

City Council Chamber, City Hall, Tuesday, February 20, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 20, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Ms. Connie Acosta, Division Chief, Labor 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 Addie Wiseman absent on personal business.

Note: Council Member At-Large Position 3 vacant.

At 2:05 p.m. Mayor White invited Council Member Green to the podium for presentations. Council Member Green invited Mr. Howard Jefferson to the podium and stated that he had days in the NAACP and was a past educator and was now retiring from the Houston Businesses Development, Inc. board of directors after 12 years and because of his many contributions toward the betterment of the City presented him a Proclamation proclaiming February 20, 2007, as "Howard Jefferson Day" in the City of Houston; and Mayor White stated that it was at an Urban League dinner in 1980 when they met and ever since he had been a source of strength and judgment for him. Mr. Jefferson stated that it was a pleasure serving his position and he thanked the Mayor and Council Members for their support and his recognition today. Council Members Clutterbuck, Edwards, Holm and Berry absent.

Council Members thanked Mr. Jefferson for his service on the board and his contributions to the City of Houston. Council Members Edwards and Holm absent.

Council Member Green stated that his next presentation he was doing for Council Member Edwards and they would be recognizing Super Neighborhoods in District D and invited the president or the representative from Super Neighborhoods 24, 39, 40, 41, 68, 67, 71, 72, 73, 74, 75, 76 and 80 to the podium and stated that Super Neighborhoods were where people addressed plans, needs and concerns of their community and the Super Neighborhood Council served as a forum where such could be addressed and an action plan formed to meet goals; and presented each with a Proclamation proclaiming February 20, 2007, as "Super Neighborhoods Day" in Houston, Texas. Council Member Edwards absent.

Council Member Johnson appeared at the podium and stated that it was an honor today to acknowledge the Gospel Truth Magazine that was now being called the Gospel Truth News, a local publication, this weekend they would hold their 10th anniversary kickoff concert, February 24, 2007, at the St. Agnes Gamma Center and he thanked them for the fine work they did and invited its founder Mr. Kerry F. Douglas, Sr. to the podium and presented him a Proclamation saluting Gospel Truth Magazine on such an important occasion; and proclaimed February 20, 2007, as "Gospel Truth Magazine Day" in Houston, Texas. Mr. Douglas stated that they had been doing their national magazine of Gospel Truth 10 years and now they were launching a faith based paper called Gospel Truth News and he would appreciate Council's support and invited all to their celebration. Council Member Edwards absent.

Council Member Lovell invited Ms. Rosie Zamora to the podium and stated that she was with Houston Wilderness, a group which brought businesses and groups together for a "Green Houston"; that Houston Wilderness was a 24 county area of Southeast Texas and contained a wide array of ecosystems and Houston Wilderness helped all to understand and see beyond their urban asphalt surrounds to a future which embraced and enhanced their natural heritage; and presented a Proclamation to Ms. Zamora saluting and commending the organizers and

participants of Houston Wilderness Day, wished continued success and proclaimed February 20, 2007, as "Houston Wilderness Day" in Houston, Texas. Ms. Zamora stated that she was accompanied by Mr. Bob Douglas, the chairman of Quality of Life Coalition and Ms. Diane Schetke, on the board of Houston Wilderness and executive director of Park People; that this area had more econ systems than any other part of the country and few knew it; and extended an invitation to all for the unveiling of an incredible atlas of diversity on Thursday at the Houston Club. Council Members Johnson and Berry absent.

Council Member Holm stated that the Quality of Life Advisory Committee, Trees for Houston and Park People had all come together in partnership with Houston Wilderness realizing the importance this was to the city and everyone's future and thanked them. Council Members Johnson, Brown and Berry absent.

At 2:41 p.m. Council Member Lovell stated that Council Member Wiseman had to leave and was to say the prayer and then led all in the prayer and in the pledge. Council Members Johnson, Brown and Berry absent.

At 2:42 p.m. the City Secretary called the roll. Council Member Wiseman absent on personal business. Council Members Johnson and Berry absent.

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

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Mr. John Castillo and Ms. Reni Millar at the top of the three minute speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Johnson and Berry absent. MOTION 2007-0181 ADOPTED

Council Member Garcia moved that the rules be suspended for the purpose of hearing Ms. Jane Cahill at the top of the one minute speakers and to add Mr. Nick Urbano, Mr. Orlando Saldana and Mr. Pascal Piazza to the top of the three minute speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Johnson and Berry absent. MOTION 2007-0182 ADOPTED

At 2:43 p.m. the City Secretary began calling the public speakers. Council Members Johnson and Berry absent.

Ms. Carol Dougherty, 5042 Wigton, Houston, Texas 77096 (713-805-7562) appeared and stated that she was present to see if there were any additional questions she could address for Council Members regarding Items 48 and 49 which were tagged on last week's Agenda; and there being none thanked Council. Council Members Johnson, Garcia and Berry absent.

Ms. Jane Cahill, 2112 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and stated that she was present to urge Council Members to approve the prevailing lot size application listed as Item 23 on the Agenda; that to their knowledge only two property owners who opposed the application and both had their property on the market. Council Members Johnson, Garcia and Berry absent.

Mr. Stephen Palmar, 6615 Meadowlawn, Houston, Texas 77023 (832-355-8902) appeared and stated that he was from Idlewood and present to speak against turning the Gus Wortham Golf Course into a soccer complex; that his concerns were traffic, parking and their narrow streets. Council Members Johnson, Garcia and Berry absent.

Ms. Diane Schenke, 6715 Fairfield, Houston, Texas 77023 (713-942-7275) appeared and stated that she was executive director and president of The Park People and present to address the Gus Wortham Park issue; that they had developed a park with a major soccer component, but started the process by involving well known architect firms, numerous meetings with the neighborhood and along with their fields they had trails, native plantings, pavilion, water play area and playground and that involvement and envisioning was lacking in this proposal; that with the consequences of Gus Wortham's historic status and the forested areas and neighborhood concerns she encouraged them to go through the process. Council Members Johnson and Garcia absent.

Mr. Jon Strange, 171 Park Road, Houston, Texas 77084 (713-973-9139) appeared and stated that he was present representing the Eastend Chamber Board who set up a taskforce for soccer development in the Eastend about three months ago; that a 1990 study showed Houston needed to build 120 soccer fields by 2010 to keep up with the demographic recreational changes and inside Loop 610 there were 25 fields and a Parks and Recreation study showed a need for 19 more fields inside the Loop; that in the Houston area there were 50,000 adults playing in leagues and 100,000 youth; that soccer had an unprecedented growth and the Eastend Chamber in association with the Financial District did a vision plan and the soccer field development at Gus Wortham in the Eastend would be in concert with this plan, they felt this was an underutilized facility with much history and wanted to preserve it and would like consideration. Council Members Johnson, Garcia and Berry absent.

Council Member Holm stated that their office received many comments and she looked at it as encouraging because it brought to light how much citizens paid attention to what was going on with underserved needs of soccer fields and also about Gus Wortham Park and the golf course; and upon questions, Mayor White stated that first, the city would not be putting soccer fields into a region of the city over strong community opposition or over opposition of elected officials; second, people were wanting to have a regional soccer complex accessible to citizens within the community, there were tens of thousands of soccer players of all ages who did not have adequate facilities and there was a youth potential to be a regional hub for soccer events; that the reality was for a regional soccer complex which could host large tournaments it was land intensive, like for 12 soccer fields there may be a minimum of 70 to 80 acres with parking and in looking at potential sites they would need cooperation of city, county and sports authority and he would work hard to make this happen within this Administration, but it was unlikely they would have all funds to buy that many acres and would need to look to utilization of existing public lands; that they would be guided by the community sentiment in and around facilities concerning what they did. Council Members Garcia and Berry absent.

Council Member Alvarado thanked Mayor White and Council Member Holm for their support and stated that she was very much opposed to converting the golf course to anything other than what it was and felt they needed to do a better job of reinvesting in the golf course; that she did appreciate his work with the Eastend Chamber and upon questions, Mr. Strange stated that the soccer issue was not addressed, it was greenspace, but there was representation throughout the whole area of Super Neighborhoods and corporate citizens and citizens who met over an 18 month period, 6 different meetings, so soccer was not addressed, but it was opportunity. Council Members Garcia and Berry absent.

Council Member Lovell stated that she felt it unfair to place golfers against soccer people and was also opposed to placing a soccer field there, she would like to see how they could instead enhance a historic golf course and how they could market it; that they should also have a caddie program for youth so they could earn money; that there were many things that could be done to help there and also many other places for soccer fields; that she would such like

discussions among them all instead of placing them against one another. Council Members Garcia and Berry absent.

Mr. Strange stated that the Eastend Chamber Board would like to work with whatever decision the Mayor and Council came up with, obviously it was a very economic and historic decision, but they would like to help with the redevelopment of the golf course and also help find the acreage needed for the soccer fields; and Mayor White stated that he appreciated that spirit; and he would also assure Council Member Lovell that the people who identified multiple candidate locations which met criteria there was no funding, no decision and no one thought about putting one group against another, but there were plenty of places which wanted and desired a regional soccer complex, it would be a plus to be on a bus line but that could be relaxed. Council Member Garcia absent.

Mr. Stephen A. Hester, Jr., 6201 Bonhomme, Houston, Texas 77036 (713-974-4621) appeared and stated that he worked for the Houston Center of Independent Living and they did advocate on behalf of people with disabilities and asked that the Mayor and Council consider making the visibility ordinance mandatory; that one problem people with disabilities had was barriers to housing, most doors in the city you could not get a wheelchair through and bathrooms did not have grab bars, etc., and showers were unsafe because they had no grab bars; and would also request anytime there was public funding they consider and start requiring those building houses to meet assess ability standards in that ordinance. Council Member Garcia absent.

Mr. John Castillo, 6716 Fairfield Drive, Houston, Texas 77023 (713-923-7466) appeared and stated that he resided in the Idlewood Subdivision and was previously a member of City Council and today was present to signal his opposition of the conversion of Gus Wortham Park into a soccer facility because of the negative impacts it brought, the loss of an economic impact in the community, a large parcel of land which now was used as a low intensity, clean air facility where people who did not golf walked, picnicked, bird watched, etc.; that if changed it would bring noise and had potential of overflow parking into the neighborhood surrounding it; that there was also lack of natural drainage across the area and that problem would have to be redirected and expensive, but mostly it would bring traffic congestion to small streets and any additional burden on the community would be bad.

Council Member Alvarado stated that she wanted to thank him for getting involved in the issue and was glad he raised the problem of traffic and congestion, because she did not think those who proposed it even considered that; that he was right with the drainage issues also and she did not see anyone living around the park asking for it; that they were all for more youth facilities, but this was not the place.

Council Member Lawrence thanked Mr. Castillo for coming and stated that this was Houston's history and special to the city and would be a travesty to be anything other than what it was.

Council Member Brown stated that they needed criteria on how to deal with negative neighborhood impacts and he made good points of traffic and noise and he would add loss of green; that this was the old Houston Country Club site, it was historic and such places should be respected; and Mr. Castillo stated that fortunately in Eastend there was a lot of acreage, abandoned or unused which was available and compared to other areas was cheap.

Ms. Reni Millar, 6666 Park Lane, Houston, Texas 77023 (713-928-5936) appeared, presented a petition to Citizens Assistance and stated that as a result of this attention she now expected city officials to look into renovation options and declare the 100 year old historic Gus

Wortham Golf Course a historic place and give it its just dues; that she was a longtime resident of Idlewood and opposed to sacrificing rolling green space and historic trees for the Dynamo Soccer Field, however, not opposed to finding a conducive area within Eastend, Milby Park or Houston for it; that Gus Wortham was the only golf course with rolling terrain and wild habitat and changing it to flat land would impact the environment, cause loss of historic trees and displace wildlife and neighbors would lose property value and be subjected to traffic jams; that the golf course was not under utilized but what was lacking was renovation and the petition presented was obtained in one day with around 1,000 signatures opposed to having a soccer field replace their golf course. Council Member Khan absent.

Mr. Nick Urbano, who was previously added to the speakers list, appeared and stated that he was a member of the Houstonians, a youth sports organization, and on Council's Members of Adult Soccer Associations around town and actively involved at state level; that one of the proudest things he had done was get children involved in sports; that accessibility was a major thing to keep in mind, inside the city and available to all, one reason they were as strong as they were in getting youth to move on was because they were able to attract talent at all levels no matter what their economic backgrounds and more such programs were needed.

Council Member Alvarado stated that she did not think he could disregard the history at Gus Wortham, it was the only remaining golf course the city owned and operated within the inner city, many who could not afford other courses had this one; that she received petitions and letters from the real stakeholders, those who lived near the park and she and her constituents were not opposing a youth facility and most would say the Eastend was a great place for it, but not at Gus Wortham Park and she hoped he understood; and Mr. Urbano stated that he did not want his comments misconstrued, he was not working against anyone and all things did need to be considered and that was what he asked for.

Upon questions by Council Member Garcia, Mr. Urbano stated that the youth had come from everywhere, they focused a lot on inner-city as much as possible, but they did not bar the doors to anyone and one big draw was because they were centrally located, assessable to all, there was a lot of money floated in youth soccer and their club was different because they did not, they were based on volunteer work and volunteers drove everything, not just parents, but also youth who could not pay their own fees to get to tournaments and have their talents assessable to coaches came back and coached younger youth to get it paid for; and Council Member Garcia stated that he respected what the community was concerned about, but he also wanted folks to know of their great service in the sport of soccer. Council Member Berry absent.

Mayor White stated that they all appreciated what he did, people who worked with the youth were his heroes and he did thank him; and Mr. Urbano stated that he could take no credit he was being given because it was so many people besides him. Council Member Berry absent.

Mr. Orlando Saldana, who was previously added to the speakers list, appeared and stated that he was also a member of the Houstonians and manager of a team and he wanted Council to know that the Dallas Cup was a once a year tournament and drew \$30,000,000 and the Houstonians were the 28th best club in the country with 10 teams and they carried Houston all over the country; that when it was started by Mayor Lanier there were about 3,000 and now they reached 170,000 and they had to sustain them by fund raising and they drew about \$1.5 million in scholarships for the youth; that they just had 12 college scouts come and had solid offers for some; and if this came about they would be able to reach many more. Council Member Berry absent.

Council Member Khan stated that they appreciated all their volunteer work; and upon questions, Mr. Saldana stated that he did not live in the area but had two dozen youth who did; and Council Member Khan stated that no one was against having the soccer grounds, everyone wanted it, but they could not have the debate for a particular area unless those who lived there wanted it, but they were all on the same side. Council Members Edwards and Berry absent.

Council Member Garcia thanked Mr. Saldana for coming and stated that he was making a huge difference in the lives of those he worked with and the Parks Department had a mandate to create 100 soccer fields and this created a good discussion. Council Members Edwards and Berry absent.

Mr. Pascal Piazza, who was previously added to the speakers list, appeared and stated that he was in charge of administering all adult soccer in south Texas, from Beaumont to Kerville, etc., but they did need to talk of a complex and not just fields because one of his goals was to invite people from all over the country and the economic value would be immeasurable; and when he and the Dynamos spoke at no time were the neighborhoods cut out, there perspective had to be there and if they were cut out he apologized it was no ones intent to do so and ultimately they had to do what was best for the city and he agreed Gus Wortham had historic significance, but his concern was the "not in my backyard" attitude, there would soon be no where for it. Council Members Edwards, Holm and Berry absent.

Council Member Clutterbuck stated that based on the Mayor's comments and Council Member Alvarado's comments it was safe to say it would not be at Gus Wortham Park, but she would like to ask it to be placed in her backyard; that they had an area and probably all districts had a brown field or blighted area; and as a Dynamo season ticket holder and as a mom of a soccer player she was a passionate and enthusiastic supporter of the game; and upon questions, Mr. Piazza stated it was not their idea of Gus Wortham or nothing, it was just a presented opportunity and they would be happy to look at other areas; and Council Member Clutterbuck stated that she wondered how this even originated; and Mayor White stated that people wrote news paper stories and it generated interest, but a brief analogy of what was on Council's collective agenda was to try and have a regional soccer complex, the problem was within the City of Houston's budget finding funding for youth and amateur complex would be challenging and many people were looking at potential sites, but no decision was made by the City of Houston, if they could find a large site, centrally located and suitable..., but the more they had to pay for land the less likely it was to get multiple public entities and private entity to contribute to a particular location; that it was good to have a public discussion, but more likely than not it would have to be on a public piece of land somewhere: and Mr. Piazza stated it was their goal to work with the city and community to get this. Council Member Berry absent.

Council Member Lovell stated that all wanted a soccer field, but all valued Gus Wortham and she thought they could have both. Council Members Holm and Berry absent.

Council Member Garcia stated that he appreciated Mr. Piazza for coming and being open and his leadership and he also wanted it in his district; and maybe this discussion would get people out to use Gus Wortham. Council Members Holm and Berry absent.

Council Member Edwards stated that the experience in having the Dynamos in District D they did have concerns with traffic and parking, but they were very good partners with the city, constituents and the university and she had more land in her district and they would like to be included in the conversation. Council Members Holm, Garcia and Berry absent.

Upon questions by Council Member Brown, Mayor White stated that the Dynamos wanted a dedicated stadium for soccer and he for one was not keen on supporting with public dollars

professional sports facilities, in addition to what they had, unless there was a commitment to youth and amateurs by the professional team with private dollars so now the conversation was in context and it was unlikely given the footprint of the facility in Frisco, where you had the size for the professional stadium and practice and youth fields all together in the city and where it met the marketing criteria for a soccer team and the next issue was could two projects work in parallel where you had benefits of having a practice field and being engaged with helping amateur soccer teams within the organization with some proximity of the professional stadium and that was the nature of the discussion which was extraordinarily preliminary, but it was worth it so they did not wake up one day and find 40 miles away someone lured both the youth fields and professional soccer stadiums there and they would love for the Dynamos, and it would be a condition of the Dynamos, receiving public dollars that the city have any say so to build a facility that they make that commitment. Council Members Holm, Garcia and Berry absent.

Council Member Lawrence stated that she thought she was hearing take Gus Wortham off the table as far as soccer but lets talk about soccer and this discussion may generate looking at existing land; that a park north of West Little York, Alabonson, had over 50 acres and next to it was about 20 acres of Harris County Flood Control and that was a 70 acre piece of property sitting there and could meet a lot of youth's needs. Council Member Berry absent.

Upon questions by Council Member Lovell, Mayor White stated that based on footprints they needed about 70 to 100 acres and it had to meet certain accessibility concerns and getting real participation of pros it would be nice if it had some degree of proximity to the professional soccer, but they would have to determine the county participation, the sports authority, but it was likely to be public land of some sort and there were alternative sites; and to be sure there was a good coordination and based on what other cities did he would think there would be preference to be closer rather than further apart. Council Member Berry absent.

Mr. Percy Gonzalez, 5537 Harrisburg, Houston, Texas 77011 (713-921-3571) appeared and stated that Harrisburg was East End's corridor and he was spokesman for the small business community on Harrisburg and the biggest land grab they would have there would be done by METRO, at least that was what they thought, and Harrisburg was not for sell; that METRO told them nothing and their street was historical; that he asked for impact statements and was told they did not have to give it to him, it was public funds and if they were paying for it why could they not get it. Council Members Johnson, Lovell and Berry absent.

Council Member Garcia stated that he was trying to work with METRO and get people information, but it was difficult and he could understand Mr. Gonzalez's frustration; that he could understand all was not thought through yet, but METRO had yet said they would look out for the businesses and that was a key point of what drew business owner's anxiety and another thing which drew concern was they had not said, as a City or METRO, that they had any hope light rail would not gentrify neighborhoods in his district and a lot of the issues should have been first basic elements talked about; and Mayor White stated that he had made notes and had spent two hours reviewing every correspondence and call from every Council Member or their offices logged in by METRO, the person assigned, the request and disposition and there were approximately 200 and seven in two Council offices did not have a satisfactory resolution to them; that he did want people to be responsive to Council and would go back at it, but he had a good understanding of what they were doing; that he would like details on who Mr. Gonzalez spoke to because he knew there was copying cost, but it was contrary to cases; and regarding the impacts they took on the world in having a fast track construction process because it was the biggest thing to disrupt merchants and on gentrification, it would probably be a fact that adjacent real estate would appreciate in value because it had in other cities, it probably would appreciate in value and on corridor planning this would be a great vehicle on doing some plans, it would not be appropriate to spend that amount of money in light of the tens of millions of

consulting fees including numerous townhall meetings, 30 or 40 over the last 5 years, to do another set before the plan was finalized with the EIS, but that was exactly what they were going to vote on if someone would help them with it. Council Members Johnson, Lovell, Green and Berry absent.

Mr. Richard L. Freeman, 121 Riggs road, Houston, Texas 77022 (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson, Lovell, Green and Berry absent.

Mr. Leonard Ottom, 6802 Wellwood Court, Houston, Texas 77083 (281-983-6853) had reserved time to speak but was not present when his name was called. Council Members Johnson, Lovell, Green and Berry absent.

Mr. Barney Giesen, 6740 Meadowlawn, Houston, Texas 77023 (713-459-8959) appeared and stated that he was a neighbor of the Gus Wortham Golf Course and was opposed to taking it away and most reasons were spoken of, loss of trees, interesting terrain, 30 foot differences in elevation, traffic, loss of an inner Loop course and he understood Howard Hughes learned to play there and cut the deal for Hughes Tools; that they were worried about noise pollution, air pollution, etc., and they were for soccer fields but not at the cost of taking away greenspace to replace it with greenspace and they also felt their tax evaluation would go down; and asked Council to look for the right way to do it. Council Members Johnson, Holm, Garcia, Lovell, Green and Berry absent.

Ms. Amy Hamilton, 6663 Fairfield, Houston, Texas 77023 (713-921-6902) appeared and stated that she thought Council had heard all their points, but would say Houston was a "World Class City" and was promoted as such and no such city would destroy a 100 year old golf course within four miles of its center. Council Members Johnson, Holm, Garcia, Lovell, Green and Berry absent.

Ms. Marilu Dela Fuente, 1724 Alata Vista, Houston, Texas 77023 (713-921-0578) appeared and stated that she had been an employee of the Parks and Recreation Department and was a community leader in the Eastend, chair of the Harrisburg Heritage Society and chair of the Magnolia Eastside Division Police (PIP) Program and was present asking Mayor White for his personal involvement and commitment into exploring other avenues of the Dynamo dilemma; that they read in the Houston Chronicle Gus Wortham was being considered for a soccer field and it threw them for a loop and in North Carolina another article was printed stating Houston was discussing golf course as Dynamo stadium quietly and they had heard nothing, but today it was cleared and she appreciated his comments; and another factor considered today was it was historic and home of the first Houston country club, but the beautiful building with ballroom should have never been demolished. Council Members Johnson, Holm, Garcia, Lovell, Green and Berry absent.

Council Member Alvarado thanked Ms. Dela Fuente for her comments and for pointing out the most important part, the historical aspect, she did not know about the article from another state, but learned of the issue the same as they did and it disturbed her; and would ask the Mayor for a commitment of Gus Wortham being off the table; and Mayor White stated that he would not support something that went in over the strong opposition of the Council Member in that district, but he did not want people to think it would be an easy road to keep the Dynamo's in the city limits, there was discussion on how easy it was to find land, transportation and parking proximity, etc., but it was not the case someone was trying to hide the ball; and Council Member Alvarado thanked him for recognizing the sentiments of the community. Council Members Lawrence, Johnson, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was hearing two things, discussion about the golf course, but heard him make a policy statement that if the District Council Member stood in opposition of something, he basically took their position and she wondered if that was what she heard; and Mayor White stated, no, no, that would be a little strong, but when it came to public funding, involving public facilities, the elected officials and views of Council Members were very strong and important in what they did; and Council Member Edwards stated that she wanted it clear because she did not want people to call and say all she had to do was tell the Mayor she was against it and he would be with her, she did not want that perceived. Council Members Lawrence, Clutterbuck, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he would like basic principles and policies on protecting neighborhoods, he wanted the stadium in the City of Houston, but they needed the right solution. Council Members Lawrence, Clutterbuck, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Michael Medina, 13607 Ballantrae Court, Houston, Texas 77015 had reserved time to speak but was not present when his name was called. Council Members Lawrence, Clutterbuck, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Ben Ramos, 13919 Round Stone Lane, Houston, Texas 77015 (713-450-3025) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Clutterbuck, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Johnny Longoria, 6666 Sylvan, Houston, Texas 77023 (713-926-7312) appeared and stated that he lived in the Eastend area and was opposed to changing Gus Wortham into a soccer complex or stadium because of more traffic in an already congested area. Council Members Lawrence, Clutterbuck, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Chris Marvel, 6507 Pinehurst, Houston, Texas 77023 (832-496-9059) had reserved time to speak but when his name was called Mr. Robert Molina appeared and stated that he would like to speak for Mr. Marvel; and Mayor White stated that with no objection Mr. Molina would be substituted for Mr. Marvel. Mr. Molina stated that all had already been said and he was glad to hear the remarks; that the park was historic and he felt a part of that historic legacy because he started playing golf there at 10 years old and now was teaching his daughter; and was glad the living legacy of the park would be continued. Council Members Lawrence, Clutterbuck, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Virginia Hancock, 6455 Pinehurst, Houston, Texas 77023 (713-921-7529) appeared and stated that she was a longtime resident of Houston Country Club Place and that the 100 year old country club site was treasured greenspace and her family did not play golf but the beauty and serenity of the acreage could not be measured in dollars; that the Dynamos and soccer fields would enhance the city she was sure, but there must be another site; and invited those wanting the soccer there for a tour of the historical side of Houston. Council Members Lawrence, Clutterbuck, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Ed Fontenot, 10403 Sagetree, Houston, Texas 77089 (281-705-1591) appeared with Mr. Sweeney and stated that he would be speaking for him today; that they wanted to challenge an ordinance in Council Member Edwards district, Ordinance 02-377, a petition was passed in

2000 and signed fraudulently by Mr. Sweeney who lived in Kerrville, Texas and had no idea this was going on, that there were 50 houses in the subdivision and only 26 signed the petition and it was someone living in his rent house who signed without his permission to get just enough signatures and now they wanted to overturn it. Council Members Lawrence, Clutterbuck, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Fontenot stated that the ordinance kept lots at 5,000 square feet and Mr. Sweeney was unaware of that being done and now wanted it overturned; that at this point he did not know if he wanted to subdivide and sell, but if it could be subdivided he was sure it would help him if he did; that right now they were not challenging this to make money, but because it was done falsely; that Stratford was in Midtown and the address was 1315 Willard. Council Members Lawrence, Clutterbuck, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that as they dealt with lot size issues in many areas it seemed they needed to come up with proper procedures so such situations did not develop; and Mayor White stated that he would make sure the Legal Department took a look at what was done in this particular place. Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that as the District Council Member her suggestion would also be to have Legal look and see what could be done; and Mayor White stated that he would say they made a policy which he supported and with maybe one exception Council supported not requiring unanimity in certain neighborhoods for that neighborhood to have the lot size set at a prevailing lot size within the neighborhood; that it did not require all but did require more than 51% to keep prevailing lot size within a particular neighborhood and he would think it depended on if they had 51% sign without this gentleman's signature; and Mr. Fontenot stated whoever pulled the petition stopped at 51%, 26 houses, so there would not be; and Mayor White stated that it would depend on number of signatures and may other issues such as requirement notices to individuals involved; and thanked them for coming; and Council Member Edwards stated that she would like someone to get with her on how signatures were validated or verified with the city for petition. Council Members Lawrence, Holm, Garcia, Alvarado and Green absent.

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Holm, Garcia, Alvarado and Green absent.

Mr. Patrick McIlvain, 221 Knox, Houston, Texas 77007 (832-894-9584) appeared and stated that because of the lateness in the day he would request to be carried over to the next meeting. Council Members Lawrence, Holm, Garcia, Alvarado and Green absent.

Mayor White stated that with consent Mr. McIlvain would be removed from the speakers list and be allowed to speak next week. Council Members Lawrence, Holm, Garcia, Alvarado and Green absent.

Mr. Isaiah Hunt, 3238 Ewing, Houston, Texas 77004 (281-660-8338) appeared and stated that he was asking for Council's support in reference to a situation involving a lien on a piece of property he owned at 4900 Griggs; that November 25, 2005, there was a fire which was arson, and he did not know of it until approximately 12:15 a.m. on November 27th when a nephew notified him; that November 28th he was approached by Neighborhood Protection wanting to know when he would have it cleaned and they gave him two weeks to do it or would have it done by a contractor and he would be charged; that August 2005 he tried to sell the property

and he found it had a lien for \$8,020.00 for demolition of the remaining building, but he had no information of the fire until he was notified and no one from the city notified him; that on November 16, 2006, he tried to get the lien removed and challenged the situation and was told by Mr. White, not Mayor White, there was no such thing and he had to deal with it, then in February 2007 he received notice from Linebarger's office that he owed the \$8,020.00, the letter was generated on February 7, 2007, and he went to pay on February 12, 2007, and it had been raised to \$8,153.51; and in November 2006 he tried to pay by check and they said he could not because they did not have the batch number and could not locate it and he would be contacted and then pay. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Mr. Hunt stated that the fire was November 25, 2005 and he was not notified, he found out on November 27, 2005, from his nephew; that no one from the Fire Department or Neighborhood Protection ever contacted him; that the lien was because the city had the walls of the building knocked down, but no one ever told him there was a cost to him regarding the fire not even when he went to the hearing; and Council Member Edwards stated that she would like Mr. Fontaine to have someone speak to him and get more information. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that Council Member Edwards was his district Council Member and Mr. Norris Davis was present and Mr. Terrance Fontaine was present and they would be glad to help him; and upon questions, Mr. Hunt stated that the property was a locked warehouse which he was buying; that the fire was November 25th and he became aware November 27th and if he had been notified of the fire and that it was a problem and needed to be cleaned he would have had it done; and Acting Mayor Pro Tem Berry stated the two gentlemen he mentioned would help him on his case, but he wanted all listening to know that the city had become quite zealous in getting damaged and burned buildings demolished quickly. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Linda Gamble, 1306 Homer, Houston, Texas 77091 (713-849-2419) appeared, presented information and stated that she was present to have Council Members help her as something was stinking in District B; that there was a dumpsite in the Acres Homes area and the state permitted it, no residents were notified; that last week she was driving down the 1500 block of Desoto and noticed an 18 wheeler dumping at 8:00 p.m. and both sides of the street were blocked and she took pictures; that she called District B offices to no avail and it seemed Mr. Byrd was protecting the illegal dumping and when she told him of parties at the stables he said he did not know of the noise ordinance and then amended that, but she would keep coming with concerned citizens and then maybe they could get resolution. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that as an At-Large Council Member when they had a district issue they typically passed it to the district to handle and never had a problem with Council Member Johnson's office responding and they did have illegal dumping issues there; and Ms. Gamble stated that the state had issued a permit for Tornado Waste to dump in Acres Homes. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson stated that Mr. Alvin Byrd was his constituent liaison and it was his responsibility to be in the community and talk with residents on concerns and then bring it to his attention and get them answers to resolve the issue, but on this issue there was a depository

being set up in the community and it was legally permitted and could not be stopped though he was unaware of it until she brought it to their attention, but they worked with Neighborhood Protection who went out and issued warnings regarding dumping and to stop some of the potential dumpsters there and he appreciated her bringing it to their attention. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Ms. Gable, Acting Mayor Pro Tem Berry stated that such things do go on in neighborhoods and she should use District B as her friend and as frustrating as it was coming down to Council was how you did get changes. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that real planning was needed in Houston and stronger nuisance ordinances as they could not all be dealt with on a case by case basis. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Lovell, Ms. Gable stated that she did not know it was state regulated until she walked into the Chambers, but she would be contacting state representatives and the EPA; that she felt she was getting nothing here but would keep coming until someone looked at her pictures of dead animals, etc., and began to listen; and Council Member Lovell stated that if they could get with the District Council Member Johnson and get a letter drafted all were happy with she knew every At-Large Council Member would sign on and then they could send it to the state representatives and have them join and say what could be done at state level so such facilities could not be leased; that if it was state licensed the city had no ability to stop it, but regarding blocking traffic, etc., then certainly they were not allowed to do so and that could be regulated. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Ms. Gamble stated that there were dead animals at the stables next door; and Council Member Edwards stated that regardless of who permitted she did not think there was anything to allow dead animals to lay around and she did understand her anger and frustration, but she knew Council Member Johnson would do all he could to help rectify it, but everyone, the state, county and city worked for her so she should not just stop at one group; at the end of the day all elected officials worked for her. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to bring Mr. Byrd in with the two of them and any other constituents who shared her same sentiments and get to the bottom of it and he would be happy to meet with her now or whenever it was convenient. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he would like more photos and to detail what was going on with the traffic situation as it was a different situation and could be dealt with separately. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Rita Foretich, 12751 Cavalla, Houston, Texas 77085 (713-729-9826) appeared and stated that she was president of Super Neighborhood 39 and Mr. Ronald Sinnette who was to speak next had to leave; that they would like the Council to support the Mayor's fines he wanted on antipollution as their particular area had problems with various businesses in their area; that

they were now facing the delta waste dump and appreciated the support received; that they asked for another town meeting and she hoped they would win and then they would ask the city to consider the particular site for a retention pond; that Harris County Flood Control said if funding could be made they would match half; that they understood the municipal utility district was a way to raise funding so homes could be cheaper, but were concerned about the low income affordable housing, all extras caused more foreclosures, if more low income affordable housing kept being put out there and then added property and school taxes and then came and added flood and homeowner fees raised the house notes kept going up and pretty soon they could not be afforded and would go into foreclosure and instead of a MUD they were asking for a mixture of neighborhood with high end housing and low income affordable; that they were near the Medical Center and there was no reason to just put low income affordable housing; that they did not just need better housing but better planning as some houses were not very good. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she had a comment for Council; that Ms. Foretich and about ten people in that community were the hardest working citizens they could run across; that they were having discussions on MUD's and they were all trying to come to a reasonable meeting of the minds and she felt the city should hire them to give meetings to super neighborhoods and civic clubs as they knew how to do it and keep it consistent. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Ronald Sinette, 4426 Gallagher, Houston, Texas 77045 (713-434-1109) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the first Black American President of the U. S.; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

At 5:08 p.m. City Council recessed until 9:00 a.m., Wednesday, February 21, 2007. Council Member Wiseman absent on personal business. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, February 21, 2007

The Houston City Council reconvened at 9:00 a.m. Wednesday, February 21, 2007, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

Note: Council Member At Large Position 3 vacant.

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

At 9:30 a.m. Mayor White called the meeting to order and stated that the first item on the agenda was a public hearing. Council Members Johnson, Wiseman and Lovell absent.

## **HEARINGS**

1. **PUBLIC HEARING** on proposals for the City of Houston to enter into separate strategic partnership agreements with the below named districts in Harris County and Fort Bend County, and, with the exception of item (a), on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts and certain territory in the vicinity of certain Districts:
  - a. Amending the existing strategic partnership agreement with **Chelford City Municipal Utility District;**
  - b. Amending the existing strategic partnership agreement with **Horsepen Bayou Municipal Utility District;**
  - c. Amending the existing strategic partnership agreement with **North Forest Municipal Utility District;**
  - d. Amending the existing strategic partnership agreement with **Northwest Park Municipal Utility District;**
  - e. **Bridgestone Municipal Utility;**
  - f. **Fort Bend County Municipal Utility District No. 119;**
  - g. **Harris County Municipal Utility District No. 33;**
  - h. **Harris County Municipal Utility District No. 53;**
  - i. **Harris County Municipal Utility District No. 55;**
  - j. **Harris County Municipal Utility District No. 154;**
  - k. **Harris County Municipal Utility District No. 165;**
  - l. **Harris County Municipal Utility District No. 179;**
  - m. **Harris County Municipal Utility District No. 185;**
  - n. **Harris County Municipal Utility District No. 188;**
  - o. **Harris County Municipal Utility District No. 189;**
  - p. **Harris County Municipal Utility District No. 222;**
  - q. **Harris County Municipal Utility District No. 264;**
  - r. **Harris County Municipal Utility District No. 286;**
  - s. **Harris County Municipal Utility District No. 322;**
  - t. **Harris County Municipal Utility District No. 358;**
  - u. **Harris County Municipal Utility District No. 365;**
  - v. **Harris County Municipal Utility District No. 368;**
  - w. **Harris County Municipal Utility District No. 397;**
  - x. **Harris County Municipal Utility District No. 468;**
  - y. **Morton Road Municipal Utility District;**
  - z. **Northwest Harris County Municipal Utility District No. 9;**
  - aa. **Sagemeadow Utility District;**
  - bb. **Timber Lane Utility District;**
  - cc. **West Harris County Municipal Utility District No. 6;**
  - dd. **White Oak Bend Municipal Utility District;**
  - ee. **Harris County Water Control and Improvement District No. 119**

The City Secretary stated that the hearing was on 31 various Municipal Utility Districts and Ms. Margaret Wallace would make comments on the proposals.

Ms. Wallace stated that the City had been approached by 31 separate utility districts in the Houston area to enter into or amend Strategic Partnership Agreements, the map, which had distributed to each Council Member, showed where the utility districts were located in relation to the existing City limits, for the following district the City would amend the agreement by adding

service of enforcing the fireworks ban to the area included in the original territory, there was no additional territory to be included nor was there additional territory outside the MUD to be included, the area was entirely commercial, there were no residents, the City currently levied a one percent sales tax which it divided evenly with the utility district, besides the fireworks ban the City would not provide other services, these terms pertained to Item a on the agenda, **Chelford City Municipal Utility District**, that for items b and c on the agenda, **Horsepen Bayou Municipal Utility District** and **North Forest Municipal Utility District**, the City would amend an existing agreement by adding new territory, there was territory outside the utility district to be included in the annexation, the area was entirely commercial there were no residents, the City would levy a one percent sales tax which it would divide evenly with the district, the City would not enforce the fireworks ban in the area to be annexed, however it would enforce the ban in the territory outside the district that would be annexed for conductivity, it would not provide any other public services; for Item d on the agenda, **Northwest Park Municipal Utility District**, the City would amend an existing agreement by adding new territory, there was territory outside the utility district to be included in this annexation, the area was entirely commercial and there were no residents, the City would levy a one percent sales tax which it would divide evenly with the district, the City did not currently enforce the fireworks ban in the existing agreement nor would it enforce the ban in the new territory, it would not provide any other public services, for Items e through dd on the agenda,

- e. **Bridgestone Municipal Utility;**
- f. **Fort Bend County Municipal Utility District No. 119;**
- g. **Harris County Municipal Utility District No. 33;**
- h. **Harris County Municipal Utility District No. 53;**
- i. **Harris County Municipal Utility District No. 55;**
- j. **Harris County Municipal Utility District No. 154;**
- k. **Harris County Municipal Utility District No. 165;**
- l. **Harris County Municipal Utility District No. 179;**
- m. **Harris County Municipal Utility District No. 185;**
- n. **Harris County Municipal Utility District No. 188;**
- o. **Harris County Municipal Utility District No. 189;**
- p. **Harris County Municipal Utility District No. 222;**
- q. **Harris County Municipal Utility District No. 264;**
- r. **Harris County Municipal Utility District No. 286;**
- s. **Harris County Municipal Utility District No. 322;**
- t. **Harris County Municipal Utility District No. 358;**
- u. **Harris County Municipal Utility District No. 365;**
- v. **Harris County Municipal Utility District No. 368;**
- w. **Harris County Municipal Utility District No. 397;**
- x. **Harris County Municipal Utility District No. 468;**
- y. **Morton Road Municipal Utility District;**
- z. **Northwest Harris County Municipal Utility District No. 9;**
- aa. **Sagemeadow Utility District;**
- bb. **Timber Lane Utility District;**
- cc. **West Harris County Municipal Utility District No. 6;**
- dd. **White Oak Bend Municipal Utility District;**

the City would execute a new strategic partnership agreement, there was territory outside the district to be included in the annexation, the area was entirely commercial, there were no residents, the City would levy a one percent sales tax which it would divide evenly with the MUD, the City would enforce the fireworks ban in the area to be annexed and in the surrounding area that they would be annexing, it would not provide any other public services; for Item ee, **Harris County Water Control and Improvement District No. 119** the City would execute a new Strategic Partnership Agreement, there was territory outside the district to be included in

this annexation, the area was also entirely commercial with no residents, the City would levy a one percent sales tax, which it would divide evenly with the district, the City would not enforce the fireworks ban in the area annexed, however it would the ban in the territory outside the district that would be annexed for conductivity, it would not provide any other public services, and that concluded her comments. Council Members Wiseman, Lovell and Berry absent.

The City Secretary stated that no one had reserved time to appear at the public hearing. Council Members Wiseman, Lovell and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman, Lovell and Berry absent. MOTION 2007-0183 ADOPTED.

### **MAYOR'S REPORT**

Council Member Lawrence moved to suspend the rules to consider Item Numbers 47, 45 and 45a out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman, Lovell and Berry absent. MOTION 2007-0184 ADOPTED.

47. **ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Food Dealer's permits and inspection requirements; containing other provisions relating to the foregoing subject; providing for severability – **(This was Item 20 on Agenda of February 14, 2007, TAGGED BY COUNCIL MEMBERS LAWRENCE, WISEMAN and LOVELL)** – was presented.

Council Member Lawrence stated that she had passed out a written motion to amend Item No. 47, the intent of the amendment she wholeheartedly supported 100 per cent but she looked at where they had gone these past few years of getting kids out of streets in large numbers, selling things for the wrong reason and that was the loop hole that she saw that possibly could have happened, even though the intent was excellent she had nothing against kids selling lemonade so she offered the following motion to amend Item No. 47:

#### **RE: Agenda Item No. 47 (02/21/2007)**

I move to amend Item 47 as follows:

1. By adding a new **Section 1a** to the proposed Ordinance to read as follows:

**Section 1a.** That the first sentence of Subsection (a) of Section 20-36 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Except as permitted in subsection (h) of this section, no person shall operate a food establishment, temporary food service establishment, or mobile food unit, who does not possess a valid permit issued to him by the health officer."

2. By amending Subsection (h) of Section 20-36 in **Section 2** of the proposed Ordinance to read as follows:

"(h) Notwithstanding the provisions of section 40-8 of this Code, the director of health and human services may waive the food dealer's permit and inspection requirements with respect to a temporary food service establishment that is a

beverage stand serving only non-potentially hazardous beverages operated by a minor under the supervision of a responsible adult designated by the minor's parent or guardian as part of an activity organized by a non-profit organization whereby the minor keeps any profit earned. The location of the food service establishment must be approved by the director. A waiver of the temporary food dealer's permit and inspection requirements shall be considered only upon written request and after the responsible adult receives a food safety brochure provided by the health and human services department.

The responsible adult must be an individual that has not had a food dealer's permit denied or revoked by this or any other licensing entity and must have no more than 5 minors under his supervision during the activity. Once a waiver is issued, it must be available for inspection at the food service establishment during the hours of operation of the establishment." Council Members Wiseman, Lovell and Berry absent.

Upon questions by Council Members, Mayor White stated that there were some issues that were raised at the last Council meeting concerning packaged food that was sold by the sports teams they would have committee meetings and consider what they do in the future with respect to some of those packaged items that could pose a minimum of health risks, that everybody present supported the little leagues, that there were some legitimate health issues requiring inspection concerning cooked foods and stuff like that, and he supposed that somebody might setup a lemonade type stand at a little league game perhaps under this, but under normal concession stands it would not affect them one way or another. Council Members Wiseman, Lovell and Berry absent.

Mr. Michel stated that was exactly correct, that the delay was due to the fact that the Health Department needed more time to make sure that the scope would cover the issue at hand and not extend further into areas that the City did want to make sure was regulated. Council Members Wiseman, Lovell and Berry absent.

Mayor White stated that it was a sort of baby step in the direction of trying to recognize a contribution, that he had stopped at lemonade stands and it had never occurred to him that he was complicit in a violation of a permitting requirement so it was to address one particular issue and then the issue of, especially with respect to packaged foods, for some of those non profit activities they would address it at a committee meeting in the near future and try to craft something so they did not create an exception that swallowed the rule, that he understood that they were not imposing any additional rules, regulations or restrictions on people who were otherwise regulated by this today, and Mr. Michel stated that was correct, and Mayor White stated that this was intended to lessen the scope of regulations with some criteria not to increase it, that he did know there was a considerable amount of legal work that had gone on for the last six weeks in trying to do that. Council Members Wiseman, Lovell and Berry absent.

After further discussion Council Member Lawrence stated that the only other thing that she did not say was parent permission, that it was not something for restrictions but to free it up but yet protect the process that sometimes adult use kids to make money and that was the only thing it was stopping, but the kids and the little leagues, everything stayed the same. Council Members Wiseman, Lovell and Berry absent.

Mayor White stated that the administration supported Council Member Lawrence's motion to amend Item No. 47, and a vote was called on the motion to amend. All voting aye. Nays none. Council Members Wiseman, Lovell and Berry absent. MOTION 2007-0185 ADOPTED.

A vote was called on Item No. 47 as amended. All voting aye. Nays none. Council Members Wiseman, Lovell and Berry absent. ORDINANCE 2007-0229 ADOPTED.

45. ORDINANCE awarding contract to **COGENT, INC., D/B/A COGENT SYSTEMS, INC** for an Automated Fingerprint Identification System for the Houston Police Department; providing a maximum contract amount - 3 Years with three one-year options - \$1,815,945.44 - General, Grant and Asset Forfeiture Funds – **(This was Item 15 on Agenda of February 14, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Wiseman absent.

Council Member Lawrence stated that her big issue was that anything she was voting on was fair and she did not care what the situation was and she would give the example of red light cameras, to start the process over if there was one person it was not fair for, and she could remember at Council a couple of terms ago, Darrel Carter came forward, he had left blank his signature, the MWBE part of an RFP, it was thrown out, she had other contractors come to her who had left something out, that had continually been a reason, that she did not think the Purchasing Department should decide when they leave something blank, “you could stay in the process and you can’t stay in the process” and that was her problem, that she looked forward to the City partnering with the County on the fingerprinting but they had a problem, if they did not get an RFP this past week, and it did not come again, it just came as prepared answers to questions that she had last week, she wanted to read one part of the RFP to them, that last week she passed out a number of pages that backed up the situation as far as turnkey and some of the questions that were not consistent with the action that was followed, on page 68 of the RFP she would read to them in quote, “if your system does not have the ability to create a native Motorola Print Tack or Omni Track Image you must include cost to create this capacity”, that cost was the interface, that the person they were about to give the contract to, the must did not count for him, he left it blank and that was her contention, they probably only had two people turn in bids because they found out the County, Harris County Sheriffs Office, did not give them the cost, they in the process were the ones who were supposed to come up with this, so Cogent, who was a wonderful out of State company came with a blank in their application, they were not disqualified, the City turned around and had communication saying the City was asking them for this so they could make Cogent’s application complete, that was wrong, she did not care who got it, it was just wrong in the process and that was where she had a problem, that when they write they must include it that meant must, when they said 10 or 15 times turnkey it needed to be turnkey or they start the process over, that last May they knew there were problems but they continued to go through this and play like it did not exist and write a letter and tell them the City was going to buy it and then Cogent could turn around and buy it from the City so they could make their package complete, the City was helping a vendor out and she did not like that process, as somebody said last week they were going to hold their nose, she could not hold her nose because they were saying write what they wanted to, but Darrel Carter did not get somebody to hold their nose and let his MWBE part of that contract go through, so she did not think it was right and Cogent and this contract should have been disqualified and Council had nothing to do with that they let one or two people in Purchasing make that decision. Council Member Edwards absent.

Mayor White stated that while he respected the Council Members impassioned statement and her highlight on issues involving the procurement process, the administration strongly supported passage of the item and actions that would undertake, they believed, in the public interest to save money and provide law enforcement some functionality, that he did respect Council Members going through the RCAs and holding up procurement to a higher standard but they respectfully disagreed about the conclusion as it came to this particular vote. Council Member Edwards absent.

A vote was called on Item No. 45 and a roll call vote was called by Council Member Lawrence and Mayor White stated that if there was no objection with consent they would go to a roll call vote.

**Roll Call**

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting no	Council Member Alvarado voting aye
Council Member Johnson voting aye	Council Member Brown voting no
Council Member Clutterbuck voting no	Council Member Lovell voting aye
Council Member Edwards voting no	Council Member Green voting aye
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Khan voting aye	ORDINANCE FAILED.
Council Member Holm voting no	

Mayor White stated that Item No. 45 failed.

Council Member Berry asked for a point of order and asked if the item had passed and Mayor White stated that it had failed, 7 to 7 so they would not procure the system using the grant funds.

45a. RECOMMENDATION from Director Finance & Administration Department to award to **PRINTRAK, a Motorola Company** for Six-Month Maintenance Agreement in the amount of \$138,246.00 and an Interface in the amount of \$356,000.00 for Police Department - General and Asset Forfeiture Fund - **(This was Item 15A on Agenda of February 14, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and LAWRENCE)** – was presented.

Mayor White stated that Item No. 45a was moot.

Council Member Garcia stated that they were going to pay for the system with grant funding, if the item were to be reconsidered would it come out of General Funds now, and Mayor White stated that it would depend on how many officers they would want to allow for or they would not have this capability, that it was one of the two, that was a decision that they would need to talk to command staff about, but obviously if they had to pay for something out of General Funds they would have to cut back on something, which would probably be police personnel.

**CONSENT AGENDA NUMBERS 2 through 43**

**ACCEPT WORK** - NUMBER 4

4. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$579,977.17 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Westwood Park, WBS No. F-504C11-0011-4 - 04.99% over the original contract amount Parks Consolidated Construction Fund - **DISTRICT C – CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0186 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 17

7. **BOBCAT OF HOUSTON** for Skid-Steer Loader from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Houston Airport System - \$42,045.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0187 ADOPTED.
9. **XEROX CORPORATION** for software/hardware maintenance for the City's DP180 Page Printing System located at the Municipal Data Center from the State of Texas General Services Commission's Contract through the State of Texas Cooperative Purchasing Program - \$62,088.04 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0188 ADOPTED.
10. **TEXAS ENGINEERING EXTENSION SERVICE'S NATIONAL EMERGENCY RESPONSE & RESCUE TRAINING CENTER** for purchase of Enhanced Incident Management/Unified Command Course - \$140,000.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0189 ADOPTED.
11. **AMEND MOTION #2005-396, 5/4/05, TO INCREASE** spending authority from \$350,000.00 to \$437,500.00, for Sewer Cleaning Equipment Replacement Parts Contract for Department of Public Works & Engineering, awarded to **TEXAS UNDERGROUND, INC** - \$87,500.00 Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0190 ADOPTED.
12. ORDINANCE appropriating \$551,030.31 out of Water & Sewer Consolidated Construction Fund for 611 Walker Elevator Upgrade for Building Services Department (WBS R-000268-001-4), providing funding for construction 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 Holm absent. ORDINANCE 2007-0230 ADOPTED.
- 12a. **AMTECH ELEVATOR SERVICES** for 611 Walker Elevator Upgrade for Building Services Department - \$503,224.00 and contingencies for a total amount not to exceed \$528,385.20 Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0191 ADOPTED.
13. **MOHAWK RESOURCES, LTD.** for Alignment Systems from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Police Department - \$205,972.60 - Police Special Services Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0192 ADOPTED.
15. ORDINANCE appropriating \$345,317.50 out of Water & Sewer Consolidated Construction Fund for Demolition of Eight Water Production Plant Sites for the Public Works and Engineering Department (WBS S-000536-0001-4-01-01), providing funding for engineering testing, air monitoring, asbestos/lead abatement, clean-up services, construction management and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICTS B - JOHNSON; E -**

**WISEMAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0231 ADOPTED.

- 15a. **AAR, INCORPORATED** for Plant Site Demolition, Asbestos/Lead Abatement, Remediation of a Leaking Petroleum Storage Tank Site, and Clean-up Services for Department of Public Works & Engineering - \$219,350.00 and contingencies in amount not to exceed \$230,317.50 - **DISTRICTS B - JOHNSON; E - WISEMAN and G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0193 ADOPTED.
- 15b. **MALCOLM PIRNIE, INC** for Professional Services that will include soil sampling and analysis, and ground water monitoring for 12 months - \$99,000.00 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0194 ADOPTED.
16. **AMEND MOTION #2004-505, 5/12/04, TO INCREASE** spending authority from \$1,030,493.08 to \$1,442,690.31, for Hose, Fire Booster and Attack Contract for Various Departments, awarded to **METRO FIRE APPARATUS SPECIALTIES, INC** - \$412,197.23 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0195 ADOPTED.

**ORDINANCES** - NUMBERS 19 through 43

19. ORDINANCE consenting to the addition of 76.5642 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 60 OF MONTGOMERY COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0232 ADOPTED.
20. ORDINANCE consenting to the addition of 52.1392 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 67 OF MONTGOMERY COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0233 ADOPTED.
22. ORDINANCE establishing the north and south sides of the 700 and 800 blocks of Aurora Street, the west side of the 2500 block of Cornell Street, and the south side of the 700 block of east 26th Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0234 ADOPTED.
23. ORDINANCE establishing the south side of the 2000 block of Kane Street, the north and south sides of the 2100 block of Kane Street, and the north side of the 2100 block of Lubbock Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0235 ADOPTED.
24. ORDINANCE establishing the north side of the 4600 block 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 Holm absent. ORDINANCE 2007-0236 ADOPTED.

25. ORDINANCE establishing the north and south sides of the 100 through the 300 blocks of Parkview Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0237 ADOPTED.
28. ORDINANCE approving and authoring first amendment to contract between the City and **A JOE WINTER INVESTIGATIONS CO.** for Background Investigations Services (approved by Ordinance No. 2002-0105) – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0238 ADOPTED.
30. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF HOUSTON** for Hearing Screening Services; providing a maximum contract amount - Through December 31, 2007 with four (4) one-year renewals - \$37,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0239 ADOPTED.
31. ORDINANCE approving and authorizing agreement between the City of Houston and **ACCEPTING CHALLENGES TO IMPROVE OUR NATION COMMUNITY DEVELOPMENT CORPORATION, INC** (A.C.T.I.O.N.), to provide \$50,000.00 in Federal HOME Funds to cover operating expenses associated with the development of a 56-Unit Affordable Housing Apartment Complex - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0240 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City of Houston and the **EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC** to provide \$200,000.00 in Community Development Block Grant Funds for the administration and operation of the H.E.A.R.T. Program, which is a program that will provide job training and placement for developmentally disabled low and moderate income individual adults – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0241 ADOPTED.
35. ORDINANCE amending Ordinance No. 2003-529 (passed by City Council on June 4th, 2003) to increase the maximum contract amount for Contract #55019 between the City of Houston and **DELOITTE & TOUCHE LLP** for Auditing Services Citywide - \$308,640.00 - General Fund – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0242 ADOPTED.
37. ORDINANCE awarding contract to **SIMPLEXGRINNELL, LP** for Fire Extinguisher Equipment and Hydrostatic Testing Services for Various Departments; providing a maximum contract amount 3 Years with two one-year options - \$1,367,906.75 - General, Enterprise, Fleet Management and Storm Water Utility Funds – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0243 ADOPTED.
38. ORDINANCE awarding contract to **HOWARD TREY RON DISTRIBUTORS, INC dba QBR SALES** for Ice Machine Rental Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$935,801.60 - General, Enterprise and Fleet Management Funds – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0244 ADOPTED.

41. ORDINANCE appropriating \$5,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **S&B INFRASTRUCTURE, LTD.** for Various Small Diameter Water Line Replacement Projects (WBS No. S-000035-00F4-4) – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0245 ADOPTED.
43. ORDINANCE appropriating \$2,401,600.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **RWL CONSTRUCTION, INC** for Water Line Replacement in the Mary Bates Middle Area, WBS No. S-000035-00E6-4; 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 Holm absent. ORDINANCE 2007-0246 ADOPTED.

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

**MISCELLANEOUS**

2. RECOMMENDATION from Director Department Public Works & Engineering to accept the January 2007 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$11,810,889.71 for Revenue Bond Debt Service as recommended in the Report – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0196 ADOPTED.
3. RECOMMENDATION from City Attorney for allocation of an additional \$125,000.00 to contract with **BAKER BOTTS, LLP**, for outside litigation support services in Civil Action No. 06-2174; filed in the United States District Court for the Southern District of Texas, Houston Division; Houston Professional Towing Association vs. the City of Houston - Police Special Services Fund - was presented, and tagged by Council Member Wiseman. Council Member Holm absent.

**PROPERTY**

5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jeanie Forbis of Brown & Gay Engineers, Inc, on behalf of St. Paul's United Methodist Church (Fred Hofheinz, Member/Legal Counsel), for abandonment and sale of Prospect Avenue, from Fannin Street to San Jacinto Street, located within the MacGregor and DeMeritt's Southmore Addition, Section 2, Parcel SY7-039 and SY7-063 - **APPRAISERS - DISTRICT D – EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Edwards. Council Member Holm absent.
6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jeanie Forbis of Brown &

Gay Engineers, Inc, on behalf of Grayco LUI Museum Investment 2006 LP [Grayco Museum GP LLC, a Texas limited liability company {Grayco Partners LLC, a Texas limited liability company (John J. Gray, III, President), sole member}, General Partner], for abandonment and sale of Oakdale Avenue, from Fannin Street to San Jacinto Street, in exchange for the conveyance to the City of a full-width utility easement, both located within the MacGregor and DeMeritt's Southmore Addition, Section 2, Parcels SY7-041 and VY7-032 - **APPRAISERS - DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Edwards.

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

8. **GLOBAL SEARCH ASSOCIATES, LLC** for Executive Search and Recruiting of a qualified candidate for position of Deputy Director for Marketing, Communications, and Community Affairs for Houston Airport System - \$81,000.00 - Enterprise Fund – was presented, and tagged by Council Members Johnson and Wiseman.
14. ORDINANCE appropriating \$665,364.00 out of Water & Sewer Consolidated Construction Fund for Decommissioned Water Well Plugging for the Public Works & Engineering Department, WBS S-000536-0001-4-01-01 - **DISTRICTS A - LAWRENCE; B - JOHNSON; G - HOLM and H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2007-0247 ADOPTED.
- 14a. **WEISINGER WATER WELL, INC** for Decommissioned Water Well Plugging for the Department of Public Works & Engineering, WBS S-000536-0001-4-01-01 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Holm stated that she wanted to call to everyone's attention that in both 14 and 14a the districts listed some of those addresses were incorrect, Westway UD, Westway UD No. 4 and 5 and Afton Village those three were not in District G but in District A.

A vote was called on Item No. 14a. All voting aye. Nays none. MOTION 2007-0197 ADOPTED.

17. **HARDWARE SUPPLY, LLC** for Tools, Lawn, Garden and Striking for Various Departments \$306,339.00 - General, Enterprise and Park Special Revenue Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0198 ADOPTED.

#### **ORDINANCES**

18. ORDINANCE approving and authorizing Special Warranty Deed conveying to Texas SFI Partnership 33 Ltd., a parcel of land containing 22,576 square feet (0.5183 acre), more or less, located in the P. W. Rose Survey, A-645, (former Fire Station No. 33, 7100 block of Fannin Street, Parcel SY6-052); in consideration of Texas SFI Partnership 33 Ltd.'s payment to the City of \$3,640,000.00, less a credit of \$41,000.00 for Environmental Remediation, and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-0248 ADOPTED.
21. ORDINANCE establishing the east side of the 3400 through the 3700 blocks of Audubon Place within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-0249 ADOPTED.

26. ORDINANCE relating to the Fiscal Affairs of the Gulfgate Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER EIGHT, CITY OF HOUSTON, TEXAS (GULFGATE ZONE)**; approving the Fiscal Year 2007 Operating Budget for the Authority - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-0250 ADOPTED.
27. ORDINANCE authorizing creation of the Fire Department Training Services Fund to be administered by the Fire Department; directing the deposit of revenue from all fees received from non City of Houston entities for use of the Val Jahnke Training Facility Academy into the fund and providing that moneys in the fund shall be expended only for providing additional support services, supplies and equipment not included in the General Fund for Training Firefighters and to reimburse the General Fund for all expenses incurred by the General Fund to provide training to such entities; containing provisions relating to the subject – was presented. All voting aye. Nays none. ORDINANCE 2007-0251 ADOPTED.
29. ORDINANCE approving and authorizing Professional Service Contract between the City of Houston and **MERCURY ASSOCIATES, INC** to Conduct an assessment of the City's entire vehicle fleet - \$268,800.00 - Central Service Revolving Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-0252 ADOPTED.
33. ORDINANCE approving and authorizing amendment to interlocal contract, amendment Number 1, between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)** for Law Enforcement, General Surveillance and Traffic Control in TxDOT construction zones \$450,000.00 – Revenue - was presented, and tagged by Council Member Holm.

Council Member Brown stated that on Item No. 29 he wanted to ask whether that was going to include an assessment of the energy conservation and fuel economy in reducing the carbon footprint and that sort of thing, and Mayor White stated that the item was to come up and develop a template for the optimal vehicle replacement schedule over multiple years, the equipment budgets on their motor vehicles and rolling stock has not had enough of a plan in the past where they had some regular vehicle replacement schedules, that was what this did and the issue of Council Member Brown's question, he believed, separately he did not know what the particular expertise of the firm, he did know that on optimal vehicle replacement and having tools which would allow them to calculate the reduction in maintenance expenditures and the loss of salvage value then it should lead to a more predictable way that they replace vehicles that would save taxpayers money over the long run, the issues of whether or not they would rely on this firm as opposed to other reviews that they had undertaken, which they had done other reviews concerning vehicle mileage of their fleet, he did not know where that would be in their scope of work, and Council Member Brown stated that it was just a thought.

34. ORDINANCE approving and authorizing interlocal agreement between the City of Houston, Texas and the **HARRIS COUNTY FLOOD CONTROL DISTRICT (HCFCD)** to construct and maintain Storm Water Detention Basin No. D500-08-00 (WBS No. M-000260-0005-04) - **DISTRICT C – CLUTTERBUCK** – was presented.

Council Member Clutterbuck stated that this item was very exiting for all of them in Houston and in particular the residents of District C, it was an ordinance approving and authorizing an interlocal agreement between the City of Houston and Harris County Flood Control District for construction and maintenance of storm water detention in the Meyer tract and people who were long time Houstonians would be familiar with this particular piece of

property, it was just inside the South Loop, where it met the West Loop and was the old Meyer family homestead of the famous Meyerland, that she wanted to take the opportunity to thank her colleagues who were at Council before she was and for their foresight in appropriating the money to purchase the tract and it promised to be a wonderful wilderness park as well as desperately needed flood control and detention and it was her hope that eventually they would have a nice trail that combined and connected all of their parks that were vital to flood control and flood detention and it was right at the confluence of Brays Bayou and the Willow Water Hole, also in District C.

A vote was called on Item No. 34. All voting aye. Nays none. ORDINANCE 2007-0253 ADOPTED.

36. ORDINANCE relating to the private financing and management of a Citywide Wireless Network for Houston; approving and authorizing a term sheet between the City and **EARTHLINK, INC.** pertaining to a Definitive Agreement - was presented, and tagged by Council Member Wiseman.

Council Member Garcia stated that he would like to see some details as to how HISD would be a partner on this, and Mayor White stated that the digital divide issues and digital inclusion were addressed in several different fashions, both the discounted rate and the areas that would be designated for free service, the one million dollars per year during the system build out and then the City's dedication of percentage of revenues thereafter, that let them make sure that they had an open and transparent and public process and debate about how they were going to do that and what they did not do in order that they could allow that was to try to micromanage at the outset, while they treated them as resources that could be available and then the next step would be how do they marshal those resources in a way that best benefited the community, so in a way it was a two step process, they were going to set the table first and make sure there were a lot of people that could be invited but they did not need to decide at this time in a very compressed time table as they got the system started, that he would make a commitment to them, and it was the whole point of the deal, that they wanted to have an open and transparent process where Council Members were involved in the process and other civic leadership, that here they were doing it in a transparent process and they knew how closely they worked with HISD.

Council Member Edwards stated that she hoped whoever they included in their partners was based upon a standard and not an institution, a standard where they had shown that they knew how to outreach to the community and that they had been successful in those outreach efforts and that they look at not always just going to the same old groups all the time but that they include some people that were working with these communities on the ground and show some success in that effort, that her issue was that it not become a while elephant sitting on somebody's archives and on somebody's resume and not being shown to be productive and useful in the community. Council Member Holm absent.

Council Member Khan asked if they were going to assure the affordability and was sure that Mr. Richard Lewis could brief him on that later on.

Mayor White stated that Item No. 36 was tagged.

39. ORDINANCE awarding contract to **GHX POWER SYSTEMS, LLC**, for Electric Motor Repair Services for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$3,000,000.00 - Enterprise Fund – was presented, and tagged by Council Member Johnson.

40. ORDINANCE appropriating \$333,760.00 out of General Improvement Consolidated Fund, approving and authorizing second amendment to construction contract between the City of Houston and **MERIDIAN COMMERCIAL, L.P.**, for Renovation of Northwest, Southwest, Central and Magnolia Police Stations - (passed by Ordinance No. 2005-601) (WBS G-000064-0001-4) **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-0254 ADOPTED.
42. ORDINANCE appropriating \$9,200,606.00 out of Drainage Improvements Commercial Paper Series F, Fund; \$979,394.00 from Water & Sewer Consolidated Construction Fund awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for Woodland Heights Storm Sewer Project, WBS No. M-000257-0001-4; 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 Drainage Improvements Commercial Paper Series F, Fund, Water & Sewer Consolidated Construction Fund - **DISTRICT H - GARCIA** - was presented.

Council Member Garcia stated that he appreciated the administration putting this item on the agenda and did have some details that he was trying to gather and would tag the item.

Mayor White stated that Item No. 42 had been tagged.

**MATTERS HELD** - NUMBERS 44 through 49

44. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,220,857.85 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Ella Boulevard from Pinemont to West Little York, WBS No. N-000546-0001-4 - 04.64% under the original contract amount - **DISTRICTS A - LAWRENCE and B – JOHNSON** – (**This was Item 7 on Agenda of February 14, 2007, TAGGED BY COUNCIL MEMBERS JOHNSON, LAWRENCE, GARCIA and KHAN**) – was presented.

Council Member Johnson stated that he had asked to speak with Reytec and had not gotten a response back from them, that Ms. Laws had been diligent in getting information to him regarding their participation, they sent out a letter saying it was very difficult for them to get sub participation but he also had a letter from the City of Houston to Reytec where they had a zero percent participation in their MWBE and then one year later only had a 6% participation and had not provided any kind of justification as to why they were having a hard time meeting their goals, and moved to postpone Item No. 44 for two weeks, seconded by Council Member Garcia.

Mayor White stated that while they did not have a requirement that a vendor meet with him or anybody else, and nobody, certainly not the Mayor nor anybody else, had particular subcontractors that they were pushing, that he did believe as a matter of courtesy and did not understand why a firm would not meet with a Council Member.

A vote was called on Council Member Johnson's motion to postpone Item no. 44 for two weeks. All voting aye. Nays none. MOTION 2007-0199 ADOPTED.

46. RESOLUTION establishing Multi-Family Revitalization Zones in the City of Houston, Texas ("City") and adopting a policy to encourage revitalization, rehabilitation, remodeling, and reconstruction of existing multi-family developments located in those revitalization

zones – **(This was Item 19 on Agenda of February 14, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, GARCIA and JOHNSON)** – was presented.

Council Member Garcia stated that although he did support their participation in helping these multi family owners rehab their units so that a family could live in dignity and so they could be in better compliance with the rules and regulations that they were imposing he was concerned that without some requirement to retro fit the units with firewalls that they would be putting public funding at risk with one fire so he had submitted an amendment so they could make sure that the firewall retro fitting would always be a part of the public funding process as a matter of protection to the citizens money.

Mayor White stated that he believed that Council Member Garcia point made sense and was wise, that he thought when they came to the scope and structure and certainly nobody opposed firewalls as a matter of principle and there was work that they would need to do concerning the cost and having people consider that cost in relationship with other improvements, he would hate for a particular facility not to qualify that would otherwise need to be rehabilitated not to qualify because of some cost consideration that would make it non competitive with firewalls but that would be addressed and when they consider the Apartments to Standards individual grants then there were a whole variety of topics one of which was firewalls, another of which was the reaction of the adjacent communities that they would need to consider as they looked at these particular projects, and Council Member Garcia stated that if he understood Mayor White then it would be on a project to project basis that the potential of firewalls would be included, not all would be potentially, maybe all would be depending on cost factors, and Mayor White stated yes, and Council Member Garcia stated if he could just get some assurance in that regard, he just felt strongly, one, that their firefighters deserved the protection and secondly that the citizens deserved the protection for their investment in this initiative, so if he could just ask if Legal could send him something that as a matter of process the firewalls would always be calculated and decisions would be made there after. Council Member Berry absent.

Council Member Edwards stated that as to Council Member Garcia's amendment regarding the firewalls she thought in theory it was a good process and her question was funds, how much did it cost to rehab an institution with a firewall, did it mean they tear down everything and rebuild, she did not know what the process was for putting in the firewall in an already standing facility, and the cost, were there degrees of firewalls and standards, that she would like to know what it would mean construction wise, what would it add to a project and money wise where would those funds come from, would they come from TIRZ, would they come from home funds, would they come from HUD, who would be responsible for that. Council Member Berry absent.

Mayor White stated that first those were legitimate issues and would explain why they needed to go into more detail rather than having a categorical policy and certainly in order to further the public purposes trying to do the most for the most residents in neighborhoods there were going to be guidelines on the cost per unit that were going to be hard and fast against which there was ceiling and within that budget they would need to make decisions, and Council Member Edwards asked when they approved home funds or funds for muli family units now did they require firewalls in those new buildings that they constructed from the ground up and Mayor White stated that he would get her that answer.

Council Member Wiseman asked if the amendment was withdrawn and Council Member Garcia stated that based on the discussion he thought there were still some details that needed to be vetted, but if he could get some communication that it would be pursued as a matter of

policy then he would withdraw the item, and Mayor White stated that if there was no objection to doing so then the amendment was withdrawn.

A vote was called on Item No. 46. All voting aye. Nays none. RESOLUTION 2007-0010 ADOPTED.

48. ORDINANCE appropriating \$800,000.00 out of TIRZ Affordable Housing Fund 2409; deobligating \$800,000.00 of Federal "HOME" Funds appropriated by Ordinance 2003-1259; amending Ordinance 2003-1259 to substitute the funds hereby appropriated for the funds hereby deobligated as the funding source in connection with the construction costs of an apartment complex in the 5000 and 5100 blocks of Airline Drive, Houston, Texas, to house low and very-low income elderly residents; approving a compromise and settlement agreement with **PRIMROSE HOUSTON 7 HOUSING, L.P.**, the owner of the apartment complex - **DISTRICT H – GARCIA – (This was Item 25 on Agenda of February 14, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Berry absent.

Upon discussion and questions by Council Members, Council Member Garcia moved to suspend the rules to hear from Mr. Don Sampley of Housing and Community Development at this time, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Edwards absent. MOTION 2007-0200 ADOPTED.

Mayor White stated that he had a specific question to pose to Mr. Sampley and stated that he knew they increased the number of units that were restricted from the level where they made the original grant commitment and the tax credits, but were they with respect to the 143 that were in the original application or the 193 was there a restriction concerning age eligibility which was being altered, and Mr. Sampley stated no, that the original age was there, they allowed, during the Katrina period, people to move in to where the main applicant was 55 years of age, there may be a spouse that was less than 55 years of age but only during that period had there been any relaxation and the State allowed that relaxation to be able to house the Katrina evacuees, so the answer was no, that it was still for elderly residents. Council Member Edwards absent.

After further discussion by Council Members, Council Member Wiseman stated that in looking at what had been provided to Council, the pertinent terms of the Compromise and Settlement Agreement, it stated that "the owner agrees to execute and file a record of restrictive covenant to increase the number of apartment units for low and very low income families from 143 units to 193 units", that it differed from the original which clearly stated "for low and very low income elderly residents", so if indeed that would continue to be the practice, she had a written motion to amend Item No. 48, the Compromise and Settlement Agreement to substitute "families" with "elderly residents".

After further discussion by Council Members, a vote was called on Council Member Wiseman's motion to amend Item no. 48. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2007-0201 ADOPTED. (Note: A written motion was not presented for the record and no second was heard, however a vote was called on the motion and was adopted by unanimous vote.)

A vote was called on Item No. 48 as amended. All voting aye. Nays none. Council Member Alvarado absent. ORDINANCE 2007-0255 ADOPTED AS AMENDED.

49. ORDINANCE appropriating \$1,500,000.00 out of TIRZ Affordable Housing Fund 2409; deobligating \$1,500,000.00 of Federal "HOME" Funds appropriated by Ordinance 2004-

562; amending Ordinance 2004-562 to substitute the funds hereby appropriated for the funds hereby deobligated as the funding source in connection with the construction costs of an apartment complex in the 100 block of Aldine-Bender Road, Houston, Texas, to house low and very-low income elderly residents; approving a compromise and settlement agreement with **TX ALDINE-BENDER HOUSING, L.P.**, the owner of the apartment complex - **DISTRICT B – JOHNSON – (This was Item 26 on Agenda of February 14, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. ORDINANCE 2007-0256 ADOPTED.

Council Member Edwards moved to suspend the rules for the purpose of reconsidering the vote on Item No. 45, seconded by Council Member Alvarado.

After a lengthy discussion by Council Members, Council Member Lovell moved to call the question on the motion to reconsider Item No. 45, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0202 ADOPTED.

A roll call vote was called on Council Member Edwards motion to reconsider the vote on Item No. 34.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting no	Council Member Alvarado voting aye
Council Member Johnson voting aye	Council Member Brown voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Green voting aye
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Khan voting aye	MOTION 2007-0203 ADOPTED.
Council Member Holm voting aye	

45. ORDINANCE awarding contract to **COGENT, INC., D/B/A COGENT SYSTEMS, INC** for an Automated Fingerprint Identification System for the Houston Police Department; providing a maximum contract amount - 3 Years with three one-year options - \$1,815,945.44 - General, Grant and Asset Forfeiture Funds – **(This was Item 15 on Agenda of February 14, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was again before the Council.

After a lengthy discussion by Council Members, Mayor White stated that there were three consequences if they did not pass Item No. 45 today, one was a potential or likely loss of grant funds if they were to start over, second would be that they could have a higher price, especially if they did not modify it in a way that really did what they were doing now which was to provide a piece of the information in contract with the County as part of the turnkey, and the third that they would either have to decide not to do the fingerprinting or take it out of General Funds, the personnel costs, and he thought a fourth consequence was that Council Member Lawrence and the vote of the Council had put all of the City employees in this very discussion on notice that the formality of the processes was critically important, and he put City employees on notice that if they specify something that made it be a sole source he did not like that and they were going to adjust the process at that time and make it open and transparent and he would send a memo to all of City Council that it was a procurement they were doing and they had one bid so now they were changing the RFP in the next two weeks so they would get more bids in and that was how they were going to do it, and he did not think the result would be different in this case if they had done that, but they had learned from the process as a result of this discussion and he thought it was good.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting no	Council Member Alvarado voting aye
Council Member Johnson voting aye	Council Member Brown voting aye
Council Member Clutterbuck voting no	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Green voting aye
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Khan voting aye	ORDINANCE 2007-0257 ADOPTED.
Council Member Holm voting no	

- 45a. RECOMMENDATION from Director Finance & Administration Department to award to **PRINTRAK, a Motorola Company** for Six-Month Maintenance Agreement in the amount of \$138,246.00 and an Interface in the amount of \$356,000.00 for Police Department - General and Asset Forfeiture Fund - **(This was Item 15A on Agenda of February 14, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and LAWRENCE)** – was presented, moved by Council Member Garcia, seconded by Council Member Alvarado. Council Members Wiseman and Lawrence voting no, balance voting aye. MOTION 2007-0204 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Holm stated that she wanted to take the opportunity to thank the home team, that today Sarah Goldstein was celebrating a Happy Birthday, that she did the Legislative and Policy issues, with the Transportation and Environmental Health committees as well as being a part of developing communications for their office, that Samantha Meningen was their Neighborhood Liaison and worked directly with their civic clubs and homeowner associations, that she also did their scheduling and coordinated the Transportation Policy Council, that Amy Yancy had joined their staff from the State of Alabama where she was a huge contributor to the Governor's recent successes there, that she was the agenda director and worked with the Council meetings and coordinated the Quality of Life Committee and worked on Planning and Development issues and most importantly right now was coordinating and monitoring the sign issues at both the local, State and Federal levels, that Yvonne Clayton was back from the Galleria Chamber of Commerce joining District G again, that she had 13 dedicated years in the Department of Public Works and Engineering where she developed great expertise in working to assist citizens and constituent concerns. Council Members Lawrence, Johnson, Garcia and Alvarado absent.

Council Member Holm stated that on Item No. 45 and the process they went through, that she believed they did need to use their committees better, that right now she thought a lot of people consider it just a reporting of what the departments were going to do but she thought it was an opportunity that they really did use committees in order to understand and help set the policies, that was their job as a Council and so often she thought they got to the point of interpreting it another way. Council Members Lawrence, Johnson, Garcia and Alvarado absent.

Council Member Holm stated that she was concerned about the issue on lemonade stands, which sounded so trivial and yet was so significant in what they did repeatedly, they tried to fix one little problem and created three more, and tried to fix three and they created nine and they fix nine and create twenty-seven, in this particular interest she thought the Mayor said they spent six weeks crafting language for it and what they still had done prohibited children from selling lemonade without their parents writing a letter to the City asking if they could be waived from the permit and she knew they had no intention of enforcing it and it brought her to the point of why do they pass something if they were not going to enforce something, but right now if a child wants to sell lemonade it was against the law because their parents have not

written in and gotten a waiver, that they were creating some situations that caused them to have to reevaluate. Council Members Lawrence, Johnson, Wiseman, Garcia and Berry absent.

Mayor White stated that he wanted to make it clear that as they walked into the Council Chamber today the law had been for many years that a child would need a permit to sell lemonade so they had not created a new requirement, that he understood the point she was making so they were talking with each other, the reason that requirement was in there was because a City Council person felt very strongly about it and he was trying to do something where they had a back and forth dialog, and that was why they had to respect each other's views and listen to each other, to many times unfortunately young people had been used if they looked at what happens with people running kids in the streets, the law of unintended consequences was that some people could take advantage of a loophole to do something that would shock them all. Council Members Lawrence, Johnson, Wiseman, Garcia, Lovell and Berry absent.

Council Member Alvarado stated that she wanted to thank Mayor White for his comments regarding Gus Worthum Golf Course and she appreciated the fact that he took her and her constituents feelings into consideration and was glad that the proposal was no longer on the table. Council Members Lawrence, Johnson, Wiseman, Garcia, Lovell and Berry absent.

Council Member Alvarado stated that she wanted to thank Mayor White for coming out to the community meeting they had at Hobby Airport neighborhood, that he heard very loud and clear some of the concerns with the apartments on Broadway so she was looking forward to meeting the new Housing and Community Development Director to see what some of the remedies may be for that. Council Members Lawrence, Johnson, Wiseman, Garcia, Lovell and Berry absent.

Council Member Alvarado stated that she wanted to congratulate Danny Perkins who used to work for the Department of Aviation and was now the Port Chair for the Greater Hobby Area Chamber of Commerce. Council Members Lawrence, Johnson, Wiseman, Garcia, Lovell and Berry absent.

Council Member Khan stated that on Thursday, February 22, 2007 the Protocol Office would host a Learn at Lunch on the Netherlands at the Visitors Center Theater at 12:00 p.m., that the hour long free program was open to the public and would include a presentation by the Honorary Consul of the Netherlands in Houston, the Intercontinental Hotel would cater the event and there would be a special performance by traditional Dutch dancers, for more information they could contact the Protocol Office at 713-227-3395 or visit [www.HoustonProtocol.com](http://www.HoustonProtocol.com) to get information. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia and Lovell absent.

Council Member Khan stated that this week the National Association of Minority Contractors 38<sup>th</sup> Annual Mid Winter Conference would be held at the JW Marriott, that they were present at the public session last week and one of the things they talked about was that in the MWBE Program mentoring worked very well so he would like to request that Mayor White take a look into that part because many times they had discussions about contractors not meeting their MWBE goals, that he thought if they found a way for them to work together instead of requiring as a contractual obligation it may work better, that he would go so far as having a line item for the prime contractors to charge a way for a mentoring program because it would go a long way and help the minority firms who had some very specialized professional expertise but may not know the way of working with City contracts and working with City government and things like that. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia and Lovell absent.

Council Member Khan stated that he wanted to thank Mayor White and a lot of people at the City for getting the Southwest Multi Service Center completed, that on Monday they did the opening and it was a wonderful facility which a lot of people were looking forward to for a long time. Council Members Lawrence, Johnson, Holm, Garcia and Lovell absent.

Council Member Green stated that the next Budget and Fiscal Affairs Committee meeting would be on March 6, 2007 in the Council Chamber at 10:00 a.m. Council Members Lawrence, Johnson, Holm, Garcia and Lovell absent.

Council Member Green stated that the Houston Community College would have it's Annual Black History Gala this weekend, with speaker James Earl Jones, at the Hilton Downtown, that he thought it would be a great event. Council Members Lawrence, Johnson, Holm, Garcia and Lovell absent.

Council Member Brown stated that he wanted to praise Mayor White for standing up for planning and he would mention two cases that they had been involved in recently, first his bold plan to reduce benzene emissions, followed by his strong vocal support for the Rail Transit Corridors Planning effort which would lead to new development opportunities and incentives and regulations. Council Members Lawrence, Johnson, Holm, Garcia and Lovell absent.

Council Member Brown stated that they discussed the new soccer stadium yesterday and it brought to mind that in general terms there was hopefully an appropriate place for the basic elements of a livable city in a civilized society and the Greeks practiced it very well they had a place for a marketplace, the storehouses, the gymnasium, which was the school, the temple, the theater, the City Council Chamber, the public assembly hall, the stadium and this way of city building based on the fundamental interactive nature of human activities was a very strong part of their western tradition so in his view there was out there a providential place for their new soccer stadium and it's new practice fields, that it suggested the beginning of a kind of planning process that he thought would be of great benefit to their City and it was the mapping of the development potential of what remained to be developed in the City, some 50 to 70 square miles of development and redevelopment and a good start would be the mapping and evaluation of four categories of land, greenfields, brownfields, greyfields and redevelopment areas, they could also map areas of potential change, minimum change, which might be their traditional neighborhoods, moderate change which would be neighborhoods in a limited form of transition and major change, those would be redevelopment areas, with that basic data they could project the suitability of areas of the City for different kinds of development related as well to their capacity to provide street access and infrastructure to serve these areas, that it was sort of Planning 101 but he thought the issue of the soccer stadium brought that to mind that if they had this data available it would be very very useful, particularly as a management tool, otherwise they were sort of stuck with managing or making these decisions on a ad hoc, reactive or case by case basis which was, he thought, not really the most efficient way to go about it, so they would benefit greatly, as he had said before, from a modern updated comprehensive plan that embodied a reasonable citizen consensus and they were a representative government and therefore regulation by citizen protest or ad hoc discussions or trial balloons should really be the exception. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell and Green absent.

Council Member Brown stated that he wanted to focus on attracting quality development within the City limits and give them two examples, last week he had a meeting with two different large homebuilders who built 4,000 units of housing in the Houston region every year but they did not build any housing in the City of Houston and he was trying to convince them to come into the City and do some projects of high quality within their city limits, that both groups expressed reluctance to build in the City and they said things like it was too difficult, they

preferred the more predictable and regulated environments like Pearland, League City and Sugarland and they had no problem with raising their standards so that they ended up with quality neighborhoods and they also expressed that Houston was over supplied with below standard, mediocre, under priced product and these major builders just did not want to come into Houston and try to compete with a product that was below their standards and he thought it was something they could change, they could work on it and could have a way to attract quality builders to Houston. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell and Green absent.

Council Member Brown stated that he had a meeting yesterday with a developer who was building a project subdivision in Houston, Airport Boulevard Estates, and he was going to hand out a plan for that, that it was a plan that the neighborhood people complained about in Council Member Edwards district, they complained about it because it was just another one of those cookie cutter, mediocre quality subdivisions, so he invited the developer to come in to talk about it, in the process of the meeting he showed him a plan that he was doing simultaneously in League City and it had all the qualities, amenities and parks and smaller lots with alleys and a central activity center and so forth that they would like to have in the project he was doing in Houston and he asked him why did he not do that kind of plan on the 250 acres in Houston and he said nobody asked him, so he had asked him to consider it, that he had already platted and put the utilities in for the first phase but he had asked him to consider a better quality plan and he was happy to say that he was going to be hopefully responsive and get back to him, but it goes to show them that if they set some higher standards and raise their expectations they were going to get a better quality of development in the City, that he thought it was a good lesson although hopefully it could be achieved through their regulations and not by him or somebody else trying to counsel a developer on doing a better job within their city limits. Council Members Lawrence, Johnson, Holm, Garcia, Lovell and Green absent.

Council Member Brown stated that he wanted to close with a word on downtown revitalization which a number of people had talked to him about, that he had concerns about what was happening downtown, that he was not at a meeting that he understood Council Member Alvarado had and the Mayor attended, but recently there had been 12 bars that closed and they were not getting the residential development in downtown that they really needed to support quality retail, that street level retail was really the thing that made downtowns if they looked at other examples really attractive, the Discovery Green was a great step forward and Marvin Fingers high rise rental project, a luxury rental, was a great step forward, but they could not be stuck downtown with just the club scene and condos and rentals fighting an uphill battle, that he was not sure what they should do but he thought they needed to have some kind of plan and strategy to turn things around downtown, that he got a letter from a developer who said that he tried to do a project downtown and he said, "it appears clear to me that the market is saying that downtown is not yet an attractive place to live, well clearly progress has been made the limited scope of services and the nightclub evening focus make it less desirable than other close in areas of town such as Midtown", that again he thought it was a planning and economic challenge, they wanted to make sure the Pavilion project works and he was just putting in a plug for their getting more aggressive about how they turn the revitalization of downtown around and he would be very happy to participate in that process and he thought there were a lot of good examples and knew the Mayor was concerned about it but it was of some urgency he believed. Council Members Lawrence, Johnson, Holm, Garcia, Lovell and Green absent.

Mayor White stated that they would have more residential investment downtown in the next 24 months than they had in the last five, six, seven to eight years as they see that go in and to please join him that he knew that developers went to them one by one but there was somebody at that meeting that said only if they gave him a tax break it would cure all their problems and he told everybody no and of course they predicted there would be no

development downtown and now they would have more development downtown without tax abatement on residential in the next 24 months because the market was there. Council Members Lawrence, Johnson, Holm, Garcia, Lovell and Green absent.

Council Member Clutterbuck stated that she to was concerned about some of the increased density and the traffic impacts that they were seeing in many of their residential neighborhoods in particular there were a number in District C and there were several that were going to be impacting the South Hampton neighborhood in the next 18 months or so some involved the Village which was currently a retail area with lots of commercial access but she becomes particularly concerned when institutions decided to increase their density in the middle of a particular residential neighborhoods such as was happening with the Medical Clinic of Houston which was going to be going from a two story medical facility where a lot of people visit their doctors to a seven story facility which many feared could turn into an urgent care facility with lots of traffic and to her the distinction between a facility like that and the Rice Village was in how that particular facility was accessed, that particular facility was accessed strictly through a residential neighborhood and she knew it was an example much like a lot throughout the City of Houston and what they were grappling with and she would like to be involved with the administration and with Ms. Marlene Gafrick and the Planning Department as they grapple with the issue and look at ways to address increased density in their neighborhoods, they could not regulate use but perhaps if they were to have as a matter of City policy look at the traffic impacts or the impacts on their drainage system or sewer system that would result from increased density in their neighborhoods, perhaps they could better formulate ways to address the problems and address the concerns of residents. Council Members Lawrence, Johnson, Holm, Garcia, Lovell and Green absent.

Mayor White stated that that he would appreciate something with her brainpower and Council Member Brown and given it a lot of thought and others about what she thought they ought to do when it came to the commercial permitting where the major, if not sole transportation, was through a residential transportation artery, there were some things they could do on curb cuts and the like and where they could turn but he had studied traffic engineering and first of all if there was not a drainage impact or an adverse impact on the water sewer system they were not going to say it was and he knew she was not suggesting that, on commercial maybe there was something they could do where if the primary access was through a residential neighborhood, and they heard people talk about mixed use, commercial and residential, that he wanted them to help him think through what they do on something like that and then they can work together on that issue, and Council Member Clutterbuck stated that with the closure of Bolsover the only thing they voted on was authorizing an appraisal of that parcel they did have a traffic impact study, for other development they did not necessarily have a traffic impact study and she thought that objective criteria when evaluating change was very important to the dialog and she thought there were also a lot of wonderful and creative minds out there and good legal minds that could help them deal with it and perhaps end up affecting some kind of change, some change to the plan, continuing to do things the way they had to do things in Houston across a table with compromise and dialog but for projects that were commercial projects that were going to substantially change the traffic patterns and the density of a particular area and the impact on their residential streets that were not previously considered major thoroughfares she thought that they as a City should know what those impacts were going to be so that they could evaluate it and she knew that some of her colleagues had good ideas of how the types of changes that could be implemented. Council Members Lawrence, Johnson, Holm, Garcia, Lovell and Green absent.

Council Member Clutterbuck stated that they had a new visitor center in Houston and was located at 3273 Southwest Freeway, which was on the southwest corner of Highway 59 and Buffalo Speedway, that it was a very exciting project that was spearheaded by the Houston In

Town Chamber and the Upper Kirby District and she would like to give particular credit to Jamie Brewster who was the Executive Director of those institutions who took it on as her passion and stuck with it and had a whole lot of patience and persistence and as a result they had a beautiful new storefront visitor center that was going to be highlighted on the freeway and was right across from Lakewood Church, which was a tremendous facility that attracted people from all around the world and they would be shown the visitors center and learn about the great places to eat and entertain themselves while they were staying in Houston. Council Members Lawrence, Johnson, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that they did need the re-urbanization of the American city, more density, more attractive pedestrian friendly mixed uses, it was what was leading the transformation of their City, but they were going to get more of the kind of projects that Council Member Clutterbuck just mentioned and it was really tough to deal with each one of them on a case by case basis and some of the outfall of that was that they were pitting the neighbors against the developers, they were actually inviting community conflict which was not healthy because they should all be working together so if somehow they could come up with some basic criteria that would put would be developers on notice that it was what they expected before they invest and draw up plans and then lay them on the neighborhood, which he thought was what happens a lot, that would go along way to making a much smoother transition in the urbanism process and he would like to volunteer. Council Members Lawrence, Johnson, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he had solicited that at the table, the specific criteria and he would say to his colleagues that he would tell them what it would not be and what he would pose was saying that the criteria was something that would be set by an unelected person with a consultant contract. Council Members Lawrence, Johnson, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she had a concern to share with Mayor White and it warranted concern, that when their constituents contact them to report Neighborhood Protection violations or other violations to HPD certainly they do so with the understanding that their identity would remain anonymous that certainly the people that they were reporting on would not be told who reported it to them because of concerns for retaliation, that they had such a situation and it had come up before at the table and they had been reassured that no they were not to reveal the identity of the people making the complaint, that there was a civic association on the southeast side that was trying to be very active in policing the neighborhood for Neighborhood Protection violations because they wanted to maintain their property values and wanted to bring up the overall quality of life in their neighborhood and certainly they encouraged that however with the civic association there was an officer who called her office who confirmed that he did indeed inform the people he was investigating who the complainant was and it was a serious concern for her because now they were concerned about retaliation, that there was now an accusation that the officer had retaliated against the homeowners association president as well and she was stunned to learn that the officer said he gave their names out because he felt like doing that, that he also volunteered that on Valentine's Day he drove along Edgebrook and knew that there were many vendors out there who did not have permits to be out there doing what they were doing however he did not stop to check it because he did not feel like doing so, that she appreciated his candor and the fact that he was quite open and honest with his activities but she questioned those activities, that they had been sending their Neighborhood Protection violation information to the Chief and very clearly identifying them as reports of Neighborhood Protection violations, however some of them were being directed to the patrol division and that officer was in the patrol division and he had received some of these cases to investigate, but she thought they had some serious problems when officers were telling individuals who were being investigated and revealing the identities of the people who filed the

complaints because it did put their personal safety at risk and she could not imagine that anyone would condone that kind of activity at HPD and for the benefit of their constituents she would appreciate a response from the Chief as far as acknowledgement of this activity and a response of what action he would be taking to address it. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank everyone who had extended condolences on the passing of her mother, her family really appreciated it very much. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank the civic clubs and super neighborhoods in District D for the work they had done historically and were doing currently, they were really a part of a changing dynamic in the district and she really appreciated their work, without their work on the ground putting into actual day to day process what they talked about at Council theoretically she did not think they would be moving as far, and she would like to talk to the Mayor about the possibility of how they would use models and templates of civic clubs that had been successful in developing a process by which they outreach and work in the community, not just talk to the community but try to get the community involved so that they could have some kind of models as they developed new communities or communities that were having problems with that, they had a lot of civic clubs that had mostly elder citizens in it and the question was how do they continue, how do they get younger people involved in civic clubs and so forth, that there were some clubs in the District D area that were working towards that so maybe with Planning, or she was not sure what department, but she thought they had a lot of unused talent in their communities that they did not reach and that was the basis of her comments regarding the WIFI outreach, she thought it was very important that they use long standing institutions but thought that one of the primary criteria for outreach of that had to be vested in some community groups that had a record of being able to produce a product, that was a citizen who comes in, receives information and goes out better informed and a better citizen because of that information process, so hopefully that would be one of the things they would be looking at. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank Council Member Berry for the outstanding program that he presented at the Yates High School for Robin Troup, he and Carl Davis put together a great presentation. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that because it was Black History Month one of the things they had hoped to do in District D was to highlight current history being made in the last 20 to 50 years, that she wanted to highlight a young man that when she first came to Houston she was told that was who she needed to know and talk with and it was Judson Robinson, that it was Judson Robinson, Anthony Hall, Mickey Leeland and Craig Washington, those were the names that always came up regarding who they needed to talk to in Houston regarding what was happening in the African American community and she wanted to highlight Judson Robinson because she thought Judson Robinson put forth a prototype of how you could be a community worker and become a politician and still have community ties and so forth, that Judson Robinson was the first African American in modern time to be elected At Large, there were some African Americans who were involved in City government before during reconstruction for about a minute or two, but Judson Robinson was the first modern African American to be elected At Large in the City of Houston, that he was elected three times and she passed out a wonderful article that the Defender did regarding him, that she wanted to highlight some of the things that he did as a City Council Member, that a look at Robinson's record

included that he supported and assisted in getting a minority business ordinance passed which gave qualified, Blacks, Hispanics and Women a more equitable share of the City's contracts, lobbied and voted to confirm over 100 Blacks, Women and Hispanics to City commissions and boards, supported the creation of the Affirmative Action office and led the fight for equal employment opportunities for minorities and women in City government, he successfully fought for removal of racial bars to promotion in the Police Department, he led a fight for a police review board not to harass officers but to prevent rubber stamping of cases of brutality by incompetent or bias grand juries, he recommended for appointment and urged successfully the confirmation of the first Black department head in the City of Houston, he led the fight for the City's first Fair Housing ordinance, he served on City Council committees such as Prevailing Wage, Hardy Toll Road, of which he was a chairperson, cable access, budget review, annexation, ordinance, redevelopment and revitalization of which he was a Chair, he successfully led the effort of the City's establishment of Bordersville Neighborhood Center, Fifth Ward Neighborhood and Kashmere Neighborhood centers and renovation of branch libraries in Denver Harbor and the Heights, he pushed for and got the City to approve three additions and expansions to the Lyons Medical Clinic, he pushed for the building of the Casa de Amigos City Health Clinic, as a board member of Saint Elizabeth Hospital he was instrumental in efforts to add an additional wing to the facility, as the first Black appointed to the Memorial Hospital Board successfully worked toward development of satellite hospital facilities, he successfully advocated adequate funding of public housing improvements at Allen Parkway Village and Irvington Courts, he successfully led the fight for naming the first City park for a then living Black citizens, Moses Leroy in 1972, he initiated a program adopted by the City and school districts to develop and operate parks on vacant school property, E. O. Smith, Dunbar and McReynolds Schools, he initiated the action which led to the building of Brewster Park on Highway 59 and the refurbishing and development of Emancipation and Finnigan Parks, he expedited pavement of such major arteries as Collingsworth, East Crosstimbers, Gregg, Cullen, Scott, Farmers and Market Streets, he successfully pushed for extension of City water mains into areas along Little York, Melbourne, Crane, Hirsch, Eastex Freeway, West Hardy, Homestead, Wallisville, Fulton and others, he led the fight for better drainage and installation of storm sewers in areas such as Settegast, McCarty, Clark Road, Aldine Westfield, Tidwell and others, he pushed the City administration successfully to pave such streets as East Crosstimbers, Uvalde, Market, Avenue I, Lavender, Clementine, Tidwell, York, Shepherd, Avenues B, C and I, Wayside and others, he got the City to open new branch libraries at Pleasantville, Trinity Gardens Park, Kelly and Lyons Avenue, as a board member and chairman at Texas Southern University he brought \$107 million in Federal and State ad valorem funds for new construction, including the Student Life Center, he spearheaded the effort to recognize United Negro College Fund, building it into an effective organization, that Council Member Robinson died in 1980 and served on Council for 18 years, first being elected in 1972 and reelected 3 times, that she remembered Council Members Robinson, Hall, Calloway and people that they intended to forget were on City Council, Sheila Jackson Lee and Beverly Clark, but she thought a lot of time when they got into the issue of remembering history, they thought of people long ago and they did not stop to realize that a lot of the things they were doing today were based on things that people had done in the last 20 to 30 years and they were done on the shoulders of the long time historical figures, that she liked to remind people that it was what was happening today that would shape what was going to be happening 10 years from now, the votes they took on City Council today was history in the making and whether or not it was good history or bad history it was what it was, so she thought it was appropriate for them to salute the son of Pleasantville, Judson Robinson, who was succeeded by his wife, Margarite and then his son, Judson was elected to Council as well, that the Robinson family had really been icons not only in the history of African Americans in Houston but of the City of Houston period, he was an activist, a stalwart for women and minorities and the underserved and the underprivileged and at the same time he as always the big guy with the big grin and always a good hello for everybody, so to Judson Robinson she said thank you for all that he had given to the history of African Americans but also to the history

of the City of Houston. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:09 p.m. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Green 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