

City Council Chamber, City Hall, Tuesday, October 12, 2010

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 12, 2010, Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega, C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Nelson Espitia, Director Citizens Assistance; Ms. Marty Stein, Agenda Director; Ms. Marta Crinejo, Assistant Agenda Director; present.

At 1:34 p.m. Mayor Parker stated that presentations would begin with Council Member Costello. Council Member Costello invited representatives with Westchase Super Neighborhood #19 to the podium and stated that this was Council Member Pennington's district, but he had the honor of welcoming a new Super Neighborhood which was between Westpark, Westheimer, South Gessner and West Houston Central Boulevard; that it was an incredible and vibrant place and he thanked all for their commitment; and Mayor Parker presented a Proclamation proclaiming today as "Westchase Super Neighborhood Council Day" in Houston, Texas and stated that Westchase was a very vital area for the City of Houston. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Mr. Patrick Hickey, president of the Westchase Super Neighborhood Council thanked all for the recognition. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Stardig thanked all for their dedication and congratulated them on their recognition. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Stardig invited the representatives present with the Near Northwest Super Neighborhood Council to the podium and stated that most of the Super Neighborhood area was located in District A where she grew up; that they would help build relationships and facilitate a unified vision moving forward; and Mayor Parker presented a Proclamation proclaiming today as "Near Northwest Super Neighborhood Council Day" in the City of Houston, Texas; and stated that Super Neighborhoods were important to how services were delivered. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Bradford absent.

A Spokesperson for the group thanked all for the recognition and support. Council Members Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Bradford absent.

Council Member Clutterbuck welcomed citizens to the Chamber from the city of Leipzig, Germany, visiting Houston and friends of the Houston Rotary and members of the Houston Leipzig Sister City Society and stated that the fall of communism in eastern Europe was born in Leipzig, Germany and reviewed the history of Leipzig and presented an art award for innovation of arts and culture on behalf of Ms. Annette Goldberg to the Houston Leipzig Sister City Association and Dr. Robert Moore of Christ the King Lutheran Church; and a Proclamation was presented by Mayor Parker proclaiming today as "Houston-Liepzig Sister City Association Day" in the City of Houston, Texas on behalf of their Sister City relationship. Council Members Stardig, Johnson, Adams, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Bradford absent. (NO QUORUM PRESENT)

Dr. Moore thanked all for the opportunity to serve the Houston community and stated that they were proud to recognize the relationship the city had with Leipzig, Germany; and

recognized others who were present at the podium and asked the 32 guests present from Leipzig to stand to be recognized. Council Members Stardig, Johnson, Adams, Sullivan, Pennington, Rodriguez and Lovell absent.

Council Member Jones stated that Sister City relationships were very important and stated that their country was very hospitable; and congratulated them on the recognition. Council Members Stardig, Johnson, Adams, Sullivan, Pennington, Rodriguez and Lovell absent.

At 1:57 p.m. Mayor Parker called the meeting to order and called on Council Member Jones who invited Pastor Ruth Allen Ollison with Beulah Land Community Church to lead in the prayer and Council Member Jones led all in the pledge. Council Members Johnson, Adams, Sullivan, Pennington and Rodriguez absent.

At 2:00 p.m. the City Secretary called the roll. Council Members Johnson, Adams, Sullivan and Pennington absent.

Council Members Noriega and Castillo moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Johnson, Adams, Sullivan and Pennington absent. MOTION ADOPTED.

At 2:02 p.m. Mayor Parker called on the City Secretary to begin calling the speakers. Council Members Johnson, Adams, Sullivan and Pennington absent.

Ms. Mary McBrayer, 4021 Montrose, Houston, Texas 77006 (713-523-5679) appeared and stated that she was a resident of First Montrose Commons and she supported the ordinance as originally written; that with amendments there was no protection. Council Members Johnson, Adams, Sullivan, Pennington, Lovell and Jones absent.

Mr. David Bucek, 410 E. Gaywood Drive, Houston, Texas 77079 (832-563-9959) appeared and stated that he was an architect and historic neighborhoods were essential to maintain single communities and supported historic protection. Council Members Johnson, Adams, Sullivan, Pennington, Lovell and Jones absent.

Ms. Betty Key, 1816 North Blvd., Houston, Texas 77098 (713-529-9025) appeared and stated that she lived in the Boulevard Oaks Historic District and it had been called the best surviving example of the period in Houston; and urged strengthening of the historic preservation ordinance; that she accepted the 30 day protest period, but strongly felt 25% or more should sign. Council Members Stardig, Johnson, Adams, Sullivan, Pennington, Lovell and Jones absent.

Ms. Gabriella Nissen, 1400 Tulane, Houston, Texas 77008 (832-722-8572) appeared and stated that she lived in the Heights Historic District West and present supporting protected historic districts; that she supported elimination of the 90 day waiver, but did not support any additional language to dismantle the districts. Council Members Stardig, Johnson, Adams, Sullivan, Pennington, Lovell and Jones absent.

Ms. Sharon Greiff, 826 Wood, Houston, Texas 77009 (713-868-1579) appeared and stated that she lived in Woodland Heights and according to HCAD over 90% of their homes were contributing or partially contributing and she was for the stronger amendments proposed by Mayor Parker; Council Member Lovell and Planning Department, but against amendments proposed by Council Members Clutterbuck and Pennington. Council Members Johnson, Adams, Sullivan, Pennington and Jones absent.

Mr. Stephen Klineberg, 1401 Calumet, Houston, Texas 77004 (713-665-2010) appeared and stated that he was present urging Council to pass the historic preservation ordinance; that Houston's quality of life and its ability to attract resources of the new economy depended on becoming a destination of choice. Council Members Johnson, Adams, Sullivan, Pennington and Jones absent.

Mr. Robert Searcy, 8206 Glencrest, Houston, Texas 77061 (832-279-5332) appeared and stated that again he was present supporting the stronger historic district ordinance and his opposition to amendments which may water it down. Council Members Johnson, Adams, Sullivan, Pennington and Jones absent.

Ms. Ramona Davis, 712 Main #110, Houston, Texas 77006 (713-216-5000) appeared and stated that she was executive director with the Greater Houston Preservation Alliance and they had sent to the Mayor and Council Members a study they commissioned from the Hobby Center for Public Policy at the University of Houston which supported that property values in historic districts increased and maintained valued; and they should look to creating more such districts as fast as possible. Council Members Johnson, Adams, Sullivan, Pennington and Jones absent.

Mr. Douglass Elliott, 219 Hawthorne, Houston, Texas 77006 (713-253-2311) appeared and stated that he was a resident of the Westmoreland Historic District and would confirm what the previous speaker said; and urged passage of the ordinance eliminating the 90 day waiver. Council Members Adams, Pennington and Jones absent.

Ms. Doreen Stoller, 804 Harold, Houston, Texas 77006 (713-524-5876) appeared and stated that she and her husband lived in the Audubon Place Historic District and they worked hard to become such; and urged Council to keep the historic district ordinance with protections in place. Council Members Adams, Pennington and Jones absent.

Mr. Gary Drabek, 1232 Ashland, Houston, Texas 77008 (no phone) appeared and stated that he was an architect and restored homes in historic districts and the new process would allow districts to stay in place and if a section wanted to be more restricted they could. Council Members Adams and Jones absent.

Mr. Jerry Drabek, 1232 Ashland, Houston, Texas 77008 (no phone) had reserved time to speak but was not present when his name was called. Council Members Adams, Rodriguez and Jones absent.

Ms. Thad Lueders, 1727 North Blvd., Houston, Texas 77098 (713-523-6764) appeared, presented information to Council Members and stated that she was with the Boulevard Oaks Civic Association indicating their wish the ordinance be strengthened and exceeding to the amendment involving the shift to 30 days; and speaking for herself she was for the Mayor's efforts to strengthen. Council Members Rodriguez and Jones absent.

Mr. Doug Selman, 8 Courtlandt, Houston, Texas 77006 (713-822-1234) appeared and stated that he was a resident of Courtlandt Place and previous president of their civic association and was present with concerns if Courtlandt Place were to have a need to re-qualify as a historic district, it would be ludicrous and reviewed concerns for houses at risk and the 90 day waiver. Council Members Rodriguez and Jones absent.

Ms. Margarita Williamson, 15 Courtlandt, Houston, Texas 77006 (713-523-5214) appeared and stated that she lived in Courtlandt Place and was a member of the Courtlandt Place Association and Courtlandt Place Historic Foundation and was present strongly supporting the ordinance as proposed by Mayor Parker and urged all to consider the history of Houston which

unfortunately had been tragic in preservation of structures. Council Members Rodriguez and Jones absent.

Ms. Ce Ce Fowler, 1411 North Blvd., Houston, Texas 77006 (713-524-7365) appeared and stated that she was a resident and member of the Broad Acres Homeowners Association; that all great cities preserved their history and 25 of their 26 neighbors supported the un-amended version of the ordinance. Council Members Rodriguez and Jones absent.

Ms. Charla Macicek, 716 Columbia, Houston, Texas 77007 (713-523-5733) appeared and stated that she was a resident of Heights South and felt protected status would somehow change their character; that the path to restored peace among them would be fairness and she did support Council Member Clutterbuck's amendment. Council Members Rodriguez and Jones absent.

Ms. Sarah Gish, 2015 Briarstead, Houston, Texas 77057 (713-523-5733) appeared and stated that she was behind the Mayor's original recommendation for updating their historic preservation ordinance and fully supported eliminating the 90 day waiver; that historic neighborhoods were quality of life issues; and she also opposed the resurveying. Council Member Jones absent.

Mr. Paul Keusenkothen, 408 Hawthorne, Houston, Texas 77006 (713-526-6421) appeared and stated that he lived in the Westmoreland Historic District and had been active in the association and preservation alliance; that he supported historic preservation but did not support the new amendments as he felt they were overbearing and it would weaken historic neighborhoods potentially. Council Member Jones absent.

Ms. Anne Sloan, 1433 Harvard, Houston, Texas 77088 (713-869-8281) appeared, presented information and stated that she lived in the historic Heights East District and she had presented a prepublication copy of an article she was asked to write last spring by American Bungalow, a national magazine who asked her to write about the historic Heights bungalows; that if the preservation ordinance did not pass the article she wrote would become a curious joke; that on her block in the last two years two perfectly inhabitable bungalows were demolished and replaced because an owner could just call a builder and offer it for sale for land value and then it closed and demolition began, no sign went up, no one knew it was for sale and the only solution was to eliminate the builders interest and that was to tell them no meant no. Council Member Jones absent.

Dr. Devinder Bhatia, One Shadow Lawn, Houston, Texas 77005 (281-773-8869) appeared and stated that he was a heart surgeon who felt this important enough to not operate today; that he lived in the Shadow Lawn District off Bissonnet and deeply supported the preservation as proposed by Mayor Parker; and reviewed what he supported and did not support in the ordinance which included his opposition to Council Member Clutterbuck's amendments and reviewed why it was so serious along with why Council Member Clutterbuck's and Council Member Pennington's recommended signatures required was detrimental. Council Members Costello and Jones absent.

Mr. Brett Mize, 2009 Kane, Houston, Texas 77007 (713-861-4337) appeared and stated that he lived in the Sixth Ward and owned a historic commercial building in the district; that the City of Houston should not create any protected historic districts less than 250 feet from any commercial building unless a corresponding percentage of the required legal parking would be waived; and reviewed what he felt should and should not exist regarding historic commercial buildings. Council Member Costello and Jones absent.

Ms. Kristina Rios De Lumbreras, 504 Colquitt #1, Houston, Texas 77006 (713-522-0077) appeared and stated that she was chair of the First Montrose Commons Historical Committee which she represented today and was present supporting the Mayor's and Council Member Adams proposed revision as well as the Historic District Coalition's stronger preservation ordinance. Council Member Costello, Lovell and Jones absent.

Ms. Marilyn Cayce, 619 Sul Ross, Houston, Texas 77006 (713-528-7600) appeared and stated that she was a homeowner in First Montrose Commons; that their structures had history with famous people having lived there and they wanted opportunity for those houses to exist; that if Council Member Pennington's 67% passed they would probably have no historic district, people were waiting to take their houses down and this was needed. Council Member Costello, Lovell and Jones absent.

Upon questions by Council Member Adams, Ms. Cayce stated that they did not feel a resurvey was necessary; that the leg work had been done. Mayor Parker, Council Member Costello, Lovell and Jones absent. Mayor Pro Tem Clutterbuck presiding.

Ms. Tonya Debose, 205 W. Crosstimbers, Houston, Texas 77018 (281-924-5500) appeared and stated that she was from the Independent Heights historic neighborhood and they felt their history was unique and contributed to the national agenda as well as state; that they fully supported Mayor Parker's recommendation to strengthen the historic ordinance. Council Member Johnson, Adams, Lovell and Jones absent.

Ms. Kay Donahue, 126 Payne, Houston, Texas 77009 (713-210-6622) appeared, presented information to Council Members and stated that she lived in a Queen Ann House in a community which lost half its homes due to the 1959 construction of I-45; that they were currently pursuing designation as German Town Historic District and it had been listed as one of the most endangered places in Texas by Preservation Texas in 2006; and she strongly supported the preservation ordinance, favoring elimination of the 90 day waiver and favoring the 60% requirement ballot process. Council Member Johnson, Adams, Lovell and Jones absent.

Ms. Dana Kervin, 3693 Southwest Freeway, Houston, Texas 77027 (713-851-1766) appeared and stated that she was speaking on behalf of the Houston Association for Realtors Board of Directors and the 24,000 members they represented who supported historic preservation; and reviewed what they supported which included their recommended approval in writing of the 67% of owners of tracts in the proposed districts, an appeals process for the denial of the certificate of appropriateness with final approval by Council and Council Member Pennington's amendments. Council Member Johnson, Adams, Lovell and Jones absent.

Mr. Dan Newman, 2027 Harvard, Houston, Texas 77008 (281-705-0292) appeared and stated that he lived just outside the Heights West historic district and reviewed what he supported and did not support which included his support of Council Member Clutterbuck's amendments, the impossible 15 day deadline for submitting a petition, etc. Council Member Johnson, Adams, Hoang, Lovell and Jones absent.

Mr. Tony Sanchez, 1802 North Blvd., Houston, Texas 77098 (713-818-4141) appeared and stated that he was owner of a contributing property in Boulevard Oaks; and he reviewed what he supported and did not support which included him having no quarrel with the proposal for all new construction or additions be in a historical style, however, had a problem with not being allowed to tear down his contributed property or being unduly restricted to his add on. Council Member Johnson, Hoang, Gonzales, Lovell and Jones absent.

Ms. Catherine Roberts, 63 W. Terrace, Houston, Texas 77007 (713-294-3338) had reserved time to speak but was not present when her name was called. Council Member Johnson, Hoang, Gonzales, Lovell and Jones absent.

Mr. David Krentz, 412 Westmoreland, Houston, Texas 77006 (713-522-3782) appeared and stated that he was president of the Westmoreland Civic Association and they were a historic district, since 1997 when 62% voted in favor of the designation, and the association recommended adoption of the proposed ordinance as it stood by the administration, and as proposed by Mayor Parker. Council Member Hoang, Pennington, Gonzales, Lovell and Jones absent.

Ms. Diane Miller-Walker, 1424 Tulane, Houston, Texas 77008 (832-457-9372) appeared and stated that she lived in the West District and they bought their house as a teardown, but her husband was now working over seas and she was Band-Aiding the house ever since; that it had many structural problems and she regretted the city had not done something sooner to preserve the house built in 1910, but facts were facts and they could not afford to renovate as it was being proposed and she was offended their property was being dictated as to what she could and could not do. Council Member Stardig, Lovell and Jones absent.

Mrs. Kathleen Williamson, 1433 Columbia, Houston, Texas 77008 (713-864-4230) appeared and stated that she was a proud homeowner in the Houston Heights East Historic District and her house was built in 1908 with an addition 20 years later and she was in favor of "no means no" and reviewed what she supported and did not support which included opposing the proposed amendment designated 33h eliminating protection for properties not classified fully contributing when the district was created even though it was fully contributing it would not be protected, eliminating the 90 day waiver, etc. Council Member Stardig, Hoang, Lovell and Jones absent.

Reverend George Sheltz, 1700 San Jacinto, Houston, Texas 77002 (713-652-8202) had reserved time to speak but was not present when his name was called. Council Member Stardig, Clutterbuck, Hoang, Rodriguez, Lovell and Jones absent.

Ms. Anne Collum, 7511 Glenbrae, Houston, Texas 77061 (713-645-0241) appeared and stated that she was a resident of Glenbrook Valley; that it fell on Council to protect the history of Houston and they must enact a strong preservation ordinance; that proposed amendments diluted the ordinance to a level near zero preservation; and this was Council's opportunity to make Houston "Number One" in historic preservation. Council Member Stardig, Johnson, Clutterbuck, Hoang, Rodriguez, Lovell and Jones absent.

Mr. Mitchell McFarland, 1534 Arlington, Houston, Texas 77008 (713-851-1766) appeared and stated that he lived in the Heights East Historic District and strongly urged Council to pass the proposed ordinance by Mayor Parker and Council Member Lovell and that the districts needed to be preserved for all of Houston. Council Member Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Jones absent.

Mr. David Keith, 1515 Ruthland, Houston, Texas 77008 (713-862-9437) appeared and stated that he lived in Heights West around the corner from Ms. Walker and his house was originally built in 1906, it was a piece of junk and he kept it together just as she did hers; that houses had all been changed many times and his three times, it was just old and people needed to walk the streets and see what was there; that they needed to let people make it and brake it, take junkers down and build new houses. Council Member Stardig, Johnson, Sullivan, Hoang, Rodriguez, Lovell and Jones absent.

The City Secretary stated that Ms. Catherine Roberts was now present and would be the next speaker. Council Member Stardig, Johnson, Adams, Sullivan, Rodriguez, Lovell and Jones absent.

Ms. Catherine Roberts, 63 W. Terrace, Houston, Texas 77007 (713-294-3338) appeared and stated that she was with the Rutherford Yates Museum and present as she was concerned this process would endanger and jeopardize the current city districts already designated; that districts established should remain protected, people who moved in since designated knew where they were moving; that Freedmen's Town was founded and built by freed slaves in 1865, it was a treasure to be protected and should have an automatic designation and hoped it could be looked at in a different light. Council Member Stardig, Johnson, Adams, Sullivan, Gonzalez, Lovell and Jones absent.

Ms. Rocky Jackson, 1702 Wirt Road, Houston, Texas 77055 (832-206-5127) had reserved time to speak but was not present when his name was called. Council Member Stardig, Johnson, Adams, Sullivan, Gonzalez, Lovell and Jones absent.

Mr. Mark Vandoren, 608 Oxford, Houston, Texas 77007 (713-802-9895) appeared and stated that he was in the Heights and had significant work restoring homes of the historic nature and there was much complexity to it; that he supported Council Member Pennington's amendments and hoped they would be taken under consideration. Council Member Stardig, Johnson, Adams, Sullivan, Gonzalez, Lovell and Jones absent.

Mr. Kurt Houser, 1106 Indian Autum Trace, Houston, Texas 77062 (281-984-7801) had reserved time to speak but was not present when his name was called. Council Member Stardig, Johnson, Clutterbuck, Adams, Sullivan, Gonzalez, Lovell and Jones absent. (NO QUORUM PRESENT)

Mr. Gerardo Perez, 3726 Lacewood, Houston, Texas 77023 (832-875-7939) had reserved time to speak but was not present when his name was called. Council Member Stardig, Johnson, Clutterbuck, Adams, Sullivan, Gonzalez, Lovell and Jones absent. (NO QUORUM PRESENT)

Mr. Tony Jones, 1950 Spenwick #318, Houston, Texas 77055 (713-935-0011) had reserved time to speak but was not present when his name was called. Council Member Stardig, Johnson, Clutterbuck, Sullivan, Gonzalez, Lovell and Jones absent.

Mr. David Smolensky, 8110 Wateka Drive, Houston, Texas 77074 (713-723-8780) appeared and stated that the number one important factor in the city was police and there was lack of them and nothing was being done, there were only about 140 to graduate this year and gangs were getting out of hand, etc., and he was concerned. Council Member Stardig, Johnson, Clutterbuck, Sullivan, Pennington, Gonzalez, Lovell and Jones absent. (NO QUORUM PRESENT)

Upon questions by Council Member Hoang, Mr. Smolensky stated that an older woman was followed home driving a Corvette and was approached and she shot him in the stomach, but he shot her in the arm and stole her car; that he was present three years ago on the same thing; and two years ago his wife was involved in a crime; and Council Member Hoang stated that the crime rate had decreased in his neighborhood. Council Member Stardig, Johnson, Sullivan, Pennington, Gonzalez, Lovell and Jones absent.

Council Member Bradford stated that the number of officers needed was yet to be determined, but an analysis was being done on how many officers were needed and to do what; that in his view crime was down in many areas, but they still had a serious citizen concern about

crime and public safety and it should be dealt with and he hoped to have a healthy discussion on public safety issues just as they were on historic preservation. Mayor Parker, Council Member Stardig, Johnson, Sullivan, Pennington, Gonzalez, Lovell and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

The City Secretary stated that Mr. Gerardo Perez was now present and would be the next speaker. Mayor Parker, Council Member Stardig, Johnson, Sullivan, Pennington, Gonzalez, Lovell and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Gerardo Perez, 3726 Lacewood, Houston, Texas 77023 (832-875-7939) appeared and stated that he was present against Proposition I; that he and many others lived on a fixed income and \$5.00 a month may not seem like much, but it would equal to \$60.00 a year and he had to buy generic medication and that fee took away from his health and his family; that social security had given no increase in two years, but medication, etc., were increasing; and this was not just a fee but a hidden tax; and many were saying they could not afford it, they already had an increase on water by the Mayor and Council. Mayor Parker, Council Member Stardig, Johnson, Sullivan, Pennington and Jones absent. Mayor Pro Tem Clutterbuck presiding.

Council Member Bradford stated that he mentioned \$5.00 a month and he wanted to mention on record there was no binding document dictating what the fee would be; it could be more or less and he concurred it should be in writing. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Jones absent.

Upon questions by Council Member Adams, Mr. Perez stated that he owned his home and it was on a slab, he did not know the footage. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Jones absent.

Ms. Loretta Frank, 2920 Shadowbriar, Houston, Texas 77082 (832-239-5087) had reserved time to speak but was not present when her name was called. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Lovell and Jones absent.

Mr. Joseph Omo Omuari, 6363 Cattail, Houston, Texas 77045 (318-402-5640) appeared and stated that his Metro Q-Card was a bandit, you never knew what you would have on it; that members of the board were changed at METRO, but they left the bank robber on the bus and that was the Q-Card system; that tonight he would have \$1.25 left on his card and when he woke up it would not be there and he would be in the red and riding on credit; that you also did not get a receipt and you could not prove you paid your fare; that the previous system was excellent, but it had gone from \$9.00 a week to \$25.00 a week, it was \$1,200 a year to ride when it used to cost much less. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Lovell and Jones absent.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (FA3-4511) had reserved time to speak but was not present when his name was called. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Lovell and Jones absent.

Ms. Andrea Robinson, 6631 Richwood, Houston, Texas 77087 (713-645-8653) had reserved time to speak but was not present when her name was called. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Lovell and Jones absent.

Ms. Elizabeth Perez, 5433 North Crooked Creek Drive, Houston, Texas 77017 (832-286-3282) appeared and stated that she was a homeowner and small business owner and representing residents of Eastend and Southeast Houston and the drainage fee in Proposition I was a big joke; that Council was imposing a fee which would cost them six ways, first was the ad valorem city property tax, second was the drainage fee was a hidden tax and third was the

ad valorem HISD tax would raise rates to citizens if they were charged it and citizens would be paying tax twice to HISD; fourth was the 40% increase in water bills; and continued expressing her personal opinions until her time expired. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Jones absent.

Mayor Parker stated that she could appreciate her concerns, however, the city was not doing anything; that it was a ballot initiative citizens would vote on and she would have opportunity to vote. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Jones absent.

Upon questions by Council Member Adams, Ms. Perez stated that she owned three houses in Houston in Southeast Houston; that residents there could not afford this, it was bread and butter economics, they nickel and dimed their finances daily; that 90% who lived there were homeowners; and Council Member Adams stated that she could voice concerns to her community and make it known at the ballot. Council Member Stardig, Johnson, Sullivan, Pennington, Lovell and Jones absent.

Council Member Bradford stated that Council would determine who would pay and how much and when it would be paid and that was important; and Council's time under the rules for questions expired. Council Member Stardig, Johnson, Sullivan, Pennington, Lovell and Jones absent.

Mr. John Johnson, 7102 Windemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Council Member Stardig, Johnson, Sullivan, Pennington, Lovell and Jones absent.

Mr. Sonny Flores, 1710 Telephone Road, Houston, Texas 713-921-4583) appeared and stated that he was representing himself today supporting Ms. Janice Longoria on the Port Commission who served on important boards at this time; that her expertise was needed and urged when she was on the Agenda to support her re-nomination. Council Member Stardig, Johnson, Sullivan, Pennington, Lovell and Jones absent.

Council Member Rodriguez thanked Mr. Flores for coming and expressing his views and for his patience in waiting; that he knew it was important and a diverse Port was needed and he would be supporting his recommendation. Council Member Stardig, Johnson, Sullivan, Pennington, Lovell and Jones absent.

Council Member Hoang thanked Mr. Flores for coming and stating the case of support for Ms. Longoria and stated that he was correct she had experience at the Port and believed she was also the only Hispanic there; and he too supported her. Council Member Stardig, Johnson, Sullivan, Pennington, Lovell and Jones absent.

Ms. Judy Camarena, 2525 North Loop West #250, Houston, Texas 77008 (713-691-3373) appeared and stated that she was president of Arandas franchises and was present supporting Ms. Longoria's consideration for the re-appointment at the Port; and urged she be considered. Council Member Stardig, Johnson, Sullivan, Pennington, Lovell and Jones absent.

Council Member Rodriguez thanked Ms. Camarena for coming and being patient in her waiting. Council Member Stardig, Johnson, Sullivan, Pennington, Lovell and Jones absent.

Ms. Rita Foretich, 12715 Caballa, Houston, Texas 77085 (713-729-9826) appeared and stated that she was present regarding Chimney Rock off South Main; that in 2003 they put in to extend Chimney Rock from south Main Highway 90 to West Orem and to extend it from West Orem to the Beltway 8, it was in projected projects in their CIP, but before they knew it the Ft.

Bend Toll Road was built on top of the Chimney Rock right-of-way and to further the problem they wanted them to pay \$1.00 every time they went on the side of the toll road and it was not fair to them; that she wrote to Mr. Daniel Krueger and she was hoping he would look into this and if possible would like the two items added onto their CIP in 2011, it was not right they should have to wait another eight years; that the citizens should be able to be involved and this would have been caught; and she did not know what could be done with her problem, but on future projects the community should be involved, especially Super Neighborhoods, what good were they if they could not be involved. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Lovell and Jones absent.

Mayor Parker stated that the toll roads were a county project and not under control of the City of Houston and not wanting to raise expectations, but absent some new source of funds prospects of adding something to the CIP was probably less than zero. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that Mr. Kruger had received her letter and he advised her office to put together a meeting, at Ms. Foretich's leisure, with the other entities so all could discuss the issue; that funding would probably come through the other entity but the city did own the street, Chimney Rock, and they would try and bring all three parties together, but it had to be at her request; and Ms. Foretich stated that they did want the meeting; and Council Member Adams stated they would try and make it happen at her leisure. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Lovell and Jones absent. (NO QUORUM PRESENT)

Mr. Edward Ward, 5935 Claridge, Houston, Texas 77096 (713-542-5535) appeared and stated that he was present to discuss the SafeClear Program; that he picked up his truck from the shop and bringing it home it stopped and when he called the mechanic he was told it was probably out of gas, before he got out of his truck a wrecker driver had already pulled in front and he walked to the station which was in clear view of his truck and coming back the truck driver already had his truck picked up; that he was not in traffic, he was almost on the grass and he did not know of SafeClear and felt he was being taken advantage of. Council Member Stardig, Johnson, Sullivan, Pennington, Lovell and Jones absent.

Mayor Parker stated that Lieutenant Gallier with the Houston Police Department was present if he wanted to discuss the SafeClear Program, but they were doing what they were contracted to do and she was sorry he had an unfortunate experience. Council Member Stardig, Johnson, Sullivan, Pennington, Gonzalez, Lovell and Jones absent.

Upon questions by Council Member Bradford, Mr. Ward stated that the incident was on Tuesday, September 28th and he picked it up Thursday morning and was charged \$270.00. Council Member Stardig, Johnson, Sullivan, Pennington, Lovell and Jones absent.

Mr. Joe Angel Lopez, 13334 Wells River, Houston, Texas 77041 (832-465-2941) had reserved time to speak but was not present when his name was called. Council Member Stardig, Johnson, Sullivan, Pennington, Lovell and Jones absent.

Mr. Abdul Ghafoor, 2251 Middle Creel Drive, Humble, Texas 77339 (281-359-7941) appeared and stated that he was a City of Houston employee who had been terminated for no good reason; that the supervisor did not like him and he had to present his case to the Mayor and Council; that security guards were on the side saying he had to leave and he did, but he was asking Council to judge fairly as he was denied appeal by the Civil Service Commission and he had filed charges of discrimination against his supervisor. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Upon questions by Council Member Adams, Mr. Ghafoor stated that he worked for Public Works as a chemist II, he tested water. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Ms. Paula Swain, 1432 Ashland, Houston, Texas 77008 (713-409-9793) appeared and stated that she was a homeowner of the Heights West Historic District and they had worked thousands of hours talking to neighbors about the importance of historic preservation and she was strongly supporting the stronger protections, but opposed Council Members Clutterbuck and Pennington's amendments; as it would affect the City of Houston. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Mr. Jonathan Smulian, 1231 Arlington, Houston, Texas 77008 (713-863-9047) appeared and stated that he lived in the Heights East District and was urging a vote for the ordinance which would protect historic districts and confirmed what Ms. Swain said that residents had worked since 1970 to have districts designated and protected in the interest of the city's heritage. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Ms. Karen Ballinger, 6121 Winsome, Houston, Texas 77057 (832-358-4254) appeared and stated that she was asking Council to consider that families were unable to sell their homes because of the uncertainty of the historical preservation ordinance, it was the uncertainty of the ordinance, not the ordinance itself and reviewed what the ordinance did and did not do. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Upon questions by Council Member Jones, Ms. Ballinger stated that she was for the historical ordinance and against proposed amendments. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Ms. Amy Lawson, 618 Harvard, Houston, Texas 77007 (713-863-8381) appeared and stated that she lived in the proposed Heights Historic District South and supported all efforts to strengthen preservation in historic districts; and was in favor of eliminating the 90 day waiver and replacing it with an ordinance with real protection. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Ms. Vicky Bettis, 504 Woodland, Houston, Texas 77009 (713-397-9336) appeared, presented information and stated that unless the 90 day waiver went away the bulldozers would move in after Council's vote on Wednesday; that the temporary ordinance stated that 80% of demolitions and 100% of relocations were after HAHC denial and that process would begin again after their vote tomorrow; and continued reviewing the ordinance on the 90 day waiver. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Mr. Steve Longmire, 603 West Main, Houston, Texas 77006 (832-655-5657) appeared and stated that he lived in First Montrose Commons and strongly supported preserving the first Montrose Commons Historic District and opposed any action placing their protection in jeopardy; that he supported Council Member Adams's amendments and they opposed requirements to resurvey. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Mr. Pen Morrison, 1535 Ashland, Houston, Texas 77008 (713-869-9424) had reserved time to speak but was not present when her name was called. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Mr. Mark Williamson, 1433 Columbia, Houston, Texas 77008 (713-864-4230) appeared and stated that he was a homeowner in the Houston Heights East and was present opposing

most amendments proposed last week; that he would support appeals to Council, but requirements seemed onerous; and reviewed what he supported and opposed in amendments. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Mr. Bart Truxillo, 1802 Harvard, Houston, Texas 77008 (713-861-6236) appeared and stated that he endorsed all the great words Council heard today endorsing historic preservation; that this was a great opportunity for them to make history and protect a city needing protection. Council Member Stardig, Johnson, Adams, Sullivan, Hoang, Pennington and Lovell absent.

Mr. Brian Thigpen, 931 Arlington, Houston, Texas 77008 (713-705-2543) appeared and stated that he and his wife lived in Heights South and supported the proposed district and the strengthening amendments and reviewed what he supported and did not support which included elimination of the 90 day waiver, but rejected the proposed transition period, etc.; and encouraged Council to vote and adopt their area as historic as soon as possible. Council Member Stardig, Johnson, Adams, Sullivan, Hoang, Pennington and Lovell absent.

Mr. David Turner, 610 West Main, Houston, Texas 77006 (713-523-3990) appeared and stated that he lived in First Montrose Commons and urged a no vote on the proposed ordinance; that they voted for the old ordinance and should be covered by it, because a process was legal did not make it right; that he would more than likely need to sell his home soon and did not believe anyone would want to buy it when they would have to be covered by over a 30 page ordinance with a \$500.00 a day fine for violations. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Upon questions by Council Member Adams, Mr. turner stated that he was just saying give them what they voted for, maybe let them vote on this as they did the last one; that people were right they did work hard for this, but it was for the ordinance in effect now, not the one being proposed. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington and Lovell absent.

Ms. Nancy Otto, 706 East 18th, Houston, Texas 77008 (713-906-1979) appeared and stated that she was a proud homeowner of the Houston Heights and a member of the Houston Association of Realtors and she wanted all Council to know that HAR's presence today did not accurately portray opinions of all members as she was in support of the Mayor's historic ordinance and the transitional ordinance proposed by Council Member Gonzalez. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Costello and Lovell absent.

Mr. David Beale, 316 West 15th, Houston, Texas 77008 (713-863-0404) appeared and stated that he lived in the Houston Heights Historic District West in a 100 year old cottage; that when he was president of the Greater Houston Preservation Alliance he participated in negotiations with the real estate industry which lead to adoption of the historic preservation ordinance and it had not worked; that they needed protected districts and he was proud to be a part of this moment when the Mayor and Council were focused so intently on improving the historic district by adding protected status. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Costello and Lovell absent.

Mr. John Stofer, 836 West Temple, Houston, Texas 77009 (713-682-1780) appeared and stated that he owned a home in the East Norhill Heights Historic District and was opposed to the historic preservation ordinance and the transition ordinance; that the process was flawed and the city needed to start over and listen to the will of the people; that there was already a transparent mechanism to protect the integrity and character of his neighborhood and it was deed restrictions; that if both were not killed he believed amendments by Council Members Clutterbuck and Pennington only in their entirety would be acceptable. Mayor Parker, Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Costello and Lovell absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Sharie Beale, 316 West 15th, Houston, Texas 77008 (713-594-2199) appeared and stated that she was a resident of the Houston Heights Historic District West and she and her husband worked nearly 20 years on historic preservation; that she supported the new historic preservation ordinance and Council Member Gonzalez's amendment, but did not support Council Members Clutterbuck or Pennington's amendments. Mayor Parker, Council Member Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Barbara Simper, 1811 Harvard, Houston, Texas 77008 (713-868-5192) appeared and stated that she could drive, use, sell or demolish her car, but could not with her house if the new amendment went through; that in 2008 they fell victim to "bait and switch", they had signed up for a voluntary agreement, but the new 38 page set of rules before them took the right to own and use her home away from her. Mayor Parker, Council Member Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Adams, Ms. Simper stated that she supported Council Members Clutterbuck and Pennington's amendments and the 38 page set of rules were 100% wrong. Mayor Parker, Council Member Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Calvin Simper, 1811 Harvard, Houston, Texas 77008 (713-868-5192) appeared and stated that they lived in the historic Heights East and he was against the Mayor's proposition and this was an opportunity for neighbors to nit pick their neighbors over the rules; that there was much animosity among neighbors now and he did not think they could get a fair shake going up against the Historical Commission. Mayor Parker, Council Member Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Elaine Ellender, 703 Omar, Houston, Texas 77009 (713-826-1283) appeared and stated that she lived in the Woodland Heights and did support Mayor Parker's and Council Member Gonzalez's amendments, but did not support Council Members Clutterbuck or Pennington's amendments. Mayor Parker, Council Member Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Bill Gottfried, 7447 Tulane, Houston, Texas 77008 (713-299-0653) appeared and stated that he was a homeowner, etc., in Heights West and strongly supported Council Member Pennington's amendment; that at the United Way hearing there was overwhelming lack of support by Heights East, West and South for the ordinance and urged they look at the record. Mayor Parker, Council Member Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello, Lovell and Jones absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mrs. Danielle Gottfried, 7447 Tulane, Houston, Texas 77008 (713-299-0653) appeared, presented information and stated that she lived in the Historic West District and the proposed ordinance should not be passed until there was a fair judicial process in place whereby homeowner's property rights were protected; that they were for preservation, but their rights as property owners were not protected. Mayor Parker, Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Costello and Lovell absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Carol Sofinopolis, 1519 Allston, Houston, Texas 77008 (713-868-9844) appeared and stated that she and her husband were residents of the Houston Heights and they were in favor

of eliminating the 90 day waiver and of the historic preservation ordinance, but opposed Council Members Clutterbuck and Pennington's amendments and the re-survey. Mayor Parker, Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Costello and Lovell absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Mr. Mark Standridge, 1509 Oxford, Houston, Texas 77008 (713-864-8663) appeared and stated that he was present to speak in favor of amendments by Council Members Clutterbuck and Pennington; that he was a resident of the Houston Heights East and believed improvements were due in large part to development and addition of new structures; and urged support of the 90 day waiver. Mayor Parker, Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. Mayor Pro Tem Clutterbuck presiding. (NO QUORUM PRESENT)

Ms. Barbara Skerrett, 247 West 16th, Houston, Texas 77008 (713-861-4333) appeared and stated that she enjoyed living in the Houston Heights West Historic District and homes with gardens; and urged protection of her neighborhood by passing the historic ordinance, eliminating the 90 day waiver; that without current proposed amendments it would help Houston retain an association with its past. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent.

Ms. Tammy Thigpen, 922 Arlington, Houston, Texas 77008 (713-705-2543) appeared and stated that she and her husband owned property in the Heights South District and she was for the proposed preservation ordinance, however, opposed to the transition plan; that she was concerned the transition plan could potentially eliminate the all too important historic districts, reviewed her opinions; and urged Council for assistance in the transition ordinance, having 25% contributing owners sign in no more than 30 days. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent.

Ms. Becky Standridge, 1509 Oxford, Houston, Texas 77008 (832-628-8221) appeared and stated that she was a resident of the Houston Heights East and was in favor of historic preservation, but adamantly opposed to the ordinance under consideration; that she would like to endorse Council Member Pennington's amendment, but she did not feel her property rights were being protected by Mayor Parker's "no means no" position. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent.

Mr. Mark Williams, 1710 West T. C. Jester, Houston, Texas 77008 (281-788-7628) appeared and stated that he had six points and this was Houston not other cities; that the only fair way was to support Council Members Clutterbuck and Pennington's amendments; and reviewed his opinions of the ordinance, concluding allowing it to stand on its own merit and let people vote it up or down. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent.

Ms. Kathleen Powell, 1224 Columbia, Houston, Texas 77008 (713-862-5355) appeared, presented information and stated that she did not want anyone misled by the lack of opposition voice today; that opposition was voiced many times through appearances and emails; that they would like to support Council Member Clutterbuck's amendments as well as the option of Council Member Pennington's amendments, however, felt Council Member Clutterbuck's amendments may drag the process out longer and the transition would be worse so they did strongly support Council Member Pennington's amendments and some of Council Member Clutterbuck's. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Mr. Jonathan C. C. Day, 1100 Studewood, Houston, Texas 77008 (832-673-0220) appeared and stated that he had an office in a historic structure in the Heights and lived in the

Woodland Heights; that his handout was about the Cypress first cut forest the houses were built out of, probably the best wood in the world for this climate, the houses were very valuable; that technically yes on the ordinance, opposing history the folks should have opportunity to go out and get a 10% vote in 30 days; and questioned Council Member Clutterbuck's amendment. Council Member Stardig, Johnson, Sullivan, Hoang, Pennington, Rodriguez, Costello and Lovell absent. (NO QUORUM PRESENT)

Council Member Jones stated that she had asked Council Member Clutterbuck questions previously and asked that she explain; and Council Member Clutterbuck stated that she would probably withdraw her amendment tomorrow, but her intent was after a long discussion with Ms. Tudor, a member of the Historical Commission, who informed her the distinction between contributing and potentially contributing which was that her belief was if an item was potentially contributing then it was, as stated by previous speakers, it may be a historic structure with aluminum windows for example and could easily be converted back; that her concern was, and this was opportunity to express it on record, was that they not have the designation of some of the structures many lived in currently and deemed themselves as unmanageable shacks or houses not conforming or having been modified so many times they were potentially conforming, but not conforming; that her intent was to make sure it did not add such a burden to the definition of what a contributing structure was that it would bind people living in the house and then they would be unable to sell it without removing additions made and make it cost prohibited in turning it into a contributing structure; that she felt it important to have definite definitions to a contributing structure vs. a potentially contributing structure and after he discussion with Ms. Tudor she was convinced the Commission was very firm about this and would be judicious in their discussion of it and additionally the ordinance contained a provision to define what a contributing structure was. Council Member Johnson, Adams, Sullivan, Hoang, Rodriguez and Costello absent.

Mr. Michael Jungnickel, 535 Frasier, Houston, Texas 77007 (713-868-3810) had reserved time to speak but was not present when his name was called. Council Member Johnson, Adams, Sullivan, Hoang, Rodriguez and Costello absent.

Ms. Donna White, 1541 Allston, Houston, Texas 77008 (713-206-0121) appeared and stated that she was again present speaking strongly in favor of a preservation ordinance, for removing the 90 day waiver and against any amendments which would basically make a preservation ordinance a toothless tiger not worth the paper written on. Council Member Johnson, Adams, Sullivan, Hoang, Rodriguez and Costello absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Member Johnson, Adams, Sullivan, Hoang, Rodriguez and Costello absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 appeared and stated that he was the official U. S. President of the U. S.; and continued expressing his personal opinions until his time expired. Council Member Johnson, Adams, Sullivan, Hoang, Rodriguez and Costello absent.

At 4:23 p.m. Mayor Parker stated that City Council was recessed until 9:00 a.m., Wednesday, October 13, 2010. Council Member Johnson, Adams, Sullivan, Hoang, Rodriguez and Costello absent.

The Houston City Council reconvened at 9:00 a.m., Wednesday, October 13, 2010, with Mayor Annise D. Parker presiding and with Council Members Brenda Stardig, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James G. Rodriguez, Stephen C. Costello, Sue Lovell, Melissa Noriega,

C. O. "Brad" Bradford and Jolanda "Jo" Jones; Mr. David M. Feldman, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director present.

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

At 9:07 Mayor Parker called the meeting to order. Council Members Stardig and Pennington absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 26

PROPERTY - NUMBERS 2 and 3

2. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from J. Kent Marsh of Marsh Darcy Partners, on behalf of Engin-Real, Inc. of Texas (Randal Holste, Vice President), for abandonment and sale of a 15-foot-wide prescriptive utility easement, from the north property line of Lot 8, Block 316 to the south property line of Lot 7, Block 324, and a sanitary sewer easement in Lot 2, Block 324, in exchange for the conveyance to the City of a 20-foot-wide utility easement, from the south right-of-way line of the proposed Koehler Street extension to the south property line of Lot 7, Block 324, all located within the Houston Heights Subdivision, out of the John Austin Two Leagues Survey, Parcels SY11-005A, SY11-005B and VY11-011 - **DISTRICT H – GONZALEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent. MOTION 2010-0729
3. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Oscar De Los Santos, on behalf of Houston Gateway Academy, Inc. (Richard Garza, Chief Executive Officer), and Broadway Baptist Church, (Dr. Randy Fowler, Pastor) that (1) the City abandon and sale a ±18.5-foot-wide portion of excess Dahlia Street right-of-way and (2) the City decline the acceptance of, reject and refuse the dedication of a 20-foot-wide alley, between Coral Street and Parsons Street, both within Block 108, out of Harrisburg Addition, Parcels SY11-002A, SY11-002B, SY11-019A, and SY11-019B **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. Council Member Pennington absent. MOTION 2010-0730 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 and 5A

5. ORDINANCE appropriating \$3,604,203.00 out of Equipment Acquisition Consolidated Fund for the purchase of additional Patrol Vehicles for the Houston Police Department – was presented. All voting aye. Nays none. ORDINANCE 2010-0792 ADOPTED.
- 5a. **AMEND MOTION #2009-38, 1/28/09 as previously amended by Motion #2009-769 and #2010-10, TO PURCHASE** additional Patrol Vehicles for the Houston Police Department and the Houston Airport System, awarded to **PHILPOTT MOTORS, LTD d/b/a PHILPOTT FORD** \$192,591.00 - Enterprise Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. MOTION 2010-0731

ORDINANCES - NUMBERS 6 through 25

6. ORDINANCE authorizing the Issuance of City of Houston, Texas Public Improvement Refunding Bonds, Series 2010A, Series 2010B, and Taxable Series 2010C for the purpose of Refunding Certain Outstanding General Obligation Commercial Paper Notes, General Obligation Bonds, and General Obligation Pension Note; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, Escrow Agreement and Bond Purchase Agreement relating to such bonds; approving the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the bonds; approving a Co-Bond Counsel Agreement and a Co-Special Disclosure Counsel Agreement, and other related and necessary agreements pertaining to the bonds; delegating authority to enter into such agreements and to approve certain other procedures and provisions related thereto; making other findings and provisions relating to the subject and matters incident thereto, and declaring an emergency – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. ORDINANCE 2010-0793 ADOPTED.

14. ORDINANCE amending Ordinance No. 2009-1059 that authorized and approved Purchase Agreement between **COMMUNITY FAMILY CENTERS / CENTROS FAMILIARES DE LA COMUNIDAD, Purchaser**, and the City of Houston, Texas, Seller, to substitute a new Purchase Agreement for the sale of 1.2548 acres at 7228 Canal Street in the City of Houston Canal Street Subdivision, Samuel M. Williams Survey, A-87, Houston, Texas, for a cash payment of \$142,000.00 - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. ORDINANCE 2010-0794 ADOPTED.

15. ORDINANCE approving and authorizing Purchase Agreement between Special Recreation Services, Inc., Purchaser, and the City of Houston, Texas, Seller, for the sale of a tract of land, 0.2820 acres, more or less, located at 7301 Avenue F (Parcel SY9-039) in the Canal Street Subdivision, Samuel M. Williams Survey, A-87, Houston, Texas, for \$14,700.00; approving the Development Agreement and Special Warranty Deed - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. ORDINANCE 2010-0795 ADOPTED.

17. ORDINANCE approving and authorizing submission of an application for grant assistance to the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance under the FY 2010 Congressionally Selected Awards Program to provide Automated Fingerprint Identification System Unit Mobile Suspect ID/Booking Enhancements; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. ORDINANCE 2010-0796 ADOPTED.

18. ORDINANCE approving and authorizing submission of an application to the United States Department of Health and Human Services for grant assistance for the Centers for Disease Control and Prevention's Expanded HIV Testing for Disproportionately Affected Populations Project; declaring the City's eligibility for such grant; authorizing the Director of the Houston Department of Health and Human Services or his designee to act as the City's representative in the application process, with the authority to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented, moved by Council

Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. ORDINANCE 2010-0797 ADOPTED.

20. ORDINANCE appropriating \$18,000.00 out of General Improvement Consolidated Construction Fund as an additional appropriation for Professional Materials Engineering and Testing Services Laboratory Contract between the City of Houston and **ALLIANCE LABORATORIES, INC** (Approved by Ordinance No. 2008-0480) for Pierce Elevated parking lot improvements **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. ORDINANCE 2010-0798 ADOPTED.
21. ORDINANCE repealing Ordinance No. 74-2051 relating to establishment of building lines for Sabine Street, from Lubbock Street to Washington Avenue - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. ORDINANCE 2010-0799 ADOPTED.
22. ORDINANCE approving and authorizing Memorandum of Understanding between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the adoption of TXDOT's Federally approved Disadvantaged Business Enterprise Program – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. ORDINANCE 2010-0800 ADOPTED.
23. ORDINANCE approving and authorizing an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Houston Heritage Corridor Bayou East Trail Segment 1 replacing the original Funding Agreement for Houston Heritage Corridor East and West Segments (Approved by Ordinance No. 1995-1290) - **DISTRICT H - GONZALEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Gonzalez. All voting aye. Nays none. ORDINANCE 2010-0801 ADOPTED.
25. Omitted

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

1. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$4,404,659.00 and acceptance of work on contract with **PYRAMID CONSTRUCTORS, L.L.P.** for Renovation of Magnolia Health and Multi-Service Center - 13.69% over the original contract amount - **DISTRICT I – RODRIGUEZ** – was presented, and tagged by Council Member Hoang.

PURCHASING AND TABULATION OF BIDS

4. **FORMS + SURFACES, INC** for Stainless Steel Litter and Recycling Receptacles for the Houston Airport System - \$386,873.00 - Enterprise Fund – was presented, and tagged by Council Member Sullivan.

After discussion by Council Members, Mayor Parker stated that they would have the department get back with Council Member Clutterbuck, and Council Member Clutterbuck stated that she would also tag Item No. 4.

ORDINANCES - NUMBERS 6 through 26

7. ORDINANCE approving the issuance and sale of Coastal Water Authority Contract Revenue Refunding Bonds, Series 2010 (City of Houston Projects); approving the form, terms, and substance of the supplemental resolution of the authority relating to the bonds and related agreements; containing other provisions relating to the subject, and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2010-0802 ADOPTED.
8. ORDINANCE **AMENDING VARIOUS SECTIONS OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, related to the creation of a Fleet Management Department; containing findings and other provisions relating to the foregoing subject; providing for severability; providing an effective date – was presented. All voting aye. Nays none. ORDINANCE 2010-0803 ADOPTED.
9. ORDINANCE approving and authorizing contract between the City of Houston and **CAROLINA SOFTWARE TECHNOLOGIES, INC d/b/a CST, INC** for Consulting Services to implement a fleet consolidation plan for the City of Houston - Not to exceed \$800,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2010-0804 ADOPTED.
10. ORDINANCE **AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Administrative Adjudication of certain Health and Safety Violations; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Sullivan. (Note: Council Member Sullivan released his tag later in the meeting.)
11. ORDINANCE **AMENDING VARIOUS PROVISIONS OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to creation of a Regulatory Framework for the operation of Pedicabs and Low-Speed Shuttles as Vehicles for Hire; declaring certain conduct to be unlawful and providing penalties therefor; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Rodriguez.
12. ORDINANCE appropriating \$17,430,949.00 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Alameda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), and Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) for affordable housing, administrative expenses, payments to Houston Independent School District, and payments to certain redevelopment authorities as provided herein – was presented. All voting aye. Nays none. ORDINANCE 2010-0805 ADOPTED.
13. ORDINANCE authorizing the sale of a 1.1852 acre subsurface pipeline easement located in the Reels & Trobough League, A-59, Houston, Harris County, Texas, to **MAGELLAN PIPELINE COMPANY, L.P.**, in consideration of its payment to the City of \$14,713.00 -

DISTRICT I - RODRIGUEZ – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2010-0806 ADOPTED.

16. ORDINANCE appropriating \$3,800,000.00 out of Airports Improvement Fund and \$2,000,000.00 out of the Houston Airport System Subordinate Lien Revenue Bonds, Series 1998B (AMT) Construction Fund and approving and authorizing Amendment No. 1 to the Evaluation, Repairs and Cleanup Services Contract between the City of Houston and **TEXAS DRAIN TECHNOLOGIES, INC** at George Bush Intercontinental Airport/Houston (Project No. 642) **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2010-0807 ADOPTED.
19. ORDINANCE approving and authorizing contract between the City of Houston and **SMART CITY ELECTRIC, INC** to provide Electrical and Plumbing Services to exhibitors for the facilities of the Convention & Entertainment Facilities Department - 2 Years with three one-year options Revenue – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2010-0808 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City of Houston and **CLAY POPE AND CLIFF JOHNSON** for State and Federal Representation related to water and wastewater issues; providing a maximum contract amount - 3 Years - \$522,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2010-0809 ADOPTED.
26. ORDINANCE appropriating \$724,663.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **SPECIALIZED MAINTENANCE SERVICES, INC** for Sanitary Sewer Cleaning and Television Inspection in support of rehabilitation; 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2010-0810 ADOPTED.

NON CONSENT AGENDA - NUMBER 27

MISCELLANEOUS

27. **MOTION TO SET A DATE** not less than seven (7) days from October 13, 2010, to receive nominations for Positions 2, 4, 6, 8, 10 and 12 of the **HOUSTON BUSINESS DEVELOPMENT INC**, for three year terms – was presented. Council Member Sullivan absent.

Council Member Lovell moved to set October 27, 2010 to receive nominations for Positions 2, 4, 6, 8, 10 and 12 of the **HOUSTON BUSINESS DEVELOPMENT INC.**, seconded by Council Member Clutterbuck. All voting aye. Nays none. MOTION 2010-0732 ADOPTED.

MATTERS HELD - NUMBERS 28 through 34E

28. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2009 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2010 MTFP in map form – **(This was Item 1 on Agenda of October 6, 2010, TAGGED BY COUNCIL MEMBERS JONES and RODRIGUEZ)** – was presented, moved by Council Member Lovell, seconded by Council Member Bradford.

Council Member Jones stated that she got clarification from the University of Houston that this was something that they wanted, but she went to Acres Homes during National Night Out and a lot of the residents were concerned when Little York was going to be a part of any kind of fixing, they shared with her that they had been waiting for Little York, that she did not know if they wanted it to be made into a major thoroughfare, that she just wanted to make sure that she let the administration know that they said they had been waiting since the 1950s, and Mayor Parker stated that as she said yesterday during the public session there was no new money for new projects, but she was aware of the need to put Little York through and make it upgraded.

A vote was called on Item No. 28. All voting aye. Nays none. MOTION 2010-0733 ADOPTED.

29. RECOMMENDATION from Purchasing Agent for award to **ADA RESOURCES, INC** - \$1,895,231.15 and **HOUSTON-PASADENA APACHE OIL COMPANY** - \$731,656.30 for Automotive Lubricants for Various Departments - General and Enterprise Funds – **(This was Item 11 on Agenda of October 6, 2010, TAGGED BY COUNCIL MEMBER JONES)** - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2010-0734 ADOPTED.
30. RECOMMENDATION from Purchasing Agent for award to **WEBSTER VETERINARY SUPPLY, INC** - \$2,000,000.00 and **MACI FEED & SUPPLY** - \$180,847.89 for Veterinary Supplies for Various Departments - General Fund – **(This was Item 12 on Agenda of October 6, 2010, TAGGED BY COUNCIL MEMBER JONES)** - was presented, moved by Council Member Lovell, seconded by Council Member Bradford. All voting aye. Nays none. MOTION 2010-0735 ADOPTED.
31. ORDINANCE approving and authorizing Automobile Rental Concession Agreement between the City of Houston and **SIMPLY WHEELZ, LLC d/b/a ADVANTAGE RENT A CAR** at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ** – **(This was Item 22 on Agenda of October 6, 2010, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2010-0811 ADOPTED.
32. ORDINANCE appropriating \$836,228.00 out of Street & Bridge Consolidated Construction Fund awarding construction contract to **ISI CONTRACTING, INC** for Neighborhood Traffic Management Program; 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 contingencies, project management, construction management and engineering testing relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – **(This was Item 35 on Agenda of October 6, 2010, TAGGED BY COUNCIL MEMBERS ADAMS and BRADFORD)** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2010-0812 ADOPTED.

Council Member Lovell stated that she needed some clarification, what she would like to do was take the Historic Preservation Ordinance transformation part first, since that seemed to be the most contentious and they may do it in a way that they may pull some people over to vote on the main body of the ordinance, and Mayor Parker stated that yes she thought that was the appropriate way to do it since that was where the hard discussions were.

Council Member Stardig moved to suspend the rules to consider Item Numbers 34 through 34 e at this time with Item No. 34c at the beginning.

Mayor Parker stated that Council Member Stardig first motion was that they take Item No. 34c at

the beginning and the rest of Item No. 34 in order, and to do that prior to taking up Item No. 33 and all of the attachments.

Seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2010-0736 ADOPTED.

34c. **WRITTEN Motion by Council Member Pennington** to amend item number 13a on the October 6, 2010, City Council Agenda by amending Section 2 of the Ordinance to read in its entirety as follows:

“Section 2. That the following provisions shall apply to all historic districts previously designated by the City Council other than the Old Sixth Ward Protected Historic District (a “Designated Historic District”). Each Designated Historic District shall be resurveyed within a period of 90 days upon passage of Ordinance No. 2010-_____¹ (the “Ordinance”). One public meeting shall be held for each Designated Historic District in a suitable location in or near such Designated Historic District within a period of 60 days following the effective date of the Ordinance, to explain the provisions of the Ordinance and the impact of any such amendments including, without limitation, the elimination of the 90-day waiver provision. The Director of the Department of Planning and Development (the “Director”) shall give notice of the meeting by mailing a letter, sent by first class United States postage prepaid, to the owners of all tracts of land located within the Designated Historic District as shown on the most current Harris County Appraisal District records. The notice shall include the time, date, location and purpose of the public meeting. Following the public meeting, the Director shall mail a ballot to each owner of property within a Designated Historic District which will direct the property owner to return it to the Director indicating whether the property owner does or does not support the continued designation of the Designated Historic District. Each tract shall receive one ballot regardless of the number of owners of that tract. The ballots shall be returned to the Director by the later of (i) 90 days following the effective date of the Ordinance, or (ii) 30 days after the above-referenced public meeting has been conducted. . Tracts of publicly owned land, utility easements, and public rights-of-way shall not be counted towards determining support for or against remaining in a Designated Historic District.

The Director shall report to City Council the result of the resurvey and other information relevant to the designation of the Designated Historic District. If the number of properties supporting the continued designation of the Designated Historic District equals 67% or more of the total number of properties located in the Designated Historic District, the Director shall recommend to City Council that it take no action with respect to the designation of the historic district. If the number of properties supporting the continued designation of the Designated Historic District equals less than 67% of the total number of properties in the Designated Historic District, the Director shall recommend to City Council that it repeal the resolution creating the Designated Historic District or amend the boundaries of the Designated Historic District to reduce its size, and the City Council may vote to repeal the resolution or take other action it deems appropriate. The vote of the City Council shall be final.” – **(TAGGED BY COUNCIL MEMBER LOVELL)**

Council Member Stardig stated that she was presenting a substitute motion for Item No. 34c and had circulated her written motion as follows:

“I move to amend item number 34e on the October 13, 2010, City Council Agenda by amending Sections 2 and 3 of the proposed Ordinance to read as follows:

¹ City Secretary to insert the number of the Ordinance that appears as Item 13 on the October 6, 2010 City Council agenda.

Section 2. That the following provisions shall apply to all historic districts previously designated by the City Council other than the Old Sixth Ward Protected Historic District and the Main Street Market Square Historic District (“Designated Historic District”). The owners of property in a Designated Historic District who desire the City Council to repeal the designation may submit a request for reconsideration of the designation of the district. The request must be submitted in writing in the form prescribed by the Director of the Planning and Development Department (the “Director”) not later than 30 days following the date of passage and approval of this Ordinance. The request must be signed by the owners of at least 10 percent of the tracts within the Designated Historic District. The request shall identify the basis for the request, including any changed circumstances that render one or more of the criteria on which the designation or proposed designation was based no longer applicable.

As soon as practicable after receipt of a complete request for reconsideration of the designation, the Director shall give notice by mailing a letter, first class United States postage, to the owners of all property within the historic district as shown on the most current Harris County Appraisal District records. The notice shall include the time, date, and location of a public meeting on the request for reconsideration, which the Director will endeavor to conduct in or near the historic district. The notice shall also include a card to be signed by the property owner and returned to the Planning and Development Department indicating whether the property owner does or does not support repeal of the designation of the historic district. The card shall be deposited in the United States mail with proper postage affixed and postmarked or delivered to the Director not later than the fifteenth day after the date of the public meeting.

The Director shall consider each request for reconsideration pursuant to the criteria of Section 33-224 of the Code of Ordinances, City of Houston, Texas (the “Code”), the information on changed circumstances submitted with the request for reconsideration and the evidence of support for the repeal of the designation. The Director shall consider:

- (1) The criteria for designation of the historic district;
- (2) The provisions of Article VII of Chapter 33 of the Code that were applicable to the percentage of property owners required to initiate an application;
- (3) Any changed circumstances identified in the request for reconsideration; and
- (4) The current level of support for repeal of the district.

The Director shall make findings with respect to each request for reconsideration and shall report her findings to the City Council. The director may recommend with respect to a request for reconsideration that the City Council:

- (1) Take no action with respect to the designation of the historic district;
- (2) Repeal the resolution creating the historic district if the owners of 51 percent of the tracts in the Designated Historic District indicate that they do not support the continued designation of the Designated Historic District; or
- (3) Amend the resolution designating the historic district to reduce its boundaries.

The City Council shall consider the Director's recommendation and the criteria considered by the Director and determine whether to accept the Director's report and take the actions recommended. The decision of the City Council shall be final.

Section 3. That the following provisions shall apply to the proposed Houston Heights South historic district, whose application was filed prior to June 9, 2010 (the "proposed historic district"). The owners of property in the proposed historic district who desire the City Council to not consider the proposed designation may submit a request for reconsideration of the proposed designation of the district. The request must be submitted in writing in the form prescribed by the Director not later than 30 days following the date of passage and approval of this Ordinance. The request must be signed by the owners of at least 10 percent of the tracts within the proposed historic district. The request shall identify the basis for the request, including any changed circumstances that render one or more of the criteria on which the proposed designation was based no longer applicable.

As soon as practicable after receipt of a complete request for reconsideration of the proposed designation, the Director shall give notice by mailing a letter, first class United States postage, to the owners of all property within the proposed historic district as shown on the most current Harris County Appraisal District records. The notice shall include the time, date, and location of a public meeting on the request for reconsideration, which the Director will endeavor to conduct in or near the proposed historic district. The notice shall also include a card to be signed by the property owner and returned to the Planning and Development Department indicating whether the property owner does or does not support designation of the proposed historic district. The card shall be deposited in the United States mail with proper postage affixed and postmarked or delivered to the Director not later than the fifteenth day after the date of the public meeting.

The Director shall consider any request for reconsideration of designation of the proposed historic district pursuant to the criteria of Section 33-224 of the Code, the information on changed circumstances submitted with the request for reconsideration and the evidence of support for the rejection of the designation. The Director shall consider:

- (1) The criteria for designation of the historic district;
- (2) The provisions of Article VII of Chapter 33 of the Code that were applicable to the percentage of property owners required to initiate an application;
- (3) Any changed circumstances identified in the request for reconsideration;
and
- (4) The current level of support for designation of the district,

The Director shall make findings with respect to the request for reconsideration and shall report her findings to the City Council. The director may recommend with respect to the request for reconsideration that the City Council:

- (1) Adopt a resolution creating the historic district and establishing its boundaries; or
- (2) By motion, deny the application for designation if the owners of 51 percent

of the tracts in the proposed historic district indicate that they do not support the designation of the proposed historic district.

Notwithstanding any procedural requirements for designation in Article VII of the Code that have not been completed, the City Council shall consider the Director's recommendation and the criteria considered by the Director and determine whether to accept the Director's report and take the actions recommended. The decision of the City Council shall be final."

Mayor Parker stated that it was being distributed, that Item No. 34c was originally proposed by Council Member Pennington, that she understood that Council Member Pennington may be making other motions today but that he was in agreement with this substitute as was distributed to him last night.

Council Member Noriega stated that she would respectfully request a quick sum up and then they did need a minute to read it, but would appreciate an overview as they went into it so that she was clear.

Mayor Parker stated that Council Member Pennington's amendment provided for a resurvey within 90 days of all existing historic districts, the substitute was really a compilation of several of the amendments that Council Members had made with the addition of lowering the threshold for a resurvey from 25% to 10%, but also incorporated some of the other amendments and raised the survey period from 15 days to 30 days, that there were the substantive changes, it actually tracked the language that was in the HAR number three, the HAR letter.

After further questions and discussion by Council Members, Mayor Parker stated that there was going to be another amendment distributed by Council Member Rodriguez and it was going to deal with the pending three districts, that since they did not halt the process there were three pending historic districts, Heights South had completed it's public hearing process, it was coming up before Council, the feeling was that it was substantially complete and it ought to be subject to the resurvey provisions, that the other two, Woodland Heights and Glenbrook Valley, were still pending their public hearings, they would come to them under the new provisions with everybody fully informed of the "no means no" provisions and so forth, so the feeling was that it was appropriate to split the baby, with those two on one side and Heights South on the other.

Upon further discussion and questions by Council Members, Mayor Parker stated that this was offered as a substitute to Council Member Pennington's 34c on their agenda, that if it was an agreed substitution they could move forward, if not it was a new motion and they would deal with it as such, so she was giving Council Member Pennington the opportunity to review it; that to repeat the substantive changes, the original motion by Council Member Pennington would require a resurvey of all existing historic districts, the substitute gives a resurvey period of 30 days, but it lowers the bar from 25% to 10% of the residents of a historic district asking for a resurvey.

After further discussion by Council Members, Mayor Parker stated that Council Member Stardig's amendment properly referenced the main item, that Item No. 34e on their agenda was the main item, that her motion was a substitute on their agenda for Item No. 34c and the reason that it referenced Item No. 34e was simply because it was the main item and the document that they were amending.

Council Member Adams stated that publicly she did not support the 10% and now she was reading Council Member Stardig's amendment and did not know if it was a typo or not but she thought it was 10/30 but was reading 10/45, and Mayor Parker stated that Council Member

Adams had pointed out a typo.

After further discussion Mayor Parker stated that the item that Council Member Adams referenced had to do specifically with Heights South only, it was intended to be 30 days, it was a typo and needed to be corrected, they had that one district that was sort of in limbo and they needed to make sure they referenced it somehow, so that should be corrected to 30 days.

Council Member Noriega asked for a point of order and asked what was the appropriate procedure to correct a typo in this situation, and Mayor Parker stated that Council Member Stardig, who had presented a substitute to Council Member Pennington's would amend it in her written draft, they would all make the correction, and they would move forward.

Council Member Pennington stated that just for the record he would consent to the substitution of the motion.

After further discussion by Council Members, Council Member Noriega requested a point of order on the need to amend Council Member Stardig's amendment and Mayor Parker stated that according to the rules of Council all she had to do was resubmit a written one, that she thought that it was more appropriate if they just did it at the table, and Council Member Noriega stated that she did not think it was a problem, she just wanted the appropriate procedure followed so that they would be correct. Council Member Johnson absent.

Council Member Stardig stated that she would appreciate the opportunity to make the motion so that everyone at the table and the audience could hear what was going on so that it was clear, at the appropriate time, and Mayor Parker stated that the item that Anna Russell was using for the record had been changed, that Council rules were that if it was in writing it did not require a second, but she was allow Council Member Stardig, when they got through the comments, to make a new motion. Council Member Johnson absent.

After further discussion by Council Members, Council Member Stardig stated that she would like to make an amendment when it was appropriate to correct the typo if needed, and Mayor Parker stated that the City Secretary had received Council Member Stardig's amended document and could clarify for everybody while she had the floor if she would like to move her amended document changing on the third page where it says "45 days to 30 days". Council Member Adams absent.

Council Member Stardig submitted an amended copy of her written motion and moved that it be accepted by the City Council, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2010-0737 ADOPTED.

After further discussion by Council Members, Council Member Clutterbuck stated that from her discussions with Mayor Parker she had made it clear to her that a Rule 12 Appeal was simply an appeal on the record and was not an appeal on the facts of the issue and asked if she could clarify that, and Mayor Parker asked if they would allow the City Attorney to address this.

Mr. David Feldman, City Attorney, stated that they were really talking about two different processes, that in terms of the Council's determination as to whether or not a designation was granted or a designation was removed that was not an appeal under Rule 12, so it was not just on the record.

Mayor Parker stated that the administration supported both motions for an appeal to Council, reluctantly, she did not know that Council Members were going to want to see a lot of them, but they supported it.

Council Member Clutterbuck asked if this was related to the appeal for the creation of a district or the designation of a particular landmark, as opposed to a Rule 12 Appeal on a conforming or contributing or potentially contributing structure, and Mr. Feldman stated that it was not an appeal to Council in connection with designation or in other words hearing the recommendation of the Planning Director in respect to designation or repeal of a designation, that was not an appeal, that was part of the process, that Council was the final determining body, it had the ultimate discretion, the Rule 12 was an appellate process that as she stated, could be used for example with respect to conforming and nonconforming structures.

After further discussion by Council Members, Council Member Clutterbuck moved to request a 5 minute break so she could read Council Member Stardig motion to amend Item No. 34e.

At 10:03 a.m. Mayor Parker stated that with the consent of Council they were in recess until 10:10 a.m.

At 10:11 a.m. the Houston City Council reconvened in the Council Chamber to complete the meeting.

After discussion, Council Member Clutterbuck stated that in Section 2 if a tract was owned by more than one person and only one person signed was that sufficient to represent a binding of that particular tract for purposes of the 10%, and Mayor Parker stated that was a question for the Legal Department, that her answer would be yes but would make sure the Legal Department weighed in, and Mr. Feldman stated that just one owner was necessary, and Council Member Clutterbuck stated that she wanted to make sure that was on the record.

After further discussion a vote was called on Council Member Stardig's motion to amend Item No. 34e. All voting aye. Nays none. MOTION 2010-0738 ADOPTED..

34. **WRITTEN Motion by Council Member Gonzalez** to amend Item 13a on the October 6, 2010, City Council agenda by amending Sections 2 and 3 of the Ordinance to change the number "15" to the number "30" where it appears in the first paragraph of each Section – **(Tagged by Council Member Lovell)** – was presented.

Council Member Gonzalez stated that he would withdraw his motion as it was now moot with the previous action.

- 34a. **WRITTEN Motion by Council Member Hoang** to amend Item 13a
Amendment #2 - Transition Provisions
Provisions for Reconsideration of Certain Historic Districts
Shall read as follows:

Section ____ . The request must be submitted in writing in the form prescribed by the Director of the Planning and Development Department (the "Director") not later than ~~45 day~~ **60 days** following the date of passage and approval of this Ordinance – **(TAGGED BY COUNCIL MEMBER LOVELL)** – was presented.

Council Member Hoang stated that he would withdraw his motion as it was now moot.

- 34b. **WRITTEN Motion by Council Member Clutterbuck** to amend the proposed Historic Preservation Ordinance as follows:
Amend Subsection (c) of Section 33-227
That the following provisions shall apply to all historic districts previously designated by the city council other than the Old Sixth Ward Protected Historic District. The owner of property in an historic district previously designated by the city council who desire the city

council to repeal the designation may submit a request of reconsideration of the designation of the district. The request must be submitted in writing in the form prescribed by the Director of the Planning and Development Department (the "Director") not later than 30 days following the date of passage and approval of this Ordinance. The request must be signed by the owners of at least 10 percent of the tracts within the historic district or proposed historic district. ~~The request shall identify the basis for the request, including any changed circumstance that render one or more of the criteria on with the designation or proposed designation was based no longer applicable.~~ – **(TAGGED BY COUNCIL MEMBER LOVELL)** – was presented.

Council Member Clutterbuck stated that she would withdraw her motion as it was now moot.

34d. **MOTION by Council Member Jones/Seconded by Council Member Pennington** "that they make the effective date from the date they post the petition or re-petition, whatever it was called" – **(TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented.

Council Member Jones stated that she had presented the following written motion to substitute for Item No. 34d which would clarify the intent of the motion:

"I move to amend Item 34e of the October 13, 2010 City Council Agenda by amending the third sentence of Section 2 and the third sentence of Section 3 of the Ordinance to read as follows:

The request must be submitted in writing in the form prescribed by the Director of the Planning and Development Department (the "Director") no later than 15 days following the date a form for the request for reconsideration is first made available to the public by posting on the Planning and Development Department website."

Mayor Parker stated that the administration supported the motion, that she wanted to let Council Members see the petition before they formally post it so that everybody understood what it looked like, they should have it up, she hoped, by Friday so that they were not dragging it out, but she was not going to promise that because she wanted Council Members to be comfortable with the form of the petition, that Council Member Jones substitute just clarified and aligned it with what just passed.

After further discussion by Council Members, Council Member Jones stated that this was to make sure that the clock did not start ticking on the deadline until they had it out for the public.

A vote was called on Item No. 34d as substituted by Council Member Jones written motion. Council Member Sullivan voting no, balance voting ye. MOTION 2010-0739 ADOPTED.

Mayor Parker stated that Item No. 34e was the main item and asked if there were any other amendments to the transition document.

34e. **ORDINANCE** establishing a process for the reconsideration of the designation of historic districts within the City of Houston designated or pending designation by the City Council in connection with the amendment of certain provisions of Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, relating to Historic Preservation – **(This was Item 13A on Agenda of October 6, 2010, TAGGED BY COUNCIL MEMBERS JONES, JOHNSON, CLUTTERBUCK and SULLIVAN)** was presented. All voting aye. Nays none. Ordinance 2010-0813 ADOPTED AS AMENDED.

33. **WRITTEN Motion by Council Member Adams** to amend Item 13 on the October 6, 2010, City Council Agenda by adding a new Section 27.5 to follow Section 27 of the Ordinance, as follows:

“Section 27.5. That Section 33-253 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

‘Sec. 33-253. Appeal.

(a) An applicant aggrieved by a decision of the HAHC with respect to any certificate of appropriateness may appeal to the planning commission by filing a written notice of appeal, stating the grounds for the appeal, with the director within ten days following the date the HAHC renders its decision.

(b) The planning commission shall consider the appeal at its first regularly scheduled meeting for which required notice can be given. The planning commission shall consider the application, the findings of the HAHC and any evidence presented at the meeting at which the appeal is considered. The planning commission shall reverse or affirm the decision of the HAHC based upon the criteria applicable to the certificate of appropriateness. If the planning commission does not make a decision on the appeal within 30 days following the planning commission's hearing on the appeal, the decision of the HAHC with respect to the application for the certificate of appropriateness shall be deemed affirmed.

(c) An applicant aggrieved by the decision of the planning commission on an appeal from a decision of the HAHC may appeal to the city council. The city council shall consider the appeal at its first regularly scheduled meeting for which the required notice can be given. The city council shall consider the appeal under the provisions of Rule 12 of Section 2-2 of this code. At the conclusion of the city council's review of the matter, the city council shall reverse or affirm the decision of the planning commission. The decision of the city council shall be final and exhaust the applicant's administrative remedies.

(d) The director shall provide the applicant with notice of the time and place of the meeting at which each appeal will be considered by mail no less than ten days before the date of the meeting.” – **(TAGGED BY COUNCIL MEMBER LOVELL)** - was presented.

After discussion and questions by Council Members, Mr. Feldman stated that it was an appeal on the facts, but it was the facts that were contained in the record, that no additional evidence was presented, that City Council served as an appellate body and the review that they would undertake was what they would call a substantial evidence review, they find evidence in the record to support the determination or not; that they could not consider any evidence outside of the record, just like an appeal to a Court of Appeals or to the United States Supreme Court, and Mayor Parker stated that they could not prevent someone from coming and speaking at the public session, they would not be allowed to consider it but it would be up to them to use their judgment on that, and Mr. Feldman stated which he would see more as argument, that they could not consider any additional facts, the record was what it was.

A vote was called on Item No. 33. All voting aye. Nays none. MOTION 2010-0740 ADOPTED.

- 33a. **WRITTEN Motion by Council Member Clutterbuck** to amend the proposed Historic Preservation Ordinance as follows:

Amend Sec 33-253

(d) An applicant aggrieved by a decision of the commission with respect to any certificate of appropriateness may appeal to the city council by filing a written notice of appeal, stating the grounds of the appeal, with the director within ten days following the date the

commission renders its decision. Appeals considered by city council shall be conducted pursuant to Sec. 33-228 (f) or Sec. 2-2, rule 12 of the code of ordinance. – (TAGGED BY COUNCIL MEMBER LOVELL) – was presented.

Council Member Clutterbuck stated that she would withdraw Item No. 33a.

33b. **WRITTEN Motion by Council Member Clutterbuck** to amend the proposed Historic Preservation Ordinance as follows:

Amend Sec 33-228

e. If the HAHC finds that the subject of an application does not qualify for a certificate of non designation, the HAHC shall deny the application and shall notify in writing of the denial, if the HAHC denies the certificate of non designation the property shall be subject to the provisions of section 33-223 of this code for the time specified therein, and of their right to appeal the decision on the record to the city council pursuant to section (f) of this chapter

f. Appeals to City Council.

Appeals of the rulings of the HAHC may be made to Houston City Council pursuant to Section 2-2, rule 12 of the Code of Ordinances.

Every appeal that is authorized by federal law, state law, the City Charter, or city ordinance to be made to the city council from a decision by an officer, agency, board or commission shall be reviewed by the city council, without the taking of further evidence by city council, on the basis of the record of the decision from which the appeal is taken. Consideration of appeals may be scheduled at any specific time on the agenda, irrespective of the order of business established by these rules.

The director of each department (or a designee), or the presiding officer of a board, commission or agency, or a hearing examiner (the "hearing officer"), as appropriate, shall conduct an evidentiary hearing, the record of which shall be made by a certified court reporter of any matter that may be appealed to the city council. The term "record" shall include, but is not limited to, a transcript of oral testimony, exhibits offered and considered, written or oral responses, answers or questions, and all documents reviewed or considered by a hearing examiner or officer, commission or agency, board, or department director or his designee at an evidentiary hearing.

Each presiding officer or hearing officer shall give written notice to any party appearing in an evidentiary hearing that:

(1) A court reporter is required to prepare a record in order for there to be an appeal to the city council;

(2) The party must request, in writing, the presence of a court reporter at the hearing before the hearing officer not less than 24 hours prior to such evidentiary hearing; and

(3) The party requesting the court reporter agrees to pay all costs of the court reporter, including preparation of transcript(s) for appeal to city council.

(4) Except as otherwise provided by the city Code, the party appealing to city council shall submit the complete court reporter-certified record to the city secretary as required by this Code within 60 days of the decision of the officer, agency, board, or commission whose decision or action is the basis of the appeal. Failure to submit the requested or required records within the required time period shall constitute an untimely appeal to city council and a waiver by the appealing party to an appeal before city council.

In the event that an appeal to the city council is filed by a party to a decision, the city council shall consider the appeal solely on the basis of:

(1) The written record of the hearing conducted below; and

(2) The written exceptions, if any, of each party to the proceeding to the facts and administrative rulings and decisions made by the officer, agency, board or commission.

In the event the city council finds that the record is incomplete or inadequate, the city council may refer the matter to the officer, agency, board or commission for further proceedings to complete the record. All decisions of the council on the record, other than a referral for further proceedings, as described above, shall be final and not subject to further appeal or rehearing.

~~Delete (g) If the city council designates as a landmark or archaeological site a building structure object or site that is the subject of an unexpired certificate of non designation, the designation shall not be effective until the expiration of the certificate of non designation. If the city council designates an historic district, the designation shall not be effective with respect to an individual building, structure, object or site located within the historic district that is the subject of an unexpired certificate of non designation until the expiration of the certificate of non designation with respect to the individual building, structure, object or site. - (**TAGGED BY COUNCIL MEMBER LOVELL**) - was presented.~~

Council Member Clutterbuck stated that she would withdraw Item No. 33b

33c. **WRITTEN Motion by Council Member Pennington** to amend Item number 13 on the October 6, 2010, City Council Agenda by amending Section 13 of the Ordinance to amend Subsection (f) of Section 33-222.1 of the Code of Ordinances, Houston, Texas, as added by Section 13 of the Ordinance, to change the number "60" to the number "67" in every place it appears. - (**TAGGED BY COUNCIL MEMBER LOVELL**) - was presented. All voting aye. Nays none. MOTION 2010-0741 ADOPTED.

33d. **WRITTEN Motion by Council Member Hoang** to amend Item 13
Amendment #1 - Application for Historic District
Sec 33-222.1 Application for designation of an historic district
Shall read as follows:

Sec 33-222.1 (f) After the deadline for returning cards mailed in accordance with the subsection (e) has passed, the director will determine if owners of ~~60 percent~~ **67 percent** of all the tracts in the proposed district support the designation of the district. If so, the application will be considered final. If the director determines that the owners of less than ~~60 percent~~ **67 percent** of tracts in the proposed historic district support the designation of the historic, then the director shall either:

(1) Modify the boundaries of the proposed historic district if the modification will result in boundaries where the owners of ~~60 percent~~ **67 percent** of the tracts support designation of the proposed historic district. If the director modifies the boundaries, the application shall be considered final; or - (**TAGGED BY COUNCIL MEMBER LOVELL**) - was presented.

Council Member Hoang stated that he would withdraw Item No. 33d.

33e. **WRITTEN Motion by Council Member Clutterbuck** to amend the proposed Historic Preservation Ordinance as follows:
Amend Sec 33-221.1

(e) After the final public meeting, the director shall mail notice to the owners of all property within the proposed historic district. The notice shall include a card to be returned by the property owner which shall indicate whether the property owner does or does not support designation of the historic district. The card must be placed in the U.S. mail with proper postage affixed and postmarked or delivered to the director not later than the thirtieth day after the date on the notice

(f) After the deadline for returning cards mailed in accordance with subsection (e) has passed, the director will determine if owners of 67 percent of all the tracts in the proposed district support eh designation of the district. If so, the application will be considered final. If the director determines that the owners of less than 67 percent of tracts in the proposed historic district support the designation of the district then the director shall either:

(1) Modify the boundaries of the proposed historic district if the modification will result in boundaries where the owners of 67 percent of the tracts support designation of the

proposed historic district. If the director modifies the boundaries, the application will be considered final; or

(2) Determined that the application fails and that no further action will be taken by the HAHC. The director shall mail notice to the owners of all property within the proposed historic district that the public hearing before the HAHC has been cancelled. – **(TAGGED BY COUNCIL MEMBER LOVELL)** – was presented.

After discussion by Council Member Clutterbuck, a vote was called on item No. 33e. All voting aye. Nays none. MOTION 2010-0742 ADOPTED.

33f. **WRITTEN Motion by Council Member Lovell** to amend Item 13 on the October 6, 2010, City Council Agenda by amending Section 25 to replace the words “total added height” with the words “plate height” in the one instance it occurs. – **(TAGGED BY COUNCIL MEMBER LOVELL)** – was presented.

After discussion and questions by Council Members, Council Member Clutterbuck asked if the deed restrictions allowed a higher height, and there were not many of these, if the deed restrictions allowed a structure to be built to 40 feet, but the plate height calculation under Council Member Lovell’s amendment did not allow the building to go to that, even at the front, she worried that they set themselves up for legal challenges and would like an answer on the record, which would be the prevailing height that was specified by the deed restrictions or the plate height calculation or the highest of the two.

Ms. McAbee, Legal Department, stated that in this particular regulation for the must approved it did not specify whether the regulation or the deed restriction prevails, the general principle was that the most restrictive of the regulation or the deed restriction would apply, an example of that was if a neighborhood had a five foot setback and the City had a twenty five foot setback the City’s regulatory setback would prevail over the building line established in the deed restrictions, and that was just the general principle that would be applied in this particular instance.

After further discussion by Council Members, a vote was called on Item No. 33f. Council Member Clutterbuck voting no, balance voting aye. MOTION 2010-0743 ADOPTED.

33g. **WRITTEN Motion by Council Member Clutterbuck** to amend the proposed Historic Preservation Ordinance as follows:

Amend Sec 33-241

(b) (1) b. The total added height of the addition does not exceed 1.25 times the plate height of the existing structure or the tallest existing building in the District, whichever is higher. – **(TAGGED BY COUNCIL MEMBER LOVELL)** – was presented.

Council Member Clutterbuck stated that she would withdraw Item No. 33g.

33h. **WRITTEN Motion by Council Member Clutterbuck** to amend the proposed Historic Preservation Ordinance as follows:

Amend Sec 33-201:

Contributing Structure means a building , structure, object, or site that reinforces or that has conditions which if reversed would reinforce the cultural architectural or historical significance of the historic district in which it is located and that is identified as contributing upon the designation of the historic district which it is located. ~~The term also includes any structure that was identified as partially contributing in any historic district designated prior to the effective date of this ordinance.~~ – **(TAGGED BY COUNCIL MEMBER LOVELL)**

Council Member Clutterbuck stated that she would withdraw Item No. 33h, that the reason

she had initially deleted the last sentence of the definition of a contributing structure was because she was concerned that some structures that may be deemed partially contributing but would require a lot of work and money that it would be too difficult to bind those properties owners and essentially force them to bring it to be contributing, but after a series of discussions with Phoebe Tudor who explained to her that the term was basically a legal term of art in the historic community and she wanted to state on the record that her understanding of that term of art was instead to encompass structures, that for example to the eye were contributing structures but may have, for example, aluminum windows in them, so it was important for her to be able to state this on the record, what a potentially contributing structure was and was not in layman's terms.

33i. **WRITTEN Motion by Council Member Clutterbuck** to amend the proposed Historic Preservation Ordinance as follows:

Amend Sec 33-223:

(b) The protected status provided in subsection (a) above ends on the earliest of the following dates, but not later than 90 days after the application has been deemed complete pursuant to section 33-221 (d) (1) of this chapter.

Delete Section (5) In the case of the denial of a certificate of non designation by the HAHC the 181st day after the decision of the HAHC – (TAGGED BY COUNCIL MEMBER LOVELL) – was presented.

Council Member Clutterbuck stated that it was her understanding that the Planning Director and people in the Legal Department had asked her to amend this from 90 days to 180 days, that she believed they had confirmed this, that she had submitted in writing an amendment relating to that, "instead of 90 days it would be 180 days".

Mayor Parker asked if Ms. McAbee or Ms. Gafrick would give her the effect of this motion.

Ms. Gafrick stated that they had looked at the timeframe and what this did, it created a definitive time period when a historic district application needed to be complete, the proposed 90 days left properties in a historic district that were pending designation protected, the 90 days removed the protection if they did not get it completed and they looked at the time frame that it took to go through with the new procedures to create a district and 180 days gave them that cushion.

Mayor Parker stated that she did not want to lose the two pending districts that they had not addressed, Woodland Heights and Glenbrook Valley, in this, did it have an adverse impact on those.

Ms. McAbee stated that those districts Ms. Gafrick would know when the applications had been filed, but of course three of those pending districts had been held and now had to go through the continuation of their process, but thought that it did create a question about whether they would lose their protection pending designation, pursuant to these terms.

Mayor Parker stated that she supported the substance of Council Member Clutterbuck's motion if they could make it not apply to those three that were pending, that because they had held up this process for a number of months they may not have a fair shot at getting their status, the question was if they could reset their clock from today, that the question was to Council Member Clutterbuck.

Council Member Clutterbuck stated that she would submit an amended motion amending it verbally that in addition to saying not later than 180 days after the application had been deemed complete that this amendment "does not apply to applications currently received and pending", seconded by Council Member Noriega.

Mayor Parker asked the Legal Department if that satisfied the intent, and Mr. Feldman stated currently pending, specifically Heights South, Woodland Heights and Glenbrook Valley, and Mayor Parker asked Council Member Clutterbuck to incorporate that into her motion.

Council Member Clutterbuck stated that it was incorporated; "specifically Heights South, Woodland Heights and Glenbrook Valley", seconded by Council Member Noriega.

A vote was called on Council Member Clutterbuck motion to amend 33i. All voting aye. Nays none. MOTION 2010-0744 ADOPTED.

33j. **WRITTEN Motion by Council Member Clutterbuck** to amend the proposed Historic Preservation Ordinance as follows:

WHEREAS, the foregoing shall apply only to historic districts created following the passage of this ordinance. Historic districts created prior to passage shall be controlled by the provisions of this chapter that were in effect at the time of the designation of the historic district. Existing districts wishing to extend the protections of the revised ordinance may do so by following the procedures proscribed in Sec. 33-221.1 of this chapter – (TAGGED BY COUNCIL MEMBER LOVELL) was presented.

After discussion, Council Member Clutterbuck stated that Item No. 33j was now moot and would withdraw the amendment.

Mayor Parker stated that there were three new amendments today, all of which the administration supported.

Council Member Pennington presented, the following written motion to amend Item No. 33k;

"I move to amend item number 33k., relating to the Historic Preservation Ordinance, on the October 13, 2010, City Council Agenda by amending subsection (b) of Section 33-237 of the Code of Ordinances, Houston, Texas, as set forth in Section 21 of the proposed Ordinance to read as follows:

- (b) A certificate of appropriateness is not required for the reconstruction of a contributing or noncontributing structure that was completely or partially destroyed by a fire, natural disaster, or other damage not intentionally caused by the owner of the structure only if the reconstruction is built within the same footprint and has the same exterior features as the contributing or noncontributing structure.

A vote was called on Council Member Pennington's motion to amend Item No. 33k. All voting aye. Nays none. MOTION 2010-0745 ADOPTED.

Council Member Rodriguez presented the following written motion to amend Item No. 33k.

"I move to amend Item 33k on the October 12, 2010 City Council Agenda by adding a new Section 33.1 to the proposed Ordinance, which shall read as follows:

Section 33.1. That the applications for designation of the proposed Glenbrook Valley and Woodland Heights historic districts, which were filed before the effective date of this Ordinance, shall be governed by the former provisions of Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas relating to the designation of historic districts, which are hereby saved from repeal for the limited purpose of their continued applicability

to these previously filed applications for designation. The Director of the Planning and Development Department, based on information received during public hearings on the applications, may recommend to the City Council that the designation of either or both of the proposed historic districts be reconsidered pursuant to Section 3 of the Ordinance establishing a process for the reconsideration of historic district designations adopted in conjunction with the passage of this Ordinance.”

Mayor Parker stated that they had discussed how these were pending in the process, they would have full public hearings and would be coming to Council in the future.

A vote was called on Council Member Rodriguez’s motion to amend Item No. 33k. All voting aye. Nays none. MOTION 2010-0746 ADOPTED.

Mayor Parker stated that this was an issue that had not stood in the way of moving forward on the ordinance but was something that came in late and she appreciated Council Member Lovell working with some of the religious organizations in the community to draft this.

Council Member Lovell presented the following motion to amend Item No. 33k as follows:

“I move to amend Item 33k on the October 13, 2010 City Council Agenda as follows:

- (1) By amending Section 33-201 of the Code of Ordinances, Houston, Texas as set forth in Section 3 of the proposed Ordinance by adding in appropriate alphabetical order the definition of “*place of worship*” which shall read as follows:

“*Place of worship* means a building, structure, object or site, owned by a nonprofit religious organization for a period of ten years prior to the later of _____² or the date an application for designation of an historic district that includes the building, structure, object, or site is filed with the department and that is used primarily for worship or conducting religious services. A place of worship does not include ancillary buildings used for administration, schools, living quarters, or meeting halls not primarily used for worship. An organization may establish that it is a nonprofit religious organization through a determination letter from the United States Internal Revenue Service that the organization is tax-exempt pursuant to Section 501(c)(3) of the Internal Revenue Code or other equivalent evidence.”

AND

- (2) By amending Section 33-250 of the Code of Ordinances, Houston, Texas, as set forth in Section 27 of the proposed Ordinance to read as follows

Sec. 33-250. Ninety-day waiver certificate.

(a) The director shall not issue a 90-day waiver certificate for any protected landmark or for any property located within the OSWPHD.

(b)The director shall not issue a 90-day waiver certificate for any property located within any historic district other than a place of worship.

(c) Only for landmarks, archaeological sites, and places of worship within an historic district, if for any reason a certificate of appropriateness

¹ Editor to insert effective date of the Ordinance.

has not been issued on or before the ninetieth day following the scheduled submittal deadline at which a complete application for a certificate of appropriateness was received by the director, then the applicant, upon request to the director, shall be entitled to the immediate issuance of a 90-day waiver certificate, which shall for all purposes be the equivalent of a certificate of appropriateness.

(d) Before the expiration of the 90 days, the applicant shall consult with department staff to explore alternatives to the actions proposed by the applicant to mitigate the reasons for which the certificate was denied. Notwithstanding the foregoing, any landmark or architectural site for which a 90-day waiver certificate is granted pursuant to the provisions of this section shall not be eligible for any tax exemptions or other financial benefit authorized by the city council for the property based on its designation pursuant to this article.”

Mayor Parker stated that whether municipalities could impose their ordinances on religious institutions as to the various preservation ordinances had been litigated, they appreciate that the Archdiocese and also the Episcopal Archdiocese also contacted the City about this, they wanted to be part of the historic ordinance, they very clearly were only trying to exempt their actual sanctuaries, the place of worship, not the other buildings around their facilities, but it prevented them from treading into that area and she wanted to compliment the Archdiocese because they had agreed to begin discussions with the City of land marking some of their historic churches voluntarily and they truly appreciate that.

Council Member Sullivan stated that he was an Episcopalian at Christ Cathedral Church downtown and when Mayor Parker says place of worship he thinks of their cathedral with the pews, but there were several connecting buildings on that same City block that were at least as historical as the main sanctuary, could Mayor Parker make a comment on that, and Mayor Parker stated that they would be under any appropriate Historic Preservation Ordinance and they would be like any other citizen bringing their proposed changes to the Archeological and Historical Commission, they just wanted specifically to have control over their sanctuary, their actual place of worship, that they wanted to support the ordinance, they believed in historic preservation, obviously they had saved that historic church.

A vote was called on Council Member Lovell motion to amend Item No. 33k. All voting aye. Nays none. MOTION 2010-0747 ADOPTED.

33k. **ORDINANCE AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES** relating to Historic Preservation; making findings and containing other provisions relating to the foregoing subject; containing a repealer; providing for severability – **(This was Item 13 on Agenda of October 6, 2010, TAGGED BY COUNCIL MEMBERS JONES, JOHNSON, CLUTTERBUCK and SULLIVAN)** - was presented.

After discussion by Council Members, Council Member Sullivan stated that for the record he was born at 511 Arlington in the Heights, that they then moved to Spring Branch, that he and his wife purchased their first home in Montrose, that he did know what they were fighting for, that his chief concern was private property rights and how they might be eroded, that he would be opposed and voting no.

After further discussion by Council Members, Council Member Clutterbuck stated that one of the most challenging aspects of this process had been some of the public perception of what went on at the Historical Commission, that she had spoken to the Mayor about her concerns about some of the allegations of a lack of transparency or allegations of frankly ethics breeches,

that if a person had a relative appearing before the commission that should absolutely render the ability of that member of the commission, they should be compelled to leave the Chamber, she had expressed to the Mayor her strong concerns that ethics rules that applied to the City Council should apply to all of their organizations and it was essential that they affirm that and that their lawyers speak up and assert the essential rules of ethics that were imposed by this body and feel free to instruct the commission accordingly, if the commission did not show the highest level of integrity and inspire confidence in the process then they were only going to continue to have challenges going forward and that would be ashamed for all of the hard work that had gone into this which she believed was an excellent ordinance and she looked forward to supporting it.

Mayor Parker stated that Mr. Feldman was champing at the bit on that one, and Mr. Feldman stated that he did not think that Council Member Clutterbuck had anything to worry on that one.

After further discussion by Council Members, Mayor Parker stated that the 30 days, the chance to reconsider was for the existing districts where they were admittedly changing the ordinance, that for new districts coming in there was not a reconsideration, once they went to it everybody goes in with their eyes open and they were protected historic districts, that if there were neighbors who decided they wanted to create a historic district and they gather together and present a petition to Ms. Gafrick to create a historic district, if they were not a historic district by fact, or if they could not generate enough of support from their neighbors they go away and were not allowed to come back again for a year, then they could try it again but obviously if nothing changes in that course of time they were still not a historic district, but they had to wait a year if they were a failed historic district before they could apply again; that they had the ability as an individual property owner to come to the Archeological Historic Commission, to the Planning Commission and ultimately to City Council to say that for x reason they ought to be able to alter their house, they ought to be able to make changes to their house, that she would point out that there were some districts that were going to need some hand holding but that very much wanted to become historic districts, Independence Heights, which was present yesterday, were meeting with her tomorrow and one of the things that they were going to ask was that they work with them to create a protected historic district in Independence Heights, they may not be able to get deed restrictions but they could get these protections which would protect some of their area, that she did not know if they could get Council Member Johnson to where he wanted to be in this particular ordinance.

After further discussion by Council Members, Mr. Feldman stated that in addition to proposing, what they would see some time in the near future, an overhaul of Section 18 of the Code of Ordinances, they had discussed the need to adopt some specific rules with respect to the Historical Commission under Chapter 171 of the Government Code in terms of what constituted a substantial interest that would require somebody by law to recues themselves from participating, that they would address that completely; and Mayor Parker stated that Mr. Feldman conducted an ethics seminar to which all board and commission members were not just invited but informed that they must either attend or go though the on-line version, she did not know where they were in working their way through that but their board and commission members were expected to undergo ethics training.

Council Member Lovell stated that she would ask for a roll call vote on Item No. 33K.

After discussion Council Member Adams stated that she wanted to put on record that if anyone had any concerns about this and her decision there was a young lady that they had all voted for, her initials were MAP, that meant that she had the direction, Mayor Annise Parker, that she was putting all of this on her and Council Member Lovell, so when the heat comes to her, because it was already coming, she was going to ask them to step in because they did

have to do this compromise and it was not an easy decision for her, that she wanted to put all of that on record.

After further discussion by Council Members, Council Member Johnson stated that he needed some clarity on the historic district, could one individual who owned multiple parcels of property create a historic district that would then leave these row houses in place that in his opinion had not been to the benefit of the community but had to been to the detriment simply because they were renting to whoever would pay the \$300 a month, and Mayor Parker stated that the answer was yes, they could if they owned the properties individually and were platted individually and they were historic, that was the ultimately property right, they as property owners wanted to preserve that, they certainly had the ability to make an application to the City and 67% of the properties within the proposed historic district would qualify, that she would clarify that, that how the land was owned was important, that if it was one big tract that was one property owner, but if there was individually platted tracts those were multiple owners, but yes to what he was saying, the direct answer to his question it was certainly possible for that to happen, and that vote had to come to this body.

A roll call vote was called on Item No. 33k as amended.

ROLL CALL VOTE:

Mayor Parker voting aye	Council Member Gonzalez voting aye
Council Member Stardig voting aye	Council Member Rodriguez voting aye
Council Member Johnson voting no	Council Member Costello voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Adams voting aye	Council Member Noriega voting aye
Council Member Sullivan voting no	Council Member Bradford voting no
Council Member Hoang voting aye	Council Member Jones voting aye
Council Member Pennington voting aye	Ordinance 2010-0814 ADOPTED AS AMENDED.

Council Member Lovell stated that she stood with Eleanor Tinsley as the last of the billboards came down and she watched the tears roll down her cheeks and she wondered what it would feel like to make such a difference and today she came close to it, that it took her 30 years and she was very grateful to her colleagues that it did not take 30 years, although it felt like it on many days, that she wanted to thank her staff who had worked tirelessly and had done such a great job, that she wanted to thank the Legal Department, the Planning Department, Marty Stein and Mayor Parker for giving her the opportunity to have a feeling like Eleanor Tinsley and to her colleagues thank you very much, even those who voted “no”, to the citizens of Houston and to the stakeholders and to her family.

Mayor Parker stated that they had an item that was tagged earlier in the meeting and Council Member Sullivan, always true to his word, had said that he would come back on that item, and Council Member Sullivan stated that he would release his tag on Item No. 10.

10. **ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Administrative Adjudication of certain Health and Safety Violations; containing findings and other provisions relating to the foregoing subject; providing for severability – was again before the City Council. All voting aye. Nays none. **ORDINANCE 2010-0815 ADOPTED.**

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Rodriguez stated that he wanted to congratulate Mayor Parker’s administration and Council Member Lovell on passing the amended Historic Preservation Ordinance, that he wanted to thank his colleagues for being so engaged in working together;

that he wanted to thank all of the residents and stakeholders for being engaged and being part of the process and especially his constituents in Glenbrook Valley; that he wanted to wish his father Gilbert Rodriguez a very happy birthday tomorrow, he would be celebrating 64 years and next week his parents, Gilbert and Mary Rodriguez would be celebrating 39 years of marriage. Council Members Hoang, Lovell and Jones absent.

Council Member Sullivan stated that his staff was passing out a book to everyone on Council about the Orion Space Program called Americans Next Generation Space Craft, that there was a cover letter on it, that while the President signed the authorization funding bill earlier this week there was still a lot of work left to be done, that he received an email and phone call from one of their major subcontractors at the Johnson Space Center, United Space Center Alliance, that was announcing a layoff of another 150 employees coming out of the Houston office, that they wanted to acknowledge and appreciate the work of their Congressional delegation but they still had a lot of exposure on job losses at Johnson Space Center; that Mayor Parker allowed him to present a proclamation to the United States Coast Guard, Rear Admiral Mary Landry, last week congratulating her on her work and leadership in the Coast Guard District; that yesterday was the State of the State luncheon at the Greater Houston Partnership held at the Hilton Americas; that the District E office was going to have a townhall meeting tonight from 6:30 p.m. to 8:00 p.m. at the University of Houston Clear Lake in the Bayou Building Garden Room and would invite his constituents and the public to come; that with respect to Propositions 1, 2, and 3 that were on the ballot, they spent a lot of time on historical preservation in the last few weeks and not talking about the issues that were coming up on November 2, 2010, he had stated his opposition to Prop 1 but wanted to let his colleagues and the public know that he realized that they had drainage problems and was not taking a hit in the sand approach, it was not that his opposition to Prop 1 was denying that they had drainage problems and flooding problems because they did, they just once again had a philosophical problem on how to get there, so he wanted to publicly state his opposition, not so much to get that word out, but to say that they did have a problem, acknowledge it and they had to find a way to get there he just did not know how to do it. Council Members Hoang, Gonzalez, Lovell and Jones absent.

Mayor Parker stated that there was always a tax increase. Council Members Hoang, Gonzalez, Lovell and Jones absent.

Council Member Johnson stated that he wanted to congratulate Council Member Lovell and the administration for a job well done on Historic Preservation; that on Saturday, October 16, 2010, was his son's birthday and wanted to say happy birthday to him, that he would be 10 years old, that he was a great kid doing wonderful things; that the Kashmere and Wheatley Homecoming Parades would be on Saturday; that the Brock Park Golf Tournament was still on, they were looking for teams, that it would be on October 22, 2010, tee time would be at 8:00 a.m. at Brock Park, that they had a host of sponsors who had come on board and said they would be a part of this golf tournament as they were trying to support and keep alive Brock Park; that he wanted to say to all of colleagues thank you for their calls and well wishes and prayers that he had gotten, that there had been a weight lifted off of his shoulders and could go back to doing what he had always done and that was to have the tunnel vision that he had to have for District B. Council Members Sullivan, Hoang, Gonzalez, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Adams stated that on Sunday the Extreme Makeover came to Houston, Texas and made one of the dreams come true to a family in the South Union Community; that on Saturday their office, along with Congressman Al Green and the South Park Community would have a community health fair on October 16, 2010 at Edgewood Park at 5803 Bellfort between 10:00 a.m. and 1:00 p.m., that she wanted to thank her staff members Shavonda Johnson and Karen Heller for working on this; that next would be a 2010 free financial summit

for the City of Houston, on Wednesday, October 20, 2010 at 611 Walker, the Garden Level and Tuesday, October 21, 2010 at E.B. Cape Center at 4501 Leeland, that all City of Houston employees were invited, that they would help City of Houston employees prepare for their financial future by providing education about their pension, deferred compensation and Social Security benefits; that she wanted to thank all of the historic districts in District D and the constituents who felt strongly about historic preservation on either side for working with their office, that she wanted to thank her staff member Jeron Ravin for all the faxes, calls and emails; that last year they had an event called "Houston Loves Prayer" and coordinated over 10,000 people around 610 from various diverse groups, all churches across Houston, that at the Christian Tabernacle Church at 1334 Wallisville Road, she along with many parishioners and pastors throughout the Houston area would do "Houston Loves Prayer" again on Saturday, October 23, 2010 from 7:00 a.m. to 8:00 a.m., that last year they had over 10,000 and this time they were expecting over 50,000 constituents to participate. Council Members Sullivan, Hoang, Rodriguez, Lovell, Bradford and Jones absent.

Mayor Parker stated that they could hear the music outside and if they had not already made lunch plans this was their first ever Midtown Midweek Farmers Market, so she hoped they would go down and grab some lunch, they were going to be doing it on Wednesday's and it should be a whole lot of fun. Council Members Sullivan, Hoang, Rodriguez, Lovell and Bradford absent.

Council Member Gonzalez stated that again congratulations, it was a historic day and a great ordinance, that he wanted to thank Mayor Parker for her hard work and great leadership in making it happen; that he wanted to invite everyone to attend a tree planting, the Greater Northside Management District, along with Trees for Houston, was greening up District H, that Operation Plant a Tree would be planting over 200 trees over a two to three phase period, that phase one of the project was scheduled for this Sunday, October 17, 2010, and volunteers would be planting 77 live oak trees along Jensen Drive, Cavalcade and the Eastex Freeway service road, if they would like to volunteer or wanted more information they could contact William Trevino at 713-229-0900; that he wanted to give a large congratulations to the people of Chile, they had some members of the Chilean Community in the City and obviously they had all seen a display of humanity as they had begun the rescue effort, that it was ongoing, that it was a wonderful show of camaraderie and humanity as they work through this unprecedented rescue effort, that he believed there was some Houston involvement, some USA involvement participating in this effort and making it happen. Council Members Adams, Sullivan, Hoang, Rodriguez, Lovell, Bradford and Jones absent.

Council Member Stardig stated that she wanted to remind her colleagues that they were going to have to kiss a pig if they did not get moving; that last Saturday she rode a Houston Fire Department apparatus with District A Fire Station No. 38 at the Fire Fest Parade, that she wanted to thank the Houston Fire Department and the Fire Museum for their work on the event which promotes awareness about fire safety and prevention; that she wanted to thank her colleagues for supporting the Chapter 10 amendments, that she knew that these changes were going to significantly improve the health and safety violation process, that with input from Public Works and Engineering, Neighborhood Protection and the Municipal Courts, plus studying the successful Dallas model, the City of Houston had assured to quickly implement these improvements, that as they all knew one of her big issues was with slum lords and bad apartment complexes, that these entities needed to be held accountable, that all residents of the City of Houston deserved a better and safer place to live and these changes would make a huge impact. Council Members Adams, Sullivan, Hoang, Rodriguez, Lovell and Bradford absent.

Council Member Pennington stated that he wanted to congratulate the Briar Meadow Middle School which was a 2010 recipient of the United States Department of Education Blue

Ribbon Award, that Briar Meadow Middle School was located in District G near the intersection of Hillcroft and Richmond and was one of five schools in the Houston ISD receiving the award for this year for high performing or improved student achievement at high levels, that HISD accounted for only 3% of the schools in Texas yet the school district had 19% of the Blue Ribbon Schools in Texas this year; that October 12 was Columbus Day and also the date in 1912 when Rice Institute, which was now Rice University, officially opened, that Rice alumnae around the world celebrates it as Rice Day, that they were delivering a package to Mayor Parker's office which outlined some of the accomplishments of the Rice faculty and students, as well as other information. Council Members Stardig, Adams, Sullivan, Hoang, Rodriguez, Lovell and Bradford absent.

Council Member Jones stated that she wanted to congratulate them and everybody who put in blood, sweat and tears to get the Historic Preservation Ordinance passed, and especially wanted to thank Council Member Pennington because his amendment helped her get there; that she wanted to thank Metro, the Housing Department send out a FONSI, a Finding of No Significant Impact as it related to Palm Center, that Palm Center was a huge deal to the people who lived over there, a transit line was going in there and Metro was gracious enough to come and explain to the people in a very hastily called townhall meeting because the deadline to file comments or objections to the FONSI was Monday, October 11, 2010, that they came out on a Sunday and it was very well attended considering the meeting notice went out on Thursday evening; that they had to continue to get HUD funding and have public meetings for things so this was an official notice to come out, the Housing Department was going to present both the 2011 Consolidated Plan and Action Plans, they were having two public meetings, on Tuesday, October 26, 2010 at 7:00 p.m., it would be the Ike/Dolly disaster recovery money and at 8:00 p.m. they would have the Consolidated Plan at the Fifth Ward Multi Service Center, 4014 Market Street, that the second would be on Thursday, October 28, 2010 at the Sunnyside Multi Service Center at 4605 Wilmington Street, that the purpose was for Houstonians to come out and let the Housing and Community Development Department know about what their community's greatest needs were; that she was going to get something to eat at the farmers market; that the application deadline for the Houston Reality Challenge passed on October 9, 2010, they had a ton of applications and had to vet and some people did not make it, that they could still come and watch for free. Council Members Adams, Sullivan, Hoang, Rodriguez, Lovell and Bradford absent.

Mayor Parker stated that it was not just a farmers market, there were real mobile food vendors and prepared food to. Council Members Adams, Sullivan, Hoang, Rodriguez, Lovell and Bradford absent.

Council Member Costello stated that he wanted to congratulate Mayor Parker and Council Member Lovell for all the work they did and supported everything they did and knew that everybody worked hard on the Council and appreciated their effort; that he wanted to remind everybody that early voting would start on Monday, October 18, 2010, that he would be working the polls, that he was a number one supporter of Proposition One, that when Mayor Parker put him on the Drainage and Flooding Committee as Chair one of the directives she said was to seek long term funding for drainage and this particular proposition did that, it got long term funding for streets and drainage, they had a number of communities throughout the City that had never had a street done, never had any drainage work done in their communities in over 50 years, there were communities that waited 16 years to 17 years for street improvements, that he thought this initiative was a very important one and unlike the public speaker that came before them yesterday this was not driven by the City Council, it was driven by 37,000 voters that thought this was a proposition that they should vote on, and as an engineer he had been working in this community for 30 years and had seen a problem with the lack of infrastructure funding, the degradation of their communities and unlike the Council Member who said that he understood the need for streets and drainage and yet did not have a solution, this was a

solution and he urged everyone to support it and urged everyone to vote come Monday; that he was wearing blue and also wearing red for the University of Houston, that there was a game this weekend so "go Cougars". Council Members Adams, Sullivan, Hoang, Rodriguez, Bradford and Jones absent.

Mayor Parker stated that she was glad that Council Member Costello spoke up about Proposition One, that there was not magic source of money to do all of these, they kept hearing from people who wanted their streets redone or had a drainage problem, that it was taxes or fees, that was it. Council Members Adams, Sullivan, Hoang, Rodriguez, Bradford and Jones absent.

Council Member Lovell stated that Cortland Place, a wonderful example of historic preservation in a Houston Historic District would celebrate it's 104th anniversary with a home tour on Saturday and Sunday, October 16 and 17, 2010, that the proceeds would go to the Cortland Place Historical Foundation and a portion of the revenues would be donated to the Herman Park Conservancy; that she again wanted to thank Mayor Parker for the wonderful opportunity and trust that she placed in her to move forward an ordinance which would preserve their history and continue to move Houston forward as a world class City. Council Members Stardig, Clutterbuck, Adams, Sullivan, Hoang, Rodriguez, Bradford and Jones absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he had an update on Benjy's Academy, that on Monday they made an announcement that Benjy's was alive and well, the school had officially reopened yesterday, they brought in a new administrative body that would keep Benjy's legacy alive, but more importantly it was a safe haven for many of those students that he talked about during the time that he brought it to their attention; that he was wearing pink today in recognition of Breast Cancer Awareness Month. Council Members Stardig, Clutterbuck, Adams, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:55 a.m. Council Members Stardig, Clutterbuck, Adams, Sullivan, Hoang, Rodriguez, Noriega, Bradford and Jones absent. (NO QUORUM PRESENT).

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary