

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 30, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, 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; Mr. Xavier Herrera Citizens Assistance Office; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director present. Council Member Jarvis Johnson absent due to being ill. Council Member Addie Wiseman absent on personal business.

At 2:01 p.m. Mayor White called the meeting to order and stated that Council Member Garcia would begin presentations; and Council Member Garcia stated that it was always important to support local teams no matter how bad things were going, and invited representatives from the Houston Dynamos to the podium, that the Houston Dynamos were on the verge of a repeat for the World Championship; that last year they came to Houston and won it all and now were on the verge of doing it again, they were in the playoffs; and presented a Proclamation proclaiming October 30, 2007, as Houston Dynamo Dream, Scream, Believe Day" in Houston, Texas; and Coach Dominic thanked all for the recognition and support of everyone and presented Mayor White with an autographed ball and jersey. Council Members Clutterbuck, Holm, Alvarado, Brown, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that learning citizenship skills made people better partners with the city they called home and invited the graduates of the 2007 Neighborhood Leadership Day to the podium, the city was in need of an aggressive group to take on leading, developing, planning and building this city and she congratulated the Planning Department for putting together a process by which interested citizens could learn those skills and presented a Proclamation proclaiming October 30, 2007, as 2007 Neighborhood Leadership Institute Day" in Houston, Texas. Council Members Alvarado, Lovell, Green and Berry absent.

Mayor White stated that this was a special day for recognition for citizens who he relied on to represent this city and he could not think of a group of volunteers who had a greater impact on his ability to do his job and invited the Mayor's International Affairs and Development Council to the podium, that the city needed to maintain its presence before the international community and he and Council were able to run the city more efficiently as some citizens stepped up and represented them and presented Certificates of Recognition to those present for their contributions. Council Members Edwards, Lovell and Berry absent.

At 2:25 p. m. Council Member Garcia led all in prayer and in the pledge. Council Members Edwards, Lovell and Berry absent.

At 2:27 p.m. the City Secretary called the roll. Council Member Johnson absent due to being ill. Council Member Wiseman absent on personal business. Council Members Edwards, Lovell and Berry absent.

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

Council Member Khan moved the rules be suspended for the purpose of hearing from Mr. Jeff Caynon at the top of the three minute Non-Agenda speakers, seconded by Council Member Garcia. Council Member Lawrence voting no. Balance voting aye. Council Member Johnson

absent due to being ill. Council Member Wiseman absent on personal business. Council Members Edwards, Alvarado, Lovell and Berry absent. MOTION 2007-1065 ADOPTED.

The City Secretary began calling the public speakers. Council Members Edwards, Alvarado, Lovell and Berry absent.

Ms. Susan Hillard, 1728 Banks, Houston, Texas 77098 (713-818-7806) had reserved time to speak but was not present when her name was called. Council Members Garcia, Alvarado, Lovell and Berry absent.

Ms. Stephanie Malo, 1636 South Boulevard, Houston, Texas 77006 (713-524-8944) appeared and stated that she was present to speak on the Ashby High Rise and amendments being considered by Council would help insure new high-density multi-family development projects located on two lane, two way streets and would not impose on traffic impacts of the surrounding neighborhood; that it would help neighborhoods all across Houston; urged its passage; and asked all those present in support to stand to be recognized. Council Members Garcia, Alvarado, Lovell and Berry absent.

Council Member Clutterbuck thanked Ms. Malo and all others present and who had come previously to express their concern of the status of the ordinance and who urged the passage of reasonable development. Council Members Garcia, Alvarado, Lovell and Berry absent.

Mayor White thanked Ms. Malo and all those present for coming and stated that he thought there were people outside the neighborhood who had the wrong impression Council would adopt something that would not be applicable throughout the city and everything he did there was a reason he did it with general applicability throughout the city and this was no different and the ball was started on this in February when Council Member Lovell drew attention for the second time there was a high concentration of high rise, high-density developments in areas which could cause significant mobility problems and following that new procedures were started in Public Works then finding a loop hole continued, but he wanted to clear the air for those who said this neighborhood was seeking special treatment; that the Planning Commission and Council Member Lovell had said the issue needed to be looked at and they had begun adopting new plans and procedures. Council Members Garcia, Alvarado and Berry absent.

Council Member Edwards stated the issue had be a salient issue since she had been on Council and on behalf of many neighborhoods she wanted to say thank you for their leadership in helping bring it to the light. Council Members Garcia, Alvarado and Berry absent.

Mr. Jim Reeder, 1802 Albans Road, Houston, Texas 77005 (713-528-1802) appeared and stated that he was a lawyer and resident of South Hampton and representing those in his area as well as those in the City of Houston; that they wanted to express gratitude to all who had helped with the amendment to Chapter 45; and applauded and urged adoption of the proposed ordinance. Council Members Lawrence, Edwards, Khan, Garcia and Alvarado absent.

Council Member Clutterbuck thanked Mr. Reeder for being present and participating in revisions to the ordinance; and thanked Mayor White for allowing such a broad spectrum of participants. Council Members Lawrence, Edwards, Khan, Garcia and Alvarado absent.

Mayor White stated that some things people did not witness at City Hall because they were not covered by media, there were a tremendous amount of raids on cantinas and after hour bars which disrupted neighborhoods; took down over 2,000 abandoned structured; foreclosed over 1,000 blighted lots; shutdown two dilapidated apartment complexes, etc., and all

at a precedent pace; and they started working on this item long before they heard of this particular project, but he did want them aware no one wanted multi-family near them and there was existing multi-family use and the footprint and height may differ from what it was today, but they would do exactly what they said in looking at traffic impact; and Mr. Reeder stated that it was transparent and they did applaud it. Council Members Lawrence, Edwards, Khan, Alvarado and Berry absent.

Council Member Lovell stated that she did start discussing development going on in that area in January or February and there were fine developers in this city, but this was accelerated because those two developers would not discuss it with the neighborhood and she appreciated this. Council Members Lawrence, Edwards, Khan, Holm, Alvarado, Brown and Berry absent.  
(NO QUORUM PRESENT)

Ms. Jane Cahill, 2112 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and stated that she lived in the Old Sixth Ward (Protected) Historic District and agreed with Mayor White's proposed amendment to Chapter 45 to allow the city to measure the traffic impact of proposed development, however, the city should be able to undertake this analysis for all new development and not just in narrow circumstances to which the proposed amendments would apply, the proposed amendments would discourage high rise residential development in favor of alternatives despite the fact alternatives may just as adversely impact traffic on surrounding streets and quality of life; that Chapter 45-163.3 should be amended to omit the words "with two way traffic" and also the proposal to allow appeals only from the director's determination that there existed a significant adverse traffic impact and not from any condition the director imposed to mitigate the impact seemed to give the director an inordinate amount of power at the expense of the Council and the Planning Commission which could adversely affect either body in the appeal process. Council Members Lawrence, Edwards, Holm, Alvarado and Berry absent.

Upon request by Council Member Brown, Ms. Cahill stated that she would get a copy of her statement to him. Council Members Lawrence, Edwards, Holm and Alvarado absent.

Upon questions by Council Member Garcia, Ms. Cahill stated that the property at Houston Avenue and Memorial was back on the market and being marketed for a mid-rise to high rise development and because of the configuration of the streets the traffic study would not apply; and Council Member Garcia stated that he made reference to the inner Loop condos and had not heard back from Public Works whether this would provide the same protection there and he was looking to this ordinance to provide that protection; and Mayor White stated that this was his point, they meant what they said and this was not an ordinance designed or drafted to prevent change adjacent to neighborhoods, they would be dealing with an issue and this ordinance did apply to developments that were currently drafted in the Heights under the current building code standard of under seven stories, but if several people wanted to build a tall house, they were not regulating building height, they were regulating traffic impact and Ms. Cahill raised an issue and he would say with each developer when high rise came through they would check the traffic impact and he would not give a tax break to build it, but that was not to say other Council Members may want to amend it. Council Members Lawrence, Edwards, Holm and Alvarado absent.

Council Member Lovell stated that they talked of traffic impact analysis and access management and knew they were moving forward and she hoped it would be at a quicker rate; and Mayor White stated that it would be at a slower pace; that on access management, coming with something which related to a built environment it was more difficult than Greenfield development because you would come up with stranded parcels, etc., it would not be one size fit all and they would have to use the planning Commission and others and secondly, was traffic impact analysis and they did not have the human resources or the professional analytical tools

which gave figures you could plug in, it would take a longer time to do, but they were not abandoning it. Council Members Lawrence, Holm, Alvarado and Berry absent.

Council Member Clutterbuck moved that the rules be suspended for the purpose of hearing from Mr. Albert Ramos after Mr. James Dunlap, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Member Wiseman absent on personal business. Council Members Lawrence, Holm, Alvarado and Berry absent. MOTION 2007-1066 ADOPTED.

Council Member Noriega moved the rules be suspended for the purpose of hearing from Ms. Marie Flickinger, Mr. Fred Roberts, Mr. Steve Ford and Mr. Dwayne Henson after Mr. David Flickinger, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Member Wiseman absent on personal business. Council Members Lawrence, Holm, Alvarado, Green and Berry absent. MOTION 2007-1067 ADOPTED.

Council Member Noriega moved the rules be suspended for the purpose of hearing from Ms. Linda Mercer after Ms. Mary Ann Smith, seconded by Council Member Khan. Council Member Edwards voting no. Balance voting aye. Council Member Johnson absent due to being ill. Council Member Wiseman absent on personal business. Council Members Lawrence, Holm, Alvarado, Green and Berry absent. MOTION 2007-1068 ADOPTED.

Mr. James Dunlap, 1659 North Boulevard, Houston, Texas 77006 (713-522-3974) appeared and stated that he and his wife lived two blocks from the proposed tower on Ashby and Bissonnet; that their neighborhood was 85 years old and the Ashby tower was incompatible with the surrounding neighborhoods on two lane streets and surrounding national institutions such as Medical Center, Hermann Park, etc., Houston competed globally and they must protect and enhance all Houston neighborhoods; and urged adoption of the proposed ordinance. Council Members Alvarado, Lovell, Green and Berry absent.

Council Member Brown thanked all who came in support of the ordinance and stated that it was a great team effort and he felt they could have confidence Council would act accordingly. Council Members Holm, Lovell, Green and Berry absent.

Council Member Khan stated that he appreciated his presentation and hoped he would lend his time to the city; and upon questions, Mr. Dunlap stated that it was all issues of quality of life which made a city and most importantly the people and when businesses were looking to make an investment and hire people they were in an international arena and everything from parks to education had to be addressed. Council Members Lovell, Green and Berry absent.

Mayor White stated that he had valued Mr. Dunlap's advice for years and he would say that he agreed with much of what he said and next week they would be dealing with not some elected officials view of compatibility or neighborhoods view of compatibility and to preserve the idea they were not a city segregated by income or who got here when they tried to encourage the ability of consumers to have choices to buy where other people had purchased; that the Heights wanted it so then current multi family housing was down, there could no longer be multi family housing, but they did not agree with that thought they would not allow something which would dump 2,000 trips out onto a two lane street and clog traffic for the entire city. Council Members Lovell, Green and Berry absent.

Mr. Albert Ramos, 2330 Robinhood, Houston, Texas 77005 (713-248-7681) appeared and stated that he supported Council adopting the ordinance for Chapter 45 and urged considering

the impact of traffic on safety of fire and police, the infrastructure did not support all the extra cars on Ashby. Council Members Lovell, Green and Berry absent.

Mr. David Flickinger, 11555 Beamer, Houston, Texas 77089 (281-484-4337) appeared and stated that last week they were present addressing the Regency Apartments proposed development and Council's two main points was notification and whether they attended hearings, but the two points coincided, presented for the developer was a list of organizations, etc., who were notified and none were in the right area and their state representatives were notified of Regency's intent, they were not notified of any hearing dates; that the development was to be at the Beltway 8 and the Gulf Freeway and some notified were at Beltway 8 and 59 and at 290 and Beltway 8 so no one with an interest in this was notified. Council Members Khan, Alvarado, Lovell, Green and Berry absent.

Upon questions by Council Member Lawrence, Mr. Flickinger stated that it was not that they did not want them there, but there was no infrastructure, the school district and communities were not notified, would like security and would like restrictions on who did cause problems. Council Members Khan, Alvarado, Lovell, Green and Berry absent.

Mayor White stated that he believed a representative for the developer was present and they may want to have dialogue, first, he knew that he and Marie were genuine community and spoke for more than themselves and second, he believed it was the lawyer or representative of the developer who had the responsibility for doing proper notices and they should not charge their client for that time because doing something based on zip code, if they just checked a web site to notify civic clubs people were not perfect for listings but they should find out where they were and someone should review the bills on sending out notification to the right neighborhoods and maybe also find someone who could send it to the right neighborhoods and third, this had caused a review of the city processes to make sure contact information for civic clubs was information people could have; that there was stale information on a city website and it may be a former director of Planning had a lot in his head but that was not the way to run a city and there should be a place where community organizations were, but that did not relieve the developer from notifying the civic clubs; and he hoped they would sit with the developer representative and address things, but he would say this type of funding to build higher quality projects, subsidized by the federal government was a rare opportunity and he would be coming up with procedures for citizen comment on the tax credit projects. Council Members Lawrence, Clutterbuck, Khan, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mayor White stated that civic clubs were listed and notified and were no where in the area, they were picked by zip code, but that could be a mailing address of a manager in the zip code, but the Super Neighborhood information was on the website and correct, but there were flaws in the notification process. Council Members Clutterbuck, Khan, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Mayor White stated that the school district was notified and numerous entities were by certified mail; that in the case of Super Neighborhood 80 the gentleman said it was there; and Mr. Flickinger stated that a specific person was not listed for contact, but they contacted the person listed in Regency's information and they said there was an E-mail address which was essentially their E-mail address and not contacted, the E-mail was his office; and Mayor White stated numerous notices went out; and Mr. Flickinger stated that as for the school district and state representative they were never told of hearing dates, only that hearings would be held at a future date to be set. Council Members Khan, Alvarado, Lovell, Green and Berry absent.

Ms. Marie Flickinger. 11555 Beamer, Houston, Texas 77089 (281-481-5656) appeared, presented information and stated that her information showed the maps to where notice was delivered and her concern was the notification as no subdivisions near the site were notified and it happened because of a maintenance group operator and when she had asked the person for the developer to let her meet with them she did not and in Council last week said she had worked it another way, but clearly this was blatant and neither did the school get information. Council Members Khan, Alvarado, Lovell, Green and Berry absent.

Mayor White stated that on the last issue he was not sure; and Ms. Flickinger stated he could tell because the developer sent the document to Council Member Wiseman and she attached it to all E-mails she sent the Mayor and Council Members and they showed all documents and in the May 8th document signed for it said a hearing would be set at a later date and in their own document it showed no other correspondence going out; and Mayor White stated that first there was Google Earth, key maps, etc., and you could see what was in the vicinity and they should have a check list and he considered it to be inexcusable since it was required under state law; and second, it was good there were people like her who would walk through walls and there was credibility and they did hear the school district and they took into account some comments; and present was the developer and he would ask that he meet with Ms. Flickinger here on some of the issues which were raised and legitimate issues such as after school and tutoring issues and policies concerning eviction; and Ms. Flickinger stated that she knew this was late but did think it could be worked out and they wanted someone willing to work with the community and that was what they were asking. Council Members Khan, Alvarado, Green and Berry absent.

Council Member Clutterbuck stated that she brought to attention last week that the notice was sent out to Brayburn Valley West and that was in District C and she never heard of the project, but the project was not in her area and it was a puzzle that anyone near 290 and the Beltway or 59 and the Beltway would be notified. Council Members Khan, Alvarado, Green and Berry absent.

Council Member Edwards thanked Ms. Flickinger for her persistence and for bringing clarity to a process obviously flawed and stated that she would still be hopeful she and the developer would come to an agreement on how to go forward; and Ms. Flickinger stated that she would like to be able to help review whatever process he came up with. Council Members Alvarado, Green and Berry absent.

Council Member Garcia stated he would like to know how could they quantify legitimate civic organizations; and Mayor White stated that there would continue to be civic club meetings where a few showed up and some where many showed up but did not reflect those in the neighborhood so they were not going to do a grading of civic clubs, but he would send out something to all Council Members and Ms. Flickinger and others as to what they could do to keep the directories up as much as possible, but in this particular case there were rules and regulations of the Texas Department of Housing and Community Development and obligation to give civic community organizations certain notice and he would say no one person made as much as the hourly rate of the attorney on this and that attorney had responsibility to get the facts and they could teach them if they wanted; that they fought hard to get money so they could get apartments of nice quality and fairly expensive to build with amenities for affordable wages and they did not want to lose that and there were certain areas where they would look at this particular area with scrutiny in the future when applications came and it should go before a committee who did have a check list. Council Members Alvarado, Noriega, Green and Berry absent.

Mr. Fred Roberts, 11923 Kirkway, Houston, Texas 77089 (713-269-9674) appeared and stated that he was the school board trustee from Pasadena and present to validate what was said, they were notified there would be a hearing but not of the hearing; and last week Council Member Berry said they should go to hearings but they were not notified of hearings and it was hard for them to be in their seats when they were not given correct information. Council Members Garcia, Alvarado, Noriega, Green and Berry absent.

Upon questions by Mayor White, Mr. Roberts stated that the school district showed they received one letter, he thought it was June 14th and the school board president said she never received a letter; and Mayor White stated that he did have the federal express and would like them to look at who signed as he wanted to get to the bottom it; and Mr. Roberts stated that they only received one; and Mayor White stated to Ms. Stein to help him on this because he thought this was resolved, there were two letters May 7th and additional letters June 14th sent June 22nd and both sent to the ISD superintendent and the board president; that he wanted them both to have good information; and Mr. Roberts stated that he would like to see it. Council Members Garcia, Alvarado, Noriega, Green and Berry absent.

Mr. Steve Ford, 1800 Bering #501, Houston, Texas (713-334-5514) appeared and stated that he represented the Regency Apartments and wanted to address the notification issue because it was now a bigger issue than crime and traffic, etc., they were obligated under two programs to make notification and it was not an easy process, but without notification they would be kicked out of the program so they did not go to any trouble not to notify anyone and they always showed up and were very vocal. Council Members Garcia, Alvarado, Noriega, Green and Berry absent.

Upon questions by Council Member Clutterbuck, Mr. Ford stated that all Council Members were notified so she was notified even though it was no where near her district and they were to also notify every civic club they could find out about within a certain distance of the property; and Council Member Clutterbuck stated those notified were a long ways from the property; and Mr. Ford stated that he understood and that happened unless he was in a very small town; and Council Member Clutterbuck stated that was why they were looking at this now because those directly affected did need notification; and Mr. Ford stated that there was no intent to hide, they put out many signs and told many people and they notified the state representative and Council Member twice and normally at their meetings they would make a point to ask those in the district if there were concerns; that there were many meetings in Council Member Garcia's district and they were not all pleasant, but were reasonably successful and in Council Member Khan's district as well; and if notifications were perfect other issues would be the issue. Council Members Garcia, Alvarado, Noriega, Green and Berry absent.

Mayor White stated that Council Member Edwards at a previous meeting highlighted a need for several individuals who had to be very knowledgeable about the city, the function of city hall, geographically and capable of dealing with citizen groups who would essentially work within the Planning Department and who would be responsible for issues of public notice concerning development coming into the community and her point was so good within about six weeks after he approved a job posting just for that but it took time to hire the right people. Council Members Garcia, Alvarado, Noriega, Green and Berry absent.

Council Member Edwards stated that it was about finding the solution not being right and she was excited to know a flaw was found in the system and it was now how to be corrected and here she had two issues, one, to correct the flaw and two, how to move the process forward and as chair of the Housing and Development Committee he could be sure she would look into the issue of notification and she appreciated the opportunity to correct any gaps in process. Council Members Garcia, Alvarado, Noriega, Green and Berry absent.

Council Member Khan stated that he wanted to share with his colleagues projects he had done in Southwest Houston, they never heard of lack of notification and based on input he received or lack thereof he could vouch he was a responsible developer; that he had received one page from him which said the project would have 50 to 100 students and other developments were going up with 1,000 students; and Mr. Ford stated that a subdivision adjacent to their site now had 100 homes and was scheduled to have 300 homes and across the freeway a subdivision went in with 300 to 400 homes, from looking he would say they were in a more affordable range, but maybe not for his clients, but they were smaller lots and there would be another 1,000 units probably within a mile of his property of single family and he did not know if any had received opposition, but his curiosity was that if his complex would create such a burden what notices did the single family neighborhoods promote and how did the school react to that as 400 to 1,000 homes with three bedrooms or greater would have more impact on the school district than a 250 unit apartment complex with many one bedrooms. Council Members Clutterbuck, Garcia, Alvarado, Noriega and Green absent.

Mayor White stated that he did have notices to both the school board president and chairman of the school board, one dated May 7th and another dated June 14th and also had the overnight delivery slips and signatures of those who signed, but Ms. Flickinger pointed out the notice talked of a hearing and referred people to a website and the second said development would be ready for occupancy by December 2008 and again referred people to a phone number and website. Council Members Clutterbuck, Edwards, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that from what other Council Members said he was building a good complex and his integrity was not doubted here and she would apologize on behalf of the city for the mistakes they made; and she wanted to know what could be done to not lose the money and yet have a meeting to make this right, it was to be voted on tomorrow; and Mayor White stated that because Council Members themselves were in a good position to know their communities a lot of times a Council Member would meet with developers and then meet with constituents and hold hearings and basically elected officials were in a good position to do that, but there were specific comments made about after school and tutoring programs and the developer would not be able to change the school financing formula but he would ask the developer to meet with Ms. Flickinger who had the ability to get with civic groups, he would ask them to talk on the tutoring program; and Mr. Ford stated he would do that; and Mayor White stated that also mentioned was policies regarding misconduct by tenants; and Mr. Ford stated that they were not tolerated; and Mayor White stated that he would like him to also respond to that with Ms. Flickinger. Council Members Clutterbuck, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that he also made calls and research on his operation and how they did it and asked why they did not see more of such housing projects and he was relieved to say apparently in the Real Estate Community Mr. Ford had a good name, he and his partner, and they apparently put a good product on the ground, but what troubled him was he did not want the message to be if you go to Houston Council and comply with laid out rules they would then pile extra responsibilities on him; that as it worked the private sector built houses and the public sector educated and they did want them to communicate, but as he pointed out there was no community he heard of asking for someone like him to come in and build, but he was glad he did what he did and he would like the message spread they wanted this in the City of Houston because residents deserved it and the market was there and he would be happy to vote for this. Council Members Garcia, Alvarado, Lovell, Noriega and Green absent.

Council Member Edwards stated that she wanted the issue of notification to be addressed and there were several levels, she wanted to know who notified who when, who knew what, when and where so she could understand what was broken before she tried to fix it; and Mayor White stated that it generally, in this case, had to do with Super Neighborhoods and civic club organizations, and he would say the Administration at the request...; different Council Members do things differently, and as he said earlier they needed someone in the Planning Department with a source of information. Council Members Lawrence, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Dwayne Henson, 1800 Bering #501, Houston, Texas 77057 (713-334-5808) when called stated that he would pass. Council Members Lawrence, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Mary Ann Smith, 13918 Kensington Place, Houston, Texas 77034 (281-481-4753) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Linda Mercer, 5807 Kansas, Houston, Texas 77007 (713-542-5071) appeared and stated that she lived in Cottage Grove, a neighborhood nearly 100 years old, about five miles west of downtown Houston and was a volunteer at the local elementary school and member of the school's decision making community; that the neighborhood's population was growing every week and many had preschool children, however, they were now concerned about the impact of losing their historic school first established in 1914; that HISD had now included Robert Lewis Stevenson in a very short list of schools considered for consolidation and properties considered for surplus and since that day they attended HISD and townhall meetings and their intent was to see that Robert Lewis Stevenson remained a viable asset for Houston; that generations of families investing in Cottage Grove may leave if the school was closed; and urged any reconsideration that their urban school be valued as an asset. Council Members Lawrence, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he routinely voted for school bond elections, but he would say when he was asking questions shortly after the HISD bond issue he had two specific questions and one concerned the tax rate which he did not think needed to go up to service the bonds and he was provided detailed information and the school agreed with him and his second question was criteria used, the numerical and quantitative criteria for decisions to consolidate enclosed schools and he thought she did raise a legitimate issue on school closure, it should be public and transparent and they should know the dollars and cents and logic of the decisions and he was waiting for the information and once received he would publicize it. Council Members Lawrence, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Mary Ann Smith, 13918 Kensington Place, Houston, Texas 77034 (281-481-4753) was now present, recalled and appeared and stated that she was present regarding the Regency Apartments; that she had a daughter with autism and now operated four businesses from her home so she could home school her; that in 2005 her neighborhood was unaware the apartments being built across the street was for people suffering from multiple afflictions including alcoholism, AIDS, mental retardation, etc., but she became involved when she saw notice of a shopping center to be built with a liquor store a few yards away from alcoholics and feet from where children played and with Mayor White's and Council Member Wiseman's help they were successful in preventing this from happening; that they were still plagued with flooding and high crime; that she was now very assessable and still was not informed of the

Regency Apartments. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. Smith for her civic involvement and pictures of the park she gave him were being put into the system along with the vacant lot and he had already asked the Parks Director to look at it and report back to him; and Ms. Smith stated that it was important to look at the Regency Apartments because with the increased flooding and crime which was not there before needed to be corrected before more problems were created. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown moved the rules be suspended for the purpose of hearing from Mr. James Moore after Mr. Jeff Caynon, and Mayor White stated with no objection they would proceed with unanimous consent. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Jeff Caynon, 1907 Freeman, Houston, Texas 77009 (713-223-9166) appeared and stated that he was present to add the Houston Professional Firefighters commentary to the discussion of the ad valorem tax issue; that they wanted to remind the Mayor and Council there were outstanding contractual obligations and safety related staffing issues and equipment and apparatus issues in the Fire Department and the decision to reduce the ad valorem tax rate could adversely impact the city's obligation to public safety and they would ask the Council be extremely circumspect in their decision on that issue. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Caynon for coming and stated that he highlighted in a memo to Council Members today significant increases they were planning to make in fire and that they not do something in forgetting obligations they already committed to and that included service to new communities, a final year compensation on the firefighters contract and also they were in negotiations with the pension system to firefighters, etc. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mr. James Moore, 5751 Westover, Houston, Texas 77033 (713-933-5936) appeared and stated that he proudly worked with the City of Houston Public Works and Engineering Department and also a proud member of the Houston Organization of Public Employees (HOPE) and today present with a fellow HOPE member, they heard that city officials recently said most city employees would be satisfied, even happy, with their 2% across the board raise they were being offered even though the city's own study showed they were 21% underpaid with other Texas cities so they conducted a poll going to several plants with that proposal and today they brought results in the box and it showed more than 99% of city employees said it was not fair and not sufficient; that they were not asking to be rich, only a living wage, every year the cost of living in the City of Houston went up but the pay was staggering, every year they had to give up more and this was a city they loved, they worked here and wanted it to be a "World Class City" but they were getting to the point...; that 1,000 people in the city made less than poverty level for a family of four and that was a shame, even more they all touched everyone's life everyday; that when they woke up and turned on the water that was them and when they drove on the streets that was then, the traffic lights and night lights; that the parks and libraries were them; and at the airports the luggage and security that was them; that their lives were touched daily by city workers in a multitude of ways and they were only asking for a living wage; that if they accepted the 2%, the cost of living in Houston was greater than the 2% and all were having such a hard time right now. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he brought a lot of passion to his presentation and he did appreciate it; and upon questions, Mr. Moore stated that he was on the negotiation team and familiar with the proposals on the table. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was not sure who he heard from in regards to most Council Members thinking they would be happy with 2%; that he just heard the firefighter come and speak and all had their own, but it was embarrassing to think some people who worked for the city could qualify for food stamps, they were working people; and upon questions, Mr. Moore stated that he thought a starting point would be looking closer at the 21% gap they now had, but he did not have an amount or percentage, right now as they spoke they were negotiating; and Council Member Edwards stated that she heard \$10.00, to at least bring everyone up to minimum wage; and upon further questions, Mr. Moore stated that yes, that would be a starting point; that a lady in his department worked 40 hours a week and she had qualified to buy a home a few years ago, but now with all the increases in Houston and without her having any pay increases she no longer qualified and had her utilities cut off and now had a loan to get the utilities back, they were now trying to help her pay the loan so she could keep the utilities; and Council Member Edwards stated that they wanted to try and make it right and so bringing it up to the gap minimum would be a starting point. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Moore stated that he was a part of the team in negotiations and right now they were going on at the E P Cape Center; and Council Member Khan stated that when the Mayor started the process he said it would be a good faith negotiation by the city and he would not negotiate in public; that he was not surprised 99% said 2% was not enough, but his suggestion would be to let negotiations continue and come to a conclusion and then if there was an issue they could address it, he believed all in negotiations were working hard. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Moore stated that he was there yesterday and they did not discriminate whether people were in or not in the union; that he did not think anyone should discriminate; that he agreed all city employees should be required to devote to dedicate vacation time to a pool regardless if they were members of a union. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that as Council Member Khan stated all understood negotiations were happening at the negotiation table and not here at City Council and he supported that, he believed the city needed to pay employees a living wage and that was something which needed to be defined at the negotiation table, he did have confidence in the Mayor and confidence in HOPE and he hoped they could get together and find a solution; and Mr. Moore stated that in closing, he was only one member of a negotiating team and he could not speak for the entire team, but he was present now to ask the Mayor and Council to consider a living wage which they truly needed. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Betty Lockhart, 4102 Martinshire, Houston, Texas 77025 (713-668-4891) appeared, presented information and stated that she received a letter from Solid Waste indicating all residents on corner lots would have to place their garbage containers in front of their residence and she was concerned; that she lived at her location over 30 years and had her garbage picked up from the driveway side all those years, many residents here are elderly and to comply she had to pull the heavy can from the rear to the front and had to place it in the street with

traffic and in heavy rain would have to drag them through flooded streets. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Ms. Lockhart for coming and bringing the issue to their attention; that her office had been working with her, but this was one of the many struggles they were dealing with and if the truck was already on the street it seemed if a change had been authorized commonsense would dictate they might find a solution. Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Kefus Falls, 4050 Martinshire, Houston, Texas 77025 (713-736-9265) appeared and stated that he would ditto all Ms. Lockhart's comments and add that he called to come before Council and then received a visit from that department asking about his concerns and as polite as he was he wondered if this was good quality customer service or intimidation, but the computer program only ran main streets and did not account for cross streets so every cross street in the City of Houston was affected by this; that his sons would no longer be allowed to take garbage out as the street was a traffic issue and if this was a safety issue, it was now the public at risk. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Falls for coming and staying to voice his opinion and stated that she hoped his visit yesterday was a good sign of good customer service. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Falls stated that he had not spoken with Mr. Hayes; and Council Member Edwards stated that Mr. Hayes was very knowledgeable and user friendly type of person and she would say his visit was not intimidation; that when things were noticed in her district they called them as well to see if there was something they could do; and maybe they could work out something for the whole city based on his comments. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Khan stated that Mr. Fontaine worked in Mayor White's office and he would speak with him and Ms. Lockhart about the issue. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she too had a staff member present who would like to meet with them along with Mr. Fontaine. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Coach Dan Hart, 71 Hilbury Drive, Houston, Texas 77024 (713-781-2867) appeared, presented information and stated that he was present as this body and the oversight power regarding the Harris County Appraisal District (HCAD) and its modus operandi for treatment of protesting taxpayers; that he started Mr. Steve Hance's protest and discovered HCAD's threats, injustices and false statement of "This change in law (House Bill 2188) was not sought by HCAD, and we regret any inconvenience it may cause you." And taxpayers were threatened by HCAD in writing by up to a \$4,000 fine and or one year in jail or less and legislative records would show the chief appraiser of HCAD to be a witness for the law changes and the real problem was withholding of information and evidence would erode and destroy open

government. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Don Palmour, 5102 Antoine, Houston, Texas 77092 (713-702-4256) appeared, presented information and stated that he had bought a carwash in 2006 and today was asking for help over dispute of a 13 month delay by the Water Department in fixing a broken meter; that he notified them various times over a seven month period once they realized the meter was not working and after the meter was fixed the department used the highest volume month his business ever had to estimate its previous 13 month usage; that when they received the invoice for \$23,692.75 they immediately paid \$9,752.32 for the full amount of the water actually used and requested an administrative hearing and he attached a graph to the material presented which showed the actual volume as to what was estimated with a huge discrepancy; that the car wash was very consistent in its use on each car so the actual water usage could be accurately determined by tracking the number of cars washed, the only other use of water was for toilets and cleaning, but last week the Water Department disregarded his information in a decision rendered and indicated their interpretation of an ordinance passed by Council allowed them to use their chosen estimation method even if it was less accurate and they felt they were being unfairly overcharged and their records proved it and he hoped someone would be able to help them. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Palmour stated that they had told him his only avenue left was to file a lawsuit and that seemed drastic to him so he called Council Member Lawrence who suggested calling the Mayor's assistance line and they suggested he speak before Council; that their car wash was consistent on how much water was used per wash and they knew from POS records how many cars, this was where his IRS information came from; and Council Member Edwards stated that she could not speak for the Mayor, but she would encourage a meeting with Mr. Fontaine, Citizens Assistance Office and or with the Mayor. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that he should follow Council Member Edwards advise and she or any Council Member could help him set up a meeting, he had a compelling argument and it did not seem fair. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he would ask Mr. Gary Norman who was present to visit with Mr. Palmour and he could tell him of follow-up steps. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Natalie Lovegren, 9135 Imogene, Houston, Texas 77036 (956-245-4256) appeared, presented information and stated that she was present to discuss home foreclosures and the information presented was a copy of proposed legislation from the LaRouche Political Action Committee to deal with the problem; that Houston did rank 52nd in the nation in terms of foreclosures and nationwide there were two million homes empty due to foreclosure and projected foreclosures were another two million, in Houston it was one out of every 127 homes; that Merrill Lynch last week wrote down \$7.8 billion and their CEO resigned today and UBS wrote down \$2 billion which lead to a \$712 million loss; that Bank of America several weeks ago borrowed \$2 billion to help bail out the mortgage bank country wide and immediately lost another \$700 million; that these banks in order to prop up an already fragile banking system based on a service economy for decades became heavily involved in deregulated mortgage

market and the housing market became a virtual casino and now there was a situation where many Houston businesses were unable to get credit from the banks and there would be more bank failures in the future; that they went from a science driven NASA economy to a now Enron economy; that she was not asking Council to deal with an international banking crisis, but they did have the ability to send a message to Washington and endorse this proposed legislation on the level of the banking system; that banks would collapse if Congress did not intervene and it was an international problem. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Stephanie Nelson, 9135 Imogene, Houston, Texas 77036 (832-868-5932) appeared and stated that she was continuing with what Ms. Lovegren was saying, they were present asking for an endorsement either as a Council or as individual members for this specific legislation, the Homeowners and Bank Protection Act of 2007; and what it entailed if passed by the U. S. Congress would be that it would create a federal agency to freeze mortgages by putting federally and state chartered banks into protection and while those mortgages were frozen there would be a reassessment of home values to bring them down from the inflated bubble price to a fair home price which you could then apply appropriate mortgage rates or interest rates to those mortgages and the speculative debt should just be written off; that you would have a freeze on foreclosures and no one would be kicked out of their home but they would still be making monthly payments and that money could then be applied to the mortgage when it was worked out and it would also be used to start to recapitalize the local banks so they could have normal functioning for the communities, the best thing would be the state would be involved in the Administrative responsibilities of this type program; and also in the information which they had presented was a list of people who had signed on and given their names of support and it included state representatives, union leaders, etc., and also included was the resolution passed by Pontiac, Michigan. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Nelson stated that this was not an existing bill, they were asking for endorsement of the idea of the Homeowners and Bank Protection Act of 2007, they wanted it to get numbered in the House of Representatives. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Dennis Daulton, 10938 Lasso, Houston, Texas 77079 (713-541-2907) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Chris Landry, 9135 Imogene, Houston, Texas 77036 (956-245-4256) appeared and stated that yesterday the Subcommittee on Housing met in Houston and they discussed the issue of poverty and foreclosures in the subprime market and so on and put forward some solutions; that Mr. Barney Frank, head of the House Finance Committee introduced some Bills to remedy the problem from occurring again in the future, the point on the Bill they were proposing was action was needed right now; that already states and cities were being affected financially by this foreclosure crisis and the City of Sacramento recently had a \$50 million deficit as a result and could not cover it and that was because of lack of property taxes as result of the foreclosures and so on; that as a result of the Congress was at a 10.7 percentage rating because they were failing to recognize and address the crisis at its roots and were proposing band aids on a collapsing dam and they were asking the Mayor and Council to put pressure on state and federal level to get Congress to realize this would affect everyone whether you lived in

Houston, Sacramento or New York, it would effect the value of the dollar in national currency and the faith other countries had in our economy; and encouraged all to read the bill over and endorse it. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan 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, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Darryl Bell, 1115 Leadenhall, Channelview, Texas 77530 (281-570-2283) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Joy Spencer, 1600 Louisiana, Houston, Texas 77002 (713-373-9860) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

At 5:17 p.m. City Council recessed until 9:00 a.m., Wednesday, October 31, 2007. Council Member Johnson absent due to being ill. Council Member Wiseman absent on personal business. Mayor White, Council Members Lawrence, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

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

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, October 31, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, 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. Council Member Jarvis Johnson absent due to being ill.

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

At 9:28 a.m. Mayor White called the meeting to order. Council Members Garcia, Green and Berry absent.

**MAYOR'S REPORT** - Drainage and Radio Funding  
Civic Art Annual Capital Plan Report

Mayor White stated that they had two parts to the Mayor's Report and would start with a brief report on Civic Art; Mayor White reviewed a report titled "City of Houston Civic Art Annual Capital Plan Report", a copy of which was distributed to the Council Members offices and a

copy of which is in the City Secretary's office for review. Council Members Holm, Lovell, Green and Berry absent.

Mayor White stated that the second part of the Mayor's Report was in response to requests from a majority of City Council Members, that it was one of the most important Mayor's Reports that he had in four years, that it was work in progress and there were actions to be taken, that he had passed out a handout titled "City of Houston – General Fund, FY2008 Increased Property Tax Projections", that he would start with the middle component and asked where did the \$9 million come from, that the \$9 million was approximately slightly less the amount of money that would be brought in at the 19 cent assessment for Debt Service under the original budget in June 2007, that in June they had a budget that had Property Tax, a rate for M&O and Debt Service, the Property Tax revenues were somewhat higher and one way to put was that they were not given the right numbers by HCAD in June but he was not faulting HCAD but it was sort of unusual to have a discrepancy like that, that they had basically about \$9 million more at the 19 cent rate than they would have, that they stuck that money in the drainage fund and in the future they put into the CIP and into their financial plans of the City an amount that would allow them to fund \$211 million of projects which were, number one, in the CIP that they approved, identified by project, and number two, not funded in the CIP, and number three, they were able to accomplish funding approximately \$250 million of drainage projects, that it could only be \$250 million because their cost of operating the water and sewer system went up with inflation and energy costs, that they were not proposing to raise water and sewer rates again more than the cost of living increase so they would not have an extra source of funding for drainage for that, that they needed another source of drainage funding and the answer was that they wanted to finance the \$211 million of additional projects through the Property Tax Revenues under the 19 cent Debt Service rate now and in the future, that those projects could be changed from time to time. Mayor White continued to review 2008-2013 Capital Improvement Plan – Storm Drainage, a copy of which is in the City Secretary's office for review. Council Members Wiseman and Berry absent.

Council Member Khan stated that they were talking about the current fiscal year amount and in Proposition H if they spent the amount now would it reduce \$90 million from the next fiscal year and after or could they spend up to \$90 million next year also, and Mayor White stated no, that it was a \$90 million above in any fiscal year what the cap would otherwise be, so it did impose a limit and at some point they may reach the limit, if they decided they wanted 7,000 officers they could not afford it, they would have to go back to the voters and ask permission; that he believed they would find that the 4.5% limit that was in Proposition 1, regardless of population inflation, was going to be the real limit because their population was exploding; that he would say to Ms. Johnson and Chairman Green if they did a mid year review of where they were in the budget they still had the forecast that they did in April and June and if they assumed a further tax cut next June, which he would propose, people could vote for or against it, that they had about a \$30 million gap in their budget for Fiscal Year 2009 and the reason for that was described in a memo that he passed out yesterday, which described three reasons for it, number one, Health Benefit increases, number two, \$73 million in planned increases in Public Safety spending, and they could give each of them the detail, but it included the additional 7 classes, and number three was the fact that they were reducing their debt on pensions every year, so they would get off of pension debt. Council Members Garcia and Berry absent.

Upon questions by Council Member Edwards, Mayor White stated that the \$211 million in drainage projects was not the total CIP, that there was a memo that was passed out that said FY2009 and Beyond and if they looked at the first page behind the text titled "Storm Drainage – Summary of Funding Sources", a copy of which is in the City Secretary's office for review, that it was taken out of the adopted CIP, that it was \$211 million out of \$386 million of planned

projects between FY2007 and FY2013, that they were the projects where they did not have the funding for and now they did. Council Members Lawrence and Brown absent.

Council Member Edwards stated that she would like for someone to show her what it meant for the overall health of their infrastructure; that she thought they owed the citizens of Houston a dedicated use of the funds, if they could codify it by ordinance to where it could not just be changed by a City Council Member or a special interest group, and if Mayor White or Mr. Icken could share with her and the Flooding and Drainage Committee as to what it looked like on the overall map and Mayor White stated that they would respond to both of those things. Council Members Lawrence and Brown absent.

Council Member Holm asked that once they put the money in did it move the project up so that it assures that the project gets the funding or would escalation of cost on the already funded projects still continue to push them back, and Mayor White stated that there were two parts to her question, that first, if they say they were going to do something he wanted to do it, that they would do it and make a report back to her; that the second issue was what could they do to assure that cost escalations do not push projects back, that they had changed the way the CIP's were done, that there were more projects on the CIP than funds available to pay for them, that there were two exceptions to that change where they had put projects on that were unfunded projects, that the first were the storm drainage projects and the second were police radios, that what happens if costs escalate, there were two things that could happen, they could either increase revenues, cancel some projects so that other projects could proceed or they could delay projects, that he thought a lot of the learning, because they had never done drainage on that scale, he would hope that Public Works had gotten better at estimating costs. Council Members Lawrence, Clutterbuck, Garcia, Lovell and Noriega absent.

At 10:04 a.m. Mayor White stated that they would move to the Monthly Financial and Quarterly Investment Report and recognized Ms. Annise Parker, Controller and Ms. Judy Gray Johnson, Director, Finance and Administration. Council Members Lawrence, Clutterbuck, Garcia, Lovell and Noriega absent.

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION**  
**REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but

not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

Ms. Parker stated that she wanted to welcome some of her guests, a class from the Bradford School of Business, students pursuing Associates and Certificate Degrees in Accounting, and their teacher, Ms. Sarah Smith, and asked that they stand and be recognized. Council Members Edwards, Clutterbuck, Garcia and Lovell absent.

Ms. Parker further stated that this was the Monthly Financial Report for the period ending September 30, 2007, that currently they were project a \$4 million budget surplus, it represented a \$1.5 million decrease from last month, the changes of bookkeeping adjustments reflected a deposit of funds from the Bolsover Street sale into the Limited Use Mobility Fund, that it had originally been projected to go into the General Fund and it was simply put there in error, their projection for the General Fund expenditures had actually not changed from last month's report; that the Enterprise Funds were currently at budget, in Aviation, Convention and Entertainment and Storm Water Enterprise there was an increase in the revenue projection for the Parking Management Operating Fund, it was going up by \$500,000 to reflect anticipated revenue from the recent installation of 440 additional parking meters, the wet weather however continued to impact the Combined Utility System, rainfall for September, though lower than average, was

spread out very nice and evenly over the month so they continued to have decreased water sales of about \$8 million, that right now it was on top of last month's decrease of \$12 million; that in anticipation of next week's Council action to set the 2007 Tax Rate their office had calculated the allowable revenues under Propositions 1 and 2, their calculation took into account the additional \$90 million in Property Tax Revenue allowed as a result of voter approval of Proposition H, that under Proposition 2 total revenue may grow to no more than \$1.76 billion in Fiscal Year 2008, that according to their projections revenues from all sources were expected to generate \$1.695 billion, or about \$66 million less than the limit allowed by Proposition 2, that Council Members received the calculations at Fiscal Affairs yesterday and they were also distributed to their offices and they had more copies with them today if anyone would like to view those, that it was a fairly high level summary of the calculations and they were quite willing to sit down with individual Council Members and walk them through it, that the detail calculations were also available for anyone interested; that in addition to Proposition 2 they looked at Proposition 1, which restricted FY08 Property Tax Revenues to no more than \$872.5 million, with a tax rate of .64375, as proposed, they estimated total Property Tax Revenues of \$822.1 million, this was approximately \$50 million below the limit imposed by Proposition 1 and certainly complied with that, that she offered the information without taking any kind of position on the ongoing litigation regarding Proposition 1 and Proposition 2. Council Members Edwards, Clutterbuck, Garcia and Lovell absent.

Ms. Parker stated that she would move to the Quarterly Investment Report, that as of September 30, 2007 the City had approximately \$1.9 billion invested in the General Investment Pool, that as a reminder the character of the pool was that of a short term bond fund that held investments of very high credit quality, the investment pool was reviewed by Standard and Poors annually and had been given a AAA rating, that their investment strategy was to match assets and liabilities for a time period of one year into the future and to exercise discretion over the remaining fund, that during the last quarter their investment balances decreased by \$136 million, compared to the prior quarter it was simply a seasonal variation due to the timing of Property Tax collections, they saw it every year and compared to a year ago investment balances however had increased by \$29 million, the rather modest increase over the prior year was not due to any one factor, but they had healthy balances in the General Fund, the Aviation and Convention and Entertainment Systems, that was offset partially by the Combined Utility System and as they knew they had been experiencing decrease in revenues due to the rainfall, that over the past quarter there had been a great deal of volatility in the financial markets and there had been some highly publicized problems with major financial institutions related to sub prime mortgages and a sector of the commercial paper market known as the Structured Investment Vehicles or SIV's, that while the City did invest in mortgages and commercial paper their investments were of the highest quality and they had not and did not expect any losses from the investments, their mortgages were issued and guaranteed by Fannie Mae or Freddie Mac and according to a study they did several months ago they had an average loan to value ratio of 70% and an average FICO score of over 700, their commercial paper holdings were names that they should be familiar with, General Electric, Toyota, Chevron, Texaco and City Group, so again she wanted to assure the Council that while they did invest in some of the instruments there were different grades and categories of them, that to further provide comfort in the quality of their investments they also mark to market their holdings every month from an independent pricing source and their returns had been fairly good, the current yield on the portfolio was at 5%, that the FED was meeting this morning and may consider further decreases in the interest rate that would tend to have the yield on the portfolio perhaps drip down over the last half of the year but they did not expect a significant impact; that the SWAP Report was also included in their monthly presentation, that she would not go into it but if anybody had questions they would be glad to answer or would meet independently with Council Members, and that concluded her report. Council Members Edwards, Clutterbuck, Garcia and Lovell absent.

Ms. Johnson stated that in terms of the revenues generally there was not a great deal of news other than Property Taxes, which she thought they talked about sufficiently this morning; that the Sales Tax Revenues that they received in October for August were a little bit disappointing, that was one note that was going the other direction, the August Sales Taxes were about 2% more than August 2006, which was about half a million dollars less than they had been expecting and had budgeted, that they had adjusted their estimate for that and it was way to early in the year to be concerned about sales taxes, that they had made very little change in expenditures in their estimates and would be doing a very in depth review of spending patterns of all of the departments through October and were loading updated monthly budgets into their computer system to assist the departments in doing that analysis; that one thing they pointed out in their letter was that the Governor's Office of Emergency Management had completed four of their audits on the Katrina expenditures and found no exceptions so that was very good news, \$9.4 million of police spending came through totally approved by the State auditors, that they had a lot of auditing to go in that but so far it was going well; that yesterday Council Member Khan had asked about our new report, they had changed their reporting a little bit on the Red Light Camera page to show the amount that they would be having to send to the State so they could see very clearly what portion of the revenues the City would be keeping and what portion would be going to the State of Texas, that they were happy to add that and would answer questions. Council Members Edwards, Clutterbuck, Holm, Garcia and Lovell absent.

Council Member Khan stated that on the Red Light Camera Revenues he understood that the reason the State wanted 50% of their revenues was so that they could be used for trauma centers, that he wanted it clarified because he came to know that the State was not using it for trauma centers, instead the funds were going into the State's General Fund, and Ms. Johnson stated that they did some research on it and his understanding was correct, that while there was a lot of discussion during the Legislative session about dedicating those funds when it came to the actual appropriation the State's share was not specifically appropriated for that purpose and the money was going into the General Fund, and Mayor White stated that there was in the Legislative session, probably three sessions ago, a tax that was imposed on municipal citations for trauma care and asked Ms. Johnson the status of that, and Ms. Johnson stated that she would check on it, and Mayor White stated that they ought to do something to make it public that something was collected, that they would have a report on it. Council Members Edwards, Clutterbuck, Brown and Lovell absent.

Council Member Alvarado stated that she wanted to remind her colleagues and the viewers that over the last couple of Legislative sessions the Legislation had increased citations and in some cases it had gone from \$40 to \$80 in several categories and the general public thinks that the City Council was establishing those increases so that the City could get more money and that was not true, the State was doing it and the City was not getting any of those increases; that they had to fight the Legislature to have the authority to establish the red light cameras, that she hoped that at the next Legislative session that they continue to protect their ability to implement those type of programs, that not only was it the red light fund that the funds went away from what they were intended in order to go to the General Fund, but also one issue they discussed was the Systems Benefit Fund that was established to help the low income on electricity, so she hoped they all continued to point those issues out. Council Members Edwards and Brown absent.

Council Member Green moved to accept the Monthly Financial and Quarterly Investment Reports, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Edwards and Brown absent. MOTION 2007-1069 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item No. 30 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent due to being ill. MOTION 2007-1070 ADOPTED.

Council Member Wiseman moved to suspend the rules to consider Item Numbers 60, 46 and 22 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent due to being ill. MOTION 2007-1071 ADOPTED.

Council Member Lawrence moved to suspend the rules to consider Item No. 21 out of order, seconded by Council Member Khan. Council Member Clutterbuck voting no, balance voting aye. Council Member Johnson absent due to being ill. MOTION 2007-1072 ADOPTED.

30. ORDINANCE approving and authorizing Purchase Agreement and Development Agreement between the City of Houston, seller, and the **CENTER FOR AFRICAN-AMERICAN MILITARY HISTORY, INC D/B/A BUFFALO SOLDIERS NATIONAL MUSEUM**, purchaser and developer (the Museum), to sell the Houston Light Guard Armory (Parcel SY7-048), located at 3820 Caroline Street, Houston, Texas, to the museum for development that will preserve the historic building, renovate the building, and operate it in a manner that conforms to the building's historic character and for other appropriate uses, in consideration of such development and the payment of \$506,678.00 to the City by the museum; ratifying a grant made to the museum in 2006 (Ordinance No. 2006-161) - **DISTRICT I – ALVARADO** – was presented.

After discussion by Council Members, a vote was called on Item No. 30. All voting aye. Nays none. Council Member Johnson absent due to being ill. ORDINANCE 2007-1195 ADOPTED.

Council Member Alvarado stated that she wanted to recognize Captain P. J. Mathews and the Board and asked that they stand and be recognized.

60. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds (Regency Park Apartments) Series 2007 and approving the Official Statement with respect to such bonds - **DISTRICT E – WISEMAN – (This was Item 42 on Agenda of October 24, 2007, POSTPONED BY MOTION #2007-1064)** – was presented.

After discussion by Council Members, Council Member Wiseman moved to refer Item No. 60 back to the administration, that it go back to the drawing board and that proper notifications be made and that hearings be held, seconded by Council Member Brown.

After further discussion by Council Members, a roll call vote was called on Council Member Wiseman motion to refer Item No. 60 back to the administration.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Johnson absent due to being ill.	Council Member Brown voting aye
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Noriega voting no
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting aye	MOTION 2007-1073 FAILED

A roll call vote was called on Item No. 60.  
ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Johnson absent due to being ill.	Council Member Brown voting no
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Noriega voting aye
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting no	RESOLUTION 2007-0042 ADOPTED

46. ORDINANCE appropriating \$4,500,000.00 out of Water & Sewer System Consolidated Construction Fund and \$1,740,809.00 out of Drainage Improvement CPaper Series F Fund and approving and authorizing Utility Functions and Services allocation agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 450**, WBS S-000802-0052-4, R-000802-0052-4 and M-000800-0110-4 - **DISTRICT E – WISEMAN** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. ORDINANCE 2007-1196 ADOPTED.
22. ORDINANCE temporarily prohibiting the construction or erection of new off-premise signs; requiring compliance by new on-premise signs; preserving the existing Sign Code – was presented.

After discussion by Council Members, Council Member Lawrence stated that her concern was the 17 permits that were also given, she thought they were Dave Wilson's permits that were pulled during that time, and asked what they were doing to put a stop on that and did Item No. 22 apply to that, that she wanted a summary on where they were, an overview on everything, and Mr. Michel stated that he would provide a summary in writing and go into detail so it would be more understandable for Council. Council Member Berry absent.

A vote was called on Item No. 22. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Member Berry absent. ORDINANCE 2007-1197 ADOPTED.

21. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to high-density multi-family development on two-way, two-lane local and collector streets – was presented. Council Member Berry absent.

After discussion Council Member Clutterbuck offered the following written motion to amend item No. 21, and stated that she would tag her amendment and the main item, and Council Member Wiseman stated that she would tag the amendment.

"I move to amend Item 21, revisions to Chapter 45 in section 45-163 to strike the existing number 1 and in lieu of add a new number 1 that reads: Would require a number of off-street parking spaces pursuant to Article VIII of Chapter 26 of this Code that is greater by 100 percent or more than the number of off street parking spaces provided under the current use of the parcel." Council Member Berry absent.

After discussion Council Member Lawrence offered the following written motion to amend Item No. 22:

“Replace multi family residential development in Sec. 45-163 with residential development and to add the definition of Residential to Sec. 45-162 as follows:

**Residential** shall mean pertaining to the use of land for premises that contain habitable rooms for nontransient occupancy and that are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels and day care centers shall not be considered to be residential”, tagged by Council Members Wiseman, Lawrence and Holm. Council Members Garcia, Brown, Noriega and Berry absent.

After further discussion by Council Members, Council Member Lovell stated that she wanted to add one word to Council Member Lawrence’s amendment and that was “boarding house”, and moved to amend Council Member Lawrence’s amendment by adding “boarding house” into her definition. Council Members Wiseman, Alvarado and Berry absent.

Mayor White stated that procedurally there was an amendment to Council Member Lawrence’s amendment to add the word “boarding house” to that, that of course the amendment had been tagged but they would record that, that if there was no objection they would record it as a proposed amendment that he bet they could be able to do by consent next week, regardless of what one felt about the merit of the amendment, but they would record that, unless there was an objection, as a proposed amendment to Council Member Lawrence’s amendment. Council Members Edwards, Wiseman, Holm, Alvarado and Berry absent.

After discussion Council Member Garcia offered the following written motion to amend Item No. 21:

“I move to modify section 45-163(3) by omitting the words “with two-way traffic.”, tagged by Council Member Clutterbuck. Council Members Edwards, Wiseman, Holm, Alvarado and Berry absent.

After further discussion by Council Members, Mayor White stated that Item No. 21 had been tagged by Council Members Clutterbuck and Holm. Council Members Edwards, Wiseman, Holm, Garcia, Lovell and Berry absent.

At 11:59 Council Member Green moved that Council recess for 7 minutes and 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 Johnson absent due to being ill. Council Members Lawrence, Edwards, Wiseman and Berry absent. MOTION 2007-1074 ADOPTED.

At 12:13 Mayor White reconvened the meeting of the City Council and stated that they would move to the consent agenda. Council Members Wiseman, Khan, Garcia and Berry absent.

**MISCELLANEOUS** - NUMBERS 1 through 7

1. REQUEST from Mayor for confirmation of the appointment of **MS. RENEE SMITH BYAS**, (North Harris Montgomery Community College District Representative), to Position 8 of the **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire August 31, 2009 - was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1075 ADOPTED.

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1, BOARD OF DIRECTORS**, for a term to expire June 1, 2011:

Position One - **MR. WILLIAM G. HUNTSINGER, JR.**  
Position Three - **MS. KATHY MILLER**  
Position Four - **MS. GAEL PLAUCHÉ**  
Position Five - **MR. PHILLIP TORRES**  
Position Six - **MR. JEFFREY D. NOWLIN**

- was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1076 ADOPTED.

3. REQUEST from Mayor for confirmation of the reappointment of the following to the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 4 (Energy Corridor Management District) BOARD OF DIRECTORS**, for a term to expire June 1, 2011:

Position Six - **MR. LAWRENCE G. CARLSON**  
Position Seven - **MR. ROBERT B. HALICK**  
Position Eight - **MR. STEVE WEST**  
Position Nine - **MS. LOU ANN DUNN**

- was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1077 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment of **MR. STUART ROBEN KENSINGER**, (Senate District 7 designee to St. George Place Reinvestment Zone Board), to Position One of the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS** - was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1078 ADOPTED.

7. RECOMMENDATION from Acting Director Human Resources to exercise one-year renewal options for contracts with **SELECT CARE OF TEXAS (TEXANPLUS)**, **TEXAS HEALTHSPRING** and **AETNA LIFE INSURANCE COMPANY** for Medicare Advantage Health Benefit Plans - was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1079 ADOPTED.

**ACCEPT WORK** - NUMBERS 8 and 9

8. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$146,515.79 and acceptance of work on contract with **PLAYPOWER LT FARMINGTON, INC** for Bendwood Park, WBS F-504B17-0001-4 - 4.39% over the original contract amount - **DISTRICT G - HOLM** - was presented, moved by Council Member Alvarado, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1080 ADOPTED.

9. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$89,330.00 and acceptance of work on contract with **RESICOM, INC** for Tony Marron Park, WBS F-0504D2-0001-4 - 2.68% over the original contract amount - **DISTRICT H - GARCIA** - was presented, moved by Council Member Alvarado, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1081 ADOPTED.

**PROPERTY** - NUMBERS 11 through 13

11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jamila Johnson of Carter & Burgess, Inc., on behalf of Austin Trust Company (Dell Boykin, Sr., Vice President), for abandonment and sale of a 20-foot-wide sanitary sewer easement, from Westheimer Road to Cameron Street, located in Unrestricted Reserve A, Block 1, College Heights Addition Replat No. 1, out of the A. C. Reynolds League, A-61, Parcel SY8-006 - **APPRAISERS - DISTRICT H - GARCIA** - was presented, moved by Council Member Lawrence, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1082 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Maximo A. Tejada, President of Tejas Tubular Products, Inc., on behalf of Tejas Tubular Products, Inc. and New Birth Missionary Baptist Church (Reverend Earnest Hellaire), for abandonment and sale of Tam Tam Street from Green River Drive north to its terminus, in exchange for the conveyance to the city of a 15-foot-wide sanitary sewer easement, all located in the Green River Gardens Subdivision, out of the J. L. Stanley Survey, A-700, Parcels SY8-019 and DY8-021 - **APPRAISERS - DISTRICT B - JOHNSON** - was presented, moved by Council Member Lawrence, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1083 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY5-147, located at the southeast corner of Aldine Westfield and Trenton Road, owned by Replay Amusements, Inc., a Texas corporation for the **ALDINE WESTFIELD PAVING PROJECT from Tidwell to Little York**, WBS N-000577-0001-2-01 - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Lawrence, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1084 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 through 19

14. **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$181,900.00, **TEXAS UNDERGROUND, INC** - \$267,305.33, **CHASTANG'S BAYOU CITY FORD** - \$58,918.00, and **KINLOCH EQUIPMENT & SUPPLY, INC** - \$225,978.06 for purchase of Sewer Trucks and related Equipment through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Airport System and Department of Public Works & Engineering - \$734,101.39 Enterprise Fund - was presented, moved by Council Member Lawrence, seconded by Council Member Lovell. All voting aye. Nays none. Council

Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1085 ADOPTED.

15. **NATIONAL BUS SALES AND LEASING, INC** for Shuttle Buses for Convention & Entertainment Facilities Department - \$229,136.00 - Enterprise Fund - was presented, moved by Council Member Lawrence, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1086 ADOPTED.
16. **ASD SPECIALTY HEALTHCARE, INC** for Influenza Vaccine from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Health and Humans Services Department - \$28,650.00 - General Fund - was presented, moved by Council Member Lawrence, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1087 ADOPTED.
17. **GOLDEN ENGINEERING, INC** for Eight Digital X-ray Imaging Systems from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Police Department - \$186,848.00 - Grant Fund - was presented, moved by Council Member Lawrence, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1088 ADOPTED.
18. **ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC** for purchase of Software Maintenance Services Agreement for the Geographic Information System for Department of Public Works & Engineering - \$110,700.00 - Enterprise Fund - was presented, moved by Council Member Lawrence, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1089 ADOPTED.
19. **CONTINENTAL BATTERY COMPANY** for Automotive, Batteries for Various Departments - \$1,089,302.05 minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC, for a net award amount not to exceed \$1,069,302.05 General Fund - was presented, moved by Council Member Lawrence, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1090 ADOPTED.

**ORDINANCES** - NUMBERS 23 through 57

23. ORDINANCE consenting to the addition of 32.689 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1198 ADOPTED.
24. ORDINANCE consenting to the addition of 453.526 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1199 ADOPTED.

25. ORDINANCE establishing the east side of the 2600 block of Morrison Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1200 ADOPTED.
26. ORDINANCE establishing the north and south sides of the 1600 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 Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1201 ADOPTED.
27. ORDINANCE suspending the effective date of new electric rates filed by **ENTERGY GULF STATES, INC** for all customers within the City of Houston, Texas - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1202 ADOPTED.
28. ORDINANCE allocating \$975,000.00 as a cash match; approving and authorizing grant application to the **U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)** for Lead-Based Paint Hazard Control Grant Program; declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$3,975,000.00 Grant Funds - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1203 ADOPTED.
29. ORDINANCE appropriating \$48,700.00 from the Public Health Consolidated Construction Fund (4508) and approving and authorizing Purchase and Sale Agreement between Neighborhood Centers, Inc., a Texas non-profit corporation, seller, and the City of Houston, Texas, purchaser, for 0.689 acres (approximately 30,000 square feet), more or less, of land located at 3906 Stonewall Street, Houston, Texas 77020, for a purchase price, with related expenses, of \$95,700.00, for the Fifth Ward Multi Service Center Expansion Project for the Department of Health and Human Services - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1204 ADOPTED.
31. ORDINANCE approving and authorizing contract between the City of Houston and **JULIA IDESON LIBRARY PRESERVATION PARTNERS, INC**, for Repair, Restoration and additions to the Julia Ideson Building at the Central Library - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1205 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City of Houston and **EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC** to provide \$225,000.00 in Federal Community Development Block Grant Funds and \$75,000.00 in Housing Opportunities For Persons With AIDS Funds for the HEART Program - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council

Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1206 ADOPTED.

34. ORDINANCE terminating the levy of assessment on property within the Sharpstown Public Improvement District in the City of Houston, Texas; declaring no need for future assessments on property within the Sharpstown Public Improvement District; discontinuing the Service and Assessment Plan for the Sharpstown Public Improvement District - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1207 ADOPTED.
35. ORDINANCE authorizing the Mayor to execute a Sub-recipient Agreement with the Governor's Division of Emergency Management (GDEM) to accept FY2007 Homeland Security Program Grant Funding and authorizing the Director of the Mayor's Office of Public Safety & Homeland Security to request and/or accept any amendments or modifications to this agreement or any subsequent agreements necessary to secure the City's allocations through these grant programs \$11,236,702.00 - Grant Fund - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1208 ADOPTED.
36. ORDINANCE approving and authorizing agreement between the City of Houston and **REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS** (East Downtown Zone) and East Downtown Redevelopment Authority providing for payment to the City of the incremental costs of municipal services relating to the Zone - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1209 ADOPTED.
39. ORDINANCE approving and authorizing second amendment to Contract C56654 between the City of Houston and **OCE' BUSINESS SERVICES** for Printing and Copying Services; making various findings and provisions related to the subject; establishing a maximum contract amount 5 Years - \$1,837,860.00 - General Fund - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1210 ADOPTED.
40. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **ACS STATE AND LOCAL SOLUTIONS, INC** for EMS Ambulance Fee Collection Services for the Finance & Administration and Fire Departments - Revenue - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1211 ADOPTED.
41. ORDINANCE awarding contract to **DRESSER, INC** for Blower Replacement Parts and Repair Services for the Public Works & Engineering Department; providing a maximum contract amount \$7,950,000.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1212 ADOPTED.
- 41a. **DRESSER, INC** for Emergency Purchase of Blower Replacement Parts and Repair Services for Department of Public Works & Engineering - \$444,270.00 - Enterprise Fund - was presented, moved by Council Member Lawrence, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson absent due to being ill.

Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. MOTION 2007-1091 ADOPTED.

42. ORDINANCE awarding contract to **WACHS UTILITY SERVICES** for On-Call Valve Assessment and Testing Services; making various findings and provisions relating to the subject; establishing a maximum contract amount - 3 Years - \$2,000,000.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1213 ADOPTED.
43. ORDINANCE approving and authorizing Professional Artist Services Agreement with **GEORGE SACARIS** for the Incorporation of Civic Art into the Consolidated Rental Car Facility at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1214 ADOPTED.
44. ORDINANCE approving and authorizing amendment to Treated Water Supply Contract between the City of Houston and **THE CITY OF BUNKER HILL VILLAGE** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1215 ADOPTED.
45. ORDINANCE approving and authorizing Sanitary Sewer Service Agreement between the City of Houston and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 16** for the property commerce tract - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1216 ADOPTED.
50. ORDINANCE appropriating \$771,500.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for services associated with the Construction of East Water Purification Plant under Professional Construction Management and Inspection Services Contract with **CH2M HILL, INC** (approved by Ordinance No. 04-0629) - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1217 ADOPTED.
52. ORDINANCE appropriating \$833,727.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **NORTH HOUSTON POLE LINE, L.P.** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-0102-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1218 ADOPTED.
53. ORDINANCE appropriating \$3,560,264.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000295-0014-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in

default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – had been pulled from the Agenda by the Administration, and was not considered. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent.

54. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the Public Improvement Project known as the Fuqua Road Grade Separation Project (from Telephone Road to Mykawa Road); authorizing the acquisition of certain real property interests required for the project and payment of costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of Fee Simple Title or easements to 25 parcels of land situated in the Joseph Hall Survey, Abstract No. 368, or the F. Rothaas Survey Abstract No. 667 in Harris County, Texas, and being more specifically situated out of Lots 7 and 18 in the G. D. Samuell Subdivision, according to the plat thereof as recorded in Volume 2, Page 53 of the Harris County Map Records and Lots 13, thru 17, 20, 21, 25, 28, 29 and 30 in the Erin Gardens Subdivision, according to the plat thereof as record in Volume 2 Page 44, Harris County Map Records **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1219 ADOPTED.
55. ORDINANCE appropriating \$40,000.00 out of Parks Special Fund for Construction Services at Hidalgo Park and Diez Park under an existing contract with **ASTRO FENCE CORPORATION**, WBS F-000678-0001-4 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1220 ADOPTED.
56. ORDINANCE appropriating \$44,000.00 out of Parks Consolidated Construction Fund for the Purchase of Playground Equipment through the Texas Local Government Purchasing Cooperative for the Tanglewilde Park, WBS F-000685-0001-4 - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1221 ADOPTED.
57. ORDINANCE appropriating \$375,000.00 out of Public Library consolidated Construction Fund for Equipment at HPL Express Southwest, WBS E-000111-0003-5 - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent. ORDINANCE 2007-1222 ADOPTED.

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

**MISCELLANEOUS**

5. RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval of supplemental budget submitted by the Greater Houston Convention and Visitors Bureau - \$1,903,047.00 - Enterprise Fund – was presented, moved by Council Member Green, seconded by Council Member Lovell, and tagged by Council Member Holm. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent.

Council Member Holm stated that she would like for someone to talk to her this week, that she wanted to know what the "My Houston Campaign" was. Council Members Wiseman, Khan, Garcia, Noriega and Berry absent.

Mayor White stated that there were budgets for the City departments based upon the projection of revenues at the beginning of the year, that sometimes their revenues may be more than they anticipated, that they would never say to City departments if they collect more revenues then divide it up per ratio and they were entitled to it, they would just not do that, he did not think it was good discipline, that the economy was very strong and HOT taxes had been coming in and he did not mean to suggest that they were not going to allocate HOT tax revenues in accordance with the bureau or the arts, etc. in line with some historical patterns, however, about a year ago he had heard that historically the organizations had sort of spent the money in their heads before Council action, that they always planned to spend the money, that was the way it had been done in the past and he did not think it was a good practice, not to say they supported these items, but just to say to the bureau and to CACHE very specifically that if their revenues went up then do not spend them in their mind until Council acts on them because otherwise it was not financial discipline. Council Members Wiseman, Garcia, Noriega and Berry absent.

Council Member Khan stated that last budget session he wanted them to start looking into international trade affairs, there were a lot of places where additional money could be appropriated wisely by the administration and the Council. Council Members Wiseman, Garcia, Noriega and Berry absent.

6. RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval of supplemental budget submitted by the Houston Arts Alliance - \$1,596,905.12 Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Garcia, Noriega and Berry absent. MOTION 2007-1092 ADOPTED.

#### **ACCEPT WORK**

10. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$4,065,511.91 and acceptance of work on contract with **THE TREVINO GROUP, INC** for South Central Police Station Replacement, WBS G-000058-0001-4 - 4.43% over the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Garcia, Noriega and Berry absent. MOTION 2007-1093 ADOPTED.

#### **ORDINANCES**

20. ORDINANCE **AMENDING SECTION 10-432(a) OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to convening hearings related to emergency action taken with respect to a dangerous building or structure; containing other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Holm. Council Members Wiseman, Garcia, Noriega and Berry absent.

Council Member Holm stated that she would like to talk to someone to see why they would be going from 30 days to 90 days if they had an emergency situation, that they had a swimming pool in the midst of a neighborhood that for over two years had been dark, cloudy and infested

and they could not get anyone out there to do anything, that there were 100 plus pools ahead of hers and it had been on there for two years so they had a problem that needed to be addressed, that she did not have the facts. Council Members Wiseman, Noriega and Berry absent.

Mayor White requested Mr. Michel to comment, and Mr. Michel stated that Item No. 20 would not slow down the ability to take down a buildings, that when they had an emergency they dealt with the emergency and take down the building, that this had to do with what was called a post deprivation hearing, in other words they do not delay the emergency action for the hearing, they hold the hearing afterwards and then there was the belief by Neighborhood Protection that they may need more time than 30 days, even though that seemed like a lot, because they had some properties that had complicated and various ownership interests and it may take a little longer than that to make sure that they notified all of the owners and then hold the hearing. Council Members Wiseman, Noriega and Berry absent.

After further discussion Mayor White stated that he was not satisfied with the sense of urgency and clarity provided by legal counsel to Neighborhood Protection, that he could get specific by name and instance, that he should not have to call out individual City employees, but he did represent people out there that wanted things done, that also he thought, and addressed Mr. Michel and Mr. Fontaine, that some of it also had to do with contracting processes, not everybody was an expert in contracting and there were contracting processes for demolition and things like filling in pools that took to long and he wanted Chief Edwards to have the support that she needed, either they got good legal advice that it was illegal to take down more than one house per block face or they violated some federal rule, or it was malpractice for someone to advice them of that if it was not true, either it was illegal to bring somebody to court based upon notice by publication, they had to have a personal citation or that was bad legal advice, that he was just saying that it was not about personalities and not about politics, they had to revise the dangerous building procedures when he got to office because of bad legal advice and he did not want to have to deal with these situations anymore, that if there was a hold up he would like somebody to trace out what was the problem with the swimming pool, if it was that there had not been proper budget provided in order to take care of that then he needed to know that, that there was going to be limits but he needed to know it, if it was something else, if someone could not figure out that a empty swimming pool was dangerous then it was a real EPI issue and if it was something having to do with a legal process then it was a problem with the legal process and the lawyers. Council Members Wiseman, Noriega and Berry absent.

After further discussion Council Member Lovell stated that she would add her tag to Item No. 20, that in her neighborhood they had a house with a swimming pool that had been vacant for four years, that Neighborhood Protection had come and put plywood boards on the windows and put a chain link fence, the windows in the upstairs were open and were all broken and they had vagrants in there, that they could not tear down the house and the neighbors were chipping in just to maintain it so it did not look like a haunted house, that the owners were incarcerated so they could not serve them with anything and could not put a lien on it. Council Members Wiseman, Noriega and Berry absent.

Mayor White stated that to Mr. Michel that they needed somebody senior in the Legal Department could take this case, that they needed somebody who was a creative litigator with an oriented personality to be responsible for getting these things done. Council Members Wiseman, Noriega and Berry absent.

Mayor White stated that Item No. 20 had been tagged. Council Members Wiseman, Noriega and Berry absent.

33. ORDINANCE appropriating \$62,328.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing a Lot Purchase and Development Contract between the City, the Land Assemblage Redevelopment Authority (“LARA”) and Catholic Charities to develop three (3) lots in Independence Heights for sale to qualified purchasers as Affordable Single-Family Housing and providing \$10,000.00 in downpayment assistance to each qualified purchaser - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Noriega and Berry absent. ORDINANCE 2007-1223 ADOPTED.
37. ORDINANCE approving and authorizing first amendment to Lease Agreement between **PHUONG M. NGUYEN**, as landlord, and the City of Houston, Texas, as tenant, for space at 8532 Hammerly, Houston, Texas, for use by the Health and Human Services Department for the Women, Infants and Children (WIC) Program - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Noriega and Berry absent. ORDINANCE 2007-1224 ADOPTED.
38. ORDINANCE approving and authorizing contract between the City and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** for Purchase of Employee Transit Fare Media; providing a maximum contract amount - \$800,000.00 - General, Enterprise, Special Revenue and Other Funds - was presented, and tagged by Council Member Holm. Council Members Wiseman, Noriega and Berry absent.
47. ORDINANCE appropriating \$1,000,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **REED ROAD SENIOR RESIDENTIAL, LP** for Construction of Phase I of a Sanitary Sewer Trunk along Reed Road to serve the Mariposa Apartment Homes, WBS R-000802-0055-4 - **DISTRICT D – EDWARDS** – was presented.

Council Member Edwards stated that she wanted to encourage her colleagues to support Item Numbers 47, 48 and 49, that it was a real needed infrastructure development for the Reed Road area in District D and she would appreciate their support. Council Members Wiseman, Noriega and Berry absent.

A vote was called on Item No. 47. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Noriega and Berry absent. ORDINANCE 2007-1225 ADOPTED.

48. ORDINANCE appropriating \$866,066.54 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **REED ROAD SENIOR RESIDENTIAL, LP** for Construction of Phase II of a Sanitary Sewer Trunk along Reed Road to serve the Mariposa Apartment Homes, WBS R-000802-0056-4 **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Noriega and Berry absent. ORDINANCE 2007-1226 ADOPTED.
49. ORDINANCE appropriating \$515,102.58 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **REED ROAD SENIOR RESIDENTIAL, LP** for Construction of Phase III of a Sanitary Sewer Trunk along Reed Road to serve the Mariposa Apartment Homes, WBS R-000802-0057-4 - **DISTRICT D - EDWARDS** – was

presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Noriega and Berry absent. ORDINANCE 2007-1227 ADOPTED.

51. ORDINANCE appropriating \$1,384,000.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for Safe Sidewalk Program-03, WBS N-00646H-0003-4; 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 Street & Bridge Consolidated Fund - **DISTRICT H – GARCIA** – was presented. Council Members Wiseman, Noriega and Berry absent.

Council Member Clutterbuck stated that Item No. 51 was a safe sidewalk program in Council Member Garcia's district and she was speaking on it just because she had spoken in the past about Total Contracting and people were often asking her opinion on it, that they tended to come in the lowest bidder, which was why they were seeing them again, and she was pleased that they were seeing them again because it meant that they had been responsive to her concerns, that she wanted to thank Pierre and Luke for being much more responsive and more neighborly in the monthly meetings and she urged them to continue working on the Kirby Project which remained behind but she would be supporting the item. Council Members Wiseman, Noriega and Berry absent.

Council Member Garcia stated he valued the experience of his colleagues around the Council table as it related to projects, that had helped him make sure that these folks knew that he had put the neighborhood on notice, and two, that he had put staff on notice that they were going to be watching the projects very carefully, that it was in a very important area of his district and he wanted to make sure that it was done right. Council Members Wiseman, Noriega and Berry absent.

A vote was called on Item No. 51. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Noriega and Berry absent. ORDINANCE 2007-1228 ADOPTED.

**MATTERS HELD** - NUMBERS 58 through 60

58. ORDINANCE **AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to rates for contract parking in parking lots operated by the Convention and Entertainment Facilities Department – **(This was Item 16 on Agenda of October 24, 2007, TAGGED BY COUNCIL MEMBERS HOLM, EDWARDS and CLUTTERBUCK)** – was presented. Council Members Wiseman, Noriega and Berry absent.

After discussion Council Member Holm offered the following written motion to amend Item No. 58:

"I move to amend Section 12-64 to read:

**Sec. 12-64. Rate adjustments by director.**

- (a) Wherever in sections 12-62 and 12-63 of this Code rates are stated as not to exceed maximum amount or the director is authorized to set rates within a range or offer special rates, ~~including specifically and without limitation, modifications to the not to exceed maximums, ranges of rates and special rates made pursuant to subsection (b) of this section,~~ the actual rate shall be deemed by the director. The director shall seek to establish rates in consideration of market conditions and with a view to maximizing

the city's total recovery of revenue from the parking facilities. Without limitation, the director may offer incentives to encourage contract parking based on volume or new accounts.

- ~~(b) The director, upon review and comment by the parking commission, is hereby authorized to alter, from time to time, the not to exceed maximum rates, the ranges of rates and special rates established in sections 12-62 and 12-63 of this Code, based on his evaluation of market rates for similarly situated parking facilities in the central business district. The director shall seek to establish the not to exceed maximum rates, the ranges of rates and special rates in consideration of market conditions and with a view to maximizing the city's total recovery of revenue from the parking facilities. Without limitation, the director may offer incentives to encourage contract parking based on volume or new accounts.~~
- (c) (b) The director shall ensure a copy of the current parking rates established pursuant to this subsection is maintained for public inspection in the offices of the director and the city secretary or is otherwise made available to the public, tagged by Council Member Alvarado.

After further discussion by Council Members, Council Member Holm moved to postpone Item No. 58 for one week, seconded by Council Member Alvarado. All voting aye. nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Noriega and Berry absent. MOTION 2007-1094 ADOPTED.

59. ORDINANCE consenting to the creation of the **TOWNE LAKE MANAGEMENT DISTRICT** and inclusion of certain land within the district – **(This was Item 20 on Agenda of October 24, 2007, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Council Member Johnson absent due to being ill. Council Members Wiseman, Noriega and Berry absent. ORDINANCE 2007-1229 ADOPTED.

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

Council Member Brown stated that he thought it was important to take stock of where they were right now as the year came to an end, that he wanted to list things that he thought that they made some real progress on, public safety, green Houston, tougher air quality standards, the new Parks and Greenspace Ordinance, recycling, energy conservation and reducing their carbon footprint, efficient government, mobility, flood control, livable neighborhoods and Houston as an international City, that it was the Mayor's and City Council's agenda and also the emerging vision of the people of Houston becoming a reality. Council Members Lawrence, Wiseman, Holm, Garcia, Noriega and Berry absent.

Council Member Brown stated that a major Houston contractor spoke with him yesterday that he had completed the City's only LEAD goal office building, but an evil spirit had appeared in the form of HCAD and the contractor was told that since his was a goal LEAD building it was more expensive and therefore they would increase his appraised value of that property, thereby wiping out all of the energy savings due to additional taxes, that it seemed like there was a disconnect and perhaps the City should consider a sliding scale property tax, similar to what they did for historical buildings, to offset the increase in the appraisal value. Council Members Lawrence, Wiseman, Holm, Garcia, Noriega and Berry absent.

Council Member Brown stated that the thought the reason, in his view, that it was difficult to find a neighborhood willing to accept new development, in many cases, was the pessimism stemming from the quality of what they see around them, in many cases, that if they had better examples neighbors would be more accepting in his view. Council Members Lawrence, Wiseman, Holm, Garcia, Noriega and Berry absent.

Council Member Brown stated that he wanted to ask what about the future, where would Houston be in 15 to 20 years, where would their neighborhoods be, that he could assure them that after the action they would take next week their neighborhood was not going to be riddled with high rises; that he hoped that the City Council would support the idea of neighborhoods submitting a plan that gets approved by the Planning Commission and ultimately adopted by the City Council, that he thought it was a good step to begin to take. Council Members Lawrence, Wiseman, Holm, Garcia, Noriega and Berry absent.

Council Member Clutterbuck stated that they would recall that they were very surprised during budget discussions that 3-1-1 did not handle complaints or concerns about BARC, the Bureau of Animal Regulation and Care, and they were extremely thrilled to hear that 3-1-1 was working with BARC on full implementation into the 3-1-1 System so when 3-1-1 receives calls about BARC related issues they will be able to expedite reaction time and would allow BARC to help perform their job more effectively. Council Members Lawrence, Wiseman, Holm, Garcia, Noriega and Berry absent.

Council Member Clutterbuck stated that Highland Village and Lynn Park in District C was getting ready to have a large street reconstruction and it was an excellent opportunity to study traffic calming measures, so they incorporated the traffic calming measure study into the neighborhood street reconstruction design work and some excellent minds on the subject came up with seven different alternative ways to design the street as an alternative to completely blocking off traffic on particular streets; that it seemed to her that in the process that they had where they evaluate traffic impacts, alternative measures for traffic calming, where the neighborhoods themselves did not want to completely cut off traffic, they just wanted to slow it down in neighborhoods, why was the only alternative cutting off a street, that other communities had Fire Department service, and other communities were able to have the traffic calming measures without impairing the delivery of vital fire safety protection. Council Members Lawrence, Wiseman, Holm, Garcia, Noriega and Berry absent.

Mayor White stated that he thought Council Member Clutterbuck had really highlighted a very important issue and was trying to think who could help them where the resources were not overly taxed; that they had not worked Jenny Bailey to death recently, but they needed to assign somebody to the issue of what was the criteria that they use, that he thought there were two things going on, the first was that he thought there were some things that everybody knew they ought to say no to, where if the Fire Department says no then everybody knew the Fire Department was pretty stubborn so that was what they would tell the neighborhoods and that made sense because they needed to get to places, that he did know that people were saying that it was the individual captains who did it, well what training did the captains have to do it, and if they gave people responsibility without a predefined criteria then they had a problem, so maybe if somebody could tell him what were the criteria that were used, the formal criteria, what technical literature could they refer to to find those criteria and how did it compare with the criteria used by other urban Fire Departments, that would be a place to start, that they should not blame the Fire Department if the answer was, it depends on the captains judgment, that maybe they could come up with more formalized criteria, that he thought it was a very good point and was on a things to do list and he was thinking that Ms. Bailey, in working with the Fire Department, could help them and an individual that Chief Boriskie assigns could help them with that. Council Members Lawrence, Wiseman, Holm, Garcia, Noriega and Berry absent.

Council Member Clutterbuck stated that she wanted to remind people that this was the last week of the Combined Municipal Campaign, that Lilly Segal Gardner of her office was coordinating the project and they would be having a bowling challenge on Friday, November 9,

2007 at Palace Bowling Lanes. Council Members Lawrence, Wiseman, Holm, Garcia, Noriega and Berry absent.

Council Member Brown stated that traffic calming would make the City safer, more walk able and healthy, that he was involved in changing the standards in the City of Galveston. Council Members Lawrence, Wiseman, Holm, Garcia, Noriega and Berry absent.

Council Member Lovell stated that she wanted to wish everyone a Happy Halloween and to please remember while they were ought that there would be a bunch of children going door to door and house to house so for everybody to please drive slow and be safe. Council Members Lawrence, Wiseman, Holm, Garcia, Noriega and Berry absent.

Council Member Lovell stated that Friday would be her son Robby's thirteenth birthday and she wanted to wish him a Happy Birthday. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to commend Lilly, who had done an exceptional job, on the combined campaign. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that as Council Member Clutterbuck had brought up about the traffic, it was really exciting to see what was happening in their neighborhoods; that she knew they had traffic engineers and she had discussed a little bit about a traffic department but it seemed to her that there needed to be some sort of room where they were connecting all the dots to make sure that when something happens here that it did not adversely affect there, but it coordinates and the traffic is coordinated so that it did not impact it in a bad way, that how they would get there she did not know but they did not want to do piecemeal, that now with the light rail coming in it was going to speed up and was going to be an incredibly wonderful place to live, that they were going to be connected to every major employment center by living in that neighborhood, that they wanted to make sure that the neighbors who lived over there were not adversely affected by the traffic. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that there was no book or formula but all of these things required judgment because their margin of error was important; that the second was that elected officials and community leaders needed to remind people that the idea of people wanting to move closer to where they worked and where other people lived and they were not the first City to confront it, that it was part of an urban experience, that there was no one formula. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was referred to a website about Dr. Shirley Ann Jackson, a physicist, an African American woman who was president of Rensselaer Polytech Institute, that she was appointed in 1995 by President Clinton as a Chair of the U.S. Nuclear Regulatory Commission, that she had a lot of firsts, that she seemed to be a product of public education and moving forward to private schools, that she would encourage parents if they had access to the internet Dr. Jackson had some cartoon type things for children to get them interested in science. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that as to Camp Logan and all of the things that were done and the presentations that were done by the local television stations and the presentation that they did at the museum, she ran across an article in the New York times that talked about a

similar situation where the conviction of a similar type of thing that was done in New York was overturned, that one of the discussions that they had with the descendents was the position of whether or not they could get a review of the trial, the process and the whole piece, that when she saw the New York article it gave her a little hope, that she did not know who they would call but she thought the article gave her information to say that there was at least a possibility that the issue of Camp Logan needed to be reviewed by the military justice department or whoever would be appropriate to exonerate some people who a lot of people thought were innocent and were killed, that she thought it was a great opportunity for two families who were still lingering under the cloud of what their ancestors did, and to clear the air. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the issue of the death penalty moratorium was once again big news, the Supreme Court was continuously looking at issues regarding stays and delays and so forth, the ABA had recently come out with the opinion that the death penalty should be put on moratorium until they got some issues regarding racial disparity, courtroom procedures and representation, that she would encourage her colleagues to look at it again and maybe join her to ask the State of Texas to put a moratorium on the death penalty until they could find out that what they were doing was right and complete and legal. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the City of Houston was involved in a great campaign, Nothing But Net, that most people thought it was basketball but it was really about Malaria in Africa, and with the NBA, the WNBA and some great partners in Houston, they were going to be having a campaign where they were wanting people to go to the website, Nothing But Net, and with \$10.00 they could supply a net that would cover children in Africa, that Malaria was the number one killer of children under five in Africa, that the whole \$10.00 goes to the net and none of it went to administrative or operating costs. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that if Ms. Stein and Ms. Clarke could think of best targeting young females, 6<sup>th</sup> to 8<sup>th</sup> grade, that he knew that Dr. Jackson came to Houston periodically as a Director of Marathon Oil Company, and they could probably come up with some kind of partnership with Marathon where they meet her, that he could not speak on behalf of Dr. Jackson, that they would think of something they could do maybe with a group of 10 or 20 per year. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that today at the Hilton Americas at 6:00 p.m. they had an invitation from Helen Chang and the Development Council for Canada to a reception where there would be a special viewing of the an impressive artistic achievement which celebrated the multi cultural and multi ethnic composition of Canada. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to take the opportunity to appreciate Chief Hurtt, HPD, that there had been a lot of challenges in the last few years, but in spite of all the challenges he had worked very hard and made the City a safer city in many ways. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:34 p.m. Council Member Johnson absent due to being ill. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, 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

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Anna Russell, City Secretary