

City Council Chamber, City Hall, Tuesday, October 2, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 2, 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, Melissa Noriega, Ronald C. Green and Michael Berry; Ms. Jo Wiginton, Division Chief, Contract 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.

At 1:54 p.m. Mayor White stated that it was time for some important presentations; and Council Member Khan stated that today they were recognizing a wonderful program and the people involved, it was called the Police and Clergy Team (PACT) and it was implemented as a pilot program and the Police Department teamed up with the clergy to not only fight crime but educate the community and make neighborhoods better; and invited Officer Barry Curtis, Officer Danny Muhammad, Officer Al Valejo and Captain Bruce Williams along with Ms. Veronica Hernandez of the Mayor's Office to the podium. Mayor White stated that this was a crime initiative ride along program by the Fondren/Gulfton Area designed between the faith based and police department there and presented Proclamations to each thanking them and the clergy members for their participation. Council Members Holm, Alvarado, Brown, Lovell, Green and Berry absent.

The spokesperson for the group thanked the Mayor and Council for the recognition and stated that they were humbled by the attention; and asked those with them to stand to be recognized. Council Members Holm, Alvarado, Brown, Lovell, Green and Berry absent.

Mayor White stated that it was another week where they were able to recognize a hero in Houston and invited Mr. Daniel Montez to the podium; that Mr. Montez was CEO of the Denver Harbor Clinic and Houston Community Centers founded by him in 1999; that the Denver Harbor Clinic was the first of several envisioned community based health centers providing high quality health care; that Mr. Montez had received recognition and awards for all his work and presented him a Proclamation proclaiming October 2, 2007, as "Daniel Montez Day" in Houston, Texas. Council Members Holm, Brown, Green and Berry absent.

Mr. Montez thanked the Mayor for the Proclamation and stated that he was humbled and honored. Council Members Holm, Brown, Green and Berry absent.

Council Members Alvarado and Garcia commended and thanked Mr. Montez for all his work. Council Members Holm, Brown, Lovell, Green and Berry absent.

Council Member Edwards stated that 50 years had significance throughout the world and discussed what happened in 50 years; and stated that in Houston, Texas 50 years ago the train started in Hermann Park and today they were celebrating that historic occasion and its founder and the family who kept the ride going and invited the Slusky family to the podium. Council Member Edwards stated that they were honoring the family who brought the train to Hermann Park; and Mayor White presented a Proclamation to the family and stated that it was in memoriam and proclaimed October 2, 2007, as "Louis Slusky Day" in Houston, Texas. Council Members Holm, Brown and Berry absent.

Council Member Clutterbuck invited Mr. Don Hartsell to the podium and stated that she had known him almost 20 years and was an amazing, creative and capable individual who always had a dream and was now launching the dream of being the organizer of the first International Race of Lighter Than Air Sky Ships and it would include the first global

circumnavigation of the globe and he had landing rights at the Great Pyramids, Big Ben, The House of Parliament, Prime Meridian, Statue of Liberty, Taj Mahal, and on and on including landing here at the Johnson Space Center; and he was a cross between Mark Twain and Jewels Vern; that it would have an educational component; and presented him a Proclamation proclaiming October 2, 2007, as "World Sky Race Day" in Houston, Texas. Council Members Holm and Berry absent.

Mr. Hartsell stated that he appreciated the Proclamation and it was a wonderful day for the World Sky Race; that going over the Johnson Space Center would be awesome for their race and this was a race connecting the world and bringing education, sporting and competition worldwide; and National Geographic and the World Air League would be producing an IMAX movie of their race and what they did not see in their own skies they would see for years to come; and thanked all for their support. Council Members Holm and Berry absent.

Council Member Edwards stated that last week there was no meeting and they had missed an exciting event, the anniversary of one of the leading businesses, The Breakfast Klub, three brothers celebrated a milestone in their career of six years and invited them to the podium. Council Member Edwards stated that it was an awesome place and known for lines around the building; and presented them a Proclamation proclaiming October 2, 2007, as "Breakfast Klub Day" in Houston, Texas. Council Members Holm and Berry absent.

Council Member Johnson thanked them for opening the door for many young entrepreneurs and for their community service. Council Members Holm and Berry absent.

Council Member Edwards stated that they had put Houston on the map with their food and service across the country and were featured in the Wall Street Journal, New York Times and it was now the place to come when you came to Houston, Texas. Council Members Holm and Berry absent.

The Spokesperson stated that he thanked the city for being receptive to the concept of grits with catfish and filling their seats on a daily basis. Council Members Holm and Berry absent.

At 2:26 p. m. Council Member Johnson invited Rev. James J. McLaughlin from Wayman Chapel AME Church to lead all in prayer and Council Member Johnson led in the pledge.

At 2:27 p.m. Mayor White called the meeting to order and the City Secretary called the roll. Council Member Wiseman absent on personal business. Council Member 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 Edwards and Berry absent. MOTION ADOPTED.

Council Member Noriega moved the rules be suspended for the purpose of adding Mr. John K. Ewing to the list of speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Edwards and Berry absent. MOTION 2007-0959 ADOPTED.

Council Member Garcia moved the rules be suspended for the purpose of hearing Mr. John Branch, Ms. Linda Mercer and Mr. Roland Chavez after Pastor John Bowie, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Johnson, Edwards and Berry absent. MOTION 2007-0960 ADOPTED.

Council Member Lovell moved the rules be suspended for the purpose of hearing Mr. Chris Amandes, Mr. Lam Nguyen and Ms. Janet Peters after Roland Chavez, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Johnson, Edwards and Berry absent. MOTION 2007-0961 ADOPTED.

At 2:29 p.m. the City Secretary began calling the public speakers. Council Members Lawrence, Johnson, Edwards, Garcia and Berry absent.

Mr. Johathan Smullan, 1231 Arlington, Houston, Texas 77008 (713-863-9047) appeared and stated that he lived in the Heights 22 years and was today representing the Houston Heights Association regarding Section 42-194, amendments to special minimum lot size areas; that they were very unhappy about the proposed amendments as they dealt only with single family housing, vacant lots and unrestricted lots and not multifamily housing or nonresidential; that they did not plug the condo loophole which they were intended to do; that at their own expense they commissioned one of the most eminent landuse attorneys in the city to work with city staff on this but their views had been rejected and it was clear many lots in the Heights could be used as multifamily which meant they were vulnerable to condo development throughout their area when they thought they were protected; and they were now thinking they were not just misinformed but misled; and they were not against mixed use but against overdevelopment in terms of scale and density, impact on traffic, impact on utilities and impact on the character of the neighborhood. Council Members Lawrence, Johnson, Edwards, Khan, Garcia and Berry absent.

Council Member Brown stated that he would like very much to cure the deficiency in the ordinance as neighborhoods all over were at risk; and upon questions, Mr. Smulian stated that he thought the city had excluded the particular uses in the ordinance as it had to do with the strong conviction they should interfere as little as possible in the types of uses in the city or it may look like zoning; that they had a number of proposed solutions which they put forth and had to all do with the scale, size and intensity of how the lots were used and not the use of which they were used for. Council Members Lawrence, Johnson, Edwards, Khan, Garcia and Berry absent.

Upon questions by Mayor White, Mr. Smulian stated the proposed ordinance offered more protection for single family houses but failed in terms of plugging the loophole; and Mayor White stated that he understood his point, but as they progressed on a number of things he hoped they could applaud progress, advocate at times for more, but it was demoralizing for some when efforts to protect were minimized, but he did understand he was highlighting there were areas needing to be addressed. Council Members Lawrence, Johnson, Edwards, Khan, Garcia and Berry absent.

Ms. Lynn Edumdson, 1307 W. Clay, Houston, Texas 77019 (713-522-0542) appeared and stated that she was executive director of Historic Houston which had received national and historic recognition and awards for work in Houston neighborhoods; that neighborhoods were facing enormous pressure for redevelopment and often it far exceeded the capacity of existing infrastructure; that she worked on committee and knew when the SMLS ordinance was drafted people were concerned with the rapid townhome development and no one ever foresaw condominiums being built, especially a 23 story, in a residential ordinance; that the ordinance was to protect the entire block face of the neighborhood and it was never intended to regulate use; that Mayor White asked the City Attorney and Planning Department to prepare an ordinance to close the loophole and she contacted the city and said neighborhoods wanted to help and they offered to provide outside legal counsel at their expense in drafting a viable

solution, but most proposals were disregarded and she felt current amendments to the ordinance would not close the loophole, they were using landuse as criteria and it would not work, inclusion of a variance would now allow an opt in and opt out provision which was never there before and the amendments now could cause even further erosion of the neighborhoods. Council Members Lawrence, Johnson, Edwards, Khan, Garcia and Berry absent.

Council Member Clutterbuck stated that this was the first time she heard communities provided suggestions for change and she was always asking for such and eager to see; and she would like to know why they were rejected and would like a copy of them. Council Members Lawrence, Johnson, Edwards, Khan, Garcia and Berry absent.

Mayor White stated that Council Rules had to be applied on a nondiscriminatory basis and had the City Secretary read rules of Council pertaining to Chapter 2 in the City Code regarding not showing approval or disapproval of subject matter. Council Members Lawrence, Johnson, Edwards, Khan, Garcia and Berry absent.

Ms. Sharon Greiff, 826 Woodlands, Houston, Texas 77009 (713-868-1579) appeared and stated that she was vice president of Landuse for the Woodland Heights Civic Association and for the past four years helped all neighbors with petitions; that they had 145 block faces protected in the Woodland Heights alone, unfortunately, as much as they appreciated efforts toward existing amendments they were not enough and in some ways destructive to the original purpose; that before there was no variance and now there was one sentence for the variance and to put in a petition against there were four pages; and asked why did homeowners consistently have to monitor to defend something which was supposed to be permanent. Council Members Lawrence, Johnson, Khan, Holm, Garcia and Berry absent.

Upon questions by Mayor White, Ms. Greiff stated that the current law said you could put condos on any property, but the reduced protection came in the variance; that years after the fact they could present to the commission; and Mayor White thanked her for bringing this to his attention; that he wanted to close the specific loophole used in the Sunset Heights which he was outraged about, but he did not want restrictions watered down and would get to the bottom of it. Council Members Lawrence, Johnson, Holm, Garcia, Lovell and Berry absent.

Mr. David Bush, 820 Heights Blvd., Houston, Texas 77007 (713-216-5000) appeared and stated that he was programs and information director for the Greater Houston Preservation Alliance and the GHPA shared the concerns of the historic neighborhoods, particularly those represented here today, that their concern was by rejecting the amendments to the current ordinance they were not choosing small improvements over large improvements, but rejecting incremental improvements in favor of no improvements; that some neighborhoods with deed restrictions were protected by these changes more than other neighborhoods such as the Heights and Woodland Heights which was more mixed; and they understood the block of Bissonnet brought up several times would not qualify for minimum lot size protection under the current definition because it was unrestricted; and he was offering unconditional support to the ordinance, as they preferred some improvement over no improvement. Council Members Khan, Holm, Garcia, Lovell and Berry absent.

Mayor White stated that citizens were working on a careful balance between changing continuity, growth and preservation; and upon questions, Mr. Bush stated that he did not say this was no change, but if this was rejected there would be no change; and Mayor White thanked him for his support. Council Members Johnson, Holm, Garcia, Alvarado and Berry absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of hearing Mr. Rogers Herndon after Ms. Janet Peters, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Johnson, Holm, Alvarado and Berry absent. MOTION 2007-0962 ADOPTED.

Ms. Debra Sloan, 1406 Plumwood, Houston, Texas 77014 (713-491-0971) appeared and stated that she was the historic researcher for the Yates Museum and present on designation of three properties in the Freedmen's Town District for landmark and protective landmark status and asked for the granting of designation for the homes of Rev. Ned P. Pullum, Attorney J. Vance Lewis and Rutherford B. H. Yates. Council Members Johnson, Khan, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he thought all agreed the landmark designation would be a step in the right direction, but that did not preserve a structure, it was up to others to make sure the structure was intact. Council Members Johnson, Edwards, Khan, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Dr. Sally Rickers, 3507 Canfield, Houston, Texas 77004 (281-932-3836) appeared and stated that she was with the Coalition of Pastoral Leaders, Fourth Ward Freedmen's Town, and today was present asking for the protective landmark status request for the three properties Ms. Sloan just spoke of. Council Members Johnson, Holm, Garcia, Alvarado, Green and Berry absent.

Mayor White thanked Ms. Rickers for coming and stated that was going to get done. Council Members Johnson, Holm, Garcia, Alvarado, Green and Berry absent.

Ms. Carol McDavid, 1638 Branard, Houston, Texas 77006 (713-523-2649) had reserved time to speak but was not present when her name was called. Council Members Johnson, Holm, Garcia, Alvarado, Green and Berry absent.

Mr. Andy Teas, 4810 Westway Park Blvd., Houston, Texas 77041 (713-595-0303) appeared and stated that he was present on behalf of the Houston Apartment Association, a nonprofit trade association, representing owners and managers of about 460,000 apartment units in the Houston area and was present on the parks and open space ordinance, Agenda Item 25, that he understood it had changed since the public hearing and they would be looking to make sure they understood it and would like to review changes; and the basic approach they were taking with this ordinance was telling people who built things if they wanted to build a shopping center, mall, etc., where people could commute in to shop or work it was fine and they would not charge them, but if they wanted to build some place for people to actually live in the City of Houston they would extract from them hundreds of thousands of dollars in fees or make them donate more land than they were actually using for their entire project and felt there was a serious problem with it and would ask that over the week they consider that before voting. Council Members Johnson, Holm, Garcia, Alvarado, Green and Berry absent.

Upon questions by Council Member Lawrence, Mr. Teas stated that he felt there was a difference building inside the loop or outside the loop and it would be land cost; that the bottom line was people who built the high-end stuff would find a way to make this work and the bottom end probably would to, homeless shelters, etc., but people who would be affected would be those wanting starter homes and wanting to live in midlevel priced apartments. Council Members Johnson, Holm, Garcia, Alvarado, Green and Berry absent.

Upon questions by Council Member Khan, Mr. Teas stated that to develop a 2-1/2 acre apartment project they would have to donate about 5 acres; and Council Member Khan stated

that he did see argument that they were not requiring it for nonresidential development as it was still development and he wanted to be sure he understood this fully; and Mr. Teas stated that they should also remember these were fees you did not pay if building outside the city limits. Council Members Holm, Garcia, Alvarado, Green and Berry absent.

Mayor White stated that obviously there were advantages and disadvantages in building apartments closer to employment within the city limits, but the closer large employment centers were the more costly the land was; that they did compete within the city for development and they needed more parks and amenities to attract people while at the same time if cost were too much higher it would be a negative; and it was a question of a correct balance. Council Members Holm, Garcia, Alvarado, Green and Berry absent.

Council Member Brown stated that he was about right, if a 2-1/2 acre development was done with 70 units per acre it would be 175 units and require an equivalent donation of 3.3 acres, but as density increased the need for park space went up dramatically; and upon questions, Mr. Teas stated that if they drafted an ordinance with a more reasonable broad based fee, so it would not just be new residential development paying it he thought it would be helpful; that the city already collected taxes on apartments and he would like to see them use some of that revenue for parks. Council Members Holm, Garcia, Alvarado, Green and Berry absent.

Mr. Adam Ashmann, 9511 W. Sam Houston North, Houston, Texas 77064 (281-970-8970) appeared and stated that he was representing the Greater Houston Builders Association and wanted to echo Mr. Teas; that they looked forward to reviewing this and did expect it to be delayed a week; that their concern was about requiring 10 acres per 1,000 residents and the fee of \$800.00 was significant; that for a \$70,000 home according to the Texas A & M Real Estate Center there would be between 6,500 and 7,000 fewer households would qualify for every \$1,000 increase and on a \$225,000 home the number was about 2,700 households; that something like this could have a negative effect on growth inside the city and they hoped the ordinance could be improved over the next week. Council Members Holm, Garcia, Alvarado, Green and Berry absent.

Council Member Lawrence stated that in looking at this during the week if he came up with a different calculation she would like to know; that here she was looking for innovative thinking; and Mr. Ashmann stated that if they used the current formula it called for 2.6 residents per household but if you looked at new housing stock much was higher density with singles or empty nesters so based on the developer it sometimes came to 1.3 or 1.5 and outside the loop it was 1.8 or 2. Council Members Khan, Holm, Garcia, Alvarado, Green and Berry absent.

Council Member Edwards stated that growth was happening and if they did not do this what would consequences be for builders; and Mr. Teas stated that City of Houston was number one on the trust for public land study and total park acreage right now and he would say they got there through cooperation of the entire community and it included the development community; and Council Member Edwards stated that this would cost everyone something and it was a matter of what they were willing to pay or give up. Council Members Khan, Holm, Garcia, Alvarado, Green and Berry absent.

Upon questions by Mayor White, Mr. Ashmann stated that his group was not advocating the raising of property taxes; and Mayor White stated neither were they; upon further questions, Mr. Ashmann stated that they were not offering all the land required by this, but there had been cooperation in getting to where they were today and he understood the city could not raise sales tax at this time and did not believe there was too much park space, but as previously stated there needed to be a balance and they were trying to promote affordable housing. Council

Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Margaret Justus, 2004 Wroxton, Houston, Texas 77005 (713-521-4667) appeared and stated that she and her husband lived in South Hampton in a 78 year old house; that she worked for Senator Rodney Ellis and was representing him today and asked the 50 people present from South Hampton and Boulevard Oaks to stand to be recognized; that their civic groups were representing about 2,000 who lived in the neighborhoods and some could not be present but they had 500 of their signatures on a petition; that she wanted to express appreciation to those who heard their cries about Buckhead Investment's proposed 23 story high-rise that if built on Bissonnet and Ashby, a two lane street, it would impair traffic mobility, prevent Houston from moving and damage the character of one of Houston's most historic and beautiful neighborhoods; and urged the Mayor and Council to do all in their power to stop this out of scale and out of place development and find a workable solution and not just for them but for the entire city. Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that they needed a solution acceptable to the neighborhood and he had previously called for a moratorium so they could cure deficiencies to protect all neighborhoods and regulation by citizen protest was not an efficient way to manage a city nor was developer persistence; Council Member Lawrence stated that they needed to look at traffic impact and would like suggestions, in a non zoned city and property rights state you had to have a formula and she thought how many would use the street or exit a garage; Council Member Edwards stated that she disagreed with her colleague, citizen protest was what drove all legislation, but she wanted Council to be charged with writing a whole new ordinance regarding density and traffic, etc. which came with that density; Council Member Lovell stated that they had to look at the entire surrounding area growth and not one project; and they needed new rules applied to vertical suburbs. Council Members Holm, Green and Berry absent.

Mayor White stated that when they reconstituted the Planning Commission and had various committees one of the first recommendations was to have additional rules and regulations concerning traffic impact and access management, curb cuts, etc., and he felt it appropriate they have criteria in advance concerning what they were; that they did look at traffic impacts and he had never seen anything like 460 parking garages on 1.7 acres dumping out onto a two lane street; that this would not be the first or last city to build vertical but they could make rules and regulations to apply equally to each neighborhood. Council Members Holm, Green and Berry absent.

Ms. F. T. Farenthold, 2929 Buffalo Speedway #1813, Houston, Texas 77098 (713-621-5608) appeared and stated that last time she was present it was urging an investigation on the crime lab and wanted to compliment all for the thoroughness of the report and was present with two questions; that she understood 850 serology cases were looked at and 599 had biological evidence not presented or had other problems and it was suggested that a search for the biological evidence that was not used be made by HPD and if it was found have the District Attorney notify the prisoners if they wanted additional testing; and her second concern was there were 186 cases of egregious concern being investigated by a special magistrate and after reading the investigation it said two requirements were needed to fulfill the promise the city should fulfill and it was thoroughness and independence of whoever was checking the 186 cases and she wondered who would do it. Council Members Holm, Green and Berry absent.

Mayor White stated that he had a briefing and there was a particular recommendation being presented to the stakeholders meeting next week where that committee itself would review the list of each recommendation and proposed action; that there were of course people

who would lobby for contracts to do on an hourly basis and he believed it would be considered, but there was a report for stakeholders committee to review which would be public record next week. Council Members Holm, Green and Berry absent.

Council Member Edwards stated that when the stakeholders make recommendation where did it go from there; and Mayor White stated that investigations had been done and employees had been terminated on basis of recommendations; that he looked at creating the independent stakeholders group and then charged them for doing a national search in hiring the best they could for review and on each particular point in the study there was a number of comments made by the special master about how things had changed in the last several years including the attitude to prior cases; that on cases involving DNA through a lot of work there was a very thorough inquiry including third party stakeholders, etc., led by law enforcement and prosecutors of the evidence in two particular cases which resulted in people being freed today and in the case of the 186 there would be a report following the stakeholders meeting next week, but they did take the issues very serious and no one was in denial. Council Members Holm, Green and Berry absent.

Council Member Garcia stated that next week they would start the game plan on moving forward and putting definitive steps in place to resolve questions out there; that the stakeholders group he was very proud of and he believed the public would appreciate the direction they would be moving in; and one thing done was setting the crime labs budget on its own so it would not get lost in the budget and he was sure it would be watched. Council Members Clutterbuck, Holm, Brown and Green.

Council Member Edwards stated that she wanted to applaud Mayor White and Chief Hurtt in their efforts, but her concern was simple, she wanted attention also given to those who were erroneously incarcerated, she had not seen one employee held accountable and thought there was still cleanup work to do. Council Members Clutterbuck, Holm, Brown and Green.

Mayor White stated that previously people were identified by name in the Bromwich Report who had been terminated and they would do it again; that he knew of one civil action and that could be identified. Council Members Holm, Lovell, Green and Berry absent.

Pastor Franklin D. Sampson, 4812 Bennington, Houston, Texas 77016 (713-631-0329) appeared and stated that he was pastor of the Friendship Missionary Baptist Church and vice president of the Baptist Ministers Association of Houston and today he and those with him, who he asked to stand to be recognized, were present to thank Council for the ordinance on theft of copper; that today they were asking that they help enforce the ordinance; that Captain Moore, who was present, with the Houston Police Department Burglary Division had met with them because of the continuing theft and he said he knew what it took to turn the city around and so they were asking that he be given whatever was needed to turn the burglary around and they had petitions as all were hurting. Council Members Holm, Lovell and Green absent.

Council Member Johnson stated that he was glad to see all those present with the concern and Captain Moore had recommendations and he would like to know what those were as the ordinance was only as effective as the enforcement. Mayor White, Council Members Holm, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia thanked all for recognizing Captain Moore; that he just met with the scrap metal industry and he would invite them to the next meeting with that industry as they were not fully understanding why Council was passing new rules but there was a true financial impact to communities and they were now on the crux of getting this into full implementation and

it would change businesses but it was required. Mayor White, Council Members Holm, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards thanked all for coming and stated that the ordinance went through a committee hearing process and police gave input as to what was needed, they were a part of the process; and upon questions, Pastor Sampson stated that there was a need for additional officers to patrol; and Council Member Edwards stated that she knew the state was looking at repealing the ordinance, saying it could not be done, but the issue was she would encourage Captain Moore to get with the Public Safety Committee and let all know what was needed because at meetings she attended the police were a part of it and they already had over \$40,000,000. in overtime so where would they get the rest from; and she was discouraged they had the perception that there was not enough to work with. Mayor White, Council Members Holm, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding.

Pastor John Bowie, 7102 N. Main, Houston, Texas 77022 (713-861-5273) appeared and stated that he came with Pastor Sampson as they represented two of the largest Baptist Minister Alliances and they were petitioning Council; that Pastor Sampson had shared their concerns and he would not reiterate but would thank Council Member Garcia for all his work in getting the legislature and thank Mayor White for the amount of money being spent and felt it would make a difference. Mayor White, Council Members Holm, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia thanked all for coming and stated that the ordinance had passed and they were in implementation of it and getting in full effect and he felt it had received priority needed and had the legal infrastructure by which Captain Moore could focus resources to it; that burglary and theft would be the funding mechanism by which Chief Hurtt would allocate and he would visit with him to make sure the Scrap Detail did get its fair share of resources in personnel and equipment. Mayor White, Council Members Lawrence, Holm, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson thanked all for coming and stated that he agreed with Captain Moore's passion and them coming down was the first step in getting what they needed to serve the greater good of the community and needed their bullet points. Mayor White, Council Members Lawrence, Holm, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards moved to hear from Captain Moore at this time, seconded by Council Member Garcia; and Acting Mayor Pro Tem Berry stated that there was no quorum, but it would be granted and invited Captain Moore to the podium. Mayor White, Council Members Lawrence, Holm, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Captain Moore stated that when the ordinance was fashioned they looked at it from a statutory standpoint and the ordinance was great, however, he had been there since 2003 and they had 50 less investigators than five years ago and two new things were added significant to the Burglary and Theft Division, changes in the alarm ordinance and the scrap ordinance and he had received no personnel to address it; that he did address that to the Chief but had no response as yet; that he would need a minimum of four officers and one sergeant just for scrap and that was for citywide; that they had 113 scrap yards in the city and he only had one officer at this time; and Council Member Edwards stated that she wanted budgetary numbers so she could speak with Chief Hurtt. Mayor White, Council Members Lawrence, Clutterbuck, Holm, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia stated that they did want to know his resource needs as they were here to help and would get to work on it. Mayor White, Council Members Lawrence, Khan, Holm, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she wanted to help and she understood they had all inspectors needed, but now understood he only had one; and Captain Moore stated that he had no inspectors and took an investigator from a different squad to do this, but never had any staffing for this; and Council Member Edwards stated that she thought it was in place and was glad she now had the correct information. Mayor White, Council Members Lawrence, Khan, Holm, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Clutterbuck stated that at this point, this was a very important issue, but an issue properly addressed at a committee level and they would have time to talk longer, but would like to suggest that they still had a number of constituents present to speak and they were barely to the middle of the speakers list and it was 20 minutes to 5:00 p.m. already; and Acting Mayor Pro Tem Alvarado Berry stated that it was duly noted. Mayor White, Council Members Lawrence, Khan, Holm, Garcia, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. John Branch, 4430 Castor, Houston, Texas 77022 (832-880-0414) appeared and stated that in the 1980's Independence Heights Park was lost and they came up with the Independence Heights War On Drugs and took the park back and then came with Fun Day In The Park; that many in Independence Heights could not afford to go to the festivals downtown with \$20.00 per head and so they gave them a festival they could, but now the city had to draw a line for special events; that if he wanted to have an Easter egg hunt he had to fill out a special form with a \$1,000,000 insurance policy and it was ridiculous, he paid taxes and there was insurance on the park; that the event was held by the Independence Heights War On Drugs, a nonprofit organization, and it was a nonprofit event; that this year they were put on hold because of the \$1,000,000 insurance policy and they could not afford it and somehow there needed to be a line drawn between a civic club holding an event in the park and a promoter; and urged the city do their part and help. Mayor White, Council Members Lawrence, Clutterbuck, Edwards, Khan, Holm, Garcia, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that if he did not mind waiting, Ms. Susan Christian was on her way and would meet with him to see if they could get this fixed. Mayor White, Council Members Lawrence, Clutterbuck, Edwards, Khan, Holm, Garcia, Alvarado, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that when they were bringing something which brought community pride then something should be done about it and he would wait until he spoke with Ms. Christian but he would fight with him 100% when it came to building community pride and this event; and urged that he continue to do what he did. Mayor White, Council Members Lawrence, Clutterbuck, Edwards, Khan, Holm, Garcia, Alvarado, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Linda Mercer, 5807 Kansas, Houston, Texas 77007 (713-542-5071) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Edwards, Khan, Holm, Garcia, Alvarado, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Roland Chavez, 1907 Freeman, Houston, Texas 77009 (713-223-9166) had reserved time to speak but was not present when his name was called. Mayor White, Council Members

Lawrence, Clutterbuck, Edwards, Khan, Holm, Garcia, Alvarado, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Chris Armandes, 1001 Fannin, Floor 26, Houston, Texas 77002 (713-758-1146) appeared and stated that he owned a home in South Hampton near Rice University and present in opposition to the proposed Ashby high rise development; that he did thank Mayor White and Council Members Clutterbuck, Lovell and Brown for their support and were encouraged by them becoming personally involved in their cause; that he wanted to clarify they had 92 people present at one time or another in support of their opposition; that if a 23 story apartment building located five feet in back of their fence their home value would go down and only be a fraction of what it now was and yet in Houston it was allowed and destroyed a citizen's greatest investment; that the developers decided to place their project on the first unrestricted lot adjacent to their neighborhood and it was no accident and the same situation was all over Houston and it was not rational or productive, it was a blemish on the City of Houston. Mayor White, Council Members Lawrence, Johnson, Edwards, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Clutterbuck, Mr. Armandes stated that he was not to endorse any particular solution, but was saying a solution was needed and needed now; that their neighborhood created a taskforce to stop the project and to put in place a longer term solution so their neighborhood and every neighborhood could stop fighting such fights; and Council Member Clutterbuck stated that they raised important issues and Council was looking at whatever they could not only to stop this high rise but also in planning for the future and they absolutely had to tie the increased density to the road classification in her opinion. Mayor White, Council Members Lawrence, Johnson, Edwards, Khan, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Lam Nguyen, 1801 Bissonnet, Houston, Texas 77005 (713-940-1004) appeared and stated that his family owned a home on Bissonnet around the corner of Ashby right across from the 23 story high rise to be built and today he was present to express concern of such a development; that he did thank the Mayor and Council Members who had given much support to them, but being right across the street from the development had placed much stress on their family; that many years they dreamed of living in South Hampton and worked very hard to acquire a modest house there and it never occurred there would be such a building there, they would never see the sunlight again; that they took pride in the Oak Tree about 90 years old in front and without proper sunlight that tree and many others would have their life shortened and if it were built it would transform their neighborhood in the worst way possible. Mayor White, Council Members Lawrence, Johnson, Edwards, Khan, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that she thought they discovered today they had strong allies on Council and it raised new issues needing to be dealt with; that the two developers actually grew up in that wonderful neighborhood and were now coming back to destroy it; that most developers were responsible and it was sad there were a few who did not care and they ruined it for good developers; and she hoped they would come to their senses, develop something appropriate and still make money and keep the neighborhoods character. Mayor White, Council Members Lawrence, Edwards, Khan, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Janet Peters, 1932 Wroxton, Houston, Texas 77005 (713-324-7352) appeared and stated that she lived in South Hampton 12 years and appreciated the dialogue of traffic and she would like to bring up the issue of safety with traffic, in particularly with children, children walked to their school and some even had to cross Bissonnet and crossing Bissonnet and Hazard even

with a traffic light and crossing guard was a challenge today and when you add all the cars from the Ashby high rise it would impose a direct safety hazard; that it was estimated 420 cars would be added to their busy two lane street and there would also be restaurant patrons, delivery trucks, service vehicles, moving vans, etc., more gridlock and less safety; and she urged help from the Mayor and Council. Mayor White, Council Members Lawrence, Edwards, Khan, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that they did raise serious questions which needed to be faced on development in the city and yet protect neighborhoods; and thanked all for coming. Mayor White, Council Members Lawrence, Edwards, Khan, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Rogers Herndon, 1715 S. Blvd., Houston, Texas 77098 (908-377-4493) appeared and stated that he would like to hit on infrastructure, safety and value; from much more sewer usage and parking and infrastructure needed to be managed just like utilities and the peek usage could not be handled as proposed; and he could find no example of a 23 story high rise on a two lane street, not even in Manhattan, and the reason it was not done was because of obvious reasons on infrastructure and safety; and urged Fire Marshalls to utilize safeguards to their fullest in review of the project. Mayor White, Council Members Lawrence, Edwards, Khan, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that his comments were outstanding and pointed out and highlighted additional deficiencies in her opinion with regard to parking requirements and she planned to making amendments on it; that currently the parking ordinance required 1.65 parking spaces for a two bedroom apartment and in a high end apartment people had more than 1.6 cars and this neighborhood did not allow parking on Bissonnet or Ashby and all overflow would go straight to neighborhood streets and that was another flaw in their marketing. Mayor White, Council Members Lawrence, Edwards, Khan, Holm, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Mr. Herndon stated that they would welcome an opportunity to sit with developers and discuss alternatives and come up with a solution; that there would be dimension of value and regarding the life safety bureau standard the Council and Fire Marshal should point to Section 3.1, 4.3, 4.63, 4.72 and 5.37 as they allowed the Fire Marshal to require an application regarding obstructions to access entry and exit and allowed the same for congestion and turning radius needs for fire apparatus and they should ensure that loading or delivery zones were not included as a part of the twenty foot minimum boundary around the building. Mayor White, Council Members Lawrence, Edwards, Khan, Holm, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he was interested in this as it reminded him of a conversation he was having about two years now on inner loop condos with six stories and even with one or two entries it changed the character of the neighborhood and life in the neighborhood and he would like to partner with them in finding solutions; and Mr. Herndon thanked Council Member Garcia for his interest and stated that it was not a South Hampton issue nor a no development issue, but a City of Houston issue and he would be glad to support any community in the same battle. Mayor White, Council Members Lawrence, Edwards, Khan, Holm, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Noriega moved the rules be suspended for the purpose of hearing Mr. Wilbur Gay and Ms. Linda Gamble out of order; and there being no quorum Acting Mayor Pro Tem Berry stated that would be done. Mayor White, Council Members Lawrence, Edwards, Khan, Holm, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Wilbur Gay, 5311 S. Hampton Estates, Houston, Texas 77005 (713-526-1586) when called stated that he would pass. Mayor White, Council Members Lawrence, Khan, Holm, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Linda Gamble, 1306 Homer, Houston, Texas 77091 (713-849-2419) appeared and stated that she was glad to finally be acknowledged; that each time she came she got pushed further and further back, but she was here for a bigger reason; that she would ask what value they would put on a Black woman's life, several had been murdered and dumped in District B and it was being trivialized; that too little was being done, their District B Council Member wanted to trivialize and play games and she was holding all city leaders accountable. Mayor White, Council Members Lawrence, Khan, Holm, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she can't speak for all Black women, but she had been in a lot of situations and she thought the value of Black women's lives was what Black women put on it, what they demanded; that her representative was her voice and that was at any level, but her Grandfather always said it was not if the glass was half empty or half full, but what were you going to do with that water, so it was how would you handle your own resources and to her that meant she was in charge of resources she had control over and another thing was a man could not ride your back unless you were bent over, so how much were you willing to pay to stand up, so if a Black woman's life had a value, she had to define what that was to get the respect she should get and no elected official could do that for you, it was a collected consensus they had to agree on; that at a certain point in time how people respond to you was a lot of what you demanded; that she refused to be disrespected, you did not have to like her, but you would not disrespect her; that she was sorry for the Black women who died there, but Black women died daily, every 30 minutes in this city a Black woman was infected with HIV; and Ms. Gamble stated that she thanked Council Member Brown for sending a representative to their meeting and Council Member Green for coming. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that Ms. Gamble was not shoved down on the list, but they did take some people out of order, grouping them together moved them up, so others were put ahead of her and she wanted to explain that; and she also had a representative at their meeting; and she would say all human life was priceless. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Brown stated that all Council Members were concerned with her issue and because of the distinct geographic character of the area it required a different approach to policing; that a member of his staff was working with their group to see what could be done and they did need action. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she also had a representative at their meeting and she was very familiar with their area; and she did think any piece which caused them to lose

control made the problem worse so trimming trees and cutting weeds did help, but no price could be put on a person, everyone was somebody's somebody; and they had heard her. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he appreciated all dialogue and he lived in the Acres Homes community and drove through it daily; that when the first body was found he called a press conference and they talked about how to fix the problem, now it was an epidemic with a state of emergency listed to it; that when another body was found he organized a community walk and they walked every inch of Acres Homes distributing flyers and information and October 13th they would have another community cleanup and last week they had another town hall meeting addressing the issue of protection for the young women so they could start feeling secure and let them know they were doing a training to prepare them; and he would always stay at the forefront. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Joy Spencer, 1600 Louisiana #802, Houston, Texas 77002 (713-373-9860) appeared and stated that she was present as she believed police officers, city workers and firefighters deserved the best childcare possible and believed that was a NAYC accredited center and she was asking the city to help them create centers where city workers would have such centers. Mayor White, Council Members Lawrence, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Spencer stated that childcare was a big industry and to have a NAYC accredited center would be a way for the city to put money in the coffers, she was not a representative of NAYC; and Council Member Edwards stated that she knew of businesses who had childcare for their employees and it was either less or free, it was a part of their benefits; and she would like a copy of her information. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Sammie Jones, 1415 W. Gulfbank #1912, Houston, Texas 77088 (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

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

Mr. Ricky Flory, 6015 Winstead, Humble, Texas 77396 had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Loyal Ayers, 7122 Langdon Lane, Houston, Texas 77074 (713-777-7006) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Stanley H. Rosenthal, 5855 S. Braeswood, Houston, Texas 77096 (713-245-9891) appeared and stated that he lived in Bay City, Texas, and had a home in Houston and like George W. Bush he had a home in Crawford, but spent a lot of time in Washington and having said that he was present for several reasons; that this city was one of the largest in the U. S. and supposed to be one of the top in the world but was getting the reputation of a cheap city; that a couple was driving and a street light fell on their car and it cost \$2,000 plus or minus, but the city would not fix it and he thought they should be apologized to and paid; that removing trees removed and hurt the environment and Houston had no more pollution than it had 50 years ago, it came from oil refineries and when the breeze came in from there you would get it, but trees were the biggest thing for the environment. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. John Kirby Ewing, was previously added to the Speakers List, but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Alice Gandy, 13370 Knoll Crest, Houston, Texas 77015 (281-864-9206) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

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

Mr. Michael Hager, 9109 Lou Gary Drive, Houston, Texas 77074 (713-779-7833) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Sean Burns, 19323 Hollowlog, Katy, Texas 77449 (832-274-6669) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Arthur Villanueva, 8227 Thetford, Houston, Texas 77070 (281-970-5583) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Tom Bregel, 1644 Crestdale Drive, Houston, Texas 77080 (713-461-3258) appeared and stated that he was present to comment on the August 21st meeting when he was present, two groups of Spanish people were present and the majority spoke in Spanish and he tried to get a point of order but was ushered out; that he wanted to know why people were allowed to speak in Spanish and he would not think they were citizens and the INS could have probably taken two bus loads; and if he offended Council Member Edwards by referring to rap noise as jungle music..., but he took it to prayer and he still thought rap crap was jungle music; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he had to tell him he was offended at the term he used to describe music and he thought his problem was the volume and not anything else, but he thought his comments were intended to provoke and inappropriate and overwhelmed any underlying point he was trying to make; that he did not think he was a gentleman, thought he was rude and came down to embarrass a Council Member who had done nothing to him; and that having been said no one had to speak English to speak to this body, though it was advisable for them to understand; and finally it was not his position to call for a point of order because he was not the parliamentarian even if they were under Roberts Rules. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that he owed her no apology, when someone showed who they were believe them and she believed it. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Joy Wilson, no address (281-813-5811) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Bryan Klein, 701 W. 43rd, Houston, Texas 77018 (713-907-5259) appeared and stated that he considered himself a patriotic American and came today humbled by blessings this country had given him and his family; that he invited them to consider the City government's top four priorities and whether they were doing their best; that he resented when citizens were asked if they were for raising taxes to fund something, he thought it was degrading and belittled the person asking the question; that top priority in his mind would be for police to have funds and manpower to do their job effectively and helping out the Acres Homes situation, etc., he lived within a mile or so from Acres Homes and problems were spilling out, he had gang activity, drugs, litter, etc., and he could not protect his property effectively because deed restrictions prohibited a fence to keep out the bad element METRO brought to his neighborhood and he was only asking for the city to allow him to help himself and his property. Mayor White, Council Members Lawrence, Khan, Holm, Garcia, Alvarado, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he appreciated him coming and that he wanted to protect his property, but Acres Homes was not a haven for all he said; and Mr. Klein stated that he was specifically saying problems he was seeing in his neighborhood, in Acres Homes, were problems he was beginning to see in his and he did not mean it came from them; and Council Member Johnson stated that they were problems through the whole city, but he should continue coming and voicing concerns for his community and others should come also; that was how he would get assistance. Mayor White, Council Members Lawrence, Khan, Holm, Garcia, Alvarado, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she appreciated him staying this long to have his say and he should call Chief Lambert, they had a program they started out of the Montrose area because of bus stops and the same problem and had a process of using METRO police and Chief Lambert was at METRO Police; and Mr. Klein stated that he spoke with Chief Lambert and several at HPD; and Council Member Edwards stated that she was not saying he had not spoken with someone but there was a way to get something done; and Mr. Klein stated that he was working through those. Mayor White, Council Members Lawrence, Johnson, Khan, Holm,

Garcia, Alvarado, Lovell 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 Bill White was leading an attack, paying killers, to have him assassinated; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

At 5:58 p.m. City Council recessed until 9:00 a.m., Wednesday, October 3, 2007. Council Member Wiseman absent on personal business. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, October 3, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, October 3, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Office, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:33 a.m. Mayor White called the meeting to order and recognized Council Member Holm. Council Members Clutterbuck, Noriega, Green and Berry absent.

Council Member Holm stated that as the head of the Houston Zoo, Ms. Debra Cannon, celebrates special days and birthdays day after day, but this week they were celebrating Mac's first birthday and invited Ms. Cannon to the podium. Council Members Noriega, Green and Berry absent.

Ms. Cannon stated that Mac turned 1 on Monday and was almost 1,200 pounds, and was highly unusual in that he had learned over 20 behaviors, which was very unusual for an elephant this age, that he had learned a 21st behavior which he was going to display for all of them on Saturday, that they were having a huge birthday party on Saturday and he would burn out his candles on his cake, that they had a birthday card contest and children all across Houston submitted birthday card ideas and they picked one and it was six feet tall and all of the kids would be signing it on Saturday, that they would have 1,000 cupcakes for all the children out there and they would invite everyone to come and join them, and Council Member Holm stated that on behalf of the City Council they to had a birthday card for Mac. Council Members Green and Berry absent.

Mayor White stated that everybody thanked Ms. Cannon and the job that the Zoo Board was doing, that they ought to have a special report on the incredible capitol campaign that was being done by the zoo. Council Members Green and Berry absent.

MAYOR'S REPORT

Mayor White stated that several people had asked for some facts because several Council Members had stated to him that they wanted to know what to say when, and had asked him to make a report, that it had to do with this year's budget and the Proposition H public safety investments that they were making and actions on the tax rate, that first, each of the budgets adopted by the Council and administration had a tax rate cut, that they had four consecutive years of tax rate cuts, including one before, and the total cumulative impact of that and raising the senior exemption through the fiscal year had been \$66 million, in reduced revenues, tax cuts, that was quantifiable and not a projection, that over 10 years on the same rates or assumptions they used for their debt service models and that the rating agencies used, if no future Council raised the tax rate from where they cut them to, and they continue to bring the senior exemptions to the Prop 1 level, that was \$315 million in addition over the next 10 years of tax cut revenues, that not everybody had supported those tax cuts, but he just wanted to give them some facts. Mayor White reviewed a memo regarding Property tax collections compared to population growth and inflation, Budget v. Tax Rate in Fall, Prop 1 (2004) and Prop H (2006, Estimated tax receipts, FY2009 and Beyond and State Mandate – so called "Truth in Taxation, a copy of which is on file in the City Secretary's office for review. Council Members Wiseman and Berry absent.

Members of Council thanked Mayor White for the review, and Council Member Lawrence asked Mayor White if in Proposition H did they define public safety and Mayor White stated yes, that it was police, fire, EMS and he thought HEC dispatch, and Council Member Lawrence stated that they were limited, that they could not do flooding issues, that was the point she was making, and Mayor White stated that if they had a strong economy and stronger ad valorem collections, then they could have because it also depended on what their cost structure was, that they could have some more debt capacity, that the fact was that the cost of construction had been going up faster than population inflation, just because of the cost of basic commodities, cement, they were competing with China and everybody else for steel and cement. Council Members Wiseman, Alvarado, Green and Berry absent.

After further discussion Mayor White stated that they would move to the Monthly Financial Report. Council Members Johnson, Edwards, Wiseman, Brown and Berry absent.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION
REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Mayor White recognized Ms. Annise Parker, Controller, and Ms. Judy Gray Johnson, Director, Finance and Administration. Council Members Johnson, Edwards, Wiseman, Brown and Berry absent.

Ms. Parker stated that it was the Monthly Financial Report for the period ending August 31, 2007, that they were now projecting a \$5.5 million budget surplus, that it was largely due to a \$22.5 million increase in their overall revenue projections, prompted by a large increase in anticipated property tax revenues and a reminder that the original budget did anticipate pulling into Fund Balance and that would not be necessary with the increase in property tax revenue, that there were approximately \$4.5 billion in new property tax revenue that was now certified and was coming to them and it translated down to their \$24.4 million increase, that they had also increased projections for Franchise Revenues to reflect current trends and collections of Cable TV Revenue and Waste Hauler Franchise Fees, with the exception of Municipal Courts Administration, which she knew was discussed extensively yesterday in committee, the expenditure budget was still projected at budget, that they were currently

projecting Aviation, Convention and Entertainment and Storm Water Enterprise at budget, and they were going to get tired of them saying that there was still some fallout in the Combined Utility System from the wet summer that they had; that they were in the process of setting the tax rate, they had done preliminary calculations and the proposed tax rate of .64375 would be in line with revenue restrictions of Propositions 1 and 2, that her office would be distributing their formal calculations at a later date, but certainly before the vote on setting the tax rate. Council Members Edwards, Brown, Lovell and Berry absent.

Ms. Parker stated that as promised she had been updating Council on the status of the Comprehensive Annual Financial Report, that she wanted to give them an idea of what they went through and she had distributed the current status sheet, in August she asked for daily conference calls to start between the ERP Team, Finance and Administration and the Controller's office and she, Mr. Richard Lewis, Ms. Johnson and their staff started meeting on a weekly basis to try to move the process along, that unfortunately due to continuing problems they now believed that already, even through they had three months to go in the year, that the annual report would not be out on time, that it was difficulties closing the books for the last fiscal year, they delayed closing period 13 for nearly two months and if they looked at the status report they would see the revised due date, that they certainly could have closed the books earlier but if the date was not correct it really would not have done them any good, so they delayed it, but that two month delay in getting data to Deloitte & Touche delayed them as well, so now they were talking about completion date sometime in February 2008, that she wanted to emphasize that it was not an SAP problem per say, it was the fact that it was the first year and close under the new system that a lot of their people were not familiar with the reports and they were still doing a lot of cleanup from the transition of information, that they had the responsible departments in the far left column, that in defense of her staff they could not process what they had not received, that they were working as diligently as they could and there was still a significant delay in Fixed Assets and Grants, with probably Public Works, Building Services, Housing, Health and Aviation Departments still under the gun in those areas, and that concluded her report. Council Members Edwards, Brown, Lovell and Berry absent.

Ms. Johnson stated that the biggest news in the financial report was related to property taxes, but she thought they had said enough about property taxes unless there were more questions about how they had estimated the revenue increase, that the other elements that they ought to focus on a little bit were Sales Tax Revenue, they had increased their estimated Sales Tax Revenues for this year by \$3 million based on the first check that they had actually received for sales this fiscal year, that in September they received the check related to transactions in July, which was up 12.5% over last year, that was very encouraging, that they had distributed on Friday the Barton Smith Report on Sales Tax where he was very optimistic about those revenues for this coming fiscal year and they certainly hoped he was right because he was predicting a 7.25% increase, quite a bit more than they had budgeted; that the Controller mentioned Water and Sewer Revenues, that in general all of their expenses were at budget, they would of course be revising their Monthly Report next month relating to public safety expenditures, and that concluded her report. Council Members Edwards, Brown, Lovell and Berry absent.

Upon questions by Council Members, Ms. Parker stated that as to the delay of the annual report, in hindsight perhaps they should have delayed the transition to the new system as they did when they instituted the HR Payroll component of SAP, they delayed it for several months, that at the end there was a lot of data that was transferred that was not sufficiently clean, garbage in garbage out, they were still doing some remedial work on data that was transferred from the old system, that it was a familiarity issue, there were nearly 2,000 people in the City who interfaced with the new SAP system, some of them got it and some of them did not, that the report formats were different and year end close was a complicated process under any

circumstances, and the two month delay in closing period 13 the delay triggered everything else, that getting the data in was about 10% of the audit, then once Deloitte & Touche got the data then they dig in and start the follow up so they were telling the City that they may be unable to complete the audit at this time, and Ms. Johnson stated that she would characterize it a bit different, that for example on the grant accounting they found that there were a number of transactions that had been entered without entering the code for the grant and that had not been identified until very late in the fiscal year, that there were other grant relevant missing codes, some of them were manual errors, people did not understand they had to enter that code number, that they had to go back and find those code numbers, put them in, reverse the transaction that did not have the code number, reenter the transaction with the code numbers, which was fairly labor intensive, that was one example of what they had identified that was taking more time on the part of all of the departments to enter the data in, that was an example, it was not any one thing.

After further discussion, Council Member Green moved to accept the Monthly Financial Report, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0963 ADOPTED.

Council Member Green moved to suspend the rules to consider Item Numbers 1 and 1a out of order, seconded by Council Member Khan.

Council Member Clutterbuck moved to consider Item No. 2 before Item No. 1. Mayor White stated that if there was no objection the motion was amended.

A vote was called on the motion to consider Item Numbers 2, 1 and 1a out of order. All voting aye. Nays none. MOTION 2007-0964 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF THE BRAYS OAKS MANAGEMENT DISTRICT (HARRIS COUNTY IMPROVEMENT DISTRICT NO. 5)**, for terms to expire June 1, 2011:

Position Seven	-	MR. ALLEN C. GOODLOW, SR. , reappointment
Position Eight	-	MS. ELAINE GASKAMP , reappointment
Position Nine	-	MR. CARY P. YATES , appointment
Position Ten	-	MR. MICHAEL MUCASEY , reappointment
Position Eleven	-	DR. DAWN J. BRADFORD , reappointment

- was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. MOTION 2007-0965 ADOPTED.

Council Member Clutterbuck recognized Ms. Gaskamp and other appointees or re-appointees of the Board of Directors of the Brays Oaks Management District and thanked them for their service to the important management district board.

NOTE: Item 1 is a MATTER HELD but must be considered prior to 1a.

1. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Finance & Administration Department that the City Council receive the 2007 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw, Jennifer Chen and James Bell to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code – **(This was Item 3 on Agenda of September 19, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. MOTION 2007-0966 ADOPTED.

- 1a. RECOMMENDATION from the Director of the Department of Finance and Administration (1) to place the proposed 2007 tax rate of \$.64375/\$100 of value on the November 7, 2007 Council Agenda, (2) to set dates for three public hearings and (3) to publish an analysis of anticipated increased revenues - **SUGGESTED HEARING DATES - 6:00 P.M. - TUESDAY - OCTOBER 9, 2007; 6:00 P.M. - TUESDAY - OCTOBER 16, 2007 and 9:00 A.M. - WEDNESDAY - OCTOBER 24, 2007** – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0967 ADOPTED.

CONSENT AGENDA NUMBERS 3 through 59

MISCELLANEOUS - NUMBERS 3 through 7

3. RECOMMENDATION from Director Human Resources to approve an additional 365 day period for pay differential for employees called to active duty status during a time of war or state of emergency – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0968 ADOPTED.
4. ORDINANCE appropriating \$287,916.14 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for construction of a Supervisory Control and Data Acquisition (SCADA) and Security Communications Network for Water Production Facilities, WBS S-000522-0008-4 under construction contract with **BOYER, INC** (approved by Ordinance No. 2005-682) – was presented. All voting aye. Nays none. ORDINANCE 2007-1078 ADOPTED.
- 4a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 6 in the amount of \$399,456.00 on contract with **BOYER, INC** for construction of a Supervisory Control and Data Acquisition (SCADA) and Security Communications Network for Water Production Facilities, WBS S-000522-0008-4 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0969 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for payment of FY 2008 Annual Membership dues for the **AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION** Subscription Program - \$224,543.08 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0970 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for payment of Subscriber Fees for **WATER ENVIRONMENT RESEARCH FOUNDATION (WERF)** - 1 Year \$91,884.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0971 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.398 per square foot for properties connecting to the 8-inch water line located along Dreyfus Street constructed by **LLGK ENTERPRISES, LLC DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0972 ADOPTED.

ACCEPT WORK - NUMBERS 9 through 13

9. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$4,541,002.00 and acceptance of work on contract with **CONSTRUCTION, LTD.** for Parks Master Plan - Bid Package 2 Melrose Park, Montie Beach Park and Garden Villas Park, WBS F-504A02-0001-4 / F-504A18-0001-4 / F-504A20-0001-4 - 14.60% over the original contract amount - **DISTRICTS B - JOHNSON; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2007-0973 ADOPTED.
10. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$791,411.41 and acceptance of work on contract with **MERIDIAN COMMERCIAL, L.P.** for Crestmont Park, WBS F-504A10-0010-4 - 4.58% over the original contract amount **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2007-0974 ADOPTED.
11. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$511,957.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Willow Park, WBS F-0504C9-0009-4 - 4.96% over the original contract amount **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2007-0975 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$723,412.65 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Construction of Well Collection Line and Flow Meters, WBS S-000936-0011-4 15.46% under the original contract amount - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK and F - KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2007-0976 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,473,172.36 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00D3-4 - 3.92% over the original contract amount **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; G - HOLM; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2007-0977 ADOPTED.

PROPERTY - NUMBER 14

14. RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. Harvey & Sonjia Preston, et al., Cause No. 875,669, for acquisition of Parcel CY4-005; for the **FRESH WATER SUPPLY DISTRICT NO. 23 BUFFER ZONE PROJECT**; WBS/CIP R-000265-0027-2 - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0978 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 15 through 19A

15. **TEXAS COMMISSION ON FIRE PROTECTION** for payment of Annual Certification/ Re-certification of Firefighters for Fire Department - \$140,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0979 ADOPTED.
16. **FLOTEC, INC** for Medical Oxygen Regulators and Flowmeters for Fire Department - \$187,125.00 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0980 ADOPTED.
17. **FIRE PUMP SPECIALTY** for Equipment, Hale Pump Replacement Parts for Fire Department \$330,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0981 ADOPTED.
18. **BABY JACK II AUTOMOTIVE, LTD. d/b/a CALDWELL COUNTRY CHEVROLET** - \$115,444.00 and **DALLAS DODGE CHRYSLER JEEP** - \$93,529.00 for Special Duty Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Police Department - Asset Forfeiture-Justice Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0982 ADOPTED.
19. ORDINANCE appropriating \$128,962.60 out of Water & Sewer Consolidated Construction Fund for Emergency Replacement of the 24” Gravity Sewer Pipeline at 200 Hirsch Road at Clinton Drive for the Public Works & Engineering Department, WBS R-000019-0043-4-01-01 - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2007-1079 ADOPTED.
- 19a. **TROY CONSTRUCTION, L.L.P.** for Emergency Replacement of 24” Gravity Sewer Line for the Department of Public Works & Engineering - \$128,962.60 - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0983 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 21 through 58

21. RESOLUTION approving an application requesting financial assistance from the Texas Water Development Board – was presented. All voting aye. Nays none. RESOLUTION 2007-0038 ADOPTED.
22. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. RESOLUTION 2007-0039 ADOPTED.
J. Vance Lewis House - 1218 Wilson Street (aka 1408 Andrews)
Reverend Ned P. Pullum House - 1319 Andrews Street
23. RESOLUTION designating certain property at 1314 Andrews Street within the City of Houston as a landmark and protected landmark - (Rutherford B. H. Yates, Sr. House) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. RESOLUTION 2007-0040 ADOPTED.
26. ORDINANCE finding and determining that public convenience and necessity no longer requires the continued use of a portion of Tavern Street right-of-way (Parcel SY6-089)

located in the Dow Acres Addition, Houston, Harris County, Texas, containing 16,293 square feet of land, more or less; vacating and abandoning said tract of land to the Welkey 1996 Descendants' Trusts, abutting owner, in consideration of owner's payment to the City of \$40,733.00 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. ORDINANCE 2007-1080 ADOPTED.

27. ORDINANCE establishing the north and south sides of the 1600 block of Harold 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 D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-1081 ADOPTED.
28. ORDINANCE establishing the north side of the 1700 block of Harold 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 D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-1082 ADOPTED.
29. ORDINANCE establishing the north side of the 1700 block of Harold 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 D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-1083 ADOPTED.
30. ORDINANCE establishing the north side of the 1900 block of Harold 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 D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-1084 ADOPTED.
31. ORDINANCE establishing the north and south sides of the 1900 block of Harold 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 D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-1085 ADOPTED.
32. ORDINANCE establishing the north and south sides of the 1500 block of Hawthorne 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 D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-1086 ADOPTED.
33. ORDINANCE establishing the north and south sides of the 1700 block of Hawthorne 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 D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-1087 ADOPTED.
34. ORDINANCE establishing the north and south sides of the 1700 block of Hawthorne 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 D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-1088 ADOPTED.
35. ORDINANCE establishing the north and south sides of the 1000 block of Nadine 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. ORDINANCE 2007-1089 ADOPTED.
36. ORDINANCE establishing the north side of the 2300 block of Prospect Avenue 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 2007-1090 ADOPTED.

37. ORDINANCE establishing the north side of the 2300 block of Prospect Avenue 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 D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-1091 ADOPTED.
38. ORDINANCE establishing the north and south sides of the 2400-2500 block of Prospect Avenue 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 D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-1092 ADOPTED.
39. ORDINANCE establishing the north and south sides of the 1700 block of Sul Ross 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 D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-1093 ADOPTED.
41. ORDINANCE appointing Presiding and Alternate Judges for the Early Voting Ballot Boards, Central Counting Stations and Voting Precincts for the City of Houston General Election to be held on November 6, 2007, and any required Runoff Election; prescribing the maximum number of election clerks for each voting precinct; containing findings and other provisions related to the subject; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2007-1094 ADOPTED.
42. ORDINANCE approving and authorizing lease agreement between the City of Houston and **JACK IN THE BOX EASTERN DIVISION, LP.** for certain premises at William P. Hobby Airport Revenue - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-1095 ADOPTED.
43. ORDINANCE amending Ordinance No. 2007-1001, which amended certain provisions in Chapter 10 of the Code of Ordinances relating to junked motor vehicles, to correct a typographical error – was presented. All voting aye. Nays none. ORDINANCE 2007-1096 ADOPTED.
44. ORDINANCE approving and authorizing loan agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** to provide \$9,264,198.00 in Home Investment Partnerships Funds for the acquisition and rehabilitation of a single room occupancy housing facility located at 6311 Gulf Freeway - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-1097 ADOPTED.
45. ORDINANCE approving and authorizing Joint Funding Agreement between the City of Houston and the **UNITED STATES GEOLOGICAL SOCIETY** for Water Resources Investigations \$1,172,420.00 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-1098 ADOPTED.
46. ORDINANCE approving and authorizing contract between the City of Houston and **APPLIED BIOSYSTEMS NORTH AMERICAN SALES AND SERVICE** for Repair and Preventative Maintenance Services on Crime Lab Analytical Instruments for the Houston Police Department; providing a maximum contract amount - \$169,759.26 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-1099 ADOPTED.

47. ORDINANCE approving and authorizing Purchase and Sale Agreement between the City of Houston, seller, and **AVENUE COMMUNITY DEVELOPMENT CORPORATION, a Texas Nonprofit Corporation**, purchaser, to sell the former Fire Station No. 6, located at 901 Henderson Street (Parcel SY6-115), Houston, Texas, to purchaser for the purpose of preserving the historic building and converting the property to affordable rental housing for low-income households, in consideration of such preservation and use for low-income housing, and the payment of \$111,000.00 to the City by Purchaser - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2007-1100 ADOPTED.
48. ORDINANCE awarding contract to **JOMAR CONTRACTORS, INC** for Lighting Maintenance Services for the Houston Airport System; providing a maximum contract amount - 3 Years with 2 one-year options - \$4,446,891.63 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-1101 ADOPTED.
49. ORDINANCE awarding contract to **HEIGHTS TRANSPORTATION, INC** for Bus and Van Rental Services for the Parks and Recreation Department; providing a maximum contract amount 2 Years with 3 one-year options - \$825,750.00 - Parks Special Revenue Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-1102 ADOPTED.
50. ORDINANCE awarding contract to **GBJ, INC dba AFC TRANSIT** for Bus and Van Rental Services for the Parks and Recreation Department; providing a maximum contract amount 2 Years with 3 one-year options - \$415,605.00 - Parks Special Revenue Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-1103 ADOPTED.
51. ORDINANCE awarding contract to **DUPS INC** for Fuel Dispenser Repair & Automated Network Systems and Maintenance Services for Various Departments; providing a maximum contract amount - 3 Years with 2 one-year options - \$1,542,180.00 - General, Enterprise and Fleet Management Funds – was presented. All voting aye. Nays none. ORDINANCE 2007-1104 ADOPTED.
52. ORDINANCE appropriating \$46,807.68 out of General Improvement Consolidated Construction Fund for Emergency Purchase of Mold Remediation Services and Professional Air Quality Assessment and Air Monitoring at the Fifth Ward Multi-Service Center Library for the General Services Department, WBS D-000073-0083-4-01, D-000073-3-01 - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2007-1105 ADOPTED.
54. ORDINANCE appropriating \$5,000.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **PROJECT SURVEILLANCE, INC** for Street and Bridge Projects, WBS N-000780-0001-4 - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2007-1106 ADOPTED.
56. ORDINANCE appropriating \$8,171,386.83 out of Metro Project Commercial Paper Series E Fund, \$511,130.17 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Monroe Road Paving Improvements from Almeda Genoa Road to Fuqua, WBS N-000574-0001-4; S-000500-0060-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in

default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund; and the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2007-1107 ADOPTED.

57. ORDINANCE appropriating \$3,484,684.00 out of Metro Project Commercial Paper Series E Fund, \$243,035.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ISI CONTRACTING, INC** for the Paving Improvements of Long Point Road at Wirt Road Intersection and approaches, WBS N-000674-0001-4; S-000500-0059-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund; and the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. ORDINANCE 2007-1108 ADOPTED.
58. ORDINANCE appropriating \$840,400.00 out of Water & Sewer System Consolidated Construction Fund and awarding contract to **BOYER, INC** for Repair of Elevated Parking Garage located at 4200 Leeland Street, WBS S-000955-0002-4; 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 System Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-1109 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

8. RECOMMENDATION from Director Department of Public Works & Engineering for allocation and payment of funds for traffic signal operations and maintenance on the Metro Light Rail Traffic Signal System pursuant to the Operations and Maintenance Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** \$194,076.40 - General Fund - **DISTRICTS C - CLUTTERBUCK; D - EDWARDS and I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Clutterbuck stated that she continued to receive a number of complaints and concerns, and she herself had experienced significant delays and difficulties turning left, for example, at OST and Greenbriar where the signalization was especially beleaguered, that people could wait a tremendously long time and it would signal that a train was coming and there was none in sight and then the lights cycle off again and then it would signal again that a train was coming and yet again no train was coming, that she was going to vote against the item and would continue to urge a dialog with Metro about the signalization, especially as they looked forward to expanding the light rail, that they absolutely must make sure that they do not impair future mobility with light rail and their signalization, and Mayor White stated that he would ask Mr. Norman to make a note for him and if Director Marcotte and the Director for Transportation and also wanted Mr. Marcotte to get some reaction before this or get some very specific input from Metro, sort of like a report because there were repeated comments

concerning the signalization along that route and there was a back and forth, several years ago, that centered around a priority of safety along that line, that there had to be a way of doing both safety and mobility, that he would like an assessment from professionals of where they were on that. Council Members Edwards and Noriega absent.

A vote was called on Item No. 8. Council Members Clutterbuck and Holm voting no, balance voting aye. Council Members Edwards and Noriega absent. MOTION 2007-0984 ADOPTED.

PURCHASING AND TABULATION OF BIDS

20. **STAR AUTOMOTIVE WAREHOUSE** for Automotive, Associated Replacement Parts for Various Departments - \$2,119,355.20 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Members Johnson, Lawrence and Green. Council Members Edwards and Noriega absent.

Council Member Lawrence stated that she was trying to get some information, that she had found out that the companies involved in the delivery were from Houston, the company that got the contract was from Houston, that now they were not traveling 90 miles for delivery service for the MWBE, they were doing it within Houston, but they were giving the company that would pick up less than 50%, \$15,895.17 per year, for in Houston delivery service, that was a great salary, that was what she was looking into and needed a little bit more information on it. Council Member Edwards absent.

RESOLUTIONS AND ORDINANCES

24. **ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to subdivision and development; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause – was presented, and tagged by Council Members Wiseman, Johnson, Lawrence, Garcia, Holm and Clutterbuck. Council Member Edwards absent.
25. **ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the provision of Parks and Open Spaces; adding a new Division 7 to Article III; establishing the Park and Recreation Dedication Fund; containing findings and other provisions relating to the foregoing subject; providing for severability; providing an effective date – was presented. Council Member Edwards absent.

Council Member Clutterbuck stated that after everyone had offered their amendments she would be joining in the tags of the amendments as well as the main item, and offered the following written motions to amend Item No. 25:

Amendment No. 1

“I move that Sections 42-251 through 42-257 be amended in the following way – with the appropriate language to be drafted by the Legal Department:

- a. In calculating the amount of land to be dedicated, allow for as little as one half acre in urban areas and one acre in suburban areas
- b. Require written notice to the develop when the director requires fees in lieu of dedicating land and stating the reason for the decision. Allow for the director's determination to be appealed to the Director of Planning & Development.
- c. Allow for 100% credit for dedicated land, including private parks, greenbelts, links to other parks.

- d. Change the hold time for funds from developers to a three-year time period with two one-year extensions.
- e. All funds not expended in four years should be refunded to the current owners. The city should identify the current owners and make every effort to notify them of their right to a pro rata refund, tagged by Council Members Wiseman and Clutterbuck. Council Members Edwards and Garcia absent.

Amendment No. 2

"I move that Sections 42-251 and 42-257 be amended in the following way – with the appropriate language to be drafted by the Legal Department:

- f. To make the definition of PPDU 1.8 for multi-family and single family
- g. The fee in lieu of dedication shall be \$600 per dwelling unit, tagged by Council Members Wiseman and Clutterbuck. Council Members Edwards and Garcia absent.

Council Member Brown stated that he had passed out written amendments to Item No. 25 as follows:

- Amendment A:** (Under 42-257 Park land acceptance standards)
Add
(1) For actual dedication of park land on-site in an urban area: the minimum size of a park is one-half (1/2) acre
(2) For actual dedication of parkland in a non-urban area: the minimum size of parkland (on-site) is one (1) acre.
- Amendment B:** (Under Section 42-254 Deductions and credits)
The minimum percentage of parkland to be provided on-site, after payment in lieu of on-site, and off-site dedications, is 15% (subject to a minimum size of ¼ acre).
- Amendment C:** (Under Section 42-254 Deductions and credits)
The effective date of this ordinance is changed to January 1, 2008.
- Amendment D:** (Under Section 42-254 Deductions and credits)
Any increases by City Council of the \$800/unit payment in lieu of fee shall be limited to increases in the Consumer Price Index (CPI).
- Amendment E:** Within 4 months of the adoption of this ordinance, the administration will submit to City Council an amendment providing for the calculation of the total required parkland and open space based on a simple percentage of the tract area.
- For example:
Urban area: 3 acres minimum size, 12 % of tract area
Non-urban area: 10 acres minimum size, 15% of tract area
- Credits or reductions to be considered in the above may include reductions/credits for rear alley access to parking, and other considerations.
- Amendment F:** Appropriate illustrative diagrams and charts will be included in the

final version of the ordinance, tagged by Council Members Wiseman and Brown. Council Member Edwards absent.

Council Member Holm stated that she had a comment that was administrative, that when they received their backup, this particular week there were two items, Numbers 24 and 25, which were significant ordinances that they did not receive hard copies, that it would be really helpful when they receive the backup that one, she liked to have the official document in her hand to markup, and second, when things come out late it was really difficult for her to get to an intranet late or on the weekend, so if they could just have complete information so that they could be well equipped and informed it would be very helpful. Council Members Edwards, Khan, Alvarado and Berry absent.

Council Member Lawrence stated that she had a motion to amend Item No. 25 and moved that "Section 42-251 through 42-257 be amended to make the definition of PPDU 1.8 for multi-family and single family within the Loop", seconded by Council Member Khan, and tagged by Council Member Wiseman. Council Member Berry absent.

After further discussion Council Member Khan stated that he wanted to tag amendments offered by Council Members Clutterbuck, Brown and Lawrence, to Item No. 25. Council Member Berry absent.

Mayor White stated that Council Members Wiseman, Johnson, Lovell, Lawrence, Garcia, Holm, Alvarado, Khan, Green, Brown, Clutterbuck and Noriega had tagged Item No. 25. Council Member Berry absent.

40. ORDINANCE establishing the north and south sides of the 2300 block of Wordsworth Boulevard 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 C – CLUTTERBUCK** – was presented. Council Member Berry absent.

Council Member Clutterbuck moved to postpone Item No. 40 for two weeks, that there were several constituents that were out of town and would like to come and speak on it, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0985 ADOPTED.

53. ORDINANCE appropriating \$242,108.00 out of Water & Sewer System Consolidated Construction Fund and \$243,714.00 out of Homeless and Housing Consolidated Fund; approving and authorizing developer participation contract between the City of Houston and **EL TESORO DEVELOPMENT, LTD.** for construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of El Tesoro Subdivision, WBS S-000800-0101-4, R-000800-0101-4, & M-000800-0101-4 - **DISTRICT E – WISEMAN** - was presented, and tagged by Council Member Wiseman. Council Member Berry absent.

55. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **GEOTECHNOLOGY RESEARCH INSTITUTE** for Professional Consulting Services for Sustainable Development Program Design for Homes and Buildings in Houston, Texas; providing a maximum contract amount - \$2,000,000.00 – was presented, and tagged by Council Members Wiseman, Johnson and Holm. Council Member Berry absent.

59. ORDINANCE appropriating \$5,660,358.36 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three,

City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Gulfgate), Reinvestment Zone Number Eight, City of Houston (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), and Reinvestment Zone Number Eleven, City of Houston, Texas City of Houston, Texas (Greater Greenspoint Zone), and Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) for administrative expenses, payment of project costs, payments to Harris County, and certain redevelopment authorities as provided herein; containing provisions relating to the subject **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-01110 ADOPTED.

MATTERS HELD - NUMBERS 60 through 65

60. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to vehicle dimensions and the effects of operation on City streets; declaring certain conduct to be unlawful and providing a penalty therefor; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 56 on Agenda of August 1, 2007, POSTPONED BY MOTION #2007-805)** – was presented. Council Member Berry absent.

Council Member Garcia stated that they had been making progress on the item and there were still a few loose ends and moved to postpone Item No. 60 for 60 days, seconded by Council Member Wiseman.

After discussion by Council Members, a vote was called on the motion to postpone Item No. 60 for 60 days. All voting aye. Nays none. Council Members Lovell and Berry absent. MOTION 2007-0986 ADOPTED.

61. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2006 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2007 MTFP in map form – **(This was Item 4 on Agenda of September 19, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Khan, seconded by Council Member Brown. Council Members Lovell and Berry absent.

Council Member Brown stated that he supported the Major Thoroughfare Plan, that he thought their plan needed major revision and believed the administration was taking a lead with the Houston Mobility Plan, which was in progress and that they could begin to get at how to create the most efficient urban infrastructure possible. Council Member Berry absent.

A vote was called on Item No. 61. All voting aye. nays none. Council Member Berry absent. MOTION 2007-0987 ADOPTED.

62. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Valet Parking in the City; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; containing a savings clause; providing an effective date; providing for severability – **(This was Item 13 on Agenda of September 19, 2007, TAGGED BY COUNCIL MEMBERS EDWARDS and KHAN)** - was presented. Council Member Berry absent.

After discussion by Council Members, a vote was called on Item No. 62. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-01111 ADOPTED.

63. ORDINANCE approving and authorizing contract between the City of Houston and **BERLITZ LANGUAGES, INC** for Foreign Language Testing of Police and Fire Department Employees; providing a maximum contract amount - 3 Years with 3 one-year options - \$192,755.00 - General Fund – (**This was Item 31 on Agenda of September 19, 2007, TAGGED BY COUNCIL MEMBER KHAN**) - was presented. Council Member Berry absent.

Council Member Holm stated that she had some questions on the item, and that for the Police and Fire Department alone they were spending \$192,000 to test for bilingual, that she would like to tag the item to get some questions answered as to why they did not in house set up their own little department and do an objective and comprehensive analysis for everybody. Council Member Berry absent.

Mayor White stated to Council Member Garcia, on a related topic, when they do some report on the new program there were also another initiative to provide some bilingual training for all people coming out of that academy, but they would get that information to Council Member Holm, but part of that had to do with independent certification. Council Member Berry absent.

Council Member Edwards stated that she thought there was a need for at least businesses application languages for all front line staff, not necessarily learning the language but having a appreciation of the functional business application of the languages that they were primarily dealing with in the City. Council Member Berry absent.

Mayor White stated to Mr. Fontaine, that what would be good was if they had one or two people from the airline business and hospitality business where people did interact with commonly used words and phrases on some of the most commonly used languages, that if they had been to a hotel desk they would notice the proficiency of some people, that it was not that they were fluent in all of those languages that they hear them use, it was that they had some training to have some basic proficiency in those languages and it would be interesting for Houston to benchmark against Continental Airlines and a couple of the international flag hotel chains concerning the training that was available. Council Member Berry absent.

64. ORDINANCE appropriating \$380,731.00 out of Water & Sewer System Consolidated Construction Fund and \$321,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **GARC ENTERPRISES, LTD.**, for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Southridge Crossing Subdivision, WBS S-000800-0106-4/R-000800-0106-4/M-000800-0106-4 - **DISTRICT E – WISEMAN – (This was Item 37 on Agenda of September 19, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Berry absent. ORDINANCE 2007-1112 ADOPTED.
65. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Game Rooms; containing other provision relating to the foregoing subject; providing an effective date; providing for severability – (**This was Item 40 on Agenda of September 19, 2007, POSTPONED BY MOTION #2007-947**) - was presented. Council Member Berry absent.

Council Member Lawrence stated that she wanted to thank the district Council Member, that everybody had added a little bit and Legal had really gone through trying to create a ordinance in talking to Permitting and HPD, that she knew some of them had amendments today and hopefully they could pass Item No. 65 and offered the following motion to amend Item No. 65:

"I move to amend Item 65 as follows:

In Section 2 of the proposed Ordinance, amend the definition of "amusement redemption machine" to read as follows:

Amusement redemption machine means a recreational machine that provides the user with an opportunity to receive something of value other than a right to replay and in which credits, or the equivalent thereof, are accumulated when: a particular configuration of like symbols is displayed in a random fashion by the machine; symbols or numbers are matched to a randomly selected symbol or number determined by the machine; a combination of cards is arrived at and valued in a traditional hierarchy for purposes of poker; or a combination of cards is arrived at and points assigned for purposes of blackjack.

and

In the proposed Ordinance, amend Section 5 to read as follows:

Section 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the thirtieth day next following the date of its passage and approval by the Mayor. Council Member Berry absent.

Council Member Garcia stated that he had passed out some amendments; that he wanted to create an adverse financial impact towards the gaming industry and that was what his amendment was intended to do, that it was intended to tie the State permitting process to the City permitting process to the machine and making sure that people could not just move those permits and machines around at will and not be penalized for it and to just make it difficult for their police officers to do effective inspections and their inspectors to do good inspections, that his amendments were intended to tie that loophole down much tighter; that if these folks intended to put those machines out there then they were going to have to pay severely and make sure that they were paying the respective governmental entities for the permits on the issue and hopefully it would change the thinking of some of these folks on whether it was cost effective or not to do this type of business out there, that he wanted to thank everyone involved and particularly Council Member Lawrence for her good work.

Council Member Garcia presented the following written motion.

"I move to amend Item 65 as follows:

Amend Section 3 to read as follows:

Section 3. That Section 44-85 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- Sec. 44-85. Display and issuance of decal evidencing payment; penalties for noncompliance.
- (a) The decal issued by tax assessor-collector to evidence payment of the tax levied herein shall be securely attached with its own adhesive to be fixed, noninterchangeable part of the coin-operated machine so as to be easily seen by the public. This decal shall be of such a nature that the word "void" will appear if one attempts to remove it.
 - (b) During the period commencing on December fifteenth and ending on December thirty-first of each year, owners shall pay the occupation tax, register the machines taxed, and thereby receive a decal for each coin-operated machine to be within the city on January first. Prior to moving a registered machine to a new location, the owner shall submit in person a change of street address location form to the tax-assessor collector.
 - (c) If, during each calendar year, an owner desires to register machines in addition to the machines registered during the period from December fifteenth through December thirty-first, decals for such machines shall be issued upon registration of the machines and payment of the tax applicable to the calendar quarter in which such decals are obtained.
 - (d) It shall be unlawful for an owner to permit to be exhibited or displayed for commercial use any coin-operated machine which does not have properly attached thereto a decal evidencing payment of the applicable occupation tax.
 - (e) The owner of a coin-operated machine on which the tax has not been paid shall forfeit to the city as a penalty the sum of \$250.00. The penalty, if not paid, shall be recovered in a suit by the city attorney in a court of competent jurisdiction. A penalty assessed under this subsection is in addition to any other remedy authorized under this division.

and

In the proposed Ordinance, add a new Section 4, and renumber all subsequent Sections, to read as follows:

Section 4. That the last sentence of Subsection (a) of Section 44-83 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

Upon payment of the tax every owner shall register each machine by make, model and serial number, street address location with the tax assessor-collector or his designated agents."

After discussion by Council Members, Council Member Green moved to suspend the rules to extend the meeting beyond the scheduled noon recess to complete the agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0988 ADOPTED.

After further discussion a vote was called on Council Member Lawrence's motion to amend Item No. 65. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0989 ADOPTED.

A vote was called on Council Member Garcia's motion to amend Item No. 65. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0990 ADOPTED.

A vote was called on Item No. 65 as amended. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-1113 ADOPTED AS AMENDED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Alvarado stated that she wanted to thank Mayor White and all of the Department Directors and Council Members for being at the State of the District Breakfast held on Saturday, that she wanted thank the sponsors of the breakfast and to her staff who worked hard to put the breakfast together, which was a success. Council Members Johnson, Wiseman, Holm and Berry absent.

Council Member Alvarado stated that she was at Friday night's baseball game and one of their former staff member's, Jose Soto, proposed to Nicki Cooper, who also worked for the City, that she wanted to congratulate them both. Council Members Lawrence, Johnson, Wiseman, Holm and Berry absent.

Council Member Khan stated that the Mayor's Annual Ramadan Dinner would be on Saturday at the reflection pool at City Hall and everyone was welcome. Council Members Lawrence, Johnson, Wiseman, Holm, Noriega and Berry absent.

Council Member Khan stated that on Saturday the Ibn Sina Foundation was celebrating 100 years of the area Montessori, that there were two programs, one at 10:00 a.m. at the University of Houston Main Campus, Lynn Houston Park, and then a celebration and feast and culture show in the evening at Cullen Performance Hall, that everyone was welcomed to join. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Noriega and Berry absent.

Council Member Khan stated that last Saturday he went to the Houston Food Bank and was impressed with the people who were volunteering. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Noriega and Berry absent.

Council Member Khan stated that the Christian Community Service Center, a coalition of 37 churches in southwest Houston, were holding a donation drive to relieve poverty in the neighborhood, that last year they helped over 18,000 people. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Noriega and Berry absent.

Council Member Green stated that the next Budget and Fiscal Affairs Committee meeting would be on Tuesday, October 30, 2007 at 10:00 a.m. Council Members Lawrence, Clutterbuck, Holm, Noriega and Berry absent.

Council Member Green stated that this weekend TSU would be hosting their annual homecoming parade, that the activities would start this week and run through the week of October 7 through 13, 2007; that the University of Houston's homecoming was the week of November 10 through 17, 2007. Council Members Lawrence, Clutterbuck, Holm, Noriega and Berry absent.

Council Member Brown stated that he wanted to underscore Mayor White's efforts to increase the number of police officers in the City and had the statistics for the number of police officers per residents in the City of Houston compared to Los Angeles, that Los Angeles had one police officer for every 405 residents, that Houston had one police officer for every 431 residents. Council Members Clutterbuck, Holm, Noriega and Berry absent.

Council Member Brown stated that each Council Member came to the Council table with different backgrounds and they had a sense of purpose and it all becomes what he would call the alphabet soup of City Council. Council Members Clutterbuck, Holm, Lovell, Noriega, Green and Berry absent.

Council Member Brown stated that he had very positive experiences in his formative years in civic betterment dealing with the transformation of cities through planning, urban design, better codes and regulations and a lot of community and private sector involvement and a lot of hard work; that he wanted to close with a comment of rules and regulations having to do with the health, safety and welfare of the residents of their community, the exercise of police powers, which was a subject that they must deal with in the case of the 23 story high rise in South Hampton and similar disruptions in neighborhoods across the cities, that he wanted to make it clear that citizens had the right to protest and petition and coming to Council was a good thing, but when the rules were not sufficient they reverted to a default position of regulation by citizen protest and this was not fair to the homeowners nor to the neighborhood residents, that as evidence of it, and he was hearing it more and more, that the City Planning Commission was referred to as the City Variance Commission, and that was a signal that it was time to make some real changes, which he understood were on the way, but the absence of basic standards benefitted more affluent neighborhoods and penalized less affluent areas, that he thought it was a point that he and Council Members Johnson and Wiseman had been trying to make for the past year, that upscale residents had resources to hire expensive lawyers and "fight City Hall" or unwanted developers, while less affluent middle class and less affluent neighborhoods had few choices, was it fair, did the City not have the obligation to insure that all neighborhoods and neighborhood residents were treated fairly, that property owners and developers also needed to be treated fairly and equally, that it was not fair to impose retroactively more restrictive regulations, except perhaps in cases where an emergency in terms of health, safety and welfare of the larger community was deemed to exist, that he would add that this governing body had the responsibility and authority with due process to exercise those police powers for the common good. Council Members Clutterbuck, Holm, Lovell, Noriega, Green and Berry absent.

Council Member Garcia stated that a couple days ago Harris County Precinct 5 Deputy Constable Jason Norling lost his life in an unfortunate traffic accident while he was doing his job and asked for a moment of silence for Constable Norling and his family. Council Members Clutterbuck, Holm, Noriega, Green and Berry absent.

Council Member Wiseman stated that she wanted to echo the sentiments, to some degree, of her colleague Council Member Brown, that she found it disturbing as well when members of the City Council were alerting their colleagues and the residents of the City as to some very problematic procedures and ordinances where they were looking out or at least attempting to look out for the best interest of their existing communities and residents and they saw an impact that was negative and were trying to bring it to the attention of the City Council and trying to seek assistance in intervening and taking action that was for the benefit of the community, that it was disturbing to see that a deaf ear was turned and yet when it was a situation in, as Council Member Brown pointed out, South Hampton, suddenly the City Council wanted to take an interest in it; that she thought everybody knew how she felt about the development that was occurring in her district that they were participating in the funding of and in the instance of South Hampton they were not participating in the funding yet suddenly there

were some who thought that they should intervene and she personally objected to that. Council Members Clutterbuck, Holm, Alvarado, Noriega, Green and Berry absent.

Council Member Wiseman stated that with respect to law enforcement and the need for additional patrol, they certainly had them, that Lakewood Subdivision in Huffman, many people, even within the ranks of the City of Houston, were not aware that Huffman was in the City of Houston, and she had been making it known since she had been on the City Council, that she was hopeful that any additional patrols or officers that they would direct some of them to the Huffman area; that they had laws that were not being enforced because they did not have anyone out on patrol, that the neighborhood association had their insurance policy canceled for their swimming pool because teens kept breaking in late at night and taking destructive action and the homeowners association and residents call HPD but by the time anyone gets out there, there was nothing to find, that she supported her constituents and would ask Mayor White for some support that they were asking of him, that she had been asking for at least a storefront out there, that they were having to provide patrols out in Summerwood as well, that area was growing and because of a limited purpose annexation they had to provide police patrol out there as well and they were not getting the patrol either, that she thought it was important that any additional officers be provided citywide and not just areas that were getting attention. Council Members Lawrence, Clutterbuck, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she wanted to pass a word of thanks from a constituent with regard to the work that was done by Public Works, that the constituent needed repair of a storm drain in front of his driveway, her office worked very quickly and promptly with Public Works and combined the results were very satisfactory to the constituent and the constituent named the Public Works employees by name and she wished to pass those along as well and offer her thanks to Public Works to Oscar Sosa, Larry Young, Clarence McCardell, Jaime Martinez, Chi Von Ly, Reginald Green Herbert Bower and her office staff. Council Members Lawrence, Clutterbuck, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that on Monday there was a townhall meeting at Galilee Baptist Church for the Acres Home Community concerning many things that had been taking place, in particular the body of another young lady being found, that people were expressing a lot of concerns and he thought because of the turnout they were in the process of putting more officers in the streets, that he encouraged his community, as the Chief asked, who would be willing to do citizen on patrol units, there was an overwhelming response to that. Council Members Clutterbuck, Holm, Alvarado, Lovell, Noriega, Green and Berry absent.

Council Member Johnson stated that he and Mayor White had talked extensively about sweat equity and the meaning of bringing community based organizations and churches together to start manning the properties that had become over burdening to the City, that he thought the sweat equity program was at a time where they start to allow those types of communities to take actions into their own hands in maintaining the properties so that at least it would not be one of the reasons that they thought criminals were coming into the Acres Homes Community. Council Members Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that on Saturday they would be organizing community groups from across the Acres Homes Community and the City to get more training on Equa Search so that they may be able to go about the community and look at different ways in which they could start cleaning up the community; that on October 13, 2007 there would be another community cleanup, that it would start at the Acres Homes Community Center at 9:00 a.m.; that

he would encourage all to come out at 9:00 a.m. at the multi service center to get information about Equa Search and more training. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that her good friend, Martha Diaz, Precinct Judge of Precinct 2, in the Old Sixth Ward, passed away, that she was very saddened by the news, and was grateful to have known her and been her friend, that to her family and to the Old Sixth Ward they wanted to convey their condolences. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she had brought up the subject before about what was happening in her neighborhood, the Montrose, which was being transformed into a very completely different neighborhood, and which they were happy about, but the density that was coming in and they had talked about traffic impact and she thought she had asked the Mayor if they could do something so they could start controlling some of the traffic flow and congestion, which would encourage developers to come but protect the quality of life of the neighborhoods, that it was raised by a fellow Council Member and sort of inferred that while they were doing something about South Hampton they were not doing anything about any other neighborhoods and she disagreed that they were doing something about South Hampton simply because it was a rich neighborhood, that she believed they were doing something about South Hampton because in that particular part of Houston, and it was not just South Hampton, it was really about a one to two square mile area, the density that was coming and proposed, they needed to do something about. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that several months ago Council Member Lovell raised at the Council table something that spurred an action which he and Mr. Icken, in parallel, had talked about, which was the significant number of applications for high rise development, roughly between the Central Business District, south along Main Street all the way west to approximately 610, that he followed up with the Director of Public Works on that and highlighted that it was a very serious concern and they had to do stuff different than they had ever done, that he did not put vertical suburbs, that he could go back and show them where a number of people had advocated for some time that it would be desirable to have denser development as they improved Houston, but people wanted to live closer to where they worked and he would say to them that in part in response to that every single one of these things, that dealt with high rise, that Mr. Icken and ultimately him, were going to make some judgments about vertical structures and their impact on traffic, that he agreed with Council Member Edwards, there was nothing wrong with citizens reacting, but the issue and the response back to May in the project was that the Mayor and the City Council and the Public Works Department had very serious questions about traffic impacts. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to make it clear that she knew when their bikes were stolen it was a very serious thing, that she did not want officers not to chase people that were stealing bikes, but she questioned the amount of force that was used to go after someone while there were so many cars chasing one she was wondering how many were being stolen out of neighborhoods where the officers could have been on patrol. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that early voting starts on October 22, 2007 and she encouraged everyone to go out and cast their vote. Council Members Johnson, Clutterbuck,

Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that today they had at least four amendments to standing ordinances, or ordinances that were or would be in place, that the way that they get ordinances change was to write an amendment to that ordinance and submit it, that she would encourage any Council Member who would like to see a change in an ordinance to write the amendment with the help of the Legal Department or the department they were looking to do it with and submit the amendment. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that there were several ministers present at the public session along with Captain Moore from HPD speaking on the Copper Ordinance and what Captain Moore said was that he did not have staff for enforcement, and she found it unbelievable but he said he needed at least five people and had none, that she thought when they voted for the ordinance that they talked about budget and staffing impact and what the impact would be to make the ordinance work, and asked Mayor White if he could check on it and speak with Captain Moore. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had passed out a handout that gave information on the MLK statute, that along with the Hermann Park Conservancy the District D office had amassed the funds and commissioned a 6 foot statue of Dr. Martin Luther King to be installed in the Hermann Park area and would be installed on December 1, 2007, that they had a wide variety of donations from citizens and it was not costing the City anything, that the Hermann Park Conservancy would do the maintenance of the statue, that it was being done by a sculptor who was well known and had done probably most of the MLK statues around the Country, that on December 1, 2007 at 11:00 a.m. they would have the installation process for the City of Houston to honor Dr. Martin Luther King. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank her office staff, Susan Christian, Artista, Public Works, HPD and Precinct 7, who had helped them over the years to develop the Chocolate Bayou Festival, that with the festival they had given scholarships in the last four years to 60 students in the amount of \$60,000, that they were very proud of that, that it had been done with sponsorship from corporate sponsors and community people, that they were hopeful to bring back the Chocolate Bayou Festival in 2008, that on Tuesday night, October 2, 2007 they had 15 students that they awarded scholarships again to based on the festival, that they had an awesome time at Artista's. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she did not want it to be a competition between departments when they were looking at public safety, that what she would like for Council to resume the responsibility for the delegation or the distribution of funds in a way that was equitable and met the service needs of the community, that how they would do that, there were probably a lot of models and plans but all she was asking for was if they were going to use the money then they needed to know where the money was going. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to say thank you to so many outstanding City employees that made this weekend possible at the Hayden Park dedication,

that she could not name them all, they had over 400 people sign in, that it was a great event. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that to the constituents who lived in the far northwest of District A that they would be having a townhall meeting on crime Thursday night at Durham Elementary at 6:30 p.m. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that as to the Copper Ordinance, last Friday she sent a person in her office out for 8 hours because she wanted to be sure that what they were hearing from some of the metal people was true, what problems were they having with the ordinance, that Dan McCardy from her office stayed out there for 8 hours and counted trucks, he counted 313 trucks that came in, there was no way they could tag every item off of 313 trucks, especially when some of them were just little strips of tin, and a lot of things like that, that she had already talked to Legal and knew that Council Member Garcia was meeting with some of those people who were having a tremendous amount of problems of storage, they could not expand to keep 72 hours on some products, that they were going to look at maybe copper and various things that she suggested that they keep the 72 hours and label. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that the committee that Mayor White created and that she chaired, which took in neighborhood protection and development regulations, did more in one year than most mayors had done in 8 years and she wanted to thank him, that there were so many things that they were working on and they were not out there talking about it until they had something to bring to Council. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:16 p.m. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, 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

Anna Russell, City Secretary