

City Council Chamber, City Hall, Tuesday, January 23, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 23, 2007, 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, Ronald C. Green and Michael Berry; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Ms. Debra Dillard, Citizens Assistance Office; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director; present.

Note: Council Member At-Large Position 3 vacant.

At 2:09 p.m. Acting Mayor Pro Tem Berry called on Council Member Garcia to begin presentations; and Council Member Garcia stated that the Houston Texans brought a phenomenal player back to Houston as coach and that was Gary Kubiak and he was a Houston legend who had attended St. Pius High School and wore that proud uniform; and St. Pius was continuing in their great tradition and doing what they did when Kubiak became a household name, except now that name was Newman, and invited Mr. Robin Kirk, Coach of St. Pius, to the podium; and Coach Kirk invited the captains to the podium; Council Member Garcia invited the St. Pius Football Team to stand to be recognized and presented Coach Kirk a Proclamation for completing a 13/0 season; for winning the Division One State Championship and proclaimed January 23, 2007, as "St. Pius X High School Football Team Day" in Houston, Texas. Coach Kirk thanked all for having the team and for the recognition and invited Sister Donna Poller to the podium; and Sister Poller stated that she thanked Council for recognizing the team and the school in such a special way, this was their 50th anniversary year in Houston and they thanked Council for all they did for young people and their education. Mayor White, Council Members Johnson and Holm absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards congratulated the team and stated that for those who thought private schools did not have it going for them, they needed to check again. Mayor White, Council Members Johnson and Holm absent. Acting Mayor Pro Tem Berry presiding.

Council Member Alvarado stated that she was pleased to present a Proclamation and honor a dear friend and no stranger to City Hall, an employee of the City of Houston since 1981 and invited Mr. Jordy Tollett to the podium; Council Member Alvarado stated that many things would not have happened in Houston without Mr. Tollett and many wanted him in their corner; and presented him a Proclamation for all the work he had done in promoting the city and making it a better place; and proclaimed January 23, 2007, as "J. Jordy Tollett Day", in Houston, Texas. Mr. Tollett stated that he wanted to thank all the employees he worked with for so many years; that Houston was good to him and he did all he could to be honest, fair and committed to the city and he thanked all the Council Members and Mayors he had served since 1981; and thanked the citizens who supported him; and he was very proud that in his 21 years he never lost a vote at Council. Mayor White, Council Members Johnson and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Members expressed appreciation to Mr. Tollett. Mayor White, Council Member Green absent. Acting Mayor Pro Tem Berry presiding.

At 2:40 p.m. Acting Mayor Pro Tem Berry called the meeting to order and called on Council Member Khan who stated that it was an honor for him to welcome Mr. Faruk Malik who was one of the founding members of the Islamic Society of Greater Houston, the only Texan he knew and one of the few Americans who had translated the Holy Koran in the English language and invited him to lead all in the prayer and Council Member Khan led all in the pledge. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

At 2:44 p.m. the City Secretary called the roll. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Council Members Khan and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. MOTION ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Ms. Jane Cahill after Ms. Cynthia Card, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0070 ADOPTED

Mr. Dan Barnum, 3108 Austin, Houston, Texas 77004 (713-724-3106) appeared and stated that he was an architect, planner, one of the founders of the Midtown Redevelopment Effort and chair of the Urban Planning Committee of the Midtown Management District and present to urge Council to establish a process of developing a comprehensive plan for the City of Houston; and wanted to say planning and zoning were not the same, land use zoning was one tool used to enforce planning in other places and it was largely discredited in inner city areas, planning was an economic issue and lack of a good comprehensive plan hurt this city economically daily. Council Members Johnson, Holm, Garcia and Berry absent.

Upon questions by Council Member Edwards, Mr. Barnum stated that it was recommended a plan address drainage and mobility but that was a small part, a study group should be formed to look at all various aspects, about 30 aspects, to make an integrated plan. Council Members Johnson, Holm and Garcia absent.

Upon questions by Council Member Brown, Mr. Barnum stated that in past Administrations there were 35 different land use plans proposed for the Midtown area and all were rejected by the Legal Department because they decided planning and zoning were the same and Houston voted against zoning and until that idea changed it would not go forward and there was no effort to bring all parties together. Council Member Johnson absent.

Mayor White stated that it would be helpful to him on the post property decision if there was something, if it happened right in Midtown that they would have invested one million more; that they did not need to do this publicly but if he could give it to Ms. Dillard to help in his education, the contact person there; and Mr. Barnum stated that he could get the name for him; and Mayor White stated that he agreed with him there had been some concerns expressed in good faith, by Legal and the Charter about planning and some assumptions were being examined carefully. Council Member Johnson absent.

Council Member Brown stated that the Main Street Coalition had been involved in some of the issues also and it would be good to get information from them to pass to the Mayor; that there were a number of occasions where high quality developers would not develop in Midtown because it was an unregulated environment and it was an important issue. Council Member Johnson absent.

Upon questions by Council Member Edwards, Mr. Barnum stated that he absolutely thought community stakeholders had a place, they were the most valuable part. Council Members Johnson and Berry absent.

Mr. J. D. Bartell, 2214 Kane, Houston, Texas 77007 (281-748-4077) appeared and stated that for approximately 10 years he served as historic conservation officer for the Old Sixth Ward Neighborhood Association and last year he was honored to be appointed to the Houston Archeological and Historical Commission; that in 1998 property owners in the Old Sixth Ward

petitioned for creation of a TIRZ to help preserve historic resources by offering incentives and the TIRZ board was unable to advance its plan because the 2007 budget had not yet been approved by Council; and in an effort to persuade Council he and his neighbors were present to list the top 10 reasons as to why their area was an asset. Council Members Alvarado and Berry absent.

Ms. Virginia Roeder, 1718 Lubbock, Houston, Texas 77007 (713-229-0661) appeared, presented information for Council Members and stated that 29 years ago today Old Sixth Ward became the first neighborhood in Houston to be listed as a historic district on the national register of historic places, it originally belonged to the Fourth Ward; that when founded by the Alan Brothers Houston had four wards centered at Main and Congress and the final survey of the Sixth Ward was filed in 1881 by W. R. Baker, founder of the Houston and Texas Central Railroad and Houston Mayor from 1880 to 1886. Council Members Alvarado and Berry absent.

Mr. Richard Roeder, 1718 Lubbock, Houston, Texas 77007 (713-229-0661) appeared, presented information for Council Members and stated that a listing on the national register of historic places constituted prestigious evidence of historic significance, but did not protect historic resources from demolition or prevent incompatible new construction; and they urged Council to enact a historic preservation ordinance and did in 1995 and in 1998 Resolution 98-24 was approved designating the Old Sixth Ward as historic under the ordinance. Council Members Alvarado and Berry absent.

Mr. Jerry Harper, 2003 Decatur, Houston, Texas 77007 (713-880-5861) appeared, presented information for Council Members and stated that at the center of the Old Sixth Ward was a square block where in 1912 a 16 room school was built and named for Justin E. Dow the superintendent of Houston Schools from 1855 to 1887 and it was enlarged to 27 rooms later, it was identified as a focal point of a historic district and the TIRZ funded its purchase for city ownership and the playground was now an asset of the Houston Parks Department and the building was transferred to MECCA to be restored and provide space for community activities. Council Members Alvarado and Berry absent.

Ms. Larissa Lindsay, 1816 Kane, Houston, Texas 77007 (713-713-869-4465) appeared, presented information for Council Members and stated that several houses in the Old Sixth Ward Historic District were profiled by national print and broadcast media and the Betty E. Williams House at 1910 Decatur, a 1,000 square foot house, when purchased was on the road to demolition and three years later it sold for \$169.00 per square foot and despite new construction of significantly larger structures that house was still one of the most highly valued houses in the neighborhood. Council Members Alvarado, Green and Berry absent.

Ms. Evie Browning-Krause, 1820 Decatur, Houston, Texas 77007 (713-8611168) appeared and stated that the Old Sixth Ward Historic District had been described as the eighth must see place in Houston, a self contained community only six streets deep and eight streets wide; that many early residents were immigrant craftsmen who worked for the railroad and built their own houses. Council Members Johnson, Clutterbuck, Alvarado, Green and Berry absent.

Ms. Carol Woodruff, 2115 Kane, Houston, Texas 77007 (281-495-9204) appeared, presented information for Council Members and stated that the Old Sixth Ward District and its structures had been the subject of many reports through local media also, one being Houston House and Home Magazine where they profiled the Andrew and Josephine Kuhn House which was built in 1882 and entirely of Louisiana Cypress, which was now too expensive to buy, the house was originally located on Center and purchased in 1977 for \$1,200 and moved to its now location; that the Sixth Ward had irreplaceable treasures and a bungalow there was once the family home of Margaret Westerman, who had been City Secretary for the City of Houston.

Council Members Johnson, Clutterbuck, Edwards, Khan, Alvarado, Green and Berry absent.
(NO QUORUM PRESENT)

Ms. Leigh Hollins, 2009 Kane, Houston, Texas 77007 (713-861-4337) appeared, presented information for Council Members and stated that the Old Sixth Ward area was about 25 square blocks and roughly 2,000 people lived there; that the term Old Sixth Ward contrast use was Sixth Ward and that was by those seeking to demolish the districts historic structures and make way for new construction. Council Members Clutterbuck, Edwards, Khan, Alvarado, Green and Berry absent.

Council Member Brown stated that he wanted to thank all of the Sixth Ward residents who were so passionate about defending such a loveable neighborhood and he felt this would have results that this and previous generations could enjoy. Council Members Clutterbuck, Edwards, Khan, Alvarado, Green and Berry absent.

Ms. Suzanne Burck, 811 Hemphill, Houston, Texas 77007 (713-868-4580) appeared and stated that every fall the Houston Press published a special supplement titled "Best of Houston" and the 2006 addition named Old Sixth Ward best hidden neighborhood, it was geographically small but its nostalgic value was boundless. Council Members Clutterbuck, Edwards, Alvarado, Green and Berry absent.

Ms. Cynthia Card, 2215 Decatur, Houston, Texas 77007 (713-869-4465) appeared and stated that the Old Sixth Ward was the only historic district with a guided walking tour and a pamphlet which contained names, addresses and brief descriptions of historic structures and map. Council Members Alvarado, Green and Berry absent.

Ms. Jane Cahill, 2112 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and stated that there was no where in the City of Houston where community support for preservation of the neighborhood's historic character was stronger than in the Old Sixth Ward and respect for the community's long history coupled with the deep desire to preserve the fiscal manifestations of that history were the features making their area unique; and the delay in bringing the TIRZ budget to Council stalled their process of revitalization but not weakened the community's resolve to preserve its historic district. Council Member Alvarado absent.

Council Member Garcia thanked all for coming and supporting the issue and staying diligent and stated that a lot of work was being done and he was anxious on what they would be hearing in the near future. Council Member Alvarado absent.

Mayor White thanked all for coming and stated that he would not talk of the substance but he thought the Old Sixth Ward was special, it was a matter of fact, that they would work with them on a plan and he was putting it on the two of them, it was an interesting way to share experiences and it would be done before next Wednesday and would be followed by a Mayor's Report. Council Member Alvarado absent.

Mr. Fred Swerdlin, 815 Bradwell Drive, Houston, Texas 77062 (281-488-8193) appeared, presented information and stated that he was president of the Bay Area Running Canines, a non profit 501c3 charitable organization and they wished to have a fenced off dog park at the Sylvan Rodriguez Park and wanted it built in the Clear Lake/Bay Area as defined by the Houston Parks and Recreation Department Master Plan dated September 2001 Super Neighborhood 81 Clear Lake; that the closest dog park was in Deer Park which was 20 to 30 minutes; that he was asking Council to ask Parks to set aside at least 3 acres of land adjacent to parking so the elderly and physically challenged would have easy access and if the city could not provide funding they would ask Council give permission to build and direct the Houston Park

and Recreation Department to designate an area and then their group would provide a kiosk outlining what the dog park would look like and where donations could be sent; and presented original petitions totaling over 1,300 signatures. (Note: The petitions were presented to a Parks and Recreation representative.) Mayor White, Council Members Khan, Garcia and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Wiseman stated that she and Mr. Swerdlin had discussed this on several occasions and they shared with him there was not sufficient acreage at Sylvan Rodriguez Park for such an amenity and it would be inconsistent with what was already placed there, but she did want to share that she had worked very hard to try and bring a dog park to the community and through diligent efforts had located approximately 15 acres of surplus property the city had less than 6 miles from Sylvan Rodriguez Park and less than a 10 minute drive with easy access off Beltway 8 and the property was being transferred from Public Works to Parks and it was because of a dear friend of hers, Holly Anawade, who passed away this year and who was a diehard dog lover and it was in an attempt to honor her and pay tribute to her that many of her friends along with herself had gotten together and were in the process of forming a nonprofit organization which would raise funds to build a very nice dog park at the location and it was very doable to have it done before the end of the year and they were very excited about the effort; and Mr. Swerdlin stated that there were 106 acres at Sylvan Rodriguez Park with less than 10% developed, why were they unable to find 3 acres; and Council Member Wiseman stated that it was apparent his only position was a dog park be built at that location and three acres was insufficient for health and safety reasons for a dog park and much of the acreage at Sylvan Rodriguez Park the city was looking at for regional detention means so they would have the best of both worlds. Mayor White, Council Members Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she would suggest Mr. Swerdlin keep the original set of his petition and the copy be provided to the city. Mayor White, Council Members Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Lawrence, Mr. Swerdlin stated that he Mr. Mark Ross and Mr. Joe Turner had communicated since May 10, 2005, and the project Council Member Wiseman referred to had no movement on it as of January 10, 2007, he had 20 months worth of correspondence and the picture of the park being proposed and he hoped it would not create a traffic nightmare for citizens as it would be off a two lane road; and Council Member Lawrence stated that many now wanted dog parks and thanked him for expressing what he wanted; that a Parks representative was present at this time if there was any thing he needed; and Mr. Swerdlin stated that he would like Council Member Wiseman to provide him with names of those she was in contact with who wanted a dog park at the location she identified. Mayor White, Council Members Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding.

Mr. Barry Blumenthal, 415 E. 23rd, Houston, Texas 77008 (713-658-1246) appeared and stated that he was with PUSH and came to Council last fall; that PUSH was Public Use Skate Parks for Houston and he was again present as they were at a crossroads and had decided June 30, 2007, was when all fund raising would commence; that they had raised between \$500,000 and \$600,000 privately and the park was to be located on the west side of Sabine at Memorial and Sabine across from the Fonde Recreation Center; that he wanted to make sure Council knew they had about 5 months to finish the fund raising and needed about another \$1,000,000, it was a Houston Parks Board Project and they were very successful, but were adamant the park be a world class facility and if they did not reach their goals they would have to downsize; that Houston had dog parks and the previous discussion showed where priority was with young people, there were 600,000 people in Houston proper for the last census under 19 and this was the third most popular sport for people of that sport and the number one sport

for women between 13 and 22 wanting to learn and that was 3 years in a row, Houston was way behind the country and this would be one of the finest in the country; that skateboarding would have an Olympic demonstration sport in Beijing in 2008 and this would be the first in ground skate park and he would guarantee it would be the most popular park per square foot and they expected 200 skaters on average on a Saturday. Mayor White, Council Members Wiseman, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Lovell, Mr. Blumenthal stated that the park had been on the table for 5 years and PUSH was involved for 1-1/4 years; that inflation was dramatic and this was a smaller park than originally planned but this was where they were now and that was why there was a deadline of June 30th; that he did not expect the City of Houston to come up with money but he wanted everyone to know help was needed even if it was in-kind donations; that this was not about one Council Member's district, but about improving the quality of life for all of Houston; and Council Member Lovell stated that with this park competitions could be brought in and it would be a revenue generating facility; and Mr. Blumenthal stated that commercials would be shot at such a facility and the Houston skyline would be in the back and that would also have a huge impact. Mayor White and Council Member Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Garcia, Mr. Blumenthal stated that the Parks Board was working diligently to raise money and so was PUSH, but they could use in-kind donations; that workers would be coming in and needing lodging and many things could bring cost down; that the bottom-line was it would be built in 2007 but the question was size and how special would it be what was planned; and Council Member Garcia stated that where the city was able to help private projects was where there were infrastructure issues that may need to be done anyway and tied to the project they could take them off and put on the city's end and that may help meet their goal faster, it would not be cash, but maybe drainage, etc., would help shave something off and his office would consider getting involved with them. Mayor White and Council Member Lawrence, Wiseman, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Ms. Gladys House, 1605 Andrews, Houston, Texas 77019 (713-742-6995) appeared and stated that she was present regarding a concern for ongoing police harassment in historic Freedmen's Town, the oldest African American community in Houston and the largest of its kind in the United States; that it was now difficult to walk on their own streets without harassment and she had a couple of complaints pending now and she hoped Council would do all to insure investigations would be done as quickly as possible; that now newcomers were complaining that Black Baptist churches were singing too loud and they would be getting a copy from a group of Caucasian newcomers into their neighborhood, but churches were there before they moved into their community and they would continue to be there; and asked that Council Members meet with them at a small community meeting in Freedmen's Town; that one thing not being heard of was a homeless African American male who was smoking crack in a new home with a new White homeowner in the community and shot by the homeowner and nothing was being done; that there were other incidents, where the officer said she reached for her firearm and two of their guns were already at her head so that would have been suicidal, but that was the freedom Houston Police Officers felt they had when they work African American communities. Mayor White and Council Member Clutterbuck, Wiseman, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Khan, Ms. House stated that no tickets were issued to churches but the new residents were trying to get it to that point; that they even complained about long lines of parked cars at funerals and that was the norm, part of the culture of Freedmen's Town and they needed to learn to live with it or move out; and Council Member

Khan stated that he would like to know when the meeting would be for the At-Large Council Members; and Ms. House stated that if they would decide on a time then the neighborhood would work around their schedule. Mayor White and Council Member Wiseman, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that Council Member Green was already working on it and putting together a group. Mayor White and Council Member Wiseman, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Ms. House stated that it was Rev. Samuel Smith with Mt. Horeb Church; and Council Member Edwards stated that she would bring it up to him because he never brought it up to her and on the shooting she had not heard of anything; and Ms. House stated that they tried to get information from HPD but no one gave them any; and Council Member Edwards stated that she needed a date or something to go by, but she knew certain officers that would look into any and everything. Mayor White and Council Member Wiseman, Khan, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson stated that he knew sometimes her efforts seemed bleak but they still needed her to continue the fight; and upon questions, Ms. House stated that he was shot by the homeowner and he was not arrested, most of the new homeowners in Freedmen's Town were some of the best customers of drug dealers there; that regarding her case she filed two complaints against the officers, one for roughing her up unnecessarily and then they retaliated against her and served her a warrant saying her firearm was not concealed enough and it was in her truck so she filed retaliation and she was concerned HPD was not moving fast enough; and Council Member Johnson stated that he hoped the meeting would not just be another meeting because he knew he could not take another meeting without some kind of solution and he would be with her 100%; and he wanted to make sure if injustice was in Fourth Ward it did not trickle to Fifth Ward and he would be a part of it. Mayor White and Council Member Wiseman, Khan, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Michael Berger, 6530 Westview, Houston, Texas 77055 (713-686-7034) had reserved time to speak but was not present when his name was called. Mayor White and Council Member Wiseman, Khan, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Sammie Jones, 1415 W. Gulfbank Road #1912, Houston, Texas 77088 (no phone) had reserved time to speak but was not present when his name was called. Mayor White and Council Member Wiseman, Khan, Garcia, Alvarado and Lovell 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 and Council Member Wiseman, Khan, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Jim Bartley, 10424 Rockley, Houston, Texas 77099 (281-827-4366) appeared, presented information and stated that he was present with a property setback issue; that he owned a small apartment complex at 3607 Mulberry in the Montrose area and recently had a backhoe bang into the side of his building while digging a footing for new construction behind him at 1425 Kipling; that he found out the construction was directly on the property line and there was nothing he could do, he told his story to several in the inspection and permit department and was told because of no deed restrictions and if the owner built a one hour

firewall then they could build on the property line; that presently he had siding and sheetrock damage from the backhoe and wrote the contractor and was not paid; he has had legal fees and survey fees; that the concrete forms for foundation were on his property and so the city essentially gave permission to trespass on his property, the previous structure had a four foot setback along his property line and he did not understand why there was no variance and the situation would be happening more and ordinances needed to be adopted to protect property owners and one suggestion would be if something was built within one foot of a property line it should require a site inspection by the city with all adjacent owners involved and a construction fence should be required and extra fees should be imposed if you would be using extra parts to the property past setback lines and an enumeration should be paid to adjacent owners if needed. Council Member Wiseman, Khan and Garcia absent.

Upon questions by Council Member Brown, Mr. Bartley stated that the distance from the side of his building to the property line was 4 feet and his overhang would be 1-1/2 feet from the building; that he felt if the previous building had a 4 foot setback then there should have been a variance meeting, anything within a foot of the property line..., this was just inches and if someone said he was encroaching he would have trouble trying to sell his property, even a gutter would be an encroachment and he felt the owner was getting use of more property and they should be charged for it and adjacent owners should be informed and allowed to agree or disagree; and Council Member Brown suggested he write to Council Member Lawrence who was a stickler for such details. Council Member Wiseman, Khan and Garcia absent.

Council Member Clutterbuck stated that she read his letter and what struck her was she could not believe there were not already rules against this, anytime anyone built to the zero lot line they should have requested a variance and there might be something wrong with the process and she thought it was something they would look into. Council Member Wiseman, Khan and Garcia absent.

Upon questions by Council Member Berry, Mr. Bartley stated that he came to Council three times in the last year and a half with different issues and the City of Houston probably had one of the absolute best customer service policies in the nation and that came from the top; that it may not be what he wanted to hear, but he always did get what he needed in response; Council Member Berry stated that someone in his office was a former real estate lawyer and he would ask her to look at this as well and they would get back with him, but if he sat on his rights he would lose them and he would suggest he continue to pursue those rights; and upon further questions, Mr. Bartley stated that an inspector had apparently gone to the site before this was started and they went back after he called and called him back and said they were where they were allowed to be and he was present to change ordinances. Council Members Wiseman and Garcia absent.

Council Member Lawrence stated that she could assure him that was on a list of things to bring forward, she actually had property not too far from his property with the very same situation, but she needed someone to come forward; that it was a zero lot line also and right now there was nothing to prevent it, they would be bringing it forward just as soon as they had room on their agenda. Council Members Wiseman and Garcia absent.

Council Member Lovell stated that she would like him to give her office the name of the contractor. Council Members Wiseman and Garcia absent.

Council Member Edwards stated that unfortunately this was not an isolated case, it was the third in the Montrose her office was aware of; that inspectors go out and see foundations, etc., damaged but there were restrictions and she was glad Council Member Lawrence's committee would get to the issue, she would even ask for a special committee meeting just on

that to get people started on what could and could not be done legally; and Mayor White stated that he was not practicing law but it seemed to him most likely under the police power of home rule cities, could there be some ability to do something like red tag or stop construction when someone trespassed and he was not talking of criminal trespass but inadvertent and what kind of burden that would put on inspectors, but it seemed maybe they could not grant someone, as a city, injunctive relief or have relief through the courts, but they could have something if they had a permit stopping construction when it was not in compliance with reasonable terms and conditions which were lawful then why could they not stop construction with a trespass and if the answer was they could then maybe a hearing and then there would be an administrative issue as to what tool did an inspector use to determine lot line on site and if there was such a tool that was not so costly then why could it not be red tagged or construction stopped for trespass; that the way he would outline it would be to make it a violation of Code. Council Members Wiseman, Holm, Garcia and Lovell absent.

Ms. Miwa Yamamoto, 1103 E. 28th, Houston, Texas (713-576-9155) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Holm, Garcia and Lovell absent.

Ms. Brenda L. Routt, 8201 W. Bellfort #1220, Houston, Texas 77071 (832-367-2742) appeared and stated that she had a serious problem of microwave chip implants put in her body by a religious organization; and continued to express her personal opinions until her time expired. Council Members Lawrence, Wiseman, Holm, Garcia and Lovell absent.

Ms. Justina Chen, 2626 Forage Green, Houston, Texas 77339 (281-358-6468) appeared and stated that HPD took an officer to court for accepting a bribe and she uncovered over \$50,000 in questionable payments to the Mayor's Office and was harassed and poisoned; and continued to express her personal opinions until her time expired. Council Members Lawrence, Wiseman, Holm, Garcia and Lovell absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was again present with his need for emergency protection; and continued to express his personal opinions until his time expired. Council Members Lawrence, Wiseman, Holm, Garcia and Lovell absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman, Holm, Garcia and Lovell absent.

At 4:08 p.m. City Council recessed until 9:00 a.m., Wednesday, January 24, 2007. Council Members Lawrence, Wiseman, Holm, Garcia and Lovell absent.

City Council Chamber, City Hall, Wednesday, January 24, 2007

The Houston City Council reconvened at 9:00 a.m. Wednesday, January 24, 2007, with 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, 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.

Note: Council Member At Large Position 3 vacant.

At 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:36.m. Mayor White called the meeting to order. Council Members Garcia, Green and Berry absent.

Council Member Khan moved to suspend the rules to consider the Mayor's Report before the Public Hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Garcia, Green and Berry absent. MOTION 2007-0071 ADOPTED.

MAYOR'S REPORT - Public Safety

Mayor White stated that he wanted to give a brief Mayor's Report on some good news for their City, that today they had some final numbers for the unified crime reports in the format submitted by various State and local governments and Houston, it showed Houston was a safer City, that he wanted to share with them five points, four directly from the data and one conclusion and then ask Chief Hurtt for some comments, the first point, the violent crime rate and the total crime rate in Houston in the last three years were lower than it was the preceding three years, each of them who had been on the job for that long could not guarantee a citizen that they would solve all crime for all time, so many urban areas have had people who prey on others or small cities, but they had seen a decrease, over 5.8% decrease in all part one crime rate compared to the prior three years and the last three years and the average of violent crime had decreased by 7% compared to the preceding three years, the second point, that after Chief Hurtt instituted the NET Program last December and a number of other special programs and operations, which they gave a lot of credit to the men and women who were in the field, targeting hot spots and based on data, the violent rates went down in seven of eight districts with the highest number of violent crimes, the highest crime rates, a year ago, so the targeting that was done, the emergency resources, as well as the overall budget, had and was having an effect, crime rates were down in all but one of the major categories of violent crime across the board in the City, the third point, in the last three months they had seen great progress on homicides, as they knew the homicide rate was an issue which had affected most of the urban areas of the Country and had been closing related in those urban areas with narcotics related activities that were of national and international scope, in Houston they to experienced a sharp surge in homicides which was unacceptable, by the last three months they saw their programs working and the homicides had dropped significantly from what they were in the preceding nine months, dropped by 27% from what they were in the last months of 2005 and for the last three months the homicide rate for 100,000 population was pretty much in line for what it was in 2004 before they saw the surge in homicides, the fourth point, their productivity of the men and women in uniform was good and they could see how these accounted for the tactics that worked, their police were productive, there was a 20% increase in arrests for felonies in Class A and Class B misdemeanors, serious crimes, last year, and as those who were perpetrators of crime victimized others were cleared off of the streets the City became safer as measured by the rates, the fifth point, emergency programs with emergency funding resources including grant funding which would not be available in the future would be replaced by sustainable programs and deployment of resources would be data based, they needed help with the City Council as leaders to, the reason why often government did not often respond as quickly and effectively as they all did, the Members of the Council, the administration and the police force, was that people who were bureaucrats and not leaders were afraid sometimes, in other places and other times, that if they started something, if they changed it or stopped it or redeployed it, that they would be criticized so they did not respond to emergencies, but the people of Houston were intelligent and thoughtful and they believed and knew that they had limited resources, so he, with the Chief's support, responded to emergency situations with emergency resources, but as they increased police staffing and as they took the types of measures, as they did with the Apartment Ordinance to make the job of the police more productive, they addressed alarms if

they addressed some of the underlying conditions and things that generate illegal conduct that his colleague, Council Member Edwards had been so clear in addressing, they could not maintain emergency programs once emergencies had passed and still be good stewards of the public resources that they must, and Mayor White recognized Chief Hurtt. Council Members Green and Berry absent.

Chief Hurtt stated that he wanted to thank the Mayor and Members of Council for the financial support when they had to respond to the request from some of the Council Members as well as members of the community to end violent crime throughout the City of Houston, they could not have been successful without that support especially in the form of additional funding, that he was going to share with them some of the statistics, and each Council Member had a copy that was passed out, that they would start with the violent crime, UCR, these were the crimes and the way they reported to the FBI, that made their national reports each year, and the statistics that he would show were based on calendar year versus fiscal year, as they could see the murder rate was the only rate that increased during the year of 2006, that increased by 4.9% over 2005, if they looked at rape they had a 8.3% decrease in 2006 over 2005, robbery 4.2% decrease over 2005 and that was significant because robberies were just one move away from a homicide, usually people who committed robberies were armed with weapons and if there was a physical confrontation usually the citizen or the business person comes out as the loser so it was very significant that they concentrate on robberies and their efforts to reduce homicides, that additionally the aggravated assaults were usually connected with gangs and drug activity were down 6.3% over 2005, so total violent crime, 2006 versus 2005, was down 5.3% for the year 2006, that on the second page they would talk about nonviolent crimes, they were really the drivers of crime such as burglary and burglary of motor vehicle, that yesterday in their visit to Austin they were seeking assistance from the State Legislator to increase punishment for burglary of motor vehicles from a misdemeanor to a State jail felony, hopefully that would assist them in getting individuals off of the streets that had committed multiple burglaries that really drives their crime rate, that they thought that drugs, gang activity and burglary of motor vehicles really drives the crime rate in the State of Texas, so if they looked at the burglaries they were down 8.6%, 2006 over 2005, death rate was down 5.5%, 2006 over 2005, auto theft was down 3.1%, 2006 versus 2005, that total nonviolent crime for 2006 was down 5.8% and overall part one crime, that was violent and nonviolent, was down 5.7%, that the Mayor mentioned some about the murder statistics which really was the increase that they saw last year that was totally unacceptable to all of them, not just to the ones sitting at the Council table but also to members of their community and they let them know almost on a daily basis that they had to do more and with the assistance that they got in overtime they were able to target some of those areas that they had seen significant increase in violent crime as well as murders, as they could see in the first quarter of the year, January through March, they averaged about one homicide per day, that was thirty homicides, the second quarter, April through June, they averaged 37 homicides during that period of time per month, and in the third quarter, July through September it was 35 and as the Mayor mentioned they really had the good fortune to have outstanding people, they looked at their data and established some additional tactics to focus on those hot spots through many districts throughout the City and were successful in driving down homicides in the last quarter by 24% and they may ask how they did that, that they did that through high visibility, very aggressive enforcement, in some areas zero tolerance enforcement, they also used the concept of broken windows, they dealt with the small things and stopped them before they turned into arguments and then into a possible homicide. Council Members Wiseman and Alvarado absent.

Mayor White asked Chief Hurtt if he could comment on the homicide clearance rate last year and also how that compared based on his experience in other urban areas and in prior years in Houston. Council Members Wiseman and Alvarado absent.

Chief Hurtt stated that last year they were very fortunate to have a 70% clearance rate of homicides, that was phenomenal because the national average in major cities they were probably looking in the neighborhood of 50% to 55% and to have 70% at this time in a City that was continuing to grow and the challenges of drugs and gang activity, and they also had to contribute that to the citizens, people who were eyes and ears of the Houston Police Department, that observed criminal activity, were witnesses, they made the calls to 9-1-1 and they were able to respond, get information and solve some of those crimes, that the next thing he would reference was the Homicide Division as far as the count, murders year to date they had seen 13 homicides as of the January 22, 2007 for the City of Houston, last year at this time they had 28 homicides and they hoped the fourth quarter trend for 2006 and the first month of 2007 would be an indication of what was going to happen the rest of the year, and they could do that by continuing to scrutinize their data, work closely with the City Council and the members of the community, insure that their people continued to do a great job of responding to calls in a timely manner, doing good investigations and follow up so that they would have a good case when they went to the DA's office for a conviction, and speaking of arrests and arresting people for crimes, they had a significant increase, as the Mayor said, a 20% over 2005 as far as arrests for Class B and above, those were misdemeanors and felonies or people that were transported to the County jail, in 2005 they had 48,042, in 2006 they had 58,955 and that was about a 20% increase, and going back three years as far as the number of arrests, as they saw under the area of DES, Federal and others, these were arrests by other agencies that were working in the City of Houston, they could be constables or off duty work, so they counted them also, for a total in 2004 they had 108,482, they had 96,000 in 2005 and in 2006 they had 113,329 arrests. Council Members Wiseman and Alvarado absent.

Upon questions by Council Members, Chief Hurtt stated that he had regular meetings scheduled with the PAC, Police Advisory Committee, meeting with Ministers Against Crime, also PIPs and civic groups, and shared the statistics, especially when they had good news like they had this time, that the other way they had citizens learn about it was through the media and hopefully the report that he gave today would be well covered and if citizens had questions they could contact his office or contact the PIOs, that one of the things they were working on in the Police Department was doing a better job of having surveys, customer service surveys and asking people how safe they felt in their community at night and on the weekends, what crimes were they most concerned about and that way they would be getting feedback on a yearly basis and to make their budget plans, as well as enforcement plans for the coming year, that one of the things they were looking at in the future was doing a better job in the collection of analysis of crime statistics and data and calls coming in and organizing the department so they could respond immediately versus having a trend develop for a week, two weeks, or months and then try to respond to it, they were going to have to police smarter in the coming years, it was always nice to have additional resources but if they continued to stay on top of things and when Council Members hear information from people that they talk to in their community about what was happening, that crime seemed to be increasing, they needed to take the resources that they had and deploy them to those areas and do it quickly, that they understood the financial constraints they were going to be dealing with in the years to come, so they were going to use the resources they had a little smarter than they had in the past; that one of the things that make police agencies and government work was the involvement of citizens at every level, whether it was in planning, neighborhood watch or just having the trust to call police officers because they had established a relationship and he understood their issues about having more officers on patrol but he did not think there was going to be any city that was ever going to have all of the officers that they needed and the only way they were going to continue to be successful was that they mobilize and continue to have that involvement of the general public at every level. Council Members Alvarado and Green absent.

Upon further questions by Council Members, Council Member Clutterbuck stated that the emergency programs that had worked she understood were going to be replaced by permanent programs and requested that they provide the Council with a list of what those permanent programs looked like, and she would like to know when they would know that the emergency on the violent crimes had passed, and Mayor White stated that they would have good conversations about that. Council Member Wiseman absent.

Upon further questions by Council Members, Chief Hurtt stated that one of the things that they talk about, and they should not mistake him when he makes the comment, that they talk about in the Police Department Command Staff about how they were going to allocate resources and attack problems as that they did not police the City of Houston, they police neighborhoods, they break it down and provide the type of policing, whether it was apartment high density or low density, the business community, downtown and they develop strategy to respond to the challenge in those areas and he thought that was the only way they could effectively do that and of course they measure themselves, as far as success, against Houston because they were a unique City, even though UCR stats come out and they were ranked with the other major cities he thought they would be more successful if they just concentrated on what was happening in their neighborhoods and try to improve on that each year, that as far as crime prevention versus enforcement, he thought it needed to be a dual approach in that, he had a discussion last week with the other major cities chiefs in Texas and they talked about that, the fact that there had been a significant reduction in prevention efforts and education of the public that was something that they needed to revisit in the profession and decide what percentage of their budgets should be prevention and which was enforcement because not only did they have to respond to the short term they needed to do things that were going to enhance safety in the long term for the City of Houston, that the issue of the Texas Department of Correction releasing parolees and probationers in the City of Houston it was a very challenging issue not only here but in most big or large cities because they wanted to be released in those cities because they could hide, they did not go back to the small towns or rural areas they came into the big cities and of course there were opportunities to continue their criminal activity which was also much greater, but one of the things that they had been doing was increasing their contact with outside resources and talking to DOC and talking to other entities and working with parole officers on a parole program of identifying those individuals, especially the ones that violate their parole and trying to get them round up and arrested again, but one of the things they needed to focus on a little more was maybe that the distribution should be reexamined as far as which county they were sent back to, that his recommendation would be that they take care of their own, if the individual offended in the County and was sent to prison from that County when he was released he should go back to that County; that as far as coordination and cooperation with law enforcement in Harris County he thought they had a great relationship, they had several task forces that also involved FBI, ATF and DEA because they knew they had to look at law enforcement or public safety as regional response versus individual because no individual entity would have all of the resources they would need and they had task force together with the FBI, they were going to start one shortly and working closely with DPS on criminal activity along the Highway 59 corridor, they had several of those, they could do a better job in working with the school police and sharing information because a lot of things that happened on the weekends sometimes start in the schools and boil out through the streets afterwards in the evening and the weekend, that he understood what they were saying that they needed to get the best return for their investment and believed definitely in the concept of regionalization, task force and using all of the resources that were out there. Council Members Holm, Garcia and Berry absent.

Upon further questions by Council Members, Chief Hurtt stated that some of the crime stats included juvenile, like homicides, the juvenile crimes were included in that, burglaries were included, they were counting all crimes, that in the next fiscal year budget they did have plans, if

the funding source stayed in place and constant, about having a program improving relations with the Mayor's Anti Gang Unit and HPD and working and targeting middle schools as far as the gang problem. Council Members Holm, Lovell, Green and Berry absent.

After further discussion Council Member Edwards requested a breakdown as the statistics as they pertained to District D because based on her observational knowledge she was not sure if they had the same successes that were rated here for District D, that if he could break the stats down by age group if he could and if not just the raw numbers. Council Members Holm, Lovell, Green and Berry absent.

Council Member Johnson moved to suspend the rules to consider Item No. 2 out of order, seconded by Council Member Brown. All voting aye. Nays none. Council Member Lovell absent. MOTION 2007-0072 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of **MS. SAHIRA J. ABDOOL** as Chief Clerk of the **HOUSTON MUNICIPAL COURTS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lovell absent. MOTION 2007-0073 ADOPTED.

Mayor White and Members of Council congratulated Ms. Sahira J. Abdool on her appointment.

Council Member Alvarado moved to suspend the rules to consider Item Number 27 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0074 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item Number 26 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0075 ADOPTED.

27. ORDINANCE approving and authorizing agreement between the City of Houston and each of the following three (3) Community Housing Development Organizations ("CHDOS") to provide each CHDO \$50,000.00 in Federal "HOME" Investment Partnership Funds for operating expenses associated with building the CHDOS' capacity to develop affordable housing: (1) **RE-WARD THIRD WARD, INC.**; (2) **DOMINION COMMUNITY DEVELOPMENT CORPORATION**; and (3) **AVENUE COMMUNITY DEVELOPMENT CORPORATION** - \$150,000.00 - Grant Fund **DISTRICTS B - JOHNSON; D - EDWARDS and H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2007-0094 ADOPTED.

26. ORDINANCE approving and authorizing interlocal agreement between the City and the **TEXAS ENGINEERING EXTENSION SERVICE** for Emergency Medical Training Services; providing a maximum contract amount - 5 Years - \$6,369,895.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-0095 ADOPTED.

At 10:49 a.m. Mayor White stated that they would move to the public hearing.

HEARINGS

1. **PUBLIC HEARING** on proposed amendment to Project and Financing Plan for **REINVESTMENT ZONE NUMBER NINETEEN, CITY OF HOUSTON, TEXAS (UPPER KIRBY) - DISTRICTS C - CLUTTERBUCK and G - HOLM** – was called.

The City Secretary stated that Mr. Robert Fiederlein would make remarks on hearing.

Mr. Fiederlein stated that on December 7 the Board of Directors of the Upper Kirby approved amendments to the TIRZ project and financing plan and forwarded them to the City for consideration and the public hearing was a statutorily required part of the City's review process, that each Council office had been given a copy of the proposed amended plan for the TIRZ and an official City statement had been distributed to each Council Member today, in brief the TIRZ had requested an increase in it's overall project plan expenditures of \$31.4 million, almost all of the increase in expenditures would be for road reconstruction and storm drainage improvements and much of the funds were dedicated to reconstruction of Kirby Drive, from Highway 59 to San Felipe, the associated drainage improvements from Highway 59 to Westheimer and on Westheimer and Richmond, the City was a co-participant in the project through a previously approved City CIP project, all of the projects of the amended plan could be funded from existing and future TIRZ resources, it did not require any extension of the TIRZ's term which expires in 2014, the City staff had worked extensively with the TIRZ on the proposed amended plan and would at a subsequent Council meeting bring forth a recommendation for City Council to approve the plan amendments. Council Member Khan absent.

Council Member Clutterbuck stated that she wanted to thank Ms. Jamie Brewster for being present in the audience, she was the Executive Director of the particular TIRZ and the Upper Kirby District, that she wanted to thank her for her leadership. Council Member Khan absent.

The City Secretary stated that no one had reserved time to appear at the public hearing and asked if there was anyone present who wished to be heard and no one responded. Council Member Khan absent.

Council Member Alvarado moved to close the public hearing, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Khan absent. MOTION 2007-0076 ADOPTED.

Council Member Wiseman moved to suspend the rules to consider Item Numbers 41 and 29 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan absent. MOTION 2007-0077 ADOPTED.

41. RECEIVE nominations for Positions One, Two and Two Alternate At-Large Positions of the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2007 - was presented. Council Member Khan absent.

Council Member Lovell stated that she wanted to re-nominate Council Member Garcia for Position Two of the Houston-Galveston Area Council Board of Directors.

Council Member Lawrence stated that she wanted to nominate Council Member Lovell for Alternate At Large Position of the Houston-Galveston Area Council Board of Directors.

Council Member Holm stated that she wanted to nominate Council Member Wiseman for Position One of the Houston-Galveston Area Council Board of Directors.

Council Member Wiseman stated that she wanted to nominate Council Member Holm for Alternate At Large Position of the Houston-Galveston Area Council Board of Directors.

Council Member Edwards stated that she wanted somebody on the Houston-Galveston Area Council to give them an update of what goes on in the Council, what they were doing, what was happening, and Council Member Wiseman stated that the HGAC would be having their

annual meeting this quarter and prior to the annual meeting they would be provided with an executive summary outlining what they would be focusing on this year, and Council Member Edwards requested that they have a briefing in somebody's committee for historically what the group had done and why was it important to the City, that she was not sure what the overall scope was, and Council Member Wiseman stated that so many of the Council Members represented the City Council on various boards, commissions and organizations and she thought it would be wonderful to have one committee meeting where they reviewed all of them combined, that she thought it would be very educational and informative for all of them.

Council Member Holm moved to close the nominations for Positions One and Two and Two Alternate At Large Positions for the Houston-Galveston Area Council Board of Directors, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0078 ADOPTED.

Council Member Lovell stated that she understood that Council Member Wiseman would be the new Chairman of the Board of the Houston-Galveston Area Council Board, that it was really huge for the City, because it was a 13 County Council, to have somebody from the City of Houston representing them there was really good for them.

29. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON READ COMMISSION** for Professional Literacy Services; providing a maximum contract amount 3 Years with two one-year options - \$2,000,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-0096 ADOPTED.

CONSENT AGENDA NUMBERS 2 through 40

MISCELLANEOUS - NUMBER 3

3. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **BRAYS VILLAGE EAST HOMEOWNERS ASSOCIATION** for law enforcement services of one (1) deputy from Harris County Constable Precinct 5 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0079 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 11

7. **VIRCO, INC** for Chairs from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Convention & Entertainment Facilities Department - \$145,440.00 - Enterprise Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0080 ADOPTED.
9. **PRECISION STRUCTURES, INC** for One Modular Office Building for Department of Public Works & Engineering - \$38,895.00 - Enterprise Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0081 ADOPTED.
11. **AMEND MOTION #2006-968, 10/24/06, TO INCREASE** award to purchase two additional Trash Collection Trailers for Solid Waste Management Department, awarded to **NICK'S DIESEL SERVICE, INC** for a total increase of \$95,200.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0082 ADOPTED.

ORDINANCES - NUMBERS 17 through 40

17. ORDINANCE consenting to the addition of 708.49 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 419**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2007-0097 ADOPTED.
18. ORDINANCE consenting to the addition of 24.009 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 32**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2007-0098 ADOPTED.
19. ORDINANCE approving and authorizing special warranty deed conveying to Mario Escobar, a parcel of land containing 20,535 square feet (0.417 acre), more or less, located in the J. Gay Survey, A-310, (former Gulf-Way Terrace Water Plant Site, 10700 Block Bessemer Street, Parcel S84-086); in consideration of Mario Escobar's payment of \$26,000.00 and other consideration to the City - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2007-0099 ADOPTED.
21. ORDINANCE approving and authorizing special warranty deed conveying to Yeung, Inc., a parcel of land containing 21,600 square feet (0.4959 acres), more or less, located in the Ben Taub Survey, A-1734, (former Chocolate Bayou Water Plant, located at 8201 Jutland Road, Parcel S85-007); in consideration of Yeung, Inc.'s payment of \$40,100.00 and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-0100 ADOPTED.
24. ORDINANCE amending Ordinance Number 2005-1224; approving and authorizing first amendment to contract between the City and **EL CENTRO DE CORAZON** for Primary Care and Pediatric Services provided at the Magnolia Health Center – was presented. All voting aye. Nays none. ORDINANCE 2007-0101 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF HOUSTON, COLLEGE OF OPTOMETRY** for its mobile vision unit to provide vision care services at various sites where individuals have difficulty accessing care – was presented. All voting aye. Nays none. ORDINANCE 2007-0102 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City of Houston and **BREAD OF LIFE, INC**, providing up to \$582,446.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds for the Administration of a Short-term Rent, Mortgage and Utility Assistance Program and Child Care Facility, along with supportive services - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-0103 ADOPTED.
31. ORDINANCE appropriating \$164,060.36 out of Water & Sewer Consolidated Construction Fund as an additional appropriation to reimburse **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Construction of U.S. 59 (Southwest Freeway) from Shepherd Drive to Mandell Street (WBS No. R-000521-0030-4) under an Advance Funding Agreement with TXDOT (approved by Ordinance No. 97-1535); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK and D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-0104 ADOPTED.
33. ORDINANCE appropriating \$294,192.50 out of Water & Sewer Consolidated Construction Fund and \$285,000.00 out of Affordable Housing Uptown 2002B Fund; approving and authorizing Developer Participation Contract between the City of Houston and **LP WOODLAND LAKES ESTATES, LTD.** for Construction of Water, Sanitary Sewer and

Storm Sewer Lines to serve Section Four of the Woodland Lakes Estates Subdivision (WBS Nos. S-000800-00L2-4, R-000800-00L2-4 & M-000800-00L2-4) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2007-0105 ADOPTED.

34. ORDINANCE appropriating \$5,000.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **COBB FENDLEY & ASSOCIATES, INC** for Cook Road Paving Improvements from Bissonnet Road to Bellaire Boulevard, (WBS No. N-000639-0001-4) - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. ORDINANCE 2007-0106 ADOPTED.
35. ORDINANCE approving and authorizing Contribution Agreement between the City of Houston and **TEXAS MEDICAL CENTER** for Cambridge Bridge over Brays Bayou (WBS No. N-000720-0001-3) - \$2,200,000.00 - Revenue - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-0107 ADOPTED.
36. ORDINANCE appropriating \$330,000.00 out of Street & Bridge Construction Fund and \$518,150.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Professional Engineering Services Contract for Design of Cambridge Bridge and Paving from N. Braeswood Boulevard to Holcombe Boulevard (WBS No. N-000720-0001-3) and N. MacGregor Way Relocation from MacGregor Drive to Almeda (WBS No. N-000799-0001-3) between the City of Houston and **SCIENTECH ENGINEERS, INC**, formerly known as Sadeghpour & Associates, Inc. d/b/a **SCIENTECH**; providing funding for contingencies relating to construction of facilities financed by the Street Bridge Construction Fund and Street & Bridge Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-0108 ADOPTED.
37. ORDINANCE appropriating \$1,779,130.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PEPE ENGINEERING, LTD.** for Design of Water Line Replacements in Port Houston Area (WBS No. S-000035-00W5), Shady Oak Area (WBS No. S-000035-00W6) and Annunciation Area (WBS No. S-000035-00W7); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-0109 ADOPTED.
38. ORDINANCE appropriating \$1,551,600.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORPORATION** for West Almeda and 11th Street Bioscrubbers Project, WBS No. R-000265-0048-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-0110 ADOPTED.
39. ORDINANCE appropriating \$5,318,702.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **REPIPE-TEXAS, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, WBS #R-000266-00G3-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet

the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-0111 ADOPTED.

40. ORDINANCE appropriating \$3,198,900.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Turner Area, WBS No. S-000035-00E1-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICTS B - JOHNSON and H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2007-0112 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

4. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$5,193,447.94 and acceptance of work on contract with **DIAMOND COMMERCIAL CONSTRUCTION, INC** for FIS Cargo One-Stop Facility & Turnaround Lane for JFK Blvd at Greens Road at George Bush Intercontinental Airport/Houston, Project 605B/587; WBS#'s A-000436-0001-4-01 and A-000463-0001-4-01 - 00.31% 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. MOTION 2007-0083 ADOPTED.
5. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$3,567,240.82 and acceptance of work on contract with **SOVEREIGN BUILDERS GROUP, LTD. (dba CONSTRUCTION, LTD.)** for Air Cargo Inspection Facilities at George Bush Intercontinental Airport/Houston, Project 605C, WBS #A-000463-002-4-01 - 02.45% 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. MOTION 2007-0084 ADOPTED.

PURCHASING AND TABULATION OF BIDS

6. ORDINANCE appropriating \$600,000.00 out of Airports Improvement Fund for Purchase of Blast Protection Window Film for the Houston Airport System, (WBS A-000486-23-6, A-00486-37-6) – was presented.

Council Member Lawrence stated that she would like to tag Item Numbers 6 and 6a, that \$600,000 with a 5 year guarantee for a product that many of them in the past put film on their windshield, they clean it and it turns purple after a couple of years, if somebody had a sharp object and touches it it scratches and it looks bad, the price that they would pay and in five years they would have to spend another \$600,000 for less than that in 10 years they could be putting the proper glass, which may already be in there because of State and National requirements as far as tempered and laminated, so she had asked the Airport to give her an analysis of what glass was already in there, that was a tremendous amount of money for basically a toy and it did not have any energy efficiency.

Mayor White stated that Item No. 6 had been tagged.

- 6a. **WINTEC SECURITY, INC** for Purchase of Blast Protection Window Film through the Interlocal Agreement for Cooperative Purchasing with Houston Galveston Area Council – was presented and tagged by Council Member Lawrence.
8. **ELECTRICAL RELIABILITY SERVICES, INC** for Emergency Repair of the Electrical Feeder Line at the Northwest Wastewater Treatment Plant for Department of Public Works & Engineering \$166,689.50 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Khan stated that he wanted to have someone from the department visit with him, that an emergency repair of \$166,000 he thought that in many of these cases they had a standing kind of contract for people to provide emergency services, they understood when they called for an emergency repair it always costs many times more but these were some of the things they knew could happen throughout the course of a year, have they looked at some company to have a standby contract with the City to provide these repairs when they were hit by a storm, if somebody from the department could visit with him he would appreciate it, and Mayor White stated that they would get it done.

A vote was called on Item No. 8. All voting aye. Nays none. MOTION 2007-0085 ADOPTED.

10. **NALCO COMPANY** for spending authority to purchase Chemicals, Liquid Polymer Flocculant for Department of Public Works & Engineering - \$1,800,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Lawrence stated that she knew they got the email yesterday that the product, polymer flocculant, had to go through that they should not tag it due to the situation the City was in right now, that she encouraged all departments to have good inventory, it should not be five days left and put Council in the position to hire somebody to furnish the chemical and maybe they were the only ones in town that had the volume that the City needed, so had they put it out for bid or was it only one person who happened to have that product, that she thought large or small departments needed to have the proper inventory and give Council time to look at that and go over the bid process, that she would not tag the item but thought they needed a little more database keeping and a little more bookkeeping by departments.

Council Member Khan stated that in addition to what Council Member Lawrence said, how much of it were they buying, how long would it last, were they buying just enough to cover the bid process, secondly was it because of the Public Works Department that the item was delayed or was it also the Purchasing Department issue as to why they came to this point, it is not that they would like to have items to tag, but the point was were they using proper procedures to get the best value for their money.

Mayor White stated that he agreed with what the Council Members said and they would get that information to them.

Council Member Edwards asked if they knew why they were at such a point, and Mayor White stated that this was neither defensive or ambiguous to the particular department, but what he did know was that there had been a great deal of volatility in the chemical market and there was something that had been characterized as a management decision, and Council Member Edwards stated that she did not want to belabor departments if it was already being done, she

did not know if it was some exception or something special that fell out of loop because it did happen but she did not know what the problems were and that was what she was trying to figure out.

A vote was called on Item No. 10. All voting aye. Nays none. MOTION 2007-0086 ADOPTED.

ORDINANCES

12. **ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the care and control of animals in the City – was presented, and tagged by Council Member Wiseman.

Council Member Holm stated that she wanted to thank Council Member Lawrence who had spent such a great deal of time addressing the issues of the care and regulation of animals within the City, and particularly the pets of the citizens, and she applauded and complimented Mr. Robertson for the work he was doing in trying to bring the BARC Department up to standards, especially through the permitting processes, that one of the things that concerned her was that while they were raising the fees they still had no enforcement procedures and it seemed to her that if they had either through the vets or through some regular process that they would be able to keep registration low and still have large amount of revenue coming in in order to promote the program, that she really thought sometimes in this they were penalizing those that followed the laws and rewarding those that did not, there was one section that would like to talk about amending if her colleague would release her tag, that was in Article 4, Section 688, No. 3, the ordinance proposes eliminating the senior citizen discounted registration, that their pets were their most important asset and she did not think they should instill that fear or impose on them things that they could not handle in order to gain revenue for the City, and offered the following motion to amend Item No. 12:

“To reinstate Article 4, Section 6-88 No. 3 and that they leave the senior citizen discount at \$5 per license and \$2 each subsequent year.”

Council Member Wiseman stated that she would release her tag.

Council Member Berry stated that he wanted to say thanks to Mr. Robertson and Ms. Stein in the Agenda Office, they wanted to get it done before Christmas and there was a split of opinion if they wanted dogs adopted for Christmas because they ended up back on the streets in many cases but he thought they had to make it their priority number one not to kill one more dog than they had to, and number two there were a number of kids who would be able to afford a fancy breed dog and they could end up with a pet that they could care for and to the extent that their program could facilitate that he thought that should be their goal.

Council Member Clutterbuck stated that she had not had a chance to go through the ordinance they had just gotten it yesterday and it was extremely frustrating when they got ordinances at the last minute, that she knew they were trying to curtail sales of dogs on the streets and highways and that was an important thing to do but she was wondering when they defined commercial breeders, anyone who sells or offers for sale any un-neutered or unsprayed offspring to another person were they intended to rope in the casual neighbor who happened to just want to recover \$10 to cover their Parvo costs.

Council Member Wiseman stated that she wanted to tag the amendment and the main item.

Council Member Lovell stated that usually if they sell the animal to someone they tended to take better care of it than if they offered them off for free, so to her by doing that they were going to put more animals at risk than really helping animals at all, that people would just give them away to anyone to get rid of them rather than selling them to responsible owners, so she would like to have that clarified. Council Members Edwards and Berry absent.

Mayor White stated that they would be considering the item next week. Council Members Edwards and Berry absent.

13. **ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the adoption of animals in the City – was presented. Council Members Edwards and Berry absent.

Council Member Holm stated that she thought this item dealt with the incentive programs in order to have more pets adopted and she thought it could be a two sided coin and she appreciated dropping fees to adopt pets or even reducing fees but she wanted to explore a little further the two for one deal where they kind of threw in an extra pet and would tag the item to have some discussion during the week about it. Council Members Edwards and Berry absent.

Mayor White stated that Item No. 13 had been tagged by Council Member Holm. Council Members Edwards and Berry absent.

14. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by repealing Section 28-40 thereof relating to carrying a poster – was presented, and tagged by Council Member Wiseman. Council Members Edwards and Berry absent.
15. **ORDINANCE** adopting a Three-Year Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code – was presented, and tagged by Council Member Wiseman. Council Members Edwards and Berry absent.

Council Member Brown stated that he was not sure what the City policy was on annexation and SPAs in the short term which was probably different than it was in the long term and was also a little in the dark about how did the SPA (Strategic Partnership Agreement) revenues affect their revenue cap, that if it did it should be a consideration, and Mayor White stated that on number two it did not, all the caps excluded revenues generated by other governmental entities, and Council Member Brown stated that his suggestion was that maybe there should be a detailed discussion with Harris County and he had talked to Judge Eckels about it and he said yes because they had these MUDs with obsolete treatment plants and aging infrastructure, that there were also some subdivisions, many of them in that condition, that wanted to be annexed, so what was their policy on that, that it was not just a City issue, it was a regional issue and he thought some productive discussion with County Judge Eckels and others at the County would be a smart thing to do and to tell them what specifically the City policy was, short term and long term, on SPAs and future annexation because the SPAs were preventing any kind of annexation in general for 20 to 25 years or whatever the term of the SPA was, that he thought it was something looking ahead that they could get smart about, and Mayor White stated that there was one totally unincorporated area that he was familiar with and they had to think what was in the best interest of their citizens as they currently existed and the long run, but as far as some kind of MUD that wanted to be annexed by the City of Houston he tried to solve problems as they come along, anticipate problems that were there, but not do to much theoretical, so if Council Member Brown knew of those situations that had not come across his desk he was not aware of a single situation that was actually a MUD, that some unincorporated areas that would require major infrastructure, but if there was a MUD that wanted to be annexed somebody needed to bring that to his attention, that he was not saying what they would do

about it but was just saying it was news to him and he would appreciate the Planning Department briefing him on that. Council Members Wiseman and Berry absent.

16. ORDINANCE consenting to the addition of 280.491 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 133**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2007-0113 ADOPTED.
20. ORDINANCE approving and authorizing special warranty deed conveying to David K. Lam, a parcel of land containing 22,089 square feet (0.5071 acre), more or less, located in the Henry A. Cobb Survey, A-210, (former Boone Road Water Plant, 8602 Wilcrest Drive, Parcel SY6-056); in consideration of David K. Lam's payment of \$53,668.89 and other consideration to the City **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2007-0114 ADOPTED.
22. ORDINANCE issuing permit to **RICE UNIVERSITY**, for constructing, using, occupying, operating, maintaining and repairing foundation tiebacks within the University Blvd., Main Street, Travis Street, and Dryden Road Street rights of way, public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2007-0115 ADOPTED.
23. ORDINANCE repealing and rescinding Ordinance Number 2006-1086 passed by the City Council 10/24/2006, effective 10/30/2006 and issuing a permit to **HOUSTON PAVILIONS, L.P.** for constructing using, occupying, operating, maintaining and repairing (I) two building footings, one each within the Polk and Fannin and the Polk and San Jacinto Street rights of way, adjoining Block 273, S.S.B.B.; (II) an 80-foot-wide aerial pedestrian walkway with retail shops above and within the Fannin street right of way between Polk and Dallas Streets and (III) an 80-foot-wide aerial pedestrian walkway with retail shops above and within the San Jacinto street right of way between Polk and Dallas Streets (IV) an 80-foot aerial pedestrian walkway above and within the Polk Street right of way between Main and Fannin Streets (V) six sets of stairs to access various building entrances within and along the Dallas Street right of way, one set located between Main and Fannin Streets, two sets located between Fannin and San Jacinto Streets, and three sets located between San Jacinto and Caroline Streets; (VI) four sets of stairs to access various building entrances located within and along the Polk Street right of way, three sets located between Fannin and San Jacinto Streets and one set located between San Jacinto and Caroline Streets; (VII) two sets of stairs to access various building entrances within and along the Caroline Street right of way, located between Polk and Dallas Streets (VIII) two grease traps within and along the Dallas Street right of way, one each located between Main and Fannin, Fannin and San Jacinto, (IX) three grease traps within and along the Polk Street right of way, located between Main and Fannin, Fannin and San Jacinto, and San Jacinto and Caroline Streets, (X) two grease traps within and along San Jacinto Street, both located between Polk and Dallas Streets, all being within the public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented, and tagged by Council Members Holm and Green. Council Members Wiseman and Berry absent.
30. ORDINANCE appropriating \$40,000.00 out of Parks Special Fund and approving and authorizing an Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Improvements at Alief Community

Park (WBS Nos. F-0504B8-0002-4-01-01) - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2007-0116 ADOPTED.

32. ORDINANCE approving and authorizing contract between the City of Houston and **PROPERTYROOM.COM** for sale and disposal of abandoned personal property for the Houston Police Department - Revenue – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2007-0117 ADOPTED.

MATTERS HELD - NUMBER 42

42. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,002,338.29 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.**, for On-Call Drainage System Repair (Work Order Contract), WBS No. M-000243-0001-4 - 02.12% over the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; G - HOLM; H - GARCIA and I - ALVARADO** – (**This was Item 2 on Agenda of January 17, 2007, TAGGED BY COUNCIL MEMBERS GREEN and JOHNSON**) – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Berry absent.

Council Member Garcia stated that they had a good discussion on the item and he wanted to thank Ms. Laws for her work on it and thought it pointed out some good information that some of the ratings sometimes may not be entirely accurate based on some of the specialization that they were required to do, so he had asked Ms. Laws if there was a way to remedy it and would ask the administration if they could make sure to work with her to address it, that he wanted to find out if there was a way to be a little more accurate with some of the ratings. Council Members Wiseman and Berry absent.

Council Member Edwards asked if they did any outreach to try to let the communities know where there was a shortage of capacity so when they had their networking meetings and contracting meetings that they look to see how they could help develop or shore up certain areas, maybe one area per year in Public Works or whatever type of things they saw based on this type of incidence, that there was a shortage in minorities, how did they get that out to the community and minority business communities and to the schools, that she was not sure if their Affirmative Action Program had that component in it, she had not talked to Ms. Laws about it but she thought it was one thing for them to identify a short gap but then the other piece was how do they try to get some movement on it. Council Member Wiseman Clutterbuck, Wiseman and Berry absent.

Mayor White stated that there were some areas where there were relatively more opportunities for contractors, minority and non, than others, and it was in their interest as a consumer and in promoting diversity purposes to try to highlight areas in which there were a relatively limited number of qualified vendors, and they needed that sort of business attitude of looking over vendors as people, that they would get a better deal if there were more people competing for the business, that they needed to do that within Public Works and it needed to be driven by the business lines and the business managers, and asked Mr. Hall what they could do to get the word out that they would like more capacity.

Mr. Hall stated that Mayor White raised two issues, Ms. Laws and her team were working with their consultants to finalize the disparity study, the disparity study had two principle components, one, what the incidents in various business lines were in the community and what the minority incidents were in the community, they needed to know both things, that he thought there would be some

revelations to all of them when it was finally finished and presented to them so that they then would make some judgments, that where there was indicated a lack of presence in a given business line what do they do about it he was not sure they had done much and that was the question the Mayor was raising and they needed to talk about it as a community about what they do when there was not the presence in the community, that he would say to them and it was important because they had the new information it would be accommodated in the totality of their program, because they set their goals on total results not individual contracts, so that now that they knew that it got adjusted when Council considers the recommendations for setting their goals. Council Members Wiseman and Berry absent.

After further discussion by Council Members, Mayor White stated that they make a distinction and help them think through the distinction for some professional services procurement versus low bid, that he had sent out a memo around to Council Members laying out some facts the last couple of years, that it was possible for a non minority subcontractor to get a subcontract, he thought one out of maybe a hundred in the last two years had done so, that when they were talking about low bid then they needed to be thinking about if they had requirements because people bid against those requirements and they went with low bids, that he wanted them to help him think through those issues. Council Members Wiseman, Holm and Green absent.

A vote was called on Item No. 42. All voting aye. Nays none. Council Members Wiseman, Holm and Green absent. MOTION 2007-0087 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Johnson stated that they had the untimely death of Mr. Dwayne Lewis from the Housing and Community Development Department, that his wife Ms. Toni Lewis worked in the Public Works and Engineering Department and asked for a moment of silence for the Lewis family. Council Members Wiseman, Holm and Green absent.

Council Member Lovell stated that she wanted to welcome back Ms. Karen Gill, that she worked at the At Large Position 3 and she was so impressed by her work ethic, that they were very happy to have her in their office doing scheduling. Council Members Wiseman, Khan, Holm and Green absent.

Council Member Lovell stated that she was happy to have the dialog with the Chief and wished they had more time and opportunity to do so, that she wanted to commend their officers out there, especially those who were doing investigative work, that they had seen some pretty horrendous crimes and they had been able to go out and find the people who did the crime pretty quickly, that she wanted to commend them for the work they were doing, that statistics did not show up and maybe it should the next time the Chief comes on how quickly they do close some of these cases; that she hoped they could continue to reach out to the constables and other public safety officers for help, that while there might be hot spots that were being taken care of and they needed the attention she feared there were some other hot spots that were creeping up and were going to be a problem for them in the future, especially when it came to petty crimes, there was a difference between feeling safe walking on the streets that they were not going to be shot and they feel safe by who else was on the street or coming home and finding out their house had been broken into or things being stolen and those could affect a neighborhood, she thought, than having a murder, they had experienced both in her neighborhood, last June they had a murder at their park, but she had to tell them that the most things people talked about at the grocery store and civic associations and other places, was the increased street activity they were seeing and the break ins they were having, that in their block area they had 8 or 9 break ins, some had been repetitive and that disturbed a neighborhood far more than having somebody killed at a park, that she would like to figure out a way they could

help people feel a little bit safer about their homes and she was convinced that they could be by cooperation between their public safety people. Council Members Johnson, Wiseman, Khan, Holm, Garcia and Green absent.

Council Member Lovell stated that she knew they were shortly going to be discussing the changes to the Historic Preservation Ordinance and she wanted to say how exciting it was right now, the level of discussion they were having about their neighborhoods, about preserving their neighborhoods, about people being interested in the type of character and design in their neighborhood and the discussions between the neighborhoods and the organizations, the builders and developers, she thought, was something that had not been there for a long time and it could only be healthy for their neighborhoods and their cities, so she was very excited about those discussions and they had been very good and productive discussions, that she looked forward to stiffening the Historic Preservation Ordinance. Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she too wanted to acknowledge the loss of Mr. Dwayne Lewis, that he was a great human being, always smiling, that for his wife and family they had a wonderful ride with a wonderful person. Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that regarding public safety in the District D office they were going to use March as an area of time to work with some of the apartment units in District D in a National Night Out type of model, that she thought there were some ways they could partner with some social service agencies on health and education issues and a lot of things that she thought would help people find something more to do, that she was going to ask for the participation of Terrance Fontaine with them on this, her idea was to do one or two large apartment complexes like the Concord or Skyplaza and then contact all the churches and community clubs and have conversations with the tenants and then to develop from that a partnership and then health and school issues and see if they could get some on site type of activities for the children so they would not have to go anywhere outside of their complex. Council Members Johnson, Clutterbuck, Wiseman, Khan and Garcia absent.

Mayor White stated absolutely but to please make sure they had the full resources of some of the cross cutting teams that they had within the City departments. Council Members Johnson, Clutterbuck, Wiseman, Khan and Garcia absent.

Council Member Edwards stated that she wanted to say Happy Birthday to Keith Wade, who had been an awesome professional support and friend the District D office and to the City of Houston. Council Members Johnson, Clutterbuck, Wiseman, Khan and Garcia absent.

Council Member Edwards stated that there were four areas that she would like to see, that they had passed ordinances on these areas and she still got calls from District D regarding these, one was prostitution, that she would like the status, the other was panhandling and soliciting, dealing with the children, that she would like to know the status and how effective it had been. Council Members Johnson, Clutterbuck, Wiseman, Khan and Garcia absent.

Council Member Edwards stated that she was listening to President Bush's State of the Union and he made an interesting piece about insurance and how it would be taxed or not taxed and one commentator said that Texas would probably be the one state that would really benefit from it and that Houston would be a city that would benefit so she would like to know what that meant for the City of Houston if the new insurance was done, particularly what it would mean for the City of Houston employees. Council Members Johnson, Clutterbuck, Wiseman, Khan and Garcia absent.

Council Member Lawrence stated that she wanted to invite the constituents of District A to their annual CIP meeting at Spring Woods High School at 7:00 p.m. on February 1, 2007. Council Members Johnson, Clutterbuck, Wiseman, Khan and Garcia absent.

Council Member Lawrence stated that she realized how important Housing and Community Development was last night, they had about 60 citizens come out in the rain and want an explanation of tax credits and Donald Sampley showed up with very little notice and provided very good information, in fact he was going to the CIP and explain it, that as they start refurbishing apartments she thought a lot of constituents wanted to know what tax credits were all about. Council Members Johnson, Clutterbuck, Wiseman, Khan and Garcia absent.

Council Member Lawrence stated that she wanted to thank Neighborhood Protection and a number of people that were working on an eyesore in District A in the 1500 Block of Sherwood Forest, there were some apartments and pools that were moving hopefully towards demolition and she appreciated the work being done on that. Council Members Johnson, Clutterbuck, Wiseman, Khan and Garcia absent.

Council Member Lawrence stated that she wanted to thank her colleagues who showed up at the annual Crime Stoppers Luncheon yesterday, that one of the points made was that 45 guns had been taken out of their public schools over the last few years and they would never know how many lives were saved by that, that kids turned in other kids, that she thought that was what this group stood for, how many felons they brought in, they were really working and a lot of things happened really fast because of Crime Stoppers and the police officers, constables and sheriffs who were all working together to make that organization work. Council Members Johnson, Clutterbuck, Wiseman, Khan and Garcia absent.

Council Member Green moved to suspend the rules to extend the meeting beyond the scheduled noon recess to complete the agenda, seconded by Council Member Berry. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Wiseman, Khan and Garcia absent. MOTION 2007-0088 ADOPTED.

Council Member Holm stated that Ms. Nancy Brewer Flores, a long time committed and respected agenda director and chief of staff for District G was going to be joining the Public Works Department effective Monday and they wanted to thank her, that she was so competent, her leadership, dedication and incredible work ethic had served the City so well, that she was going over to 611 Walker. Council Members Johnson, Clutterbuck, Edwards, Wiseman, Khan and Garcia absent.

Council Member Holm stated that she wanted to complement Roberto Medina and Ricky Leverett in the Public Utility Division of the Public Works Department, they had an instance this past week where a fence was down around a pool and it was reported and was going through the process and was really dangerous and when their office contacted them they immediately got on it and within 24 hours had the situation remedied and did it in that positive frame that the City needed to be recognized, so she wanted to thank them. Council Members Johnson, Clutterbuck, Edwards, Wiseman, Khan and Garcia absent.

Council Member Alvarado stated that she too wanted to join her colleagues in giving condolences to the Lewis family, that Mr. Lewis was Mr. Anthony Hall's brother-in-law and knew it had been a tough two weeks for Mr. Hall and she wanted to know that he was in her prayers and thoughts. Council Members Johnson, Clutterbuck, Edwards, Wiseman, Khan, Garcia and Lovell absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to pass out something to the Council Members, that the FCC back in late December adopted an order that would federally mandate how video franchises would occur across the Country, basically stripping Houston of their ability to protect their citizens, their local assets and their revenues, despite the fact that a coalition of organizations like the National League of Cities, the U.S. Conference of Mayors and the National Association of Counties all stated that the order undermined local franchising authority and enforcement, threatened local budgets and limited the benefits of broadband video competition to a few well to do neighborhoods, that the issue was going to come back up again it was on the very top priority list of National League of Cities and she would continue to brief them and she hoped her colleagues would take the time to read what she had passed out. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia and Lovell absent. (NO QUORUM PRESENT)

Mayor White stated that there were a lot of great people who worked for AT&T and he got asked from time to time from various people at all levels of that organization from different backgrounds, he did not have any problems with AT&T he just wanted them to know two things, that they welcomed people having their utilities underneath their streets, telecommunication infrastructure was important, they did not want to have to pay them or they should not have the right to veto a drainage project that they needed under the streets unless they paid them, they did not require them to put their lines 30 feet below the surface, they could have, second, when they were talking about something like DSL or a service that was available that used or must use the public property then should not the local government, who owned that property have something to say about the extent to which they would offer those services to more rather than fewer people, which they did with cable, that a policy of excluding neighborhoods from services and a policy of shifting their business costs to the taxpayers those two policies he had a problem with. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia and Lovell absent. (NO QUORUM PRESENT)

Council Member Green stated that he also wanted to give his condolences to the Middleton and Lewis families, that he had known those families for a long time, that their condolences went out to the entire family. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia and Lovell absent. (NO QUORUM PRESENT)

Council Member Green stated that on Tuesday, January 30, 2007 was their Budget and Fiscal Affairs Committee meeting in the Council Chamber. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia and Lovell absent. (NO QUORUM PRESENT)

Council Member Green stated that on February 1, 2007 at the Houston Club the Women Professionals in Government would hold their monthly luncheon and Ms. Liliana Rambo would be the guest speaker, if they needed information they could contact them at wpg@hctx.net. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia and Lovell absent. (NO QUORUM PRESENT)

Council Member Green stated that the HIV/AIDS testing campaign, Take the Walk would be held February 3, 2007 at Sharpstown Mall at the Urban Zone, that they could contact Darian Ward at Info@DarianWard.com or 713-628-0142, that it would be on Saturday, February 3, 2007. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia and Lovell absent. (NO QUORUM PRESENT)

Council Member Berry stated that he wanted to thank Council Member Brown's office for helping them in the Small Business Contracting Forum that they put together on Thursday of last week, particularly Damian Williams of Council Member Brown's office and Carl Davis of his office, that they had a wonderful forum and a lot of people were connecting. Council Members

Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia and Lovell absent. (NO QUORUM PRESENT)

Council Member Berry stated that their hearts and prayers continued to go out the family of Mr. Jerry Haines Jr. who was a City worker, that he thought it was important for a City worker who left a widow and a one month old child and was a good Samaritan that they support them, that there were several funds that had been created, that Amegy Bank created a fund for the family and a number of people had been contributing to that, thanks to Paul Murphy and Walter Johnson for doing that, that anybody could walk into any Amegy Bank and contribute to the City worker, Mr. Jerry Hines Jr. and it would go directly to his wife. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia and Lovell absent. (NO QUORUM PRESENT)

Council Member Berry stated that next Tuesday, January 30, 2007, at the Council meeting they would have Ms. Robyn Troup, who in addition to being Pastor Lawson's granddaughter and City employee, Roxanne Lawson's daughter, was on American Idol this season and was also competing to perform at the Grammy's, that they would give her a little award and Pastor Lawson would be present to lead them in prayer, that he and Council Member Edwards were teaming up to try to get more people to vote for Ms. Troup because it was a great Houston story, that they could go on the internet and vote for Ms. Troup. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia and Lovell absent. (NO QUORUM PRESENT)

Council Member Berry stated that he appreciated Chief Hurtt being present at Council, that obviously public safety was on everyone's mind, that he had several people ask him if there was anything to it, were their officers out of control because there had been some accounts made and perhaps some reckless things said with regards to the police officers and he thought one of the most disturbing things was when someone was charged with a tough job and put into the fray and they asked them to do that and they did not pay them well to do that they did not always come behind them and they were questioned and then allegations thrown at them during a very tough situation, that he thought it was quite important that they all reserve judgment and be fair and if after thorough review they find that the individual who they deputized with a gun and a badge, two of the most powerful things in society, had misappropriated those then they should rain down upon them but if they had not they should have reserved judgment long enough for the process to work, the Police Chief had released more details on the investigation, very unfortunate death of Mr. Macintosh, but the more details came in the more it made him realize that the process had to run it's course and they had to be fair to the police offices because unfortunately if some press releases fly and some public rally's were held and things were said impugning the reputation of long time police officers they did not get that reputation back once it was done and he thought it was very important that the process run it's course. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia and Lovell absent. (NO QUORUM PRESENT)

Mayor White stated that he was not talking about any particular case but he really admired police officers who went out of their way to try to apprehend, in a safe and lawful way but in a physically taxing way and at a risk to themselves, people who flee, that it was not a comment on a particular case but it was a comment that he shared with people in a neighborhood that they had to have tight and known standards in advance for the conduct of their officers and they ought to be held to the standards that they were trained to, that they also as citizens ought to have standards about how citizens interact with law enforcement and that included assault on officers and fleeing from officers, that it was not a comment on any particular case. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado and Lovell absent. (NO QUORUM PRESENT)

Council Member Brown stated that there was an encouraging editorial in the Chronicle about more parks and open space that would come about as a result of what he thought were wise additions to their development regulations that would allow developers and builders to participate in the provision of meaningful park and open space and was something that he and Council Member Lawrence had been working on and thought they had some real good prospects for building a consensus from all parties on the issue; that he wanted to honor what he called neighborhood voices and said to them, "Listen my colleagues and you shall hear the neighborhood voices loud and clear, their pleas go forth far and near to vouch safe their turf oh so dear, so let's show our mojo and dare to say new regulations are well on the way", that it was another way of getting across the point, that he was concerned about what he was hearing from neighborhoods across the City and it was not a mystery to any of them who read their emails that to many of their neighborhoods were at risk and he was also concerned about the mediocre quality of new residential subdivisions and hodge-podge infill development, that in some cases they were allowing higher density, hap hazard development for which the City could not afford or provide the necessary infrastructure, street and drainage capacity, that he though they had an opening to remedy that situation, conversely there were highly developable sections of the City, vacant tracts and brownfields where development was stymied due to missing streets and insufficient infrastructure, that even without zoning they could implement plans by regulating such things as lot size, street types and traffic impacts, setbacks, density, curb cuts, impervious surfaces, parking layouts, storm water run-off, parks and open space, these were all tools which they could make part of what he would call a Houston style smart code, where they were not bogged down by a lot of obsolete zoning regulations and arcane provisions that in many other cities thwart the opportunity, they could cultivate what he would call simpatico development of long lasting sustainability accented by pockets of real urban beauty otherwise they were just letting the City happen and it left them with a somewhat uncertain future; that increasingly their neighbors were complaining about rising utility costs, particularly those with limited incomes and they did not seem to be getting answers, that some energy bills with constant usage have increased 30% over the last 12 months in spite of the fact that the price of oil had gone down, that monthly services charges have been increased for entire neighborhoods based on in-office estimates because Reliant says they did not have enough meter readers, that customers were being told that relief could only come through action by the Public Utility Commission, that they needed to standup for their citizens, their customers, who saw themselves as powerless against big utility companies, the bureaucracy and the lobbyists, that should they not consider adding their Boards and Commissions a Citizens Public Utility Review Board to independently set and execute policies, review complaints and represent the interest of their citizens. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he believed there needed to be some process with probably some final point legal counsel where they would have something with maybe the assistance of some panel with outside counsel where there were things that looked like these abuses or bait and switch, contract terms, or billing based on estimates, where they had people who promptly brought actions for the deceptive trade practices or whatever it was, or if there were things that were terms of the contract, where they really looked after it there was going to be more of a burden and he thought it was a good idea and thought they needed to have people who were not afraid to go into court, people who could write a petition in one hour if somebody gave them the facts, dictate a petition in one hour, that caused a little accountability, that the thought it was a good idea and they needed lawyers involved to be screening these things to set standards where there was actually something that violated the law, that the PUC did not have exclusive jurisdiction over fraud, that he did not know about deceptive trade practices. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Michel stated that this was not the first time that the Mayor had mentioned it, he had been working with Mr. Issa Dadoush to investigate some of the practices and gathered them so they could put them in an effective remedy that would include the rights the City had. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

After further discussion Mayor White stated that he wanted to have an ombudsman but for issues involving illegal conduct by utility companies as opposed to having a problem with their bill. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that the District B CIP meeting would be tomorrow, January 25, 2007 at the Kashmere Gardens Multi Service Center from 7:00 p.m. to 9:00 p.m., that it was an opportunity for their citizens to come and view the CIP and also talk about other CIP items that they would like to see, that they would have their second CIP at Shadydale Elementary at 5905 Tidwell Road and would also be from 7:00 p.m. to 9:00 p.m. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to welcome the members of the Progressive National Baptist Convention to the City of Houston, they came in on Monday and he gave the welcome at their annual meeting and he was glad that they had chosen Houston as their location for this year's convention, that it was also the organization that the late Dr. Martin Luther King was a part of and they had over 2,000 churches globally with over 2 million members. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:24 p.m. Council Members Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)
DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary