

City Council Chamber, City Hall, Tuesday, January 30, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 30, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Addie Wiseman, M. J. Khan, P. E., Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director; present. Council Member Ada Edwards absent on personal business. Council Member Pam Holm absent on city business.

Note: Council Member At-Large Position 3 vacant.

At 2:00 p.m. Mayor White called on Council Member Alvarado to begin presentations; and Council Member Alvarado appeared at the podium with Mr. and Mrs. Jeff Bagwell and stated that this was probably one of the proudest days of her City Council career to recognize one of her favorite Astro players; that Jeff Bagwell exemplified what all looked to as a fine role model as a baseball player, but he was also an extraordinary Houstonian; that he was a very good ball player, but was also very loyal to the Astros and to this city and it was appropriate for those who put Houston first be recognized; that he and his wife were very involved in the community; that he was with the Astros 15 seasons; 2,150 games; 297 batting average; 449 homeruns, an Astro record; 1,529 runs batted in; 1,401 walks, 2,314 hits; 1,517 runs and 488 doubles and it was with those great statistics and the honor that she had of proclaiming today, January 30, 2007, "Jeff Bagwell Day" in Houston, Texas; and Mr. Jeff Bagwell stated that he wanted to thank all for their support, this was obviously a special day; that never in his wildest dreams when he came in 1991 did he figure he would still be here in 2007 and having his own day; that this was home now for him, his wife and his children and there was a lot of speculation they were leaving Houston, but they were not, they would be staying for years to come and watching their children grow up here; and the Bagwell Foundation, he and his wife started, were presenting \$25,000 to the Coalition for the Homeless; and again thanked all for the recognition; and Mayor White stated that a special human being had a great heart as a competitor, but having a big heart meant more than that and what his check would do would support some of the rapid response programs, when people did want to change their lives they would not have to stay on the street; and thanked Mr. Bagwell for being a great citizen. Council Members Johnson, Wiseman and Garcia absent.

Council Member Lovell stated that Mr. Bagwell was a great ball player and a class act; and thanked him on behalf of the city and her family for the great moments he gave them sitting on the edge of their chairs and they were very happy he would be staying in Houston and thanked him for his contribution. Council Members Johnson, Wiseman and Garcia absent.

Council Member Khan thanked Mr. Bagwell for a wonderful 15 years with this city; that not just his colleagues but the whole City of Houston was proud of him, he was one of the best role models sports had ever presented; and he thanked he and his wife for making society better for everyone; and congratulated him on starting a career and serving humanity; and wished him all the best. Council Members Johnson, Wiseman and Garcia absent.

Council Member Berry stated that someone else in the Chamber would have many hits in the future; that Reverend Marcus Cosby was present and today was the 53rd wedding anniversary of Reverend Bill Lawson, a deacon of the community, and his wife and his daughter was an esteemed member of the City of Houston Housing Department and her daughter was having a special day today; that they were asking Houstonians to team up and make her dreams a reality, she was a graduate of Jack Yates High School and he asked those present with Jack Yates to stand to be recognized. Council Member Berry further stated that today was

Robyn Troup's day and invited her to the podium. Council Member Berry continued that she was one of five finalist out of 2,000 who were competing for a chance to perform with Justin Timberlake at the 49th Annual Grammy Awards if she won the most votes; and Ms. Rideaux of Council Member Edwards office stated that they were excited District D was represented in grand fashion by Miss Troup and her family and stated that all should vote for Robyn; and Mayor White stated that many were rooting and voting for her and today for the reasons Council Member Berry stated they proclaimed today "Robyn Nicole Troup Day" in Houston, Texas; and Miss Troup thanked all for voting and supporting her and she was very proud to say she was from Houston and went to Jack Yates High School; and sang for all. Council Members Johnson, Wiseman and Garcia absent.

Council Member Brown stated that this was a very special day and welcomed the first grade class of St. John's School and invited them to the podium; and further stated that each had been presented a proclamation and his granddaughter, Grace Melcher, had a small speech; and Grace stated that she was happy to bring her class with her to see City Hall. Council Members Johnson and Garcia absent.

Council Member Green stated that today there were sports stars and singers and now president of a record company and invited Mr. James Prince to the podium. Council Member Green stated that Mr. Prince had put many singers on the map and was an icon and he and his wife were pillars of the community; and presented him a Proclamation for his active civic involvement which bettered the City of Houston and he was CEO of Rap A Lot Records and of Prince Boxing Enterprises; and today wished him continued success and proclaimed January 30, 2007, "James Prince Day" in the City of Houston; and Mr. Prince stated that he thanked God for this opportunity and the Mayor and Council Members and his wife who had been by his side 20 plus years; that this was a blessing and was a fast 20 years with Houston being one of the hottest markets in the music industry now and he was happy to have been part of laying the foundation. Council Members Johnson, Garcia and Lovell absent.

At 2:28 p.m. Mayor White called the meeting to order and called on Council Member Berry who stated that the current pastor of the Wheeler Avenue Baptist Church was present and blessed to have the founder and pastor, Pastor Lawson, and invited he and his wife to the podium and Pastor Lawson led all in prayer and Council Member Berry led all in the pledge. Council Member Edwards absent on personal business. Council Member Holm absent on city business. Council Member Garcia absent.

At 2:31 p.m. the City Secretary called the roll. Council Member Edwards absent on personal business. Council Member Holm absent on city business. Council Member Garcia absent.

Council Members Khan and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Holm absent on city business. Council Member Garcia absent. MOTION ADOPTED.

Council Member Brown moved that the rules be suspended for the purpose of hearing Ms. Susan Reedy at the top of the three minute speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Holm absent on city business. Council Members Johnson, Garcia and Berry absent. MOTION 2007-0089 ADOPTED

Council Member Lawrence moved that the rules be suspended for the purpose of adding Ms. Kren Bousky to the list of speakers after Mr. Joseph H. Burnley, seconded by Council

Member Khan. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Holm absent on city business. Council Members Johnson, Garcia and Berry absent. MOTION 2007-0090 ADOPTED

At 2:33 p.m. the City Secretary began calling the public speakers. Council Members Johnson, Garcia and Berry absent.

Mr. Mark Rome, 1022 Georgibelle, Houston, Texas 77043 (713-850-4800) appeared and stated that he was president of IPD, a newspaper distribution company in Houston, representing a client of a weekly Spanish publication and he would commend Council Member Holm for her professionalism and he recognized the need of a newsrack ordinance but he was opposed to the color and graphic restrictions for locations outside the central business district as it put an unfair burden on the Spanish newsracks which was the majority found outside the central business district and customers driving by looked for the color and logo of the newsrack and if all one color it may be more distractive than the different colors. Council Members Garcia, Brown and Lovell absent.

Ms. Dinah Massie Martinez, 1517 Marshall, Houston, Texas 77006 (713-302-3558) appeared and stated that she was president of Mandell Place Civic Association and present to express their concern of the precedent which would be set if Lancaster Place's deed restrictions were interpreted differently than other decisions of the past; that in 1923 Council approved a plat for Mandell Place to provide affordable housing in a fast growing part of town, then in 1985 Mandell Place faced a challenge to their 75 foot setback requirements, a developer was building town homes which did not adhere to that setback or requirement that structures only face the street, but after the lawsuit was settled Mandell Place won; that if Aziza Homes was allowed to build town homes in violation of Lancaster Place's deed restrictions, which were the same as their deed restrictions, the entire Montrose was in danger of losing their very preserved and protected neighborhoods; and they asked for Council's help in preserving their special part of town. Council Members Khan, Garcia, Brown, Lovell and Berry absent.

Ms. Susan Reedy, 1900 Kane, Houston, Texas 77007 (713-880-5540) appeared, presented information and stated that she was with a non profit organization called Urban Harvest and they used gardens to improve the quality of life in the greater Houston area with programs including aid to more than 130 school community gardens, classroom education for adults, a farmer's market in the Upper Kirby District, organic landscaping education for businesses and collectively those programs built community spirit and addressed important issues such as health, pollution, hunger and poverty and all benefited from more green space and today they were proposing a partnership with the City of Houston to use vacant city lots located in flood plains or tax delinquent, etc., to start a new community garden program and would like a pilot program in each of the seven Houston hope areas where the city provided the land and Urban Harvest established the gardens and they would request funding from the city for which they would raise matching funds from the private sector. Council Members Johnson, Garcia, Brown and Berry absent.

Mayor White stated that he agreed with all she said on green space and anything he could do to make farmers marketing easier, but there had to be rules to all; that he knew where property was in the public domain and in the Houston hope neighborhoods was a reasonable proposal and he thought it could be done; that funding was a little more problematic because it had to come out of some budget whether it be garbage, police or fire, etc., but in making property available to people who were committed he thought they could do; and to Mr. Fontaine and Mr. Bob Christie and some others he could show eight lots in the flood plain now in Independence Heights primed and ready to go and next to a park and if she had not come he was going to find her. Council Members Johnson, Garcia, Brown and Berry absent.

Council Member Khan stated that students from Dalian, China were present visiting in an exchange program with Lamar High School and asked them to stand to be recognized. Council Members Johnson, Clutterbuck, Garcia, Brown and Berry absent.

Ms. Sarah Kern, 3300 Lyons, Houston, Texas 77020 (713-223-1864) appeared, presented information and stated that she was with the Houston Asset Building Coalition who worked with the IRS, City of Houston Mayor's Citizens Assistance Office and other financial institutions and they provided free income tax preparation to families who earned less than \$39,000 a year, they had 26 sites and opening day was past Saturday; that last year they did 8,000 returns bringing back \$9.1 million to the Houston economy and the goal this year was 11,000 returns and they hoped Council would help spread the word, Thursday, February 1, 2007, Mayor White would be reading a Proclamation for their kick-off and other events were coming in February. Council Members Johnson, Clutterbuck, Garcia, Brown and Berry absent.

Mayor White thanked Ms. Kern and stated that this was the single most cost effective thing he had come across in three years of Mayor and many years before that in taking advantage of federal law to get financial resources in the hands of people of modest income. Council Member Berry absent.

Mr. Randall Kallinen, 1406 Castle Court, Houston, Texas 77006 (713-320-3785) appeared and stated that he was a Houston citizen and a civil rights lawyer and was present to encourage Council to repeal Section 28-40 of the Code of Ordinances, Agenda Item 89, the particular section outlawed carrying a poster on the streets of Houston, it was an old law and people were ticketed and they hoped it would be repealed. Council Member Berry absent.

Mr. Christopher Kelly, 5500 El Camino Del Rey #3010, Houston, Texas 77081 (713-592-8882) appeared and stated that the right to think was the beginning of freedom and speech must be protected from the government because it was the beginning of thought; that he was arrested for carrying a sign political in nature a while back and to spend taxpayers money for police to enforce laws against the foundation of what made this country great was not right and oppressing a civilian's rights would never be right and he now had doubts about this country, city and how strong the U. S. Constitution was held high and he was asking Council to bring this city into the 21st century by abolishing any law that did not conform to the U. N. Declaration or U. S. Constitution, to repeal all laws which went against the rights of all Houstonians to have freedom of speech. Council Member Berry absent.

Mayor White stated that he could not believe that was passed and it was being looked into; and thanked them for bringing it to Council's attention. Council Member Berry absent.

Mr. Kipp Miller, 1750 Sul Ross, Houston, Texas 77098 (713-582-5355) appeared, presented information and stated that he was president of Lancaster Place Civic Association and originally he was going to speak about the lack of a sidewalk on an empty lot at Branard and Woodhead where each school day children had to walk on a busy street and all fell on deaf ears, but now he was speaking on deed restriction enforcement and their quest to get a stop work order, his neighborhood had well preserved 1920 era homes but lately their ability to enforce restrictions at 1614 Sul Ross failed and development plans were in clear violation of one deed restriction and a historical violation of another; that homes needed a 25 foot setback and needed to face the nearest street running east and west and any garages, servant quarters, etc., needed to be setback at least 75 feet and in the last two years two developers once told of the restrictions left the neighborhood or changed their building plan and now Aziza Homes planned three homes for the lot and two garages did not meet that 75 foot setback and the second home sat sideways and Aziza swore in an affidavit there were no deed restrictions and

knew full well there were; that he filed a complaint with the City Compliance Division and was told they could not help as garages in homes were not considered separate buildings and not subject to the 75 foot setback and yet in the 80 year history of their subdivision every builder had honored the garage setback because they understood the intent to keep garages at the rear of the property and preserve the neighborhood's physical character and they also said they could not help on the home sideways, when did the city decide which deed restrictions it would and would not enforce, in 1988 Houston successfully prosecuted builders who violated deed setbacks and sideways restriction one street over in Mandell Place; that Houston's old neighborhoods were going fast; and asked for city assistance. Council Members Wiseman, Khan and Berry absent.

Council Member Clutterbuck thanked Mr. Miller and all those present who brought the matter to Council's attention and stated that Mayor White had been working on this and so had the City Attorney's Office and Council Member Alvarado spearheaded an effort to try and get a clearer and more consistent enforcement of deed restrictions on the part of the Legal Department and she would support it. Council Members Wiseman, Khan and Berry absent.

Council Member Lovell stated that they were her home civic association and she thanked them for all their work; that she would ask them to not applaud as it was Council rules, but there was an issue of the sidewalk and they were told they could not put in a temporary, not even crushed gravel, but someone took out the sidewalk and said they would build soon but that was since Halloween and it did not take away the fact someone could get hit because of walking in the street and why should commonsense not prevail, why could they not just put gravel temporarily, but with that aside the issue of the deed restrictions was there, people were frustrated because they could not go to Planning feeling they had an advocate, she was for building and development, but many builders compromised for neighborhoods and yet some would go to an attorney and find some little loophole allowing them to do what they wanted with total disregard for the neighborhood and that was a shame and wrong, citizens should have somewhere to go for advocacy and she was asking for help with preservation and enforcement of deed restrictions. Council Members Wiseman, Khan and Berry absent.

Council Member Brown thanked all for coming and stated that he would second what Council Member Lovell said, neighborhoods needed protecting and either deed restrictions were enforceable or they were not; and upon questions, Mr. Miller stated that they had the deed restrictions for that property going back to when it was built in the early 1920s; and Council Member Brown stated it should be fairly easy to resolve and the city should get behind them, there was plenty of land to develop and they had to find a way to protect such neighborhoods. Council Members Clutterbuck, Khan, Alvarado and Berry absent.

Mr. Fred Sedgwick, 1626 Colquitt, Houston, Texas 77006 (832-723-6403) appeared and stated that he was vice president of Lancaster Place Civic Association and present to solicit Council's help with the matter of building high density townhomes in a historic Houston neighborhood; that their community was deed restricted and they had understood such restrictions were enforceable and would protect them from people wanting to destroy their historic neighborhood in the interest of profit; that in 1988 the City helped Mandell Place and they would no longer fight for deed restrictions and the current policy of the City Attorney's Office was to only enforce setback and use restrictions and he verified that with three city attorneys and few civic organizations would be able to take on builders who had deep pockets, it was not practical to fight them in courts because of funding and urged the city's assistance. Council Members Clutterbuck, Khan, Alvarado and Berry absent.

Council Member Garcia thanked Mr. Sedgwick for coming and stated that earlier in the Fiscal Affairs Meeting they had a report on budget amendments and status of their

implementation and his budget amendment last year was to have the Legal Department hire more investigators to help enforce deed restrictions and he was surprised to learn that the positions had not been filled and it was to help address these issues which came up in neighborhoods from time to time; and Mayor White stated that he was glad he brought that to his attention because in civic club meetings he almost gave carte blanche and both he and Mr. Michel followed the case load and did hire additional investigators in the last three years, but they would follow-up on it, and he did not think that was the issue here, but it would be followed up on. Council Members Clutterbuck, Khan, Alvarado and Berry absent.

Council Member Lawrence stated that there were a lot of neighborhoods with large lots and to redo deed restrictions was so hard; that was the disadvantage for a lot of neighborhoods and many district Council Members had looked for solutions when someone came in and replatted a lot and made their own subdivision and changed the character of the block face; that the only solution was to get no replatting written into the deed restrictions; that she even had a situation where third floors were prohibited and they were told they could not do that so he only put a diagonal line through it and put attic and it was allowed because there was no stipulation on what an attic was and that was some things they were trying to look for, it was disconcerting when you knew the intent was not there and yet someone turned it into something for money. Council Members Clutterbuck, Khan, Alvarado and Berry absent.

Council Member Lovell stated that Council Member Lawrence framed it well, when people came to Planning, Legal or Permitting and it was an area of intent it would seem the intent would go against the neighborhoods and those who lived there and always went to the builders and that was what people in neighborhoods were asking for, if it was not clearly written, such as the attic, the intent was there so why could the city not go with the neighborhood and those existing taxpayers who lived there and made it such an attractive place that others did want to live there; and Mayor White stated that was a very good point and he would discuss this after the next speaker. Council Members Khan, Alvarado and Berry absent.

Ms. Molly Gochman, 1607 Sul Ross, Houston, Texas 77006 (713-522-8381) appeared and stated that she was a resident of Lancaster Place and they were trying to have the city enforce their deed restrictions; that 1614 Sul Ross, a single development lot, would house three townhomes and it was three lots from the Menil Collection; that the Menil Collection had been described as one of the city's premiere cultural treasures and its existence of the cultural treasure relied on its ability to be in communion with Lancaster Place, it was built as a gift to the citizens of Houston and it symbolized the democratic sensibilities of those who gave it, over time this had developed into what was called a museum village and she felt her home was an extension of that collection and if Aziza Homes was allowed to violate deed restrictions then the museum village she inhabited would be compromised and a premiere treasure would begin to tarnish. Council Members Khan, Alvarado and Berry absent.

Mayor White stated that to address a couple of issues Council Members had posed questions and he would deal with a particular case, first observation was one thing he found was there were good people elected around this table in prior administrations and many people who were activist and one thing...new urbanist, people who wanted to have a denser city, which he would like to see, reforms were at one time to encourage people to build more densely inside the loop and a reality check was it was fortunate she and others had invested in the neighborhoods and he for one believed there should be a number of neighborhoods which were distinctive, which had single family detached residential structures, especially if they had a history to them like the Old Six Ward, Houston Heights and their neighborhood, but he heard some people say they wanted to make the urban center stronger to make it easier to build high density and there was a pendulum which did swing and second, he agreed with Council Member Lawrence about the need to figure out what to do about something platted as

residential on a replat; that he read Chapter 42 because of the loophole some lawyer took advantage of, where they called a condo a townhome and thought they pulled a fast one, he was furious and still was and he thought the code said when you did the replat under 5,000 there had to be 3,500 square feet, if you did the replat of residential you could not just break it down to any size and he heard there was a sliding scale factor, but he did think whatever formula they had was not working and it needed to be looked at, they needed to look at the so called sliding scale and make sure something happened when you went below blank in a neighborhood that was blank, then it must be blank; that neighborhood standard was one thing, if you diced it up too small below then there was a process of procedure where there was public notice, it just made sense, but they may find unintended consequences; and his next point was on this issue that he reviewed with Legal, not only the status of deed restriction data base but they ought to do all they could to investigate and prosecute deed restrictions and he did not think the law should allow deed restrictions to lapse because of no enforcement but that was what happened in many neighborhoods and it was state law and there was little the city could do about some of it except for residents could oppose any restriction they wanted to on their property; that he did have a question he was not satisfied with and may require Council action about why they should not enforce street orientation, he knew Legal did not want to do things that Council had not given it the authority to do, but Legal was interpreting ordinances as they could only bring things involving setbacks and lot size and size of structure on the lot and it would take about 14 days if they thought it was a good idea to give the City Attorney the power to enforce a restriction or orientation of the street; that if they were going to be a deed restriction city they had to enforce deed restrictions and if they were supposed to face the street and they did not, if someone was going to rob a house and say it was okay because they were not enforcing a burglary law that day it was not okay to say they were in compliance with the law; and to Mr. Cheatham on the language of garages, servant quarters, etc., he understood it was not a detached garage, etc., and he did not know all implications for neighborhood redevelopment efforts where they wanted higher density if they would provide a universal rule, he thought people were acting on good faith, but the reason he had rambled like this was to let all know that he and Council were listening to the issue; there was one thing that maybe they could learn and take a look at which was the subdivisions on minimum lot size on replatting and the other thing was it seemed they needed to figure out what they needed to do about someone building and not facing the street, it seemed to him it would be in violation. Council Members Khan, Alvarado and Berry absent.

Ms. Paula Clay, 1622 Sul Ross, Houston, Texas 77006 (713-520-8948) appeared and stated that she fully supported efforts of the Lancaster Place Civic Association and other concerned citizens who wanted to prevent Aziza Homes current plan to build three townhouses on one lot on her street; armed with an inaccurate affidavit stating there were no deed restrictions in place on the property Aziza Homes obtained permits for their current plans and she was skeptical any professional realtor or developer with integrity would miss the fact the Lancaster Place Civic Association was actively enforcing deed restrictions and a simple google search would have revealed the information and in keeping with their dishonest way to do business Aziza Homes was trying to develop the lot in violation of at least two deed restrictions and it stunned her they may get away with it and begged Council to help them preserve their neighborhood. Council Members Khan, Alvarado and Berry absent.

Council Member Brown stated that the character of the neighborhood had created value and tax base and you did not want a developer to come in and profit from it; that the city did need to be densified but not willie nillie and they were struggling on how to do this. Council Members Alvarado and Berry absent.

Council Member Lovell stated that the neighborhood dealt with the spur coming through and within half a mile there would be six new high-rises putting about 5,000 cars on the street

and no one complained but part of that led to the frustration because when they did say someone was violating deed restrictions they were the city's most valued customers and they were not treated as though they were, the new people were pretty much given carte blanche; and she doubted if Planning said they could not do something they would leave, instead they would fix it. Council Members Alvarado and Berry absent.

Mayor White stated that he agreed and part of it was they wanted to make the city was affordable, but a deed restriction stating a home had to face an east/west street he felt the language was plain and they would try and get an ordinance and post it for Friday; and to Mr. Cheatham he would like Legal to also look and see if there were any other representations; and Mr. Cheatham stated that what he learned was they only looked at those they were asked to look at by Planning and he thought they reviewed most of them, but would guess it was not the case; and Mayor White stated that he was not criticizing but trying to move forward and they needed to do more. Council Members Lawrence, Garcia and Berry absent.

Council Member Brown moved that the rules be suspended for the purpose of hearing Mr. Ron Channess out of order at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Holm absent on city business. Council Members Lawrence, Garcia and Berry absent. MOTION 2007-0090A ADOPTED

Mr. Ron Channess, 1617 Sul Ross, Houston, Texas 77006 (713-545-8042) appeared and stated that he and his family had lived in their home since 1996 and was present to read a letter from a neighbor who could not attend, from the director of the High School for Performing and Visual Arts, which stated the impending construction of three townhomes on his street was a disturbing proposition and would set an unacceptable deed violation precedent. Council Members Lawrence, Garcia and Berry absent.

Mayor White stated that they talked a lot about the issues around the table and not one Council Member had ever brought up being motivated by helping developers and they did have catching up to do, but they were not serving developers they were trying to balance the interests. Council Members Lawrence, Khan, Garcia and Berry absent.

Council Member Lovell stated that she wondered if the construction could be put on hold until the issues were resolved; and Mayor White stated to Mr. Fontaine that what he proposed to Legal just now in short order was, he may be mistaken, but it looked like he could see issues on the garage and it said the building was facing the street, the reason it was not enforced was because people thought they had not been given sufficient authority from Council to do it and that would be fixed in about 10 days; and Mr. Cheatham would advise on what to do in the meantime. Council Members Lawrence, Garcia and Berry absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present to redirect park land for a YMCA for the children as they needed a safe place; that they did want to remain on the CIP list for 2006 for their park and wanted to partnership with the YMCA to make a difference in the community and they wanted a City Attorney to legally guide them in the project and to collaborate with the City and Harris County for funding and their committee would meet tonight at 7:00 p.m. and every Tuesday at 7:00 p.m. until completion. Council Members Lawrence, Garcia and Berry absent.

Council Member Johnson stated that he appreciated Ms. Taylor's diligence in the effort and from a City standpoint they were in favor of this, he spoke with Mr. Turner, but now the ball was in the court of the YMCA; that he had attended a couple of their meetings and his specific words were this would be left to the YMCA on whether they wanted to come to the community,

but partnerships were welcome and they were making sure the dollars for the Stubner/Airline Park did stay in place and invited her to the meeting tomorrow at Shadowdale Elementary at 7:00 p.m. Council Members Lawrence, Garcia and Berry absent.

Mr. Ron Hanley, 3119 Maysel, Houston, Texas 77080 (713-467-9790) appeared and stated that he removed a City of Houston tree which proposed a flood hazard in keeping with the federal law of unified national program for flood plain management, he called attention to the problem with the City of Houston Council Member Lawrence's office and it was cut and hauled off by City of Houston Heavy Trash and he would like to get paid for its removal. Council Members Lawrence, Johnson, Garcia and Berry absent.

Mayor White stated that they did have some of the details and thanked him for being present; and stated it was not likely he would be paid; and Mr. Hanley stated that the City of Houston told him to cut it and he did not see why he should not be paid; and Mayor White stated that he was asking Mr. Peterson to review the notes. Council Members Lawrence, Johnson, Garcia and Berry absent.

Mr. Joseph H. Burnley, 4218 Dragonwick Drive, Houston, Texas 77045 (713-433-5080) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Garcia and Berry absent.

Ms. Karen Bousky, who was previously added to the speakers list, appeared and stated that she was vice president and general manager for Valero Houston Refinery and present to discuss proposed litigation against them, Resolution 19; that last summer they entered into a settlement agreement with the City which insured they take corrective actions to resolve previous emissions events and agreed to communicate information on any future events and take corrective actions and provide information to the City of Houston Environmental staff and to implement community energy initiatives and provide scholarships for Milby, Austin and Chavez High Schools and had followed through on the commitments and were surprised and disappointed to learn of the City of Houston's threat of litigation; that they had spent \$600,000,000 last year focused on projects to reduce emissions and produce cleaner fuel and they had a 72% emission reduction from 1998; that she wanted to make sure Council understood all events were rectified and not ongoing, corrective actions were taken on each event and saw nothing which would warrant litigation by the City of Houston; that events drew immediate citations from the TCEQ before the city issued citations or the same week and the TCEQ issued penalties for the citations and they were working with them to finalize the order and pay penalty, but there were no outstanding environmental issues left to resolve and they were requesting Council deny the city staff's request to pursue litigation against Valero. Council Members Lawrence, Garcia and Berry absent.

Mayor White thanked Ms. Bousky for coming and stated that he did want to say there was no question Valero made a lot of investments in changing and improving the way they did business and he was trying to communicate effectively two things, one was that if someone was a good citizen going to work and driving through a traffic light it did not mean they were a bad person if there was a consequence to their doing so and that there would be action violation consequences and two was that some people did not talk to them about consequences until they retained counsel; and he thanked her for coming and appreciated her input and hoped they were able to come up with something which allowed them to come forward constructively the last time they retained counsel and then serious negotiations began concerning those consequences and they were proud to have Valero in the community, they had outstanding men and women working for them, they were one of the best run organizations in the country, but it did not mean....; if there was a violation then there was a consequence. Council Members Lawrence, Garcia and Berry absent.

Mr. Brandt Mannchen, 5431 Carew, Houston, Texas 77096 (713-664-5962) appeared, presented information and stated that he was present representing the Houston Sierra Club regarding two air pollution issues; that they were supporting passage of two Agenda Items 18 and 19, which would allow the City of Houston to take appropriate legal action against Texas Petrochemicals and Valero Refining Texas to enforce air pollution laws and regulations; and urged the Council to hold a public hearing on proposed changes to the air pollution and nuisance ordinance and source registration ordinance; and a public hearing should be held similar to the one held on no smoking in 2006. Council Members Lawrence, Garcia, Green and Berry absent.

Council Member Clutterbuck thanked Mr. Mannchen for coming and urging open discussion and she hoped if they did have such a public meeting there would be a lot of input. Council Members Lawrence, Garcia, Green and Berry absent.

Council Member Alvarado thanked Mr. Mannchen for his letter and stated that they were in the process of setting up the public hearing and he and other stakeholders would be informed. Council Members Lawrence, Garcia, Green and Berry absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Garcia, Green and Berry absent.

Mr. Otis Miles, 5606 Yorkwood, Houston, Texas 77016 (713-633-8067) appeared and stated that he was president of Scenic Woods Plaza Civic Club and present seeking help in getting culverts and ditches graded and he had been trying to do so since January 2006 but to no avail; that in December they came and took pictures and was told it was set up to be done on the 13th, but now was told by Mr. Samuels it was not scheduled; that a couple of houses flooded every time it rained and he was asking for assistance. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

Council Member Johnson stated that he thanked Mr. Miles for being active and it was the city responsibility to re-grade and as citizens it was their responsibility to keep trash out and keep cut; that his situation was brought to the attention of Mr. Gary Norman and he did in fact correspond with the Mayor and with weather permitting someone would go out and investigate the culverts and drainages and if needed it would get done. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

Mayor White stated that to a couple of people, including Mr. Norman, they could do things with federal funds such as cleaning ditches and regrading and he did not think they had done enough and would see if they could fix it. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

Mr. Ralph Sikes, 2205 South Boulevard, Houston, Texas 77098 (713-528-7828) appeared and stated that he lived near Lancaster Place and had a comment and proposal which was simple to fix, they could require developers to bring with them one of two things, a letter from the civic association stating they were in compliance with the deed restrictions or that they pay a charge for the city to hire someone and see if they were in compliance; to expect developers to police themselves did not make sense, but today he was present as he had been dealing with a

neighborhood protection issue behind his partners property for the last two years; that he spoke with the area supervisor and then was unable to get information; that he was just told by the supervisor the person was in compliance and they could do nothing if it could not be seen from the street, but the building had no glass in windows, it had rotting wood, holes in siding, abandoned vehicles, etc., and Council Member Lovell said it when she said why were the city's best customers treated like this, the properties were low on the tax rolls because they were poorly maintained and the Mayor set the tone. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

Mayor White stated that he was doing best he could to delegate so much of this with air pollution to Council Members; and upon questions, Mr. Sikes stated that the person was ordered to tear down a portion of the property and did not do it so the city tore it down a year ago and he was told while there they would note all violations in the back and pursue them and he had been trying a year to follow-up but still did not know what violations they noted, he had a nine foot fence but could see it all; that there was a garage with a metal storage structure at 2206 Bissonnet and it was ordered torn down and trash removed and once torn down vehicles which could no longer operate were brought in and left and trash had been brought in and the buildings with no glass were actually occupied and the owner lived there and the city knew who it was and that it had been a problem for about 20 years; and Mayor White stated that the ability to confiscate property for not maintaining it was something he wished they did more of but there were rules and regulations which tried to balance it, he would get a report, but there was only certain things they could do though it would be looked at. Council Members Johnson, Wiseman, Garcia, Green and Berry absent.

Council Member Clutterbuck thanked Mr. Sikes for coming and stated that this was a classic example of one thinking it was treasure and one thinking it was trash and they were working hard to balance the opinions; that they had been in touch with Chief Lumpkin and he would getting response to his questions; and Mayor White stated that he was edgy on this but they had spent \$7,000 from taxpayers for coercion in trying to remedy some of these problems. Council Members Johnson, Wiseman, Garcia, Green and Berry absent.

Council Member Lovell thanked Mr. Sikes for coming; and upon questions, Mr. Sikes stated the problem was at 2202 and 2206 Bissonnet. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

Ms. Joy Wilson, 3914 Lake Harkins, Richmond, Texas 77469 (832-606-3955) appeared and stated that people needed something to stand for and she stood for justice and peace; that she was an entertainer and continued to express her personal opinions until her time expired. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

Ms. Randra Johnson, 10315 Misty River, Houston, Texas 77086 (281-447-2831) appeared and stated that she had made the statement there was a possibility the city was a liar because she was trying to find employment; that those older had to work and eat to and should not have to belly crawl; and continued expressing her personal opinions until her time expired. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

At 4:18 p.m. City Council recessed until 9:00 a.m., Wednesday, January 31, 2007. Council Member Edwards absent on personal business. Council Member Holm absent on city business. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

City Council Chamber, City Hall, Wednesday, January 31, 2007

The Houston City Council reconvened at 9:00 a.m. Wednesday, January 31, 2007, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, 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. Council Member Ada Edwards absent on personal business.

Note: Council Member At Large Position 3 vacant.

At 8:19 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:30.m. Mayor White called the meeting to order. Council Members Wiseman, Lovell, Green and Berry absent.

Council Member Khan moved to suspend the rules to consider Item No. 1 first and then the Monthly Financial Report before the Mayor's Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Members Wiseman, Lovell, Green and Berry absent. MOTION 2007-0091 ADOPTED.

1. REQUEST from Mayor for confirmation of the appointment **MS. NORMA F. DUNN** as **DIRECTOR OF THE HUMAN RESOURCES DEPARTMENT** - was presented, moved by Council Member Garcia, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Members Wiseman, Lovell, Green and Berry absent. MOTION 2007-0092 ADOPTED.

Mayor White and Members of Council congratulated Ms. Dunn on her appointment as Director of the Human Resources Department. Council Members Johnson, Wiseman, Lovell, Green and Berry absent.

Ms. Dunn thanked Mayor White and the Council Members and stated that she would do her best, that she looked forward to working with each of them, that her daughter Barbara, who was a teacher at Spring Branch ISD and her grandson, Andrew, were present in the audience today, that members of the HR team were present and they were ready to get started. Council Member Green absent.

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller – was presented. Council Member Green absent.

Mayor White recognized Ms. Annise Parker, City Controller and Ms. Judy Gray Johnson, Director, Finance and Administration. Council Member Green absent.

Ms. Parker stated that this was the Monthly Financial Report for the period ending December 31, 2006, that after six months of projecting a revenue shortfall they now predict the General Fund would end the year \$3 million in the black, the main reason for the reversal was that they had increased their revenue projections for property taxes by \$13 million to reflect higher taxable values just reported by the Appraisal District, that sales taxes also continued to out perform expectations and they were hiking their projection in that revenue category by nearly \$4 million, so it was continued good news for the economy, that for the Enterprise Funds, Aviation expenses were down \$11.5 million, nearly \$10 million of that was in electricity savings and the combined utility system, that while the income was down \$2.6 million, as they knew they had a lot of rain and that meant less revenue to the utility system, they had also projected a electricity savings of nearly \$9 million, they were very happy to see that, that with regards to General Fund expenditures they had recognized \$4.2 million of reductions in various departments, the largest piece of that was a decrease in police overtime of \$2.8 million, and there were various other personnel savings, that next Tuesday they would be going to market with the third round of Pension Obligation Bonds, that it was \$65 million and would be the largest of the pension bond sales to date, the proceeds would be divided between the Municipal Pension System and the Houston Police Officers Pension System, with the Municipal Pension getting \$33 million and the police getting \$31 million, that it was the final bond issue under the existing funding agreement with the Municipal Pension System so that a new agreement must be negotiated, the agreement with the police was long term and specified cash payments annually through 2012 and then required full funding thereafter, that as of the end of 2006 the City had total pension debt obligations of \$452 million, next weeks bond issue would increase that amount to the \$517 million, it included the \$300 million hotel note, the deferred interest on that note, the two prior Pension Obligation Bond issues and the addition of next weeks bond issue, that it was in addition to the remaining unfunded liability that was not addressed in the Meet and Confer Agreement, that an updated actuarial report was pending, there was some discussion at Fiscal Affairs yesterday about that, until that report was available the latest numbers were available in the Comprehensive Annual Financial Report from the Pension System that should have been distributed to Council recently; that the Quarterly Investment Report since earlier this month they had an extensive discussion of the investment policy and as of December 31, 2006 the City had approximately \$1.8 billion invested in the General Investment Pool, their strategy was to match assets and liabilities for a time period of one year into the future and then to exercise discretion over the remaining balance, that during the last quarter they did have a modest change in their investment strategy, for the past couple of years they had experienced a period of rising short term interest rates and during that time they had maintained a defensive strategy keeping their investments short because they did not want to get locked into rates while they were rising, that short term rates now seemed to have stabilized and they were beginning to increase their maturity, that said they were talking about an increase from a year into the future to three to five years for their investment horizon, that in addition to the General Investment Pool of note that they had three other small investment pools that totaled only \$28 million, these pools address because of statutory and legal requirements, that along with the Investment Report if they looked in the Monthly Report they had their Quarterly SWAP Report, the written report was extensive and complicated, there were no new transactions it was just a report on the current status of the four SWAP transactions they had, if they had further comments on that they would like to brief them directly. Council Member Berry absent.

Ms. Johnson stated that as the Controller stated that revenue picture had mostly good news, they also had increased their estimate for Property Tax Revenues, the latest estimates from the Appraisal District were that the final values would be higher than expected primarily due to lower hearing losses than were anticipated, as they would recall they had a record number of protests so that they had some uncertainty still even after the roll was certified because they had a large number of protests and reviews still going on, those were coming out higher than anticipated meaning higher revenues to the City, that Sales Tax Revenues continued very strong in double digits, this last checkup 12.4%, they noticed that it was not just a Houston phenomenon, but the consistency city to city was starting to vary, that San Antonio and Austin this month also had double digit increases in

sales tax compared to last year, but Dallas did not, they were flat, so they may be looking very closely over the next few weeks and months, that next Wednesday would be the date that they would find out what the biggest check year was because the December sales always come out in the February check, so they would know that next Wednesday and if it was really unusual they would go ahead and send out a notice so that people would know and not wait until the next Monthly Financial Report on that, that they had completed the transfer of funds to cover the cost of the May election from the Contingency Reserve Account and General Government to the Elections Account and it was reflected in the statements in the Monthly Financial Report that they were looking at. Council Member Berry absent.

Council Member Khan stated that there were some issues with the new SAP Program about the timely issuance of checks and he had talked to many people who were doing business with the City and there was this concern, how were they doing, were they up to date on that, and Ms. Parker stated that when they initially went to the program in July there was a delay and they expected that delay but it was essentially worked out by the end of that month, that she was not aware about any ongoing problems with that, that they did experience what she considered a glitch in the program and that was that something that was marked "pay within 30 days" it would automatically throw it to be paid on the 30<sup>th</sup> day rather than treat it as it came forward but she thought they had addressed that as well, but if he knew of anyone who had a delay to please contact her immediately, that she also meant to point out to them in the Monthly Financial Report their exposure to Variable Rate Debt, they would notice that the General Obligation Debt was down to reflect their refunding last month and then the Combined Utility System later on this spring they would see that number reduced as well. Council Members Lawrence and Berry absent.

Council Member Green moved to accept the Monthly Financial Report and the Quarterly Investment Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. MOTION 2007-0093 ADOPTED.

#### **MAYOR'S REPORT** - Old Sixth Ward

Mayor White stated that he wanted to address an issue involving the Sixth Ward, that he appreciated the citizens within the community who had brought a number of issues to their attention and appreciated even more the work that was done by citizens who had spent their funds and lived their lives in a way preserving some of the property and unique features of their city, that there was a lot of work to be done and much stake holder involvement that they received and others, that he would discuss with them some of the policy directions that he and Council Member Garcia had been working on for some time and a lot of work had gone on behind the scenes because it involved a lot of attention to detail to make sure they implemented the policies that he was going to articulate, that nobody needed to panic if he made seven or eight points and there was an ambiguity, that he was not saying that any train had left the station but he was saying that here were the policies of the administration so for the City employees working with the TIRZ, the City Attorney's office and others who may be involved in the efforts these were sort of their marching orders, that Old Sixth Ward was a very special place in Houston, they saw it when they considered the ordinance on historical designations, when they looked at the maps concerning the concentration of hundred year old structures, eighty year old structures, one place stood out, thank goodness it was there, though they had preservation needs in many parts of the City this was unique in the concentration of historical structures and they ought to understand what a benefit it was to Houston to have a district such as this, that a lot of citizens had made investments in the community and sought to move into the community because of it's unique features and they needed to protect the rights of those property owners to do so, they intended to propose a special historical designation to protect all structures and properties within a defined parameter, that citizens in the community, from time to time, had come up with proposals that would inform that parameter, it would preserve the historic character of the

neighborhood and provide a more effective legal framework for protection and incentives for preservation, based on the ideas and work of stakeholders in the community they had retained professionals to retain a working draft of the specific standards that would cover design, renovation and rehabilitation so they would preserve the character and distinctiveness of the special neighborhood, that he would say to his colleagues on Council that it was all well and good and he had been at numerous meetings, including people who shared his goals of preservation where they had talked about goals and got generalities back, but if they were talking about some design standards he wanted to see the drawing, the detail, and what it looked like and they were in a position to do that, thank goodness that Ms. Jane Cahill and others had worked in the community that had given them a big jump start on this effort as a result of their work, he had asked the Legal Department to draft innovative procedures to remedy situations in which neighbors complained about property being left in a state of disrepair and if they had to have a more appropriate schedule of fines they were going to do that, that currently they had historical protection designation status and people could try to demolish something if they could show that it was economically not viable so in light of that they wanted to change the rules so that if there were insufficient economic incentives to preserve and restore property on that finding they would provide incentives that would be available to potential purchasers of the property who were willing to make those investments and eliminate the need for any claimed demolition, in other words they were changing the rules and the framework on demolition, that demolition was not a desirable thing to have historical structures demolished, they had lost too many, that they were going to have to do more because there was not an existing framework within the City Charter and ordinances, that they were going to have to make some changes in order to give them legal authority, that they would need a spirit of cooperation between the property owners in this area, that every citizen would be treated fairly but some of them would not listen as carefully if it was introduced as a harangue against one's neighbors or anybody who disagreed.

Mayor White stated that when he grew up in the 1960's the values and norms that were hardwired into some of their bones based on their first experiences in the political process was that they had rules and the rights of people who disagreed, even if they were in the minority, needed to be respected, that it was deep down American, that they heard where he was coming from and many people disagreed with and they say it was a violation of their property rights, that he would also say that people needed to treat neighbors and citizens who were even a minority in a neighborhood with respect because of the norms in their society and there had been a lot of times where based on stereotyping and other things they find a minority in a neighborhood that had not been treated with respect and that was part of what the City was all about, they were mindful of the fact that many Houstonians, including him, were frustrated by the fact that the City's preservation efforts over the last fifty years seemed, with the benefit of hindsight, to be too slow and overdue and actions that they were considering now, might have been or should have been commenced five or ten years ago if not earlier, that he was confident that their public attitudes towards historical preservation had matured within the City and that people did not need to get all carried away in thinking that if they did one thing to protect a unique neighborhood in the City that meant that nobody could do anything with their property without some government official telling them what to do, so they were going to get on with the work in the community, that he would say to the citizens present that he and his wife, twenty-two years ago, did a historical preservation of a house, it was a labor of love and had endured, built from original drawings and blueprints, they raised their three kids there for the youngest years of their lives and it was a value that was not PR, it was a value they felt deeply about, he respected most those people who were willing to invest their time and attention on historical preservation and treasure talents in historical preservation, and least those people who liked to lecture other people on what they should do where they have not spent a dime, they understood the uniqueness of the Old Sixth Ward and they understood that the long run growth of the economy in the City was depended on having a menu of neighborhoods that had variety, that had some flexibility over time to accommodate newcomers, that people who built affordable housing for newcomers within the City limits were not demons, they were exactly what they wanted if they wanted to be a City of opportunity, but at the

same time there were some special places in Houston that benefited the entire City as a result of the fact that people were making an investment to live in that neighborhood and wanted that investment to be protected, the investment in historical preservation, that finally, it would not take days to complete the plans, proposed ordinances, and get all the full stakeholder input, but it would not be years either, they were going to proceed as expeditiously as possible about it and Council Member Garcia and other Members of Council, including Council Members Brown and Lovell, had been working diligently for the last three months in order to make sure they understood the law and the technical work that needed to be done and a lot of that work was being done as they speak.

Mayor White stated that he would conclude by saying that this day was overdue perhaps, he agreed with that, that they should move forward and get it done in a way that obtained all the intended, that he would give them an example of why it was more difficult than people thought, they had neighborhoods in the City where they say okay they wanted to preserve a historical structure but a neighbor who had really invested in upgrading their place and moved next door was looking at something that was rat infested and was boarded up and they did not see that as preservation, so coming with a system that was designed to minimize demolitions and the need for demolitions was a lot harder than people thought because it had to be based on both incentives and rules known in advance, etc., and not simply saying they had an eyesore next door and it was going to remain there forever regardless of it's condition, so he thought a system of both rules and regulations and incentives would be very valuable in trying to make sure they accomplished their purposes, to often, including next August, and he would never forget it, they voted on that minimum lot size and covering part of the Heights and they thought they were voting on one thing and it turned out that there was a law that was deeply impeded in the Charter and ordinances that frustrated them from really accomplishing that purpose, he did not want to do that again, he wanted to make sure that when they passed it they could say that the Old Six Ward had a future that was predictable for a long time.

Council Member Garcia stated that he wanted to recognize those from the Old Sixth Ward present in the audience and asked that they stand, that he wanted to thank them because they had been patient and tenacious and methodical, they had not been just bulldozing the idea of historic preservation without any thought to property rights, effective process or what was meaningful historic preservation, that they had been very methodical and he respected that and that was why he listened to them a great deal, that Mayor White's last point was his first point, it was overdue and they needed to move the process within the principles that the Mayor had laid out as quickly as possible because there was eroding confidence that they were really on the crust of meaningful public policy, that he wanted to thank Council Members Lovell and Brown for their support and weighing in on the issue.

Council Member Berry stated that the issue of historic preservation was one that he thought a lot of people in the City were very passionate about but since they did not have a project on the table the he wanted to repeat his plea, that he had watched in the five years he had been at Council an increasing movement for historical preservation and increasing appreciation and he thought that historical preservation when done right was also economical viable, that he wanted to tell everyone out there who was mounting a campaign in favor of historic preservation to by all means care enough about their City and their City's history to want to preserve that but please not to come to his office or the City Council with the intention of tearing down their neighbor, impugning the reputation of their neighbor or bombs at their neighbor because it did not get his attention and he hoped as they proceed that they would recognize that because someone wanted to do something differently with their property that they may think they should do it did not make them a cannibal or criminal and they should not use those vicious terms lightly, that he appreciated the fact that he thought the Mayor had been very even handed in balancing those interests and showing real leadership.

Council Member Lovell stated that she respectfully disagreed and did not think that development and historical preservation were competing, she actually thought they were one and the same, that for people who had moved to the Old Sixth Ward and worked to raise up and preserve that

neighborhood it was development, it was just a different kind of development, but it was development, and she was so happy today that the discussions they had were recognizing that historic preservation was a part of development in the City and they really did not have to be competing. Council Member Berry absent.

Council Member Brown stated that he wanted to thank Mayor White for taking a big stride today, that he thought it was an important major step for the City of Houston, that their children and grandchildren would be thankful to them and would benefit from a real historic preservation effort in Houston and hoped it could expand to other neighborhoods, that one concern that he wanted to bring up, in the Sixth Ward, as in other neighborhoods, there was a need for immediate protection and he thought they needed to proceed with deliberate speed on this and have some kind of temporary protection for the qualified and documented historic structures in the Old Sixth Ward, he did not know how they would achieve that, that although each neighborhood was different they needed to, as a government body, think about how these same principles apply to other neighborhoods that were in need of historic preservation and finally he would like to see a City policy that says if they were a special district or a TIRZ or whatever they wanted them to pay attention to historic preservation in those areas where the City was subsidizing infrastructure and development, it seemed to him that was a natural outgrowth of these and to ask each TIRZ on an annual basis to report to the governing body in their project plan what were they doing about historic preservation if that applied to that TIRZ or special district, he thought that would be a good public policy initiative and agreed with everybody else, it was not anti development, it was going to promote development investment and quality of life in their City. Council Members Johnson, Alvarado and Berry absent.

Council Member Lawrence stated that historical preservation was preserving their history and they needed to do that and they needed to look at block faces and groups of block faces and be sure that was what they were doing but she always wanted to look on the other side and say the man that boards up his house and leaves it for ten years and boards fall off and the neighbor has to come over and put the boards back and has that dilemma of that person living next door to them, so she always wants to be the devil's advocate on that to be sure they were being fair to everybody, she looked back at a situation in her district with flooding, at one time Public Works used to give a permit and it was good for life, so even though areas moved from the normal to flood plain to flood way they still had the option to bring in nine feet of dirt so they corrected that so as they moved forward and that was what she wanted to do with the Historic Preservation Ordinance, to be sure they were mindful of the person who was just boarding up a house and planned to sell it later on for a profit and he was causing a blight in the neighborhood, that she did not have an answer right now but they needed to see progress being made on those houses and it could not be made instantly and in some cases particular pieces of lumber were being carved to match the design or an original bathroom fixture or hinges were trying to be bought wherever they could find them but just some answer to the neighborhood, so those houses next door could say progress was being made and they did not have the responsibility, because she was also hearing that side, that she did not want to do the ordinance to strict so that they had that leeway that they could check and have an out for those who were just boarding up and not contributing to historical, they just wanted the dollar sign. Council Members Johnson, Alvarado and Berry absent.

Mayor White stated that on that one issue he would say that his goal was to get things done and operate as a team, that he had been wanting to do it for six months and had asked people to help him deal with this issue and a couple of others and he finally decided if he was going to have to spend an hour a week dealing with it and coming up with an answer to that where they had more things preserved and less demolished he was going to do it, but he would not sit around for endless months and have citizen emails or anybody else saying they finally got the Mayor to do so and so, because he would go down a list of names if they got into that, that they had been wanting to do it for a while and they needed to pay attention to detail so the citizens would get what they promised, and on the issue that Council Member Brown raised he thought it was a legitimate point, that was something

where once they set an administration policy and timetable within some months for having the new designation that there were interim procedures so maybe because they had the process right now where there was just a notice procedure and they could still demolish and Mr. Michel might think about something that was short and simple and just recites that they made the announcement and were considering it and was not somebody in government saying they were doing a blanket moratorium on all because they thought they knew what customers out there wanted better than the free market did, they were not saying that, that Mr. Michel might take a look at that, that he wanted to thank the citizens for being present. Council Members Johnson and Berry absent.

Mayor White stated that they would move to the agenda. Council Members Johnson and Berry absent.

Council Member Holm moved to suspend the rules to consider Item No. 84 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Members Johnson and Berry absent. MOTION 2007-0094 ADOPTED.

84. **ORDINANCE AMENDING CHAPTERS 22 AND 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to placement and maintenance of newsracks on public rights-of-way; containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability – **(This was Item 17 on Agenda of January 17, 2007, POSTPONED BY MOTION #2007-66)**

Council Member Garcia stated that he had heard from the owner of the Heights Tribune and he was not sure if she participated in any of the discussions or not but she raised a question about the color scheme of the rack and whether it would allow for continued individuality of the respective newspapers, that he had asked his colleague about what thought or discussion had been involved or whether it had been a point of discussion so he just wanted to raise the point on behalf of the Heights Tribune.

Council Member Holm stated that she was passing out a schematic, of the possibilities of where they had come and where they had gone with the ordinance and would also offer the following written motions to amend Item No. 84:

"I move to amend Item 84 as follows:

In Section 7 of the proposed Ordinance, amend Item (5) of Subsection (b) of Section 40-455 to read as follows:

(5) A newsrack shall be attached to a concrete base or concrete base and pedestal, with a net weight of no less than 95 pounds, and the concrete base shall be 26 $\frac{1}{8}$  inches by 21 $\frac{3}{4}$  inches, with a height of 3 inches, and shall not be decorated or colored.", seconded by Council Member Garcia. Council Member Berry absent.

"I move to amend Item 84 as follows:

Amend Subsections (c) and (d) of Section 8 of the proposed Ordinance to read as follows:

(c) For newsracks located outside the central business district but within Interstate Highway 610 Loop as of the date of passage of this Ordinance, the effective date of this Ordinance shall be December 31, 2008.

(d) For newsracks located outside Interstate Highway 610 Loop as of the date of passage of this Ordinance, the effective date of this Ordinance shall be December 31, 2009." Council Member Berry absent.

"I move to amend Item 84 as follows:

In Section 7 of the proposed Ordinance, amend Section 40-451 to add, in the appropriate alphabetical order position, a new definition that reads as follows:

*Vending screen* means any device constructed of metal or other similar permanent material installed by or with the approval of the city designed and used to obscure from view on an adjacent roadway the existence of newsracks." Council Member Berry absent.

"I move to amend Item 84 as follows:

Amend Item (7) of Subsection (a) of Section 40-454 in Section 7 of the proposed Ordinance to read as follows:

(7) Be affixed with identifying information, which shall contain the name, address and telephone number of the newsrack owner and of the distributor of the publication contained therein. Such information shall be placed in a visible location on the front of the newsrack, and shall be legible. The size of the identifying information shall be no larger than three inches by five inches." Council Member Berry absent.

Council Member Lawrence stated that she realized so much that they were under constraints with the First Amendment and had continued conversations with Legal about what they could and could not do with the First Amendment and offered the following written motions to amend Item No. 84:

"I move to amend Item 84 as follows:

In Section 7 of the proposed Ordinance, amend Item (2) of Subsection (b) of Section 40-456 to read as follows:

(2) If multiple newsracks are permitted at the same location, all such newsracks must be placed together in a straight line and abutting adjoining newsracks; however, no group of newsracks shall extend for a distance of more than 10 feet; ~~and~~ no group of newsracks shall be closer than four feet to another group of newsracks; and no group of newsracks shall contain more than one newsrack of the same publication."

"I move to amend Item 84 as follows:

In Section 7 of the proposed Ordinance, in Subsection (b) of Section 40-456 redesignate Items (3) and (4) as Items (4) and (5) and add a new item (3) thereto to read as follows:

(3) No more than two groups of multiple newsracks shall be permitted at or adjacent to any given street intersection."

Council Member Lawrence stated that there were a lot of things that she would like to still work out and there were some issues as far as advertisement that she thought was covered in one of the ordinances that had been proposed so far and moved to postpone Item No. 84 for two weeks to get somebody who could talk about it to go to her CIP tomorrow night, seconded by Council Member Alvarado.

Council Member Holm asked for a point of clarification and stated that at this point they delayed it for two weeks and none of it had been tagged, could they tag everything and it would have the same affect and then the main item could be tagged because they had not tagged anything.

Council Member Garcia stated that he would tag the amendments.

Mayor White stated that Council Members Holm and Lawrence had proposed amendments that were made in writing and now they had a motion to delay the item for two weeks, that they supported that.

After further discussion Council Member Wiseman the following written motion to amend Item No. 84 as follows:

By copy of this memorandum, I move to amend Item 84 as follows:

"In Section 40-456 subsection (b) item (4) to add subsection "k," to read:  
"Within 20 feet of an entrance to any building". Council Member Green absent.

Council Member Garcia stated that he would tag Council Member Wiseman's motion to amend Item No. 84. Council Member Green absent.

Council Member Wiseman stated that she would tag her motion to amend and Item No. 84 as well as the other motions. Council Member Green absent.

After further discussion Council Member Holm stated that she wanted to remind them that this was just the public right-of-way, it was not boxes next to buildings or boxes on private property, they were strictly talking on the street in the public right-of-way, that if they were going to delay it for two weeks she felt that there was a lot of discussion that some people felt still needed to happen so she would be happy to call one more committee meeting so that they were really informed. Council Member Green absent.

Council Member Garcia stated that he would release his tag and moved to postpone the amendments to Item No. 84 for two weeks, seconded by Council Member Alvarado. Council Member Green absent.

After further discussion a vote was called on Council Member Lawrence motion to postpone Item No. 84 for two weeks. All voting aye. Nays none. Council Member Edwards absent on personnel business. Council Member Green absent. MOTION 2007-95 ADOPTED.

A vote was called on Council Member Garcia's motion to postpone the amendments offered to Item No. 84 for two weeks. All voting aye. Nays none. Council Member Edwards absent on personnel business. Council Member Green absent. MOTION 2007-96 ADOPTED.

### **CONSENT AGENDA NUMBERS 1 through 83**

#### **MISCELLANEOUS** - NUMBERS 3 AND 4

3. RECOMMENDATION from Director Houston Airport System for expenditure for specialized training to be conducted by **TEXAS A&M UNIVERSITY** for Aircraft Rescue and Fire Fighting at George Bush Intercontinental and William P. Hobby Airports - \$172,509.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. MOTION 2007-0097 ADOPTED.
4. RECOMMENDATION from Mayor's Office of Government Affairs for renewal of Annual Membership in the **HOUSTON-GALVESTON AREA COUNCIL** - \$78,145.24 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member

Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. MOTION 2007-0098 ADOPTED.

**ACCEPT WORK** - NUMBERS 6 through 10

6. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,169,406.60 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Lakewood Branch Library Renovation, WBS E-000057-0001-4; Flores Branch Library Renovation, WBS E-000010-0001-4 and Pleasantville Branch Library Renovation, WBS E-000061-0001-4 - 08.59% over the original contract amount - **DISTRICTS B - JOHNSON and H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. MOTION 2007-0099 ADOPTED.
7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$325,935.35 and acceptance of work on contract with **BOYER, INC** for Freed Park, WBS No. F-504C03-0003-4 - 04.99% over the original contract amount - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. MOTION 2007-0100 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,224,984.22 and acceptance of work on contract with **R. J. CONSTRUCTION COMPANY, INC** for West Belfort No. 3 Lift Station Replacement, WBS No. R-002011-0027-4 - 04.63% under the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. MOTION 2007-0101 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$654,534.66 and acceptance of work on contract with **R. J. CONSTRUCTION COMPANY, INC** for Westhollow Lift Station Replacement, WBS No. R-000267-00A7-4 - 02.02% under the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. MOTION 2007-0102 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$102,876.86 payable to the **Surety, WESTERN SURETY COMPANY**, on contract awarded to **PHOCO, INC dba TELEPHONE COMPANY OF HOUSTON** and acceptance of work for Citywide Fire Hydrant Replacement and Height Correction, GFS S-0035-86-3 91.91% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. MOTION 2007-0103 ADOPTED.

**PROPERTY** - NUMBERS 11

11. RECOMMENDATION from Director Department Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Gene DeShazer, for sale

of ±7,816 square-feet of excess fee-owned West 43rd Street right of way, remainder of Lot 5, located in the Dailey Gardens Addition, W. C. Wallace Survey, Parcel SY7-026 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. MOTION 2007-0104 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 through 17

14. **AAR, INCORPORATED** for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$29,225.00 and contingencies for a total amount not to exceed \$30,686.25 Dangerous Building Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. MOTION 2007-0105 ADOPTED.
15. **RUSH TRUCK CENTERS OF TEXAS, L.P., d.b.a. RUSH TRUCK CENTERS, HOUSTON** for Medium-and Heavy-Duty Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering and the Houston Airport System - \$1,991,015.00 - Enterprise, Equipment Acquisition Consolidated and Storm Water Utility Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. MOTION 2007-0106 ADOPTED.
16. ORDINANCE appropriating \$254,552.00 out of Water & Sewer Consolidated Construction Fund for Emergency Repair of the 48” Force Main at 7300 Cambridge for the Public Works & Engineering Department, (WBS R-000266-00G8-4) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0118 ADOPTED.
- 16a. **BRH-GARVER CONSTRUCTION** for Emergency Repair of the 48” Force Main at 7300 Cambridge for the Department of Public Works & Engineering - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. MOTION 2007-0107 ADOPTED.
17. **BEVCO COMPANY, INC** to Replace Two Cage Drive Units at the Federal Road Water Treatment Plant for the Department of Public Works & Engineering - \$115,132.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. MOTION 2007-0108 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 20 through 52

20 and 21 Omitted

22. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (1) Marsh Street, from Saltus Street to the north boundary of the Anson Jones School Site, Parcel No. S-988A, said right-of-way consisting of tracts (A) out of the Subdivision of Lot 23 of the S. M. Williams Survey, as recorded at Vol. 10, Page 685, Harris County Deed Records, and (B) out of the Leon & Sampson Subdivision, as recorded at Vol. 466, Page 421, Harris County Deed Records, said subdivision being out

of Lot 22 of said S. M. Williams Survey, and (2) Saltus Street, from McAlpine Street to Marsh Street, Parcel No. S-988B, being out of said subdivision of Lot 23, as recorded at Vol. 10, Page 685, Harris County Deed Records; vacating and abandoning said tracts to Houston Independent School District, the abutting owner, in consideration of owner's previous payment to the City of \$5,117.25 and other good and valuable consideration - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0119 ADOPTED.

24. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a sanitary sewer easement, containing 0.1563 acre of land, more or less, Parcel SY5-067, vacating and abandoning said tract of land to Autofit, Inc., abutting owner, in consideration of said owner's dedication of Parcel DY5-034, a sanitary sewer easement containing 0.3135 acre of land, more or less, all located in Lots 23 and 24, Little York Subdivision, H.&T.C.R.R. Company Survey, A-1070, Houston, Harris County, Texas, and payment of \$300.00 and other consideration to the City - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0120 ADOPTED.
25. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Avie Street from South Heights Boulevard ± 50 feet east to its dead-end, located between Blocks 8 and 10 of the Riverside Park Addition in the John D. Taylor Survey, A-72, Houston, Harris County, Texas (Parcel SY6-074); vacating and abandoning said street to Ameriton Properties Incorporated, the abutting owner, in consideration of its payment of \$75,000.00 and other consideration to the City - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0121 ADOPTED.
26. ORDINANCE consenting to the addition of 60.604 acres of land to **MEADOWHILL REGIONAL MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0122 ADOPTED.
27. ORDINANCE establishing the north and south sides of the 4700 and 4800 blocks of McKinney Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0123 ADOPTED.
29. ORDINANCE approving and authorizing Professional Services Contract between the City of Houston and **CIVIL TECH ENGINEERING, INC** for Design of a HAZUS Wind Risk Model \$89,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0124 ADOPTED.
30. ORDINANCE relating to the retail water rates to be charged by the receiver for **VERGIL D. MARTIN DBA H&J UTILITY AKA MATCO** and in force within the City of Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a repealer – was presented. All voting aye. Nays none. Council

Member Edwards absent on personal business. Council Member Green absent.  
ORDINANCE 2007-0125 ADOPTED.

34. ORDINANCE approving and authorizing contract between the City of Houston and **HOWELL MIMS ASSOCIATES, L.L.C.** to provide Architectural and related services for the Departments of Public Works & Engineering and Housing & Community Development; setting a maximum contract amount - 1 Year - \$100,000.00 - Grant and Building Inspection Funds – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0126 ADOPTED.
35. ORDINANCE awarding contract to **GHX POWER SYSTEMS, LLC** for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$2,618,372.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0127 ADOPTED.
36. ORDINANCE approving and authorizing supplemental agreement No. 3 to Lease Agreement No. DTFA07-92-L-01152 between the City of Houston and **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, for the Airport Surface Detection Equipment-3/Fixed Target Reflectors at George Bush Intercontinental Airport/Houston **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0128 ADOPTED.
41. ORDINANCE approving and authorizing purchase and sale agreement between the City of Houston, Purchaser, and **KELVIN J. ROBERTS**, Seller, for the purchase of a tract of land containing 17,128 square feet, more or less (Parcel BY6-001), out of Institute Place Addition, in Harris County, Texas, for purposes of expanding Beech-White Park, in consideration of the payment by the City to Seller of \$343,500.00 and \$2,816.00 for Title Insurance Services **DISTRICT D – EDWARDS** – had been pulled from the Agenda by the Administration, and was not considered. Council Member Green absent.
42. ORDINANCE correcting Items 63, 64, 65 and 66 in the Assessment Roll included within Ordinance Number 91-1404, and authorizing the release of certain assessment liens and apparent liens created by Ordinance No. 88-626 for the initiation of a Paving Project for the Permanent Improvement of a portion of Pinemont Drive in the City of Houston, Texas - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0129 ADOPTED.
43. ORDINANCE appropriating \$997,200.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CARTER AND BURGESS, INC** for Design of Willow Run Gravity Sewer Diversion (WBS No. R-000536-0010-3); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0130 ADOPTED.
44. ORDINANCE appropriating \$929,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** for Design of Willow Run Gravity Sewer

Diversion, Package II (WBS No. R-000536-0011-3); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0131 ADOPTED.

45. ORDINANCE appropriating \$1,939,990.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KIT PROFESSIONALS, INC** for Design of Water Line Replacements in Briargrove Park (WBS No. S-000035-00V7-3), Walnut Bend (WBS No. S-000035-00V8-3), Forest West & Cole Creek (WBS No. S-000035-00V9-3, and Southampton (WBS No. S-000035-00W1-3); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK and G - HOLM** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0132 ADOPTED.
47. ORDINANCE appropriating \$1,373,600.00 out of Water & Sewer Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **OMEGA ENGINEERS, INC** for Engineering Services associated with the Design of Water Line Replacements in Jim Lee Park Area (WBS No. S-000035-00W8-3), University of St. Thomas Area (WBS No. S-000035-00W9-3) and Woodlawn Area (WBS No. S-000035-00YI-3) (approved by Ordinance No. 2006-0025); providing funding for 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. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0133 ADOPTED.
48. ORDINANCE appropriating \$7,124,859.00 out of Metro Project Commercial Paper Series E Fund, \$819,541.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Neighborhood Street Reconstruction (NSR) 447, WBS No. N-000379-0001-4, S-000500-0049-4, R-000500-0049-4; 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, project management, construction management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund and Water & Sewer Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK and G - HOLM** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0134 ADOPTED.
49. ORDINANCE appropriating \$3,828,595.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS# R-000294-0012-4; 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. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0135 ADOPTED.

50. ORDINANCE appropriating \$3,895,461.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS# R-000295-0011-4; 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. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0136 ADOPTED.
51. ORDINANCE appropriating \$2,114,000.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in the Mary Bates North Area, WBS No. S-000035-00E8-4; 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, project management and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0137 ADOPTED.
52. ORDINANCE appropriating \$6,375.00 out of Parks Consolidated Fund as an additional appropriation for Emergency Asbestos Abatement of the 2999 South Wayside - Gragg Building Project under purchase order with **ARROW SERVICES, INC** (WBS F-000509-0013-4) **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Green absent. ORDINANCE 2007-0138 ADOPTED.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**MISCELLANEOUS**

2. CONFIRMATION of the appointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2007:
  - Position One - Council Member Addie Wiseman
  - Position Two - Council Member Adrian Garcia
  - Alternate At-Large Positions - Council Members Sue Lovell and Pam Holm

– was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. MOTION 2007-0109 ADOPTED.

Council Member Wiseman stated that they would be having their annual banquet meeting on February 16, 2007 and they were all invited to attend, they should be receiving the invitations from HGHC, that the new State Comptroller Ms. Susan Combs would be the keynote speaker and she encouraged them to come out and hear about all they planned to do this year, that she would be sworn in as Chair for this year and wanted them to know that one of her priorities would be attainment, which was a major issue for them in this region and would be a priority as well as water resources and clean water, that she appreciated the opportunity to represent them, that of the dues that were received by HGHC, \$332,000 annually, which in turn generated

an estimated \$270 million in total revenue that they realized back in the region, that HGHC included 13 counties in the region, 133 different jurisdictions, what they primarily did was served to facilitate pass through funding from State and Federal levels, and that was the majority of their budget, approximately over \$213 million in funds, 95% of their budget they had handled through HGHC, the areas that they worked in with these pass through funds were aging services, community and environmental planning, workforce development, public services, transportation planning and other activities, that in addition they conducted workshops for elected officials and every member of the board was an elected official from one of the participating jurisdictions so it was a body of elected officials, they work to cooperatively see to the needs of the region, they were not another layer of government they were just facilitators. Council Member Green and Berry absent.

Council Member Brown stated that it would be helpful to them to have a better and more specific report or memo on what was the agenda that they were pursuing with HGHC in the same fashion that the Mayor gave them his Legislative agenda that they were pursuing in Austin or with the Texas Municipal League because it was competitive and Houston was not in one sense proportionately represented on the boards of HGHC, that he attended a number of those meetings and sometimes he got really confused with what were they really doing to advance the interest and get more federal funding in various categories, so that kind of rapport, he thought, would be helpful to him and everybody.

Council Member Wiseman stated that she appreciated Council Member Brown's interest in all that they do, that it was a continuing process, educating and informing people throughout of what it was that they did, that when it came to Legislative priorities they did have a Legislative Committee and they did approve Legislative priorities as far as how they were going to interact with the State, that the interesting thing about their priorities they were very broad and very focused on regional matters and regional issues, clean air, attainment, water quality and other issues dealing with transportation, they were not specific to cities or counties because they tried to be very mindful and respectful of their charge and were there to represent a region and not a municipality's interest or the interest of counties, that she would pass along the information to him as far as to what they had been looking at. Council Member Berry absent.

5. RECOMMENDATION from Director Parks & Recreation Department to change the name of **RANDALL JONES PARK** to **RICHARD BROCK PARK - DISTRICT H - GARCIA** – was presented, moved by Council Member Garcia, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. MOTION 2007-0110 ADOPTED.

Council Member Garcia stated that he wanted to let the folks from the First Ward that they wanted to thank them for the good on making sure that the First Ward also continued to recognize it's history with the naming of this park. Council Member Berry absent.

## **PROPERTY**

12. RECOMMENDATION from Director Department of Public Works & Engineering that City Council declare surplus and authorize the sale of Parcels S98-46A, S98-46B, SY6-114 and SY6-115 and authorize the City Secretary to advertise the properties for sale - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Holm. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. MOTION 2007-0111 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from J. Kent Marsh of Knudson

& Associates, LP, on behalf of Allen House Associates, L.P., a Texas limited partnership [G.I.D. {Texas} Investment Corporation, a Texas Corporation (Melissa Fang, Vice President), General Partner], Clay Street Investors LLC, a Texas limited liability company [First Capital Financial Corporation (Melissa Fang, Vice Present), General Partner], and 3633 Allen Holding Limited Partnership, a Delaware limited partnership [G.I.D. {Texas} Investment Corporation, a Texas Corporation (Melissa Fang, Vice President), General Partner], for abandonment and sale of four 5-foot-wide utility easements, a 10-foot-wide water line easement, and a 10-foot-wide sanitary sewer, storm sewer, and water line easement in exchange for the conveyance to the City of a 25-foot-wide storm sewer easement and 10 feet of right of way for the widening of Tirrell Street, and the acknowledgement of the reversion of two 20-foot-wide storm sewer easements to the underlying fee owner, all located within the Obedience Smith Survey, A-696 and/or the John Austin Survey, A-1, Parcels SY7-035A through F, LY7-036 and AY7-258 - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Holm. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. MOTION 2007-0112 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

18. RESOLUTION authorizing the City Attorney to take appropriate legal action against **TEXAS PETROCHEMICALS LP** to enforce the provisions of environmental laws and regulations **DISTRICT E – WISEMAN** – was presented, and tagged by Council Members Wiseman and Khan. Council Member Berry absent.

Council Member Clutterbuck stated that she wanted them to add her tag as well, that she wanted to thank Council Member Alvarado for holding the committee hearing about it on Thursday, that she agreed with the committee at the time to pass it on to the City Council for a vote but since that time she had a few more questions that she would like answered, that she wondered what the cause of action in this particular case would be and what kind of damages they would seek and if the City of Houston Legal Department would be the attorney on it or if they would hire outside Counsel for it, that she believed that they had all received copies of correspondence, that they had the public speaker from Valero come down to speak with them, that she would like a little bit more information about why they were pursuing it. Council Member Berry absent.

Council Member Wiseman stated that it should be noted that for the district location it was District E.

Mayor White stated that Item No. 18 had been tagged.

19. RESOLUTION authorizing the City Attorney to take appropriate legal action against **VALERO REFINING TEXAS - L.P.** to enforce the provisions of environmental laws and regulations **DISTRICT I – ALVARADO** – was presented, and tagged by Council Members Clutterbuck, Khan, Wiseman and Lawrence.
23. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Winbern Avenue (formerly MacGregor Avenue) right-of-way from Chenevert Street to its dead-end at U.S. Highway 59, containing 8,754 square feet of land (Parcel SY3-026), more or less, located in the Autrey's Subdivision, J. Holman Survey, A-323, Harris County, Texas, vacating and abandoning said tract of land to Bolivar Partners, Ltd., the abutting owner, in consideration of owner's dedication of a 20-foot-wide storm sewer easement containing 3,356 square feet of land (Parcel LY3-004), more or less, and payment of \$210,096.00, and other consideration to the City -

**DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. ORDINANCE 2007-0139 ADOPTED.

28. ORDINANCE approving an amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER NINETEEN, CITY OF HOUSTON, TEXAS (UPPER KIRBY ZONE)**; authorizing the City Secretary to distribute such plans - **DISTRICTS C - CLUTTERBUCK and G - HOLM** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. ORDINANCE 2007-0140 ADOPTED.
31. ORDINANCE amending Ordinance No. 96-908 to approve and authorize the reallocation of Economic Development Initiative (EDI) Grant Funds supporting the City’s Section 108 Notes issued in connection with the Rice Hotel and other Section 108 Program activities and to authorize future reallocations of EDI Grant Funds among all existing Section 108 Notes as needed and with HUD’s consent; and amending Ordinance Nos. 95-349 and 97-1167 to remove Housing projects from the scope of the City’s Section 108 Program - was presented, and tagged by Council Member Wiseman.
32. ORDINANCE amending Ordinance No. 97-1167 to authorize an additional allocation of \$4,720,445 of Economic Development Initiative (EDI) Grant Funds to support the City’s \$8,890,000 Section 108 Notes issued in connection with the City’s loan to Houston Business Development Incorporated (HBDI) and to approve a Single Promissory Note amending and restating the existing Promissory Notes from HBDI to the City – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. ORDINANCE 2007-0141 ADOPTED.
33. ORDINANCE approving and authorizing the City of Houston to enter into first contract amendment with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to add three school sites and to provide additional \$100,000.00 to administer an After School Achievement Program **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. ORDINANCE 2007-0142 ADOPTED.
37. ORDINANCE appropriating \$1,300,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **BROWN AND CALDWELL** for professional Environmental Consulting Services for the Houston Airport System (WBS No. A-000423-0003-3-01) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. ORDINANCE 2007-0143 ADOPTED.
38. ORDINANCE appropriating \$250,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **CAMP, DRESSER & MCKEE, INC**, for Professional Environmental Consulting Services for the Houston Airport System (WBS No. A-000423-0005-3-01) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. ORDINANCE 2007-0144 ADOPTED.
39. ORDINANCE appropriating \$1,300,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **CARTER & BURGESS** for Professional Environmental Consulting Services for the Houston Airport System (WBS No. A-000423-0004-3-01) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards

absent on personal business. Council Member Berry absent. ORDINANCE 2007-0145 ADOPTED.

40. ORDINANCE appropriating \$13,249.85 out of Metro Improvements CP Series E Fund as an additional appropriation to reimburse **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Construction of Monroe Boulevard from Almeda-Genoa Road to Fuqua Street (WBS No.N-000574-0001-3) under an agreement with TXDOT (approved by Ordinance No. 99-495); providing funding for contingencies relating to construction of facilities financed by the Metro Improvements CP Series E Fund - **DISTRICT E - WISEMAN** – was presented. Council Member Berry absent.

Council Member Brown stated that it came to his attention going to some civic club meetings in this area that although the street had been improved the drainage and flooding impacts on Skyscraper Shadow neighborhood had gotten from bad to worse and he just wanted to make sure that when TXDOT was managing a project like this that it was not just about moving traffic, it was about using the private right-of-way to help solve their flooding problem and he did not know the answer to it but did know that some of those neighborhoods had been impacted negatively by improvements to Monroe Street and he suggested something that somebody needed to check into. Council Member Berry absent.

Mayor White requested that Mr. Norman, Public Works, do that, and Council Member Brown stated that drainage pipes that were coming out of those neighborhood were not properly connected with the major storm interceptors that were related to the improvement of the major thoroughfare, and Mayor White stated that the overall Monroe improvements, both the street and drainage, if somebody could get a memo to him and Council Member Brown as to where that was in the drainage CIP, and also to Council Member Wiseman whose district it was in. Council Member Berry absent.

Council Member Wiseman stated that she was so excited to hear at the Council table that an At Large colleague had expressed this kind of deep and dedicated interest in a project and she appreciated that support because they would certainly be needing additional support and votes, of course every amendment that was introduced to the CIP which was something they were looking at and every project that came to the Council needed the support of a majority vote so she was going to assume that those concerns raised would translate into support for amendments or requests that were introduced at the Council table, that they had been dealing with the issue of flooding in Skyscraper Shadows for sometime, that while any road work that was part of a CIP project, reconstruction, any associated drainage work, the City, in support of the Public Works Department, did work to insure that those needs were met, in fact when they reconstructed streets they also reconstruct, in most instances, drainage, the area of Skyscraper Shadows had an open drainage system and they were experiencing a lot of issues with upstream runoff that was flooding the area, so unfortunately it was not a matter of just simply putting in some pipes when they reconstruct a street, in fact they had CIP projects to address specifically the drainage, there were some CIP projects that had been delayed that she would appreciate the Council Member's support in trying to advance. Council Member Berry absent.

Council Member Brown stated that it was also related to the effects of the expansion of the Hobby Airport runways in the southeastern of the Hobby Airport properties where they did have a lot of flooding problems that the airport planners and engineers were dealing with, that it all needed to be somehow better coordinated, he thought. Council Member Berry absent.

Council Member Wiseman stated that any work that the Houston Airport System undertook in the way of expansion they had to be mindful of their own retention and detention so the City did work very aggressively in that, so any improvements to the Airport System did

not result in additional runoff into the systems of their neighbors that would have a negative impact, so she appreciated his interest in the community and his support, that she as a District Council Member was always looking for support for the efforts that they were pushing through to try to alleviate the problems they experienced in the district. Council Member Berry absent.

All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. Council Member Berry absent. ORDINANCE 2007-0146 ADOPTED.

46. ORDINANCE approving and authorizing amendment to Professional Environmental Consulting Services Contract between the City of Houston and **ENVIRONMENTAL CONSULTING SERVICES, INC** for Extension of the Existing Contract / WBS No. R-000019-0006-3 – was presented. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. ORDINANCE 2007-0147 ADOPTED.
53. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **BRIDGESTONE MUNICIPAL UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Bridgestone Municipal Utility District and certain territory located in the vicinity of Bridgestone Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by Council Members Wiseman and Johnson. Council Member Berry absent.
54. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CHELFORD CITY MUNICIPAL UTILITY DISTRICT** in Harris County to enter into an amendment to the strategic partnership agreement between the City of Houston and Chelford City Municipal Utility District; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by Council Members Wiseman and Johnson. Council Member Berry absent.
55. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 119** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Fort Bend County Municipal Utility District No. 119 and certain territory located in the vicinity of Fort Bend County Municipal Utility District No. 119, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by Council Members Wiseman, Johnson and Brown. Council Member Berry absent.
56. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 33** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 33 and certain territory located in the vicinity of Harris County Municipal Utility District No. 33, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing

subject; providing for severability; and declaring an emergency – was presented. Council Member Berry absent.

Mayor White asked if the individuals were seeking to tag Item Numbers 56 thru 83, to tag them all, and Council Member Wiseman stated yes, that they had gone through this in the past and the problem was because they had been pulled for separate consideration each one had to be introduced on it's own, that was what they had been instructed in the past. Council Member Berry absent.

Mayor White stated that the Chair would entertain the following motion, that if somebody moved that the record would reflect that these items had been called and had been tagged and that those were effective to implement the purposes of a tag and that those in this category were blank through blank, why would it not work, that they had to have a motion and a second.

Council Member Wiseman stated that she would so move. Council Member Berry absent.

Mayor White asked if the attention was with respect to what items and Council Member Wiseman stated Item Numbers 56 through 83.

Mayor White stated that the motion was for Council to act to reflect in the record that the items had been tagged and with the consequences as defined that tag was set forth in the City Charter and that these were called and considered as a group and were tagged by action of Council.

Council Member Wiseman moved that agenda Item Numbers 56 through 83 were called and considered as a group and were tagged by Council, seconded by Council Member Holm. Council Member Edwards absent on personal business. Council Member Berry absent. MOTION 2007-0113 ADOPTED.

57. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 53** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 53 and certain territory located in the vicinity of Harris County Municipal Utility District No. 53, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
58. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 55 and certain territory located in the vicinity of Harris County Municipal Utility District No. 55, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
59. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY**

**MUNICIPAL UTILITY DISTRICT NO. 154** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 154 and certain territory located in the vicinity of Harris County Municipal Utility District No. 154, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.

60. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 165 and certain territory located in the vicinity of Harris County Municipal Utility District No. 165, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
61. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 179** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 179 and certain territory located in the vicinity of Harris County Municipal Utility District No. 179, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
62. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 185** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 185 and certain territory located in the vicinity of Harris County Municipal Utility District No. 185, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
63. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 188** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 188 and certain territory located in the vicinity of Harris County Municipal Utility District No. 188, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.

64. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 189** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 189 and certain territory located in the vicinity of Harris County Municipal Utility District No. 189, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
65. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 222** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 222 and certain territory located in the vicinity of Harris County Municipal Utility District No. 222, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
66. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 264** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 264 and certain territory located in the vicinity of Harris County Municipal Utility District No. 264, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
67. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 286 and certain territory located in the vicinity of Harris County Municipal Utility District No. 286, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
68. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 322** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 322 and certain territory located in the vicinity of Harris County Municipal Utility District No. 322, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and

tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.

69. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 358** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 358 and certain territory located in the vicinity of Harris County Municipal Utility District No. 358, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
70. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 365** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 365 and certain territory located in the vicinity of Harris County Municipal Utility District No. 365, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
71. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 368 and certain territory located in the vicinity of Harris County Municipal Utility District No. 368, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
72. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 397** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 397 and certain territory located in the vicinity of Harris County Municipal Utility District No. 397, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
73. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 468** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 468 and certain territory located in the vicinity of Harris County Municipal Utility District No. 468, Texas; providing for the

publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.

74. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Water Control and Improvement District No. 119 and certain territory located in the vicinity of Harris County Water Control and Improvement District No. 119, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
75. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Horsepen Bayou Municipal Utility District and certain territory located in the vicinity of Horsepen Bayou Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
76. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **MORTON ROAD MUNICIPAL UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Morton Road Municipal Utility District and certain territory located in the vicinity of Morton Road Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
77. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTH FOREST MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within North Forest Municipal Utility District and certain territory located in the vicinity of North Forest Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
78. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTHWEST PARK MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the strategic partnership

agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Northwest Park Municipal Utility District and certain territory located in the vicinity of Northwest Park Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.

79. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Northwest Harris County Municipal Utility District No. 9 and certain territory located in the vicinity of Northwest Harris County Municipal Utility District No. 9, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
80. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **SAGEMEADOW UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Sagemeadow Utility District and certain territory located in the vicinity of Sagemeadow Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
81. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **TIMBER LANE UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Timber Lane Utility District and certain territory located in the vicinity of Timber Lane Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
82. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within West Harris County Municipal Utility District No. 6 and certain territory located in the vicinity of West Harris County Municipal Utility District No. 6, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.
83. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **WHITE OAK BEND MUNICIPAL UTILITY DISTRICT** to enter into a strategic partnership agreement and on a

proposal by the City of Houston to annex for limited purposes certain territory within White Oak Bend Municipal Utility District and certain territory located in the vicinity of White Oak Bend Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – was presented, and tagged by City Council by MOTION 2007-0113. Council Member Edwards absent on personal business. Council Member Berry absent.

**MATTERS HELD** - NUMBERS 84 through 91

85. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY5-042, located in the 1200 block of Allen Street, owned by Southern Pacific Transportation Company, Linda Baburek, Real Estate Property Manager, for the **HOUSTON HERITAGE CORRIDOR BAYOU TRAILS EAST HIKE AND BIKE PROJECT**, N-000420-0002-2-01-01 - **DISTRICT H - GARCIA – (This was Item 57 on Agenda of January 17, 2007, POSTPONED BY MOTION #2007-69)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. MOTION 2007-0114 ADOPTED.
86. 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 Berry absent.

Council Member Lawrence stated that she would like to have Item No. 86 brought back next week, divided into two different parts, that she appreciated the information that the airport shared with her and to let her colleagues know within 10 years the terminals at A, B and C were going to have major modifications and with that modification most of the windows and glazing would be taken out, that she would like to see the ordinance divided into two parts, that the part of the ordinance come forward with the blast film, and then the other windows that they were considering to go back for a consideration of a cost analysis and place those in because as they talked the testing that had been done was done with special frames and when they put the blast film in the people do not get glass on them but would get the whole frame and window in their face and killed, that there was a problem with the film so they wanted to be sure how they use it and where they use it, that it was proper, that they had a choice of doing nothing for 10 years at A, B and C and doing something and she thought there were going to be some bollards placed for protection and using that film hopefully would resolve any problems because of costs, that also the manufacturer or the person who was going to install it, the company listed, was going to make their guarantee for 10 years and not 5 as listed, so there had been some changes and she could live with those but for the other glazing that was going to take place to put on she truly questioned, the airport was going to go back and look at those separately. Council Member Berry absent.

Council Member Lawrence moved to postpone Item No. 86 for one week, seconded by Council Member Garcia. Council Member Berry absent.

Mayor White stated that there was a motion to delay Item No. 86 for one week and brought back to divide the question and they supported to divide the question in the manner set forth as Council Member Lawrence indicated and they supported that. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. MOTION 2007-0115 ADOPTED.

- 86a. **WINTEC SECURITY, INC** for Purchase of Blast Protection Window Film through the Interlocal Agreement for Cooperative Purchasing with Houston Galveston Area Council – **(These were Items 6 and 6A on Agenda of January 24, 2007, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. Council Member Berry absent.

Council Member Lawrence moved to divide Item No. 86a along the lines she had indicated and postpone Item No. 86a for one week, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. MOTION 2007-0116 ADOPTED.

87. MOTION by Council Member Holm/Seconded by Council Member Lovell that the proposed ordinance amending Chapter 6 of the Code of Ordinances relating to the care and control of animals, Article IV Section 6-88 be amended to include the following: Senior citizens 60 years of age or older with sterilized dogs or cats shall obtain a sterilized pet license for each such dog or cat animal at an annual fee of \$5.00 for the initial license and the regular payment of the renewal processing fee of \$2.00 for each subsequent year. – **(TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Holm moved to table Item No. 87, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. MOTION 2007-0117 ADOPTED.

- 87a. **ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the care and control of animals in the City – **(This was Item 12 on Agenda of January 24, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. Council Member Berry absent.

Council Member Holm offered the following written motion to amend Item No. 87a:

“Re: Agenda Item No. 87a (01/31/2007)

I move to amend Item 87a by deleting Section 7 of the proposed Ordinance.”, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. MOTION 2007-0118 ADOPTED.

A vote was called on Item No. 87a as amended. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. ORDINANCE 2007-0148 ADOPTED AS AMENDED.

88. **ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the adoption of animals in the City – **(This was Item 13 on Agenda of January 24, 2007, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. Council Members Clutterbuck and Berry absent.

Council Member Holm offered the following written motion to amend Item No. 88:

I move to amend Item 88 as follows:

“(1) In Section 1 of the proposed Ordinance, amend Item (1) to read as follows:

Any animal that is vaccinated and sterilized and is otherwise deemed suitable for adoption, may be offered for adoption through a city facility. The director shall impose an adoption fee of not less than \$45.00 nor more than \$55.00 per animal. The director is authorized to offer an incentive program for one or more periods, not to exceed an aggregate of 30 days in the first calendar year after \_\_\_\_\_, during which the department may fully or partially waive the adoption fee. Within ninety days after the completion of any incentive

program period, the director shall compile the results of the program and provide a report to council members on the effectiveness of the program.” All voting aye. Nays none. Council Member Edwards absent on personal business. Council Members Clutterbuck and Berry absent. MOTION 2007-0119 ADOPTED.

A vote was called on Item No. 88 as amended. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. ORDINANCE 2007-0149 ADOPTED AS AMENDED.

89. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by repealing Section 28-40 thereof relating to carrying a poster – **(This was Item 14 on Agenda of January 24, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. Council Members Clutterbuck and Berry absent.

Council Member Wiseman stated that she thought it was important for the City Council to take some time to review what they had on their books in the way of ordinances that could present issues for them where instructions had been issued to point out the problem with the ordinance, that they had other ordinances like that on the books and she thought it would be to their benefit to go through those and review those and bring them to Council for appropriate action. Council Member Berry absent.

Mayor White stated that he agreed but they also had to make sure that they did not make new laws that in twenty years, or eight years or three years from now somebody was litigating and they would owe somebody attorney's fees, that somebody thought it was a good idea at the time and the way the First Amendment was set up there were a lot of things that they thought would make perfectly good sense, that the way it was set up they just wanted to create a big boundary that may not even be reasonable about what they could talk about without putting themselves at some risk, that the First Amendment was different than most laws because it was case by case with some general considerations, that it may not be the perfect situation for what they would want in order to protect some of the neighborhoods, that they all knew they wanted their thoroughfares to look better than they did right now, but when they were dealing with these things there was a very narrow line and they should be very careful of that and they could not just be based on the merits. Council Member Berry absent.

Council Member Khan stated that he was glad they were repealing the ordinance and wanted to point out that yes all of the officers were out there to enforce the law and the ordinances but sometimes it was amazing to see selective enforcement of the law and that was also a cause for concern especially for people from the minority communities, many times they saw the same law, like in this case there were thousands of signs, hundreds of signs, but one sign was picked out because of whatever reason, it may not be politically correct or may not be popular, if they wanted to make a society which was an opportunity for everybody or freedom for everybody then they needed to discourage selective enforcement of the law also. Council Member Berry absent.

A vote was called on Item No. 89. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. ORDINANCE 2007-0150 ADOPTED.

90. ORDINANCE adopting a Three-Year Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code – **(This was Item 15 on Agenda of January 24, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Wiseman stated that this was an item to adopt a three year annexation plan and while the State required if they planned to pursue annexations there were exceptions, such as the limited purpose annexations, they tagged all of those hearings that they were planning to set for such annexations, those were exceptions to the annexation plan, they went through this every year as required by State law and one thing that was brought up last year was the fact that they did not have to submit an annexation plan, it was not something that they had to do, but if they submitted an annexation plan that said for the next three years they did not plan on annexing any areas, for her personally she thought it was important to have a plan that said they would not be taking this action as opposed to not having a plan at all, it was a reassurance to individuals who might have some concerns that they were saying it was the intent of the City Council to not enter into any annexations outside of the exceptions for the next three years and it was for that reason that she would be supporting the item. Council Member Berry absent.

A vote was called on Item No. 90. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Member Berry absent. ORDINANCE 2007-0151 ADOPTED.

91. 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 – (This was Item 23 on Agenda of January 24, 2007, TAGGED BY COUNCIL MEMBERS HOLM and GREEN)** – was presented. Council Member Berry absent.

Council Member Green stated that most of them who were in Council in 2004 or maybe 2005 when they initially voted on the project voted through various entities or through the Downtown TIRZ essentially on tax abatements for the project and he thought it started in 2004 and initially the project included retail along with some residential and the office complex, that he knew the project had morphed into something else, the retail was still there but knew that because of economic feasibility the residential part was taken out, that he thought when they had these type of projects the City had to be very mindful of it's participation through whatever entity and he had several concerns with it, the first concern was that although the project itself

had changed the extent of the City's participation, and he thought their participation was up to about \$8.8 million and the County was also participating through the TIRZ as well, so he thought there was a total of about \$13 million to \$14 million and for every \$1 that the County participates toward the development of the project in various forms the City puts in about \$1.60 for every \$1, that he thought it was a great project and was needed downtown and thought it would be a good attraction for the City but when the City participates in these projects to that extent they did not hold the developers to the same standard as they do as a normal vendor with the City, there was no MWBE participation goals or anything like that, that he knew that the TIRZ had an agreement with the developer that the developer had to use best efforts and had to show periodically before they got the draws and that was where the \$13 million or \$14 million was coming in periodic draws, they had to show just what the progress was and unfortunately it did not mean a whole lot because they could not hold up the draws, there was no teeth in the agreement with the TIRZ, that concerned him, that one the project had changed and they did not have any oversight, the project would be built and there would be vendors that were there and he had talked with the developer and the developer said that they planned to use either local business, minority owned businesses, whatever the case may be and he was not advocating for anybody in particular but he thought they had to be mindful of the message that they send when they agree to these type of arrangements, that they did not hold the developers responsible as they did the citizens who did business with the City, that he was just not comfortable with the fact that there was no way for the City to hold the developers feet to the fire on this project to the extent of the amount of money, he thought as they entered into these projects, and thought they may be good agreements, they ought to put more teeth in the agreement between the quasi governmental entity which entered into the project to make sure they held the developer responsible the same way they held anybody else, and he thought the same logic could carry over into some of the MUDs and some of the development deals that they did in and around the City, at some point the City could not just say "here is the money do what you want with it" and build the project and live happily ever after, he thought specifically for a district Council Member they were concerned about what when on in their district and if there was no way for them to have oversight or to at least have input at the very least he thought they were going down an slippery slope, by no means was he saying they needed to micromanage anyone's project, but he did think it was serious enough and it was enough money that they needed to be concerned that the opportunities created by this helped the local economy and before the project was finished he understood in the Pavilion's project there were going to be several women and minority owned businesses but those businesses were paying market rent and he was fine with that, that he was a firm believer in a free market, if there was a willing buyer and a willing seller he thought those two people ought to meet, but when it came to the construction of it they had lots of entities in town, whether it was on the consulting or professional services side, on the building and engineering side, they did not have a mechanism in place to make sure that the \$8.8 million that the City was putting into the project was protected in that sense, that he had a serious problem with that. Council Member Berry absent.

Mayor White stated that in his very first meetings with the developers, as well as with Commissioner Lee, they made sure the developer knew their sensitivity about the particular issue when they use public funds, that the project never did have tax abatement for the residential component, second, it was a long and hard negotiation that was based on the high risk of the profile, individual conversations that people he authorized to have who were sophisticated in real estate, it had to do with lenders and equity holders, the large amount of sales taxes that would accrue to the City as a result of having the retail, and finally the amenity that was critical to the success of their hotel and convention center of having this downtown, that was one of two of maybe three dozen or so issues, not to abate existing taxes but to abate taxes on improvements that they had agreed to while they had been here, that second, debt and equity financing were about \$100 million and it had been a difficult project to make, that he would hope they would not delay anything further because they needed to get it done, third, that

with respect to Council Member Green's comment maybe they should have going forward with the respect to the public finance piece just incorporate some MWBE goals so it was not a matter of hinting around, the more open and transparent these things were the better it was, that maybe they ought to have a hearing on it or something like that where they talk about it or do it in the next specific case where they had something and decide if there was a condition that they wanted to impose, not with respect to the \$100 million but with respect to the amount that the City finances, and Council Member Green stated at least to the extent of their participation.

Council Member Holm stated that she too tagged the item last week and had an opportunity to meet with the developer and Mr. Icken and engineers and other parties in the group, they gave long and thoughtful consideration to the project early on and she respected it and thought it was a value to the development of where they were going, but she thought hitchhiking on what Council Member Green stated her concern continued to be that they craft really good deals in order to make things happen for them, that in long term if they as a City did not have good planning criteria and standards to go by, her concern at this point in the downtown developing they had no parking required, that she thought it was shortsighted, that they might not have a need today and they may want people to use public transportation but 20 years from now who were they if they had not crafted those, so she supported the item and had talked with Mr. Icken and she thought the City was really blessed to have someone like Mr. Icken who was really ready to embrace these things and bring them forward, that she thought it was a much bigger issue than just this one project, but how do they make their City, they had to change the attitude that planning and zoning were the same thing, they were totally different definitions and with Mr. Icken's guidance if they planned well they would not be questioning each and every project.

After further discussion by Council Members, a vote was called on Item No. 91. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Members Clutterbuck, Wiseman, Holm and Berry absent. ORDINANCE 2007-0152 ADOPTED.

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. All voting aye. Nays none. Council Member Edwards absent on personal business. Council Members Clutterbuck, Wiseman, Holm and Berry absent. MOTION 2007-0120 ADOPTED.

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

Council Member Lawrence stated that she welcomed everybody in District A to come to their CIP meeting on February 1, 2007 at 7:00 p.m. at Spring Woods High School. Council Members Clutterbuck, Wiseman, Holm and Berry absent.

Council Member Lawrence stated that she wanted to thank the Legal Department and Public Works for all the work they had done, especially Ms. Melba Porteau, with Wrenwood, that they were elated to find out that finally they were going to get City water after 31 years, that there were so many people working hard to make that happen, that it looked like in 18 months to two years they would be achieving that goal. Council Members Clutterbuck, Wiseman and Holm absent.

Council Member Johnson stated that his CIP meeting would be tonight at Shadydale Elementary at 7:00 p.m., that they had a great attendance last week and wanted to thank all his colleagues who were in attendance. Council Members Clutterbuck, Wiseman and Holm absent.

Council Member Garcia stated that his CIP meeting would be next Tuesday at 6:00 p.m. at Moody Park; that they would be having a special called meeting on Monday of the Public Safety and Homeland Security Committee at 10:00 a.m.. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Holm absent.

Council Member Garcia stated that his intention was to tag the item on the fire station transaction because he wanted to have a discussion about how they could use the proceeds of those types of transactions to create some type of historic preservation fund, along the lines of the discussion he had with the Mayor on how they incentiveize some of it but set good boundaries on the use of tax dollars and things of that nature, that he did not get to tag it, but would ask the administration to give that some thought as they worked on the Old Sixth Ward guidelines on how they could create a sort of grant fund or funding mechanism out of the transactions of some of these precise things. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Holm absent.

Mayor White stated that he thought it was an outstanding idea at least with respect to the three fire houses that needed to be considered, that he was made aware that Controller Parker was one of several people who came up with a good way to think about it and in some of the next steps there were a lot of people working with the Historical Commissions, and Ms. Jewett, Ms. McAbee and Ms. Gafrick and Lea and her shop were all working and people within the preservation community, that it just started a process down the disposition and before Council Member Lovell committee they would need to come up and get a proposal about creating certain grant funds and criteria, so he thought it was an excellent idea. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Holm absent.

Council Member Garcia stated that he wanted to thank Mr. Norman, Public Works and to all the other folks whether in Legal, Public Works, Police and Fire, everybody was so responsive to being of tremendous service and being attentive to the issues of their citizens, there were a number of issues that had come up as of late and wanted to say thank you to those good hardworking folks. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Holm absent.

Council Member Alvarado stated that she had just learned that the U.S. Citizens and Immigration Services announced that they were going to increase the applications for naturalization and citizenship which was really a hit to the community, that the cost was going to go up from \$400 to \$675, that she thought it was hypocritical from some of the things they heard in the State of the Union speech last week, that she thought it was definitely going to hinder those who had been trying to get through the process, that it certainly did not make anything more accessible or more affordable and she was really disappointed to see that. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to thank several people who came out to a community meeting they had last night in part of the Third Ward Community, that some of the people who came by from the City were Claudia Vasquez, Citizens Assistance, Andy Icken, Nancy Collins, Arturo Blanco, Capt. J. Jones, HPD, Daniel Escobar, Public Works and Karl Pepple with Elena Marks office, they had a very successful meeting and she wanted to thank also Council Members Edwards, Lovell and Berry for sending representatives, that she felt that they were on to building consensus on some issues as it related to Oak Farms Dairy in the community. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that this Friday was "Wear Red for Woman Day" and would ask everyone to wear red on Friday, that Mayor White was proclaiming that as wear red for women, it was to fight for heart disease, specifically for women, which was the number one cause of death for women and they were bringing awareness to that in a press conference on Friday. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to give condolences to the Gutierrez and Rodriguez family who lost Johnny Gutierrez who was a WWII veteran and was also a retiree from the City of Houston after 35 years, and lived in the East End in the Magnolia Park Community, that he had worked in the Public Works Wastewater Division, that he had a very large family, was a wonderful father and grandfather, that he was grandfather to James Rodriguez, her former Chief of Staff and she wanted to send condolences to their family. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that on February 19, 2007 they would have a grand opening for their Southwest Multi Service Center and Mayor White would be there to do the ribbon cutting. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that tomorrow Stevens Elementary School was having a Career Day and he would be one of their speakers, that one of his staff members, Karina Moreno's little sister, Erica Moreno, attended the eighth grade at that school so they would be there tomorrow. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he had visited the KIPP campus, they were funded by the Housing and Community Development Department and it was really an amazing program and he encouraged all of his colleagues to visit the KIPP campus to see what they were doing for some of the most challenged students, their drop out rate was virtually nothing, they had long school hours and most of the students spent a lot of time in the academic environment, they had a lot of programs and extra curricular activities and was just a wonderful way of educating the kids, that he wanted to thank KIPP Academy for taking care of almost 1,700 to 1,800 students at their campus. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to thank Chief Hurtt for taking a tour of District F with him the other day, the most important thing was that now with the improvement of the crime situation and lowering of crime statistics more and more people were recognizing that and were appreciative of the efforts made to bring the crime rate down in the City, they made four stops and everywhere they heard people saying that they had seen elected officials coming to see them in the past but had never seen the police chief come and visit them, that it was very well received and he wanted to thank all of the HPD officers who were there with Chief Hurtt, especially Assistant Chief Vicki King, Officer Sidiki, Sergeant Hill, Captain Bruce Williams, Mr. Bressler and he also wanted to acknowledge the hard work done by people on his staff, Karina Moreno, Benjamin Hernandez, Ernie McGowen and Bridget Zabak and a lot of community members who helped them in putting this together, that Officer Sidiki took it upon himself to invite all of the businesses to be a part of that, that there were some great suggestions made, that Mr. Gordon Quan made some suggestions and gave a written request to the Chief and hopefully they would see some of those things addressed. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to welcome some new interns in his office, Derrick Hahn, from Sam Houston University, Simon Lei and Zahid Hossain from the University of Houston who were in their Council office and doing a wonderful job. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that it was always good to hear appreciation for the work being done out of City Hall but when a true American hero mentions it it means a lot, that last Saturday he was at a function for the Australian Chamber of Commerce and Captain Eugene Cernan, the last man to walk on the moon was present to make a presentation and he sent a special regard to Mayor White and asked that they tell Mayor White how much he appreciated the great work being done in the City. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to say a few words about rail transit and as Mayor White said in the State of the City speech, they deserved the best transit system that money could buy, and it was very critical they got it right, that he referred to that because they had two editorial article in last Sunday's Chronicle, that he would recite a few couplets, "listen my congressmen and you shall hear the toot toot toot of the train engineer he's heading the train where the people are so fewer of us will have to use our car, so sit down with the wolves, that's Ed and David and make a deal even if a few skeptics let out a squeal, Westpark or Richmond have an open mind, since ridership and density are so intertwined, let's get on board with the public good, more vision, planning and brotherhood". Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that the dropout rate and it's root causes were impairing an entire segment of their society, that Mayor White had initiated a not enough recognized program, Stay in School Program, which was discussed in the paper this morning, that it worked and beyond that it sent a message that the City had a critical role to partner with HISD and their other institutions in healing their social wounds, that it was a great program and sent a real message, that he thought it deserved more publicity. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that on strategic partnership agreements he had a concern about what were the details of their public policy, were they limiting their flexibility in the future in terms of annexation and what could possibly be in terms of the contractual relationship some alternatives to the present contract provisions they had, that he remembered very clearly that Mayor Lee Brown needed some additional revenues, Bob Ltke came up very quickly with the strategic partnership notion and he was not sure if it was intended to be permanent public policy in Houston, so maybe that was something they look into. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to say something about utility bills gone wild, that he was still getting a whole range of complaints from citizens and that estimated usage for entire subdivisions just did not seem to work very well, their taxpayers deserved a better avenue for explanation and relief, the procedures they were following now, he thought, could be improved, there needed to be some checks and balances that worked, that taxpayer consumer protection should be a primary outcome not just a goal or idea. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that building social capital was something that he thought was very important to their society as a whole and to their City, there was economic, human, cultural and political capital but there was also the important ingredient, social capital, in a

society that was to often divided by ideology, ethnicity and income he believed that the government had a pivotal role in the cultivation of social capital, that social capital referred to the productive connections among individuals and groups, social networks that created trust, shared values, expectations and reciprocity, it was a sense of community, it was the glue which held their institutions together, urban sociologists almost unanimously agreed that a good stock of social capital resulted in lower crime, better public health, higher education achievement and improved economic growth, that the community gardens program that they talked about yesterday had an enormous potential to increase social capital of bringing neighbors together, farming small plots of land and selling their excess produce, social capital energizes organization and their output, that conflict could also build social capital as in the case of the Lancaster Subdivision residents who were present yesterday banding together to defend their beloved Menil Museum neighborhood against intrusion by unwanted, inappropriate development. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Lovell and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:14 p.m. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Lovell and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary