia, Green and Berry absent.

Council Member Lawrence stated that they had a great event in District A put on by some of her staff and PUSH for the Youth to teach them skills on skateboards and improve their abilities, that it was early in the morning but it was a great turnout, that it was a wonderful vision from Parks to put that skateboard facility for kids in their district this past summer, it made a difference as far as getting kids off of the streets. Council Members Khan, Holm, Garcia, Green and Berry absent.

Council Member Lawrence stated that she was looking forward on Thursday and Friday and talking to the kids at Shadow Oaks and Spring Branch Elementary School, they were getting their SPARK Park and the kids and their parents had worked very hard. Council Members Khan, Holm, Garcia, Green and Berry absent.

There being no further business before Council, the City Council adjourned at 10:45 a.m. Council Member Wiseman absent on city business. Council Members Khan, Holm, Garcia, Green and Berry absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary