

City Council Chamber, City Hall, Tuesday, September 11, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 11, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director present.

At 2:07 p.m. the meeting was called to order. Mayor White appeared at the podium and stated that it was Hispanic Heritage Month and today they were lucky to be honoring Mr. Jesse Campos and invited him to the podium. Mayor White stated that Mr. Campos served in the Army in World War II and was wounded in battle twice and received the Purple Heart and several Bronze Stars and numerous decorations and then returned and retired in 1969, but he and his wife were very active in the community and organizations; that they were proud to honor him as recipient of the 2007 Mayor's Hispanic Heritage Award for his activism and presented him a Proclamation proclaiming September 11, 2007, as "Jesse Campos Day" in Houston, Texas. Council Members Holm and Berry absent.

Council Members commended Mr. Campos and thanked him for his service. Council Members Holm and Berry absent.

Council Member Johnson appeared at the podium and stated that Mr. LeRoy Bush was a World War II hero and veteran and invited Mr. Bush to the podium. Council Member Johnson stated that Mr. Bush bravely served in WWII and was assigned to a war ship which was torpedoed and sunk; that he received the Bronze Star but did not receive it until a special celebration on August 11, 2007, and presented him a Proclamation saluting his brave service providing freedom and values to our country; and proclaimed September 11, 2007, as "LeRoy Bush Day" in Houston, Texas. Council Members Holm and Berry absent.

Council Members commended Mr. Bush and thanked him for his service. Council Members Holm and Berry absent.

Council Member Johnson invited Ms. Emma Primus to the podium and stated that there was no more important milestone in one's life than a birthday and this was a special celebration; that Ms. Primus was born in 1906 and was celebrating her 101st birthday and was blessed with children, grandchildren and great grandchildren and the city was pleased to join all in extending her best wishes on her 101st birthday, and pointed out that what he was holding was her current, valid drivers license; and presented her a Proclamation for her 101st birthday. Council Member Berry absent.

Council Member Brown invited Mr. Rod Evans, editor and chief of the Sports and Fitness Magazine to the podium and stated that this was a Houston magazine with a circulation of 50,000 per month; and presented Mr. Evans with a Proclamation celebrating its 22nd anniversary, wished them continued success and proclaimed September 11, 2007, as "Health and Fitness Sports Magazine Month" in Houston, Texas. Council Member Berry absent.

At 2:28 p. m. Council Member Noriega led all in the prayer and pledge. Council Member Berry absent.

At 2:29 p.m. the City Secretary called the roll. Council Member Berry absent.

Council Members Garcia and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Berry absent. MOTION ADOPTED.

Council Member Brown moved that the rules be suspended for the purpose of substituting Ms. Dorothy Dawson for Ms. Olivia Randall, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0925 ADOPTED.

Council Member Johnson moved that the rules be suspended for the purpose of hearing Ms. Cleo Glenn McLaughlin out of order, at the top of the Agenda under three minutes, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0926 ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Ms. Mary Jane O'Fiel, Ms. Carol Kleiber, Ms. Karen Becerra, Mr. Vernice Seriale, Ms. Brigit Green and Mr. Roger Harris at the top of the three minute non-agenda speakers behind Ms. McLaughlin, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0927 ADOPTED.

At 2:31 p.m. the City Secretary began calling the public speakers. Council Member Berry absent.

Ms. Joann Hickman, 5618 Mackinaw, Houston, Texas 77053 (281-438-2915) appeared and stated that she was present speaking on behalf of mobile food vendors; that they realized the importance of sanitation but would like Council to consider extending the restroom 300 feet and make it possible for landowners to put a port-a-pot on their land. Council Members Khan, Lovell and Berry absent.

Council Member Lawrence stated that much was discussed on the distance and it would be 500 feet. Council Members Khan, Lovell and Berry absent.

Mr. David Mestemaker, 3411 Richmond #750, Houston, Texas 77046 appeared and stated that he was one of the lawyers who filed a lawsuit on behalf of mobile food operators in federal court two weeks ago seeking statutes to be declared unconstitutional, in particular the 24 hour daily inspections; that he was told inspections would be 20 to 24 minutes and people at the commissaries would do them, so there was no funding or idea of what the inspection was so that would add some two or three hours a day to the 400 or 500 units at 15 commissaries and he felt it would drive some out of business and since most owners were minorities they believed it violated the equal protection portion of the fourteenth amendment; secondly, with the 500 foot requirement for restrooms if you went to a fast food restaurant after midnight the doors were locked and there were no restrooms and to require mobile food operators to have access again made them believe it was discrimination; third, requiring them to have written permission to sell tacos by the landowner was an incredible impediment and made it almost impossible for them to go to the jobsites to sell food; and urged they think carefully on those three sections as he believed them to be unnecessary. Council Members Khan, Lovell and Berry absent.

Upon questions by Council Member Holm, Mr. Mestemaker stated the sections were health related and they uncovered no evidence of sanitary health issues at the mobile food units. Council Members Lovell and Berry absent.

Council Member Alvarado stated that she too had concerns with the restroom issue, but was told the intent was not for customers but for workers and this had become known as the "taco truck ordinance" but no one had that intent and she had problems with it because they were speaking of one segment of the community and people who had come here and worked

hard for their families; that the city's main concern was health, safety and hygiene; and upon questions, Mr. Mestemaker stated that none of his clients spoke with him about the need of a restroom; secondly, the way he read the proposed ordinance was it did not specifically address the restrooms were strictly for workers; that many such units were trucks with wheels and moved on its own but some were trailers with wheels and parked for a day, week, etc., and that varied widely on their mobility and so many units would have to get a truck to come pick them up and take them to be inspected each day; and Council Member Alvarado stated that she would like the Administration to share with them tomorrow how that would carry out, when they brought up the grease trap ordinance such details of inspections, funding, etc., were worked out and she had not heard it with this ordinance; and Mayor White stated that he thought Council Member Noriega would have an amendment on the issue of the restroom and he also had questions. Council Members Lovell and Berry absent.

Council Member Lawrence stated that the ordinance regarding being cleaned daily was established in 1999 and so was the restroom and if something happened on someone's property while they were not there they were liable and that was the problem of someone going somewhere and running their business, especially with propane, when a backfire could level a block or two if it was leaking because as an attorney he knew when something happened you could sue anyone you could while you had the lawsuit. Council Members Lovell and Berry absent.

Upon questions by Council Member Edwards, Mr. Mestemaker stated that when asked the workers told him if they had to use the restroom they used a nearby gas station, but also they brought business to those gas stations by selling the tacos and his opinion was there was no need for the ordinance as there was no problem now. Council Members Lovell and Berry absent.

Upon questions by Mayor White, Mr. Mestemaker stated that he felt mobile stands had less risk of food poisoning because they carried much less food for a much shorter period of time; that there was not a regulation of what food they could carry but it was a function of what they sold; that regarding fixed placed restaurants he thought they should hire more inspectors and have more frequent inspections. Council Members Lawrence, Wiseman, Holm, Noriega and Berry absent.

Upon questions by Council Member Khan, Mr. Mestemaker stated that he believed if the mobile food unit intended to take up a permanent or semi permanent space they should pay rent and get permission and he was for permits being issued, but if it was mobile and moved every day or two then no; that to this point he was speaking of the mobile units which visited construction sites; that regarding water for hands it was on the units and in speaking to the gas station operators who allowed them on the property it was a symbiotic relationship in the sense they did not sell food being sold in the gas station; that regarding the proposed ordinance it said all mobile food units should return to commissary for performance of servicing operations within a 24 hour period of operations and talked of inspections and he could not be told everything an inspection entailed so he was concerned it would be the same as a fixed place restaurant and he did not think all that should be done daily, there were only 15 commissaries in the city with 400 to 500 mobile units and that was daily inspections and it would add three to four hours to the mobile employees day and he did not feel that to be reasonable; and Council Member Khan stated that he saw that point. Council Members Lawrence, Johnson, Wiseman, Alvarado, Noriega and Berry absent.

Mr. Travis McGee, 4800 Pederson, Houston, Texas 77033 (832-488-7709) appeared and stated that since 1961 Houston had been victimized by some of the worse hurricanes and tropical storms in U. S. history and combined did over \$75 billion in damages and repairs, but

still drainage was not a number one priority with the City of Houston; that they should focus more on cleaning drainage and less on evacuation; that pumps not working on highways in 2000 still were not working and they should be more proactive and less reactive; that between drainage and weeded lots in their area they were looking at a swamp and a jungle and children walking in streets; that they also had a problem with parks, in November they voted on a \$55 million bond and still had no lights and they voted on Proposition 8 for drainage, \$320 million, and saw no significant amount of money thus far and they were asking that flooding be priority instead of red light cameras, Wi-Fi system, etc. Council Members Lawrence, Johnson, Wiseman, Alvarado, Noriega and Berry absent.

Council reviewed a video of the area; and Council Members Brown and Noriega stated that they would like a copy of the presentation. Council Members Wiseman, Alvarado and Berry absent.

Mayor White stated that Mr. Simmons was out August 23, the last heavy rain, looking and checking and on the video the outfall referred to the city spent about \$120,000 since he was last here; that there was much catching up to do and there were three crews working on these phases, but they were juggling between the phases and the 311 calls and had increased significantly the amount of ditch cleaning; that Mr. Fontaine had been out twice and they would not solve all in a day but were working on it. Council Members Wiseman, Alvarado and Berry absent.

Ms. Dorothy Dawson, 5859 Hirondele, Houston, Texas 77033 (713-733-8734) appeared and stated that she was representing the same area as Mr. McGee and she listened to what they said; that last time she was present she referred to the area as prehistoric because all the surrounding area was modernized, but their area had no improvements for 50 years, but now speaking on behalf of any area which had flooding, in her opinion, priorities of the Planning Department were screwed up, they were improving improvements and not improving the areas which really need it and she would encourage Planning to review and reset priorities. Council Members Wiseman, Holm, Garcia and Berry absent.

Council Member Edwards thanked Ms. Dawson for many years of service to the community and stated that it would be a long, hard fight and the only thing constant in it would be the community. Council Members Wiseman, Holm, Garcia and Berry absent.

Ms. Bren Hardt, 10375 New Wehden, Brenham, Texas 77833 (713-303-3403) appeared, presented a book Non-Violent Communication and stated that she was present to speak on compassionate communication and the book presented was a language of life, if they did not want to read it she would like them to donate it to the library; invited them to a free workshop on compassionate communication October 27th at the Stella Link Branch Library and gave an example to show observation, feelings, needs and requests and if all learned that the city would be safer. Council Members Edwards, Wiseman, Holm, Garcia, Alvarado, Lovell and Berry absent.

Mayor White thanked Ms. Hardt for coming and stated that he knew she had been brought up to speed on where they were in getting conflict resolution training for city employees and this again was an example of how a citizen gave the city an idea, but they were not always as good about following up and letting her know what they did with her idea and he did agree it was important for people to communicate effectively when delivering services to citizens as it would enhance their effectiveness. Council Members Edwards, Wiseman, Holm, Garcia and Berry absent.

Ms. Cleo Glenn McLaughlin, 2606 Gregg, Houston, Texas 77026 (713-524-5767) appeared at the podium with her mother and husband, presented packages to the Mayor and Council Members and stated that she wanted to introduce her mother, Ms. Florence Glenn who recently turned 88 years old and it was her first time to stand before Council and her pleasure; that on the other side she was present as president of the Black United Fund of Texas and over the last 20 years they had worked creating opportunities which would not otherwise exist and had promoted self-help; that in their celebration this year some Council Members had agreed to be co-chair and that came with responsibilities and she hoped to get them involved; that celebrities were coming from over the country and they would like the Council Members to get involved and make it successful, they had 100 inner-city youth which would come from across the state of Texas and this opportunity was to make it a city rainbow and urged they attend October 21st. Council Members Edwards, Wiseman, Holm, Garcia and Berry absent.

Council Member Johnson stated that she did not want to say, but all knew Ms Cleo Glenn Johnson was his mother, and she did not say, but he was chair of the gala and to all those who agreed to be co-chairs on this event he did thank; that this was special and over 100 youth were being brought in; that they had funded many organizations and he did appreciate her great works; and Ms. McLaughlin stated that they never received government money and received little charity funds but they did much with little; and again urged all to participate and thanked Council Member Johnson for being chair, introduced Rev. McLaughlin, her husband, and asked all present volunteers to stand to be recognized. Council Members Wiseman, Holm, Garcia and Berry absent.

Council Member Johnson stated that as a point of personal privilege he loved to give beautiful women flowers and today had flowers to present his mother as it was her birthday; and presented her a vase of red roses. Council Members Wiseman, Holm, Garcia, Alvarado and Berry absent.

Ms. Mary Jane O'Fiel, 207 E. Burrese, Houston, Texas 77022 (713-699-3654) appeared and stated that she lived in the Independence Heights and wanted to thank Council Member Noriega for her lovely prayer and Council Member Lawrence who had also been in her thoughts, those who had families at Ground Zero or were from New York were still very touched by this day; that she was asking Mayor White to revisit Chapter 19-43; that she lived between Tidwell and Crosstimbers and between Tidwell and Victoria there were over 20 streets with approximately 200 homes which would be affected by stringent regulations of 19-43; that they could do nothing with their property and most were retired, they were looking for direction from the Mayor to know what they could and could not do with properties; that they did not want to see more blight, they all worked hard to clean it and this was their investment and she would welcome anything he had to offer. Council Members Johnson, Wiseman, Holm, Garcia, Green and Berry absent.

Upon questions by Mayor White, Ms. O'Fiel stated that lots from I-45 feeder up East Rogers to Werner and on East Burrese to Werner there were empty lots which needed to be looked at, homeless people lived there and they finally got them out and 5216 Werner, which she would guess to be a Toyota parts recycling center had trucks and cars in daily and the other day a school bus could not get through and the lots were in serious needs of cutting. Council Members Johnson, Wiseman, Holm, Garcia, Lovell, Green and Berry absent.

Council Member Edwards stated that there would be a meeting on Flooding, Chapter 19 on September 20th at 2:00 p.m. in the Council Chamber and they would present recommendations by the Mayor and Public Works to try and alleviate some of the community's concerns. Council Members Johnson, Wiseman, Holm, Garcia, Lovell, Green and Berry absent.

Ms. Carol Kleiber, 6200 North Shepherd, Houston, Texas 77091 (713-692-8888) appeared and stated that she lived on White Oak Bayou in Little York Annex and was also present addressing Chapter 19-43, basically it had condemned her property, she could still live on it, but not build or do improvements, she now owned property which was not marketable due to the ordinance restrictions and it was about all neighborhoods which were affected by the ordinance; that a lot in her neighborhood had a home burn and now it was nine feet weeds there because nothing could be built and she believed that to be blight and it would affect all homes in the floodway and that was not even mentioning the dumping; that they had not flooded since she had purchased it and that was in 1946 and most of the flooding from Tropical Storm Allison was outside the floodplains and most of it appeared to be a direct result of lack of upkeep with the city's drainage system; and urged Council revisit changes made to Chapter 19-43 and not use their private property as detention. Council Members Johnson, Wiseman, Holm, Garcia, Lovell, Green and Berry absent.

Council Member Edwards thanked Ms. Kleiber for coming and stated there would be a meeting September 20th, 2:00 p.m., in the Chambers; that they heard concerns clearly and thought they had not a perfect solution but a start and she had asked for two representatives from each Council Office for a stakeholders group and if she would like to be on it she would be more than happy to. Council Members Johnson, Wiseman, Holm, Garcia, Lovell, Green and Berry absent.

Mayor White stated that they treated the issue of flooding very seriously along with the issue which she raised, they were very difficult issues and finding the right balance to be able to say they were doing all they could think of to get the right possible answer. Council Members Johnson, Wiseman, Holm, Garcia, Lovell, Green and Berry absent.

Council Member Brown stated that he did sympathize with their problem and suggested one issue being concerned with as a governing body was uncertainties of the present floodplain maps and the floodplain maps were always changing, he found he bought in a floodplain but then a ditch was improved and he no longer was in it; secondly, giving consideration to homeowners, there should be a process for mitigation, balancing negative impact; third was an architectural solution, you could build in the floodplain with onsite mitigation which was not in the ordinance; that many had never flooded and may never flood and yet they felt the city made their property almost worthless and they needed to work harder and fine tune. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated along the lines with Council Member Brown she knew they had discussions on the particular issue and definition of the floodway, which was a conveyance area, and they had the same antidotal evidence and testimony that the homes had never flooded, but it was not in the floodplain, but the floodway of the conveyance are and Mayor White had expressed an interest in seeing changes be more simultaneous to the flood map as opposed to waiting every 10 years and she hoped to have some recognition and maps changed accordingly; and asked Council Member Edwards to again specify the date and time of the meeting. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that if Ms. Kleiber would hand her E-mail address to her she could attempt to E-mail a draft to her regarding the meeting as it would be faster, but it would be held September 20th, 2:00 p.m. in the Council Chamber. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Karen Becerra, 3401 Louisiana #460, Houston, Texas (713-527-0702) appeared and stated that she had the privilege of serving on several boards and commissions and one worked with small businesses; that she received calls for advise and she would tell them what to do to get a process dated and going, but having gone through this 2-1/2 years and working closely with Ms. Laws department she came to the conclusion the buck would stop at Council and she was present as an ordinance was needed to protect the rights of small business owners, they experienced increasing problems with large business owners who they performed work for and had not received compensation; that even when going to arbitration with the small company prevailing the large company still failed to pay as directed and they should be subject to penalty and discipline or banned from future city opportunities, etc., and urged the Mayor to direct the MBE Small Company Development Contract Compliance Committee to establish such an ordinance so they could further assist small businesses and provide a level playing field for both large and small businesses to grow and prosper. Council Members Johnson, Wiseman, Holm, Garcia, Lovell, Green and Berry absent.

Council Member Lawrence stated that she would like to see effort by various people on the committee she spoke of to make a presentation to them, any committee willing to take it or the committee she chaired, it was an interesting situation and she thought there were a lot of small businesses not being reimbursed for work done and it hurt them and until they moved up a step they would not be able to help them and she would appreciate any input she had and if a larger contractor was not paying then Council needed to know them by name; and Ms. Becerra stated that she had no problem with telling them, the firm was Underground Technologies and the small business was Rudy Contracting Company and the firm was out money for over a year and if someone had not kept them afloat they would have closed down. Council Members Johnson, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he did believe Rudy's Contracting did get an arbitration award which was being appealed with a request for modification to the arbitrator; and Ms. Becerra stated that was what she understood, but she would like Mr. Harris to speak with him about that, but she came today because she heard from other firms also and she had talked to Mr. Gallegos and Ms. Laws about it and they informed her about the contract compliance committee coming to fruition and they were trying to get things in place and she knew things were being done, but it was hard for Ms. Laws department to implement something with nothing that would enforce; and Mayor White stated that if there was something where there was a percentage completion contract there should be something in the file showing the subcontractors work was done and paid for just as a part of the project management process, it did not take that much, but he would say the contracting business, especially low bid contracting was a hard business and anyone who would survive had to be pretty tough because all were trying to squeeze every dime and there would always be disputes between primes and subs but there should be a dispute process which did not involve the Mayor and City Council; and thanked her for all her public service. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Green and Berry absent.

Mr. Vernice Seriale, 149 Winkler, Houston, Texas 77087 (281-450-7649) appeared and stated that he was present as a follow-up regarding his last presentation on copper theft; that it was mentioned a committee would be formed he thought with Council Member Garcia but had no luck in finding any information. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Green and Berry absent.

Mayor White stated that he remembered he had a good testimony and he believed Council Member Garcia had addressed him, he had specific suggestions when he appeared and to Mr. Fontaine they adopted an ordinance and the legislature was not that good, if there was

someone to take down his suggestions he would appreciate it; that if something was visited and then someone came with another suggestion he wanted to know what it was; and Mr. Seriale stated that it was regarding Section 7-58 where police would receive information from copper buyers and he had ideas to make sure it was accurate information and would like to be a part of the committee; and Mayor White stated to Mr. Fontaine that he wanted him to share information with him about what was being done in that regard, they were at the cutting edge of big cities in this and wanted to make sure the Administration was not lagging behind; and Mr. Seriale stated the ordinance said the department would receive information and review and what did that mean, would a committee be formed; and Mayor White stated that he was the committee; that he did not say this to everyone, but he had good ideas and if there was a way not to compromise investigations he would be curious himself and he asked Mr. Fontaine and someone from HPD to get together and see what should be done with the information when they get it; and Mr. Fontaine was present and would speak with him. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia and Green absent.

Ms. Brigit Green, 1523 W. 21st, Houston, Texas 77008 (832-647-3047) appeared and stated that she lived in Shady Acres and her neighborhood was also in the floodway and their house was being devalued by Sections 19-43; that another issue the ordinance brought to the neighborhood was homelessness, that there was now an influx of homeless persons in the neighborhood; that Pecos Grill was in a center on East T. C. Jester near Ella Blvd. and since it moved out the owner was not able to lease it because no one could get permits to build it and make it a profitable establishment; that 19-43 made it impossible for many building owners to lease space and therefore they were empty and the homeless moved in and trash was left and thrown over their fences; that also a vacant CVS building was on 18th at East T. C. Jester and it was a graffiti magnet and the homeless lived under the awning and the dumpster area was becoming a dumpsite for sofas, televisions, etc., and it was an unseemly site; and she was concerned the city may be attempting to fix the drainage problem by promoting sheet flow above ground where the water was transported over streets and private properties to the next waterway instead of fixing the outdated drainage system; that Council Member Edwards suggested to Mr. Iken in a Drainage Committee Meeting last year to make it more cost efficient would be to identify older neighborhoods and then older homes and purchase them so property could be used for detention and Mr. Iken stated if it was cheaper then that would be the way to go; and she did not think it proper for the city to use private property for detention without proper compensation and she was glad they were getting back to the table. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia and Green absent. (NO QUORUM PRESENT)

Mr. Roger Harris, 2601 Cartwright, Missouri City, Texas 77459 (281-208-0656) appeared, presented information and stated that he had an issue with a prime contractor who had gone through arbitration and his appeal was for modification only; that the arbitrator awarded his client Rudy's Contracting \$152,000 plus \$10,000 in punitive damages because the arbitrator found the company guilty of fraud, by producing fraudulent documents because there was a contract dispute; that here there were two issues, first the contract dispute which was settled and they wanted to know what they city could do to keep a contractor from getting more business when such an issue was going on; that they felt the contractor still may not abide by the ruling when the arbitrator rendered his decision on the 24th, another issue was when it came to the subcontractor submitting an invoice to the contractor who then would submit the invoice to the city and the city detailed which items they would pay and would not pay and it came back with a number and name but no reason to why the item was being denied payment; that he spoke with Mr. Norman and sent another E-mail on the disputed items. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Lovell and Green absent.

Upon questions by Mayor White, Mr. Harris stated that he was represented by Council at the arbitration and the result was a judgment; and Mayor White stated that if you were a contractor, a judgment creditor you could go in and haul off their office equipment and so they were in a better position than the city; that second, he did not understand about the sub getting information regarding things not paid to the general; and Mr. Harris stated that the subcontractor sent the invoice to the contractor who then sends it to the city and the city then said what they would and would not pay and he presented examples; that it had a persons name, he imagined an inspector; that this was a sewer job, pipe bursting, and they did service reconnections and point repairs; and Mayor White stated that he would say to Mr. Norman, Mr. Marcotte and the like if the city was being charged for something that did not meet standards then they should be hard nosed and not pay for it, but if they said a cost was disallowed they should say why; and Mr. Harris stated that also once the contract was closed there was the issue of retainage they could not seem to get straight either, the general was to return the retainage; and Mayor White stated that he would like Mr. Norman to pursue this, he gave general direction and if they did not do the work don't pay and if they did do some and the city did not think so then it should be explained why they were not paying and make sure this did not come up again. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Joseph Chase II, 4640 Main #265, Houston, Texas 77002 (713-823-6211) appeared, presented copy of statement and information for the next two speakers and stated that "If this were a dictatorship it'd be a heck of a lot easier just as long as I'm the dictator." was said by President Bush in December 2000; that his investigation told him Bush and Cheney ran voter fraud out of the Department of Justice; that he wanted an apology from Council Member Berry for stating they did not want a resolution of impeachment they only wanted to be on camera; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Ed O'Rourke, 3227 S. Braeswood, Houston, Texas 77025 (713-644-4343) appeared and stated that 9/11 provided the Bush Administration an excuse to go to war, remove civil liberties and torture and now there were seven times as many terrorist now as there were 9/11; that the war was negative to what the City of Houston wanted to do and he was asking for the resolution of impeachment for the President and Vice President. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. James Berry, 1611 Bernard Way, Houston, Texas 77058 (281-286-8092) appeared, presented information and stated that he was a retired Lieutenant Colonel in the U. S. Army and present to also speak of impeachment of Bush and Cheney, impeachment was serious but an indispensable part of checks and balances which sustained democracy and 19 representatives endorsed the resolution and it was not uncommon for a city, etc., to sign such. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Dell York, 8855 Gulf Freeway, Houston, Texas 77017 (832-439-4135) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Terri Spurling, 1816 N. MacGregor Way, Houston, Texas 77023 (713-928-0627) had reserved time to speak but was not present when her name was called. Council Members

Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Sharon Lauder, 37-1/2 W. 19th, Houston, Texas 77008 (713-862-9603) appeared, presented information and stated that she started the Heights Tribune in 1986 which now evolved to Houston Tribune and Heights Tribune, a newspaper which supported the arts and entertainment and was a complete newspaper with all attributes of a large newspaper along with items not found in a daily or weekly paper; that she felt all newspapers should have been in on the preplanning of the newsrack ordinance and all publications could have easily been notified; that larger publications had deep pockets and many would be grandfathered and were stakeholders invited to the planning of the ordinance, but it would mean the demise of many smaller publications especially minority and women owned; that plastic boxes did not rust and had rounded edges; that she had spent over \$30,000 on outdoor boxes including signage and was requesting smaller publications be given a variance to allow plastic boxes to remain as long as they were secured and they be grandfathered in. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that he enjoyed her paper; and upon questions, Ms. Lauder stated that she had never met with Council Members Holm or Lawrence or been informed of any meetings; that she sent E-mails to all Council Members but the only one who wrote back was Council Member Lovell; and Council Member Berry stated that Council Member Holm had worked hard on the ordinance and he wanted to be sure her opinion was heard; and upon further questions, Ms. Lauder stated that about 90% of her papers were picked up from a box and she had over 65 outdoor boxes with at least 60 which would be affected by the ordinance. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she had nothing to do with the ordinance and would pass a copy of her information to Council Member Holm, but a taskforce met almost two years before this came to Council and she was sorry she did not know of it, but would pass her name to Council Member Holm's office; that the ordinance would not go into effect in neighborhoods for two years and the ordinance took a whole different route than what she wanted to do and what other states did; and Ms. Lauder stated that some Mayors used to hold luncheons for smaller newspapers and it was enjoyed and she hoped that would be done again. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he was not sure why, but someone mentioned it at a Christmas Party and they were going to do it, and Council Member Holm was the person to talk to; and he appreciated her appearing before Council. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr/R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Patrick Frese, 914 Main, Houston, Texas 77002 (713-650-3905) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Elvin Gallien, 6732 Lozier, Houston, Texas 77021 (713-747-7657) appeared and stated that he was present regarding small motorized vehicles and bicycles being used in and around his neighborhood strictly for the sale and transportation of drugs, cocaine; that safety regulations and permits could bring revenue to the city and cause them to be detained; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Gallien for his suggestions. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Mary Pruitt, no address (no phone) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Dennis Leibham, 1617 Fannin, Houston, Texas 77002 (713-751-0067) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Don Cook, 7956 Glenheath, Houston, Texas 77061 (713-705-5594) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, 77052-4373 (832-453-6376) appeared and stated that he had charges on City Council Chambers for allowing direct participation of the star war weapons being used on him while he sat; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown, Noriega and Green absent. (NO QUORUM PRESENT) Council Member Khan presiding. (NO QUORUM PRESENT)

The City Secretary stated that she had skipped some names and called them at this time, but none were present. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT) Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Charles X. White, 8607 M.L.K., Houston, Texas 77033 (713-292-3436) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT) Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Reginald Butler, 2610 Ridge Hollow, Houston, Texas 77067 (713-550-7887) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT) Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Ken Freeland, 6206 Rena, Houston, Texas 77092 (832-512-4751) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT) Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Cristobal Hinojosa, 810 McDaniel, Houston, Texas 77022 (713-742-5458) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT) Council Member Khan presiding. (NO QUORUM PRESENT)

At 4:36 p.m. City Council recessed until 9:00 a.m., Wednesday, September 12, 2007. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT) Council Member Khan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, September 12, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, September 12, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Office, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

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

At 9:25 a.m. Mayor White called the meeting to order. Council Members Wiseman, Holm, Alvarado, Lovell and Berry absent.

Council Member Garcia moved to suspend the rules to consider Item No. 2 out of order and to move Mr. Reid Wilson to the end of the speaker's list for Item No. 1, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman, Alvarado, Lovell and Berry absent. MOTION 2007-0928 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of the following to the **REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS (MEMORIAL HEIGHTS) BOARD OF DIRECTORS:**

Position One - **MR. CURTIS MICHAEL GARVER**, for a term to expire December 31, 2008

Position Two - **MS. ANN LENTS**, for a term to expire December 31, 2007

Position Five - **MR. ALEJANDRO COLOM**, for a term to expire December 31, 2008

- was presented, moved by Council Member Khan, seconded by Council Member Garcia.

Mayor White and Council Members Garcia, Holm and Khan congratulated the newly appointed members of the Board of Directors of Reinvestment Zone Number Five (Memorial Heights) and thanked them for their service to the City. Council Members Wiseman, Lovell and Berry absent.

A vote was called on Item No. 2. All voting aye. Nays none. Council Members Wiseman, Alvarado, Lovell and Berry absent. MOTION 2007-0929 ADOPTED.

At 9:26 Mayor White stated that they would move to the public hearing. Council Members Wiseman, Lovell and Berry absent.

HEARINGS

1. **PUBLIC HEARING** on amendments to **CHAPTER 42 OF THE CODE OF ORDINANCES**, relating to stub streets, fire protection performance standards and minimum lot size – was called. Council Members Wiseman, Lovell and Berry absent.

The City Secretary stated that Ms. Marlene Gafrick, Director Planning and Development would make comments concerning the proposed amendments. Council Members Wiseman, Lovell and Berry absent.

Ms. Gafrick stated that there were three proposed changes, the fire protection and stub street provisions were recommended by the Planning Commission Programmatic Committee, they went through a hearing at the Planning Commission as well as Council Member Lawrence's committee, they had moved forward on those amendments today, the other amendment was to amend the lot size provision in an effort to eliminate what was being called the condo loophole, the proposed amendment did not allow a subdivision plat or development plat to be approved by the Planning Commission unless the plat preserves a single family residential use of the lot or tract that was used as single family residential at the time of complete lot size application was filed and preserved lots of tracts that were vacant at the time of a complete application they must be developed with single family residential unless that vacant lot or tract was restricted to some other use, the other item under this section was that the Planning Commission was allowed to grant a variance relative to the use but not to the minimum lot size, that they went out to the community and held two hearings, one inside the 610 Loop and one outside the 610 Loop, there were more presentation of materials, that this was really the first public hearing on the proposed amendments, the Planning Commission urged the Legal and Planning Departments and the City Council to move very quickly and asked that they bypass the Planning Commission, the proposed ordinances came out on a Friday and heard by Council Member Lawrence's sub committee on Monday, they recommended approval but felt they should go out into the community and get input, so this was really their first public hearing on the proposed amendments. Council Members Wiseman, Alvarado, Lovell and Berry absent.

Mayor White stated that he believed last August they voted on something in regards to Sunset Heights and he believed that each of them thought that it was accomplishing a particular purpose, in good faith, and then they found out that it did not do what they thought it was going to do because of a distinction between townhomes and condos and it was a direction by him to come up with language that would close that loophole, that now one of the concerns that he had was that when they made progress they never let the best be the enemy of the better, that he wanted to close that loophole and there was always a balance that they had of various issues on Chapter 42, and related, that required thought by the Planning Commission, it's members, committee processes, etc. to make sure that they do the right balance and not yield to those who would be against any kind of regulation or thinking that vast amounts of regulations made Houston a paradise, they were a practical body and needed to close the loophole and there may be other work that needed to be done, but that was the purpose of it, to close the loophole in the law. Council Members Wiseman, Alvarado, Lovell and Berry absent.

Council Member Holm stated that even though there were processes that she sometimes did not like it was important to have processes and Ms. Gafrick made a statement that they were bypassing the Planning Commission and asked if that meant to have a public hearing and

then the Planning Commission would be a part or were they just going to skip that part of the process. Council Members Wiseman, Alvarado, Lovell and Berry absent.

Ms. Gafrick stated that the Planning Commission made a recommendation that the Planning Department and the Legal Department work on drafting an ordinance and urged the City Council to act very quickly, that a commission member asked "did it mean they had to go to a committee or could they bypass the Commission, the response was bypass the Commission, that it was the Planning Commission's decision. Council Members Wiseman, Alvarado, Brown, Lovell and Berry absent.

Mayor White requested the City Secretary to call the list of speakers. Council Members Wiseman, Alvarado, Brown, Lovell and Berry absent.

Mr. Kipp Miller, 1750 Sul Ross, Houston, Texas 77098 (713-582-5355) appeared and stated that he was President of Lancaster Place Civic Association, that he lived in the Montrose area, that he urged the City Council to adopt Ms. Gafrick's minimum lot size recommendations, that he did support closing any and all developer loopholes as they applied to building in residential neighborhoods such as his, that mostly protected by minimum lot size provisions their association, Lancaster Place, had long fought a number of what he called creator developer loopholes, people trying to get around their deed restrictions and their minimum lot size restrictions and they would appreciate any and all help in retaining the few rights that they still had and protections that they treasured. Council Members Wiseman, Holm, Alvarado, Lovell and Berry absent.

Mr. Fred Sedgwick, 1625 Colquitt, Houston, Texas 77006 (713-663-6390) appeared and stated that he was from the Lancaster Place Civic Association and was present to thank the City Council for allowing them to come before the Council to speak in favor of passing the ordinance that the Planning Commission had come up with, that they had been working quite hard to get prevailing lots for their subdivision, that it would give them the additional protection they needed to help them protect their neighborhood, that he wanted to thank the Council and the Planning Commission for their efforts in helping them. Council Members Wiseman, Khan, Holm, Alvarado, Lovell, Green and Berry absent.

Ms. Linda Mercer, 5807 Kansas, Houston, Texas 77007 (713-542-5071) appeared and stated that lived in Cottage Grove and was in favor of the adjustments that were being made, however today she came to talk about the street stub; that the proposed Street Stub Ordinance may fit some areas in Houston, however the proposal caused her concerns about what might be unintended impacts on their street scapes and their once in a lifetime opportunity to create and enhance pedestrian access between neighborhoods and destinations, that she was concerned that requiring opaque fencing material would cause dead end air space at the end of local streets instead of fostering an area where native habitat, trees, could grow if transparent fencing was used, that the green end of streets in urban neighborhoods, whether they stub at mid century built freeways or at historical rail yards and active tracks had afforded places where habitat for over 100 years in urban Houston, that this ordinance seemed to challenge the continued existence of the linear habitats and public spaces when fences were deemed to be essential and validated, she would hope, by some public process, that there were many good examples of invisible and low maintenance barriers that could be created by chain link fences obscured and camouflaged with native habitat, that perhaps the ordinance could also prevent red diamond signals installed on wrought iron fences to indicate the end of streets, as is done along some of the streets in west Houston at the entrances to Terry Hershey Park, they clearly marked the end of the pavement yet provided room for habitat to grow behind the red ruby diamond shapes on the wrought iron fences, which effectively terminated street traffic and direct pedestrian traffic to the pedestrian route, that these street designs seemed to offer very efficient,

safe and environmentally friendly and beautiful examples of ways to terminate Houston streets. Council Members Wiseman, Khan, Lovell and Green absent.

Upon questions by Council Members, Ms. Gafrick stated that one of the things that they were trying to solve in the Programmatic Committee was that they were having variances requested that the Planning Commission routinely approved and these were stub streets that were just one lot in depth and may be improved or not be improved but they did not need them for traffic circulation so the Planning Commission was trying to say not to extend the streets and then also look at it from the perspective that the streets could be abandoned or used for other purposes within the neighborhood, but if there was pavement on the ground rather than have the standard Public Works barricade at the end of the street they thought that a solid fence made sense and that was the purpose of the fence, that they would not have a cul de sac so it would actually be at the dead end portion of the paving; that they could have some other options. Council Members Johnson, Wiseman, Alvarado and Lovell absent.

After further discussion, Ms. Gafrick stated that the proposal was a solid wood fence, that in some instances the abutting property was a commercial use so there was no benefit to really having that visual connection with the commercial use, and Council Member Edwards asked what it would cost out to do a natural habitat or pocket park and would appreciate those figures. Council Members Johnson, Wiseman, Garcia, Alvarado and Lovell absent.

After further discussion by Council Members, Mayor White stated that he would pass out policies that were adopted but maybe they were too onerous or maybe there was not enough implementation in a prior administration to address just this issue, that they ought to take a look at it and help think what they could do to accomplish the purpose that many of them had addressed around the Council table more effectively, that he thought the joint referral process as a means of implementing the community involvement might be a little daunting so they may need another process. Council Members Johnson, Clutterbuck, Edwards, Wiseman, Garcia, Alvarado and Lovell absent.

Mayor White asked Ms. Gafrick if they voted yes today where would they be, and Ms. Gafrick stated that they would be with the wooden fence, but clearly they could amend and make it a wrought iron fence or put in options and not just be limited to a wooden fence, and Mayor White stated that he was corrected, the ordinance was not on the agenda, it was a public hearing, so they could follow through with public comment. Council Members Clutterbuck, Wiseman, Garcia and Alvarado absent.

Mr. Courtney Tardy, 712 Main, Ste. 100, Houston, Texas 77002 (713-216-5000) appeared and stated that she was the Director of the Historic Neighborhoods Council, a program of Greater Houston Preservation Alliance, that they would like to thank them for understanding the importance of the minimum lot size provisions and thanked the Planning and Legal Department for bringing forward a potential solution to the condo loophole, that it was not just a historic neighborhoods issue it was for any neighborhood that was trying to protect it's character, that they had reviewed the proposed changes and believed they should be passed by the City Council, they did however have a few questions, the proposed changes would not keep a two unit dwelling, or a duplex, from being built, and a duplex brought up a few questions, what was the difference between a duplex and a condominium, the City ordinances did not seem to address it, how would the City regulate the design of a duplex in a way that would preserve the character of the neighborhood and the minimum lot size area and would a duplex require a new development plat or review by the Planning Commission and would neighbors receive notice of the new development prior to construction, that something must be done immediately to stop inappropriate developments that flout the intent of the minimum lot size provision and the GHPA

believed that these proposed changes were a good start and urged the City Council to pass them, that at the same time they did see answers to their questions. Council Members Wiseman, Holm, Garcia, Alvarado and Noriega absent.

Council Member Clutterbuck stated that she had a question for Ms. Gafrick, that she knew that there was a comment earlier about a subcommittee that met on Monday to pass out the ordinance and asked what the subcommittee was about, and Ms. Gafrick stated that it was not on Monday but the middle of August when the Council committee met but the ordinance was distributed on Friday and the Council committee met on a Monday, that it was around August 13, 2007, and Council Member Clutterbuck asked if Ms. Gafrick was referring to the Regulations Committee meeting and Ms. Gafrick stated yes. Council Members Wiseman, Holm, Alvarado, Noriega and Berry absent.

Mayor White stated that on this he thought they needed to go forward and was not sure how many changes if they wanted to close the loophole at the same time, but certainly one might preserve the continuity of what had been done in areas of the City where there were a number of different garage apartments or they had different generations living in different structures and the like but in the future the types of issues that they would need to think about and maybe tightening up some of their definitions so what was thought about as a duplex may be different than something where there was another residential structure that was ancillary to the main structure, that he was not giving direction he was just spotting an issue that at some point they may wish to address. Council Members Wiseman, Holm, Alvarado, Noriega and Berry absent.

Ms. Sharon Greiff, 826 Woodland St., Houston, Texas 77009 (713-868-1579) appeared and stated that she was the VP of Land Use of Woodland Heights Civic Association and had passed around a map of the prevailing lot sizes that Woodland Heights had passed in the last several years, they had approximately 135 block faces protected in their area and that accounted for 53% of their neighborhood so when they talked about prevailing lot size it was quite obviously something that was very important to them and something that they truly were cherishing as far as a tool to use, that expectations of the neighborhoods when they first got these was that they did not care about the definition of whether or not it was a condo or a townhome or anything like that, that it was basically that there was a plat there and if they passed a certain size that it could not be divided lower and therefore there would be one family unit per lot, then came the condo people and all of a sudden that totally surprised everyone, that the new amendments, and they wanted to thank the efforts of getting that through, however it did not approach all of the instances that they had that would be once again more loopholes, that they had in their neighborhood approximately 86% were single family, however the other 14%, and they would say it was probably at least one lot per block face, had exceptions, there were duplexes, multi family homes and commercial, but for the most part in their neighborhood they did not look any different from the other single family homes there, they were the mom and pop shops that set up there and they still lived there, there were people who took their house and split it in half, and then also built a garage apartment in the back so now it was a multi family home, and unfortunately the amendment was not going to solve those problems either and what they would like at this point was to go back, and she was not saying to take another year to solve the problem because it really did need to be solved quickly, and get the neighborhood a little bit more involved as far as these exceptions, was there a way to define it so it was not a land use issue but was what they needed, they needed to have something that addressed the density that was there, that Mr. Reid Wilson had given some suggestions that they really felt should be incorporated into the current amendment. Council Members Holm, and Berry absent.

Council Member Garcia asked Ms. Grieff if the ordinance were to pass as she understood it, what did she see the impact of what they had already accomplished, and Ms. Grieff stated that if it was passed there would be some more protection but there would still be loopholes and that was a problem in some of their older neighborhoods because they did have a lot of homes that were built as single family that were split, that these were the exceptions and it was hard for them to think about the workarounds because they did not think that way but there were developers and they had incidents, and they were not selling well, that they take a beautiful cottage and tear it down and put a three story front loading homes that were basically two to a lot that were from lot line to lot line and no one in their neighborhood had ever envisioned that it would be part of a duplex, the duplexes that they had looked just like any other house there. Council Members Holm and Berry absent.

Ms. Lynn Edmundson, 1307 W. Clay, Houston, Texas 77019 (713-553-7035) appeared and stated that she was Executive Director of Historic Houston, that they were citywide organization so she worked in all of the older neighborhoods throughout Houston, that the minimum lot size ordinance affected so many of Houston's older inner city neighborhoods and was a very important issue, that she wanted to thank them for recognizing how important it was for the neighborhoods and trying to address it, that she thought that many of the Council Members that they had talked to knew that the neighborhoods had hired Mr. Reid Wilson to look at the amendments that had come forward, that they were very pleased over all of the amendments and did feel that there were some issues, that as it was being presented it still would not provide the neighborhood with the intent of the minimum lot size and as they kept hearing every Council Member and the Planning Commission say they did not want to allow someone to do something inadvertently or sort of inappropriately that they could not do directly, that should not be how their ordinances worked, so Mr. Wilson had proposed some additions that they would like for the City Council to look at and see if they may be applicable and help some of the other issues that the ordinance currently was not going to address.

Mr. Roger Farrow, 4613 Creek Bend, Houston, Texas 77035 (713-663-6390) had reserved time to speak, but was not present when his name was called.

Ms. Janice Evans Davis, 501 E. 16th, Houston, Texas 77008 (713-802-0337) appeared and stated that she was Vice President of Land Use and Historic Preservation for the Houston Heights Association, that they had about half the number of lot faces in the Houston Heights that had lot size protection as Woodland Heights, they had about 50% and the Houston Heights had about another 25% making it about 75% of all of the lots in the City that had that protection being in the Heights, that when residents petitioned for it they believed they would be shielding their blocks from high density development, case in point the 600 block of Courtland, which secured lot size protection five years ago, this past June however a developer was able to replat the corner of 6th and Cortland for 14 four story condos with a shared driveway, none of which would actually face Cortland, they would face each other with the shared driveway, the residents on the block wanted to know how that could happen when they had lot size protection and asked were they not supposed to be protected from that, that it was at that time that several neighborhood groups, most of them in the Heights, Woodland Heights, Sunset Heights, Houston Heights and Old Sixth Ward, Hyde Park and the Montrose, there were quite a few of them that had been talking to each other and agreed that they wanted to cooperate and work with the City to try to close the loophole and to expand a little on what Sharon told them she was going to use the area around her house, because it was very typical and was what she was familiar with, in the one block radius around her house there was an old grocery store that was now used as office space, there was a former church which was now a funeral home, there was an automotive shop that had been there for decades and in the same location, there was a historic bungalow that was rented as office space, a new San Francisco style house that was a lawyer's office and another historic house that used to be a little Italian Restaurant but was now multi

family housing, that they all fit in as they were right now and had a very low impact, but they were all, except for one, on lot size protected lots and under the City's proposal then all of these properties would be targets for high density development and then they could wind up again with 4 story, 14 unit condo projects on those lots, that they knew that the City Council and the administration did not like to hear just complaining so all the groups got together, and working with land use attorney Mr. Wilson, to develop some alternative language, they wanted to be about fixing the problems and not just complaining and Mr. Wilson would explain to them a little bit more about the proposals. Council Member Clutterbuck absent.

Mayor White asked Ms. Gafrick if she was familiar with the Cortland issue that Ms. Evans was talking about, and Ms. Gafrick stated that not directly and Mayor White asked that she let him know that if they had had their amendment, the law in place, would the outcome have been different in that circumstance, and second, Ms. Evans said that they were changing the law in a manner that would allow multi family development on some of the venues that she identified, were they making changes in the law which would relax any protection that some of those establishments currently had, and Ms. Gafrick stated that no, they were not relaxing the provisions, that what they were saying was that because they were commercial now and they could do condominiums now or a commercial use now that they would be able to continue that in the future, and Mayor White stated that he understood there were certain changes in the law, some things in the law that they were not changing with respect to those that were commercial establishments or multi family. Council Members Clutterbuck, Lovell and Berry absent.

The City Secretary stated that there was a speaker in the audience that failed to get on the list, Ms. Katie Emdi. Council Members Clutterbuck, Lovell and Berry absent.

Ms. Katie Emdi, stated that she lived in District G and was a property owner in an area that could benefit from the amendment being considered, that she was thankful that they believed that simply because Houston had no zoning it did not mean that there was nothing that could be or should be done to protect neighborhoods, that not every building was appropriate everywhere, that just because something had been allowed in the past did not mean that it must continue, that saving the look and feel of Houston neighborhoods was very important and adding the provision that those properties that were currently used for single family homes remain being used for single family homes was vital to preserving their neighborhoods, that far to many neighborhoods that had long been home to single family residences were getting chopped up or being built higher and the neighborhoods were losing their identity, that the new provision would help combat that, that the new provision would help prevent cluttered streets and parking problems that spring up when developers provided only the very few visitor parking places that were required by the City or no visitor parking places when none were required, that the provision would help protect the neighbor from living literally in the shadow of three story or taller buildings that blocked the sunlight from reaching formerly sunny yards and gardens, that the provision would protect the quality of life in neighborhoods continuing the idea of yards, gardens and front porches and those very things would protect the property values of the homeowners who remained after a property was sold, that Houston was growing rapidly, an increased density in some areas was a good thing, but increased density should not happen at the expense of some of their oldest, dearest and most charming neighborhoods, that a city was judged on many things and one of them was the quality of life for families, that protecting neighborhoods filled with single family homes would go a long way to keep Houston the wonderful City that it was, that she strongly favored the adoption of the proposed amendment to Chapter 42, Section 194. Council Members Lovell and Berry absent.

Mr. Reid Wilson, 2500 Fannin, Houston, Texas 77002 (713-222-9000) appeared and stated that he was an attorney with Wilson Cripps Goren in Houston and had been retained by a consortium of Houston inner city neighborhoods led by the Houston Heights Association and the

Woodland Heights Association, which were long time clients of his to assist them in the Chapter 42 amendments to deal with minimum lot size protection areas, that those areas were created by the City Council a number of years ago to address site specific situations where existing residential neighborhoods needed support and protection, that the process was that they file an application and had to show that they were 60% single, they had to demonstrate public support and went through a process with the Planning Commission and the City Council and obtain special protection for a 20 year period and after that process what the neighborhood was expecting was to have protection against future residential density, that was really what it was all about, it was about the density of future residential, they did not have zoning they had subdivisions so they focused on lot size and the platting process and the problem was that they were having new development in the legal form of a condominium, in the physical form of a townhouse, like a townhouse look a like and a good lawyer was finding that while they could have a condo that functioned and looked like and could be sold and marketed like a condo, so what they were having was the old end around on the type of density regulation that was intended from special minimum lot size area designation, that there were a couple of issues that he wanted to focus on, that first was the townhouse look a like condo, that was what they were really seeing today, if it looked like a townhouse and built and permitted as a townhouse and was the functional equivalent then what they were proposing was that it needed to be forced through the platting process, that right now condo's went outside the platting process, they went outside the special minimum lot size area of limitations, that he had some proposed language and earlier had presented it to the Legal Department and had a revised version that was being circulated right now, so basically if it was the fox in sheep's clothing it needed to be regulated, that they should not be able to do anything form over substance; that the second issue that was starting to occur, and they thought it would occur in the future, was the true condo, which was that they would maybe have the parking on the first floor, a couple of floors of flats, that was not something that could be developed as a townhouse, but again it was an end around on the density limitation, so what they were proposing was that there be a density limitation on future residential development that was derived from the number of units that would be allowed under the minimum lot size, that they look at a piece of property, if they could create a certain number of lots that created a certain density and that was the density that should apply whether it was a condo or single family, no matter what it was, so they were proposing that; that the third thing was the issue of single family in Houston did not mean single family, in a residential neighborhood they knew what single family was, but single family here, technically, was duplex, that he thought there was a way that they could deal with it, they could grandfather the old fashioned "duplex", where they had a granny flat or a garage apartment or a room on the side, they could deal with that, but in the special minimum lot size areas they proposed that in the future the new density should be based on a true single family, perhaps it could be an exception for a granny flat or things like that, that they were very concerned that the duplex could be the new loophole, they could have a duplex that was permitted and constructed, and then there were a number of ways that they could go kind of around the horn to get to an undisclosed subdivision or undisclosed condo, a joint use agreement that effectively permits someone to have exclusive right to one unit, another person the other unit, that they had looked at the staff graph and appreciated it but did not think it went all the way, that they were particularly focused on two elements, one was that if it was an existing commercial and multi family use then there was no protection granted, that second, there was a real broad variance provision, they were very concerned that they could see variances on a routine basis, that if they went down to the Planning Commission they would be amazed at the number of variances that were granted on the same issue. Council Members Lovell and Berry absent.

Council Member Garcia asked Ms. Gafrick if she had a chance to review Mr. Wilson recommendations and what her thoughts were, and Ms. Garrick stated that she had not had a chance to review Mr. Wilson's specific recommendations, that she saw an earlier draft and did not know what the changes were, and Council Member Garcia asked for a review and feedback

on those, and Mr. Wilson stated that they would be happy to meet with the Planning Department and Legal Department and work through any issues, that they thought their proposals could work together with what the City was already proposing and provide a layering of different benefits, and Mayor White stated that maybe at the end of the hearing he would address these issues publicly. Council Member Berry absent.

Upon further questions by Council Members, Ms. Gafrick stated that Chapter 42 did not define condominium, it was defined by the State law, it did not define duplexes but define single family as being a building with one or two dwelling units, so clearly a duplex would fit within there, that they did not define town home, because town home was a form of ownership and it had to be a simple lot, a lot where they could build a single family home, that they could certainly look at it, that she had some concerns the other day when she looked at the draft proposal for condominium and felt that perhaps they still had some openings in the proposal, so they needed to really look at it. Council Members Johnson, Edwards and Berry absent.

After further discussion Mayor White stated that he was addressing this to Ms. Gafrick, Ms. McAbee and others who he had talked to at the Planning Commission, that he thought people would be more persuasive and more aligned with what he thought they were trying to accomplish by talking about the balance between continuity and change in the neighborhoods than simply density, that Houston would grow, there would be people who would want to live closer to where they work and shop and there was no neighborhood, that he had been to every civic club and nobody says they needed more multi family in there, that did not happen, that they were committed to not pulling up the ladder behind them but as he reviewed the history of the lot size ordinance it was clear to him, and why he supported the change and the lot size, that he looked at Sunset Heights and was outraged when that happened, that he thought that purchasers in these "platted residential area", that the purchasers, what they expected to get when they bought a house was not the neighborhood that they saw more or less, and if they went back to the plats and saw residential plats and saw how it was originally platted back in the 1920's they would think they were buying into some residential neighborhoods with large lots, to him that was part of a market system that the buyer gets what the buyer thinks they were going to get, they do not have markets if they do not have, and he was a big believer in the market system because of the consumer choice, that they were not going to have no change in Houston, if they did nobody could improve their house, the houses would all fall down in 50 years, that there was going to be change, families were going to grow, they were not going to be too intrusive, but he just thought the issue of the balance between continuity and change, and also addressed the issue that some of their neighborhoods were so distinctive that they provided a variety on that menu they called Houston that was an asset to their overall community, that they talk about trying to get something where people come out of the woodwork being a dramatic change in all neighborhoods was if they went into density regulation as such; that the next point, that he heard a comment around the Council table that the proposed ordinance created a loophole, that it was on tape and on the Municipal Channel, that he wanted the citizens to know that it was not a fact; that finally, it was not their intention to create a loophole, there may be things that people did not like under current law, they were trying to change some of those, they would not change everything that everybody did not like at the same time, but certainly he was not aware that they were relaxing any standard that existed or creating loopholes, and finally on the duplex thing, they do not want to be back here, because they had something that was designed, and go back through the history to deal with say garage apartments or quarters or something, and find that it was used to frustrate the intent of what they were doing, that he was not familiar with all of the history, it was worth actually going back and finding some of the facts about this stuff and why it got put in there, but they knew what they were about, they had a concrete case with Sunset Heights, where they did not do what they thought they were going to do so they ought to use that, that finally he would not tie the progress now because he wanted to get it done and over with so that somebody else did not

take advantage of the loophole, the best way to close a loophole was fast, but on the issue where people were using them currently for different purpose in residential, to him, and he was not endorsing anything, but if he could frame an issue he thought that his instinct about the right balance had to do with the footprint, that it could not be that they were new people, they did not want the new people in there, the old people who were doing it were okay, that was not Houston and was not right, that it was not that it was the only way they could do it, they could not do it any other way, that was not Houston, that he thought the concern would be that if somebody had converted some time ago their living room into a gift shop or something, or they had something, whether the depression or World War II and it was made multi family, that they not have something that filled up the entire block, that was when they got down to the Sixth Ward, when they had people articulate what was it about it that did not let them do what they wanted to do, it was people who wanted to build all the way to the lot line, a lot of it was that, that he was not saying exactly how they deal with it, that maybe the Council Members could help him deal with it, that he was not saying they were going to do it in the next week, they had to understand that consumers had rights to, new consumers, there was not just one size of house but he thought that was the essence of what they were talking about and they ought to think about how they move towards it moving forward, and if they needed to have some things with setback and spacing requirements that could be applicable in a variety of neighborhoods then they ought to take that up and address it. Council Members Johnson, Holm, Lovell and Berry absent.

Upon further questions, Ms. Gafrick stated that she did not know if the definition of condominium submitted by Mr. Wilson was parallel to the State or different but she would look at the State Code.

After further discussion, Council Member Lawrence moved to close the public hearing, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Edwards and Berry absent. MOTION 2007-0930 ADOPTED.

MAYOR'S REPORT

At 10:35 Mayor White stated that they would move to the consent agenda. Council Members Johnson, Edwards and Berry absent.

CONSENT AGENDA NUMBERS 2 through 48

ACCEPT WORK - NUMBERS 4 through 5

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,035,124.95 and acceptance of work on contract with **BEARDEN CONTRACTING COMPANY** for Storm Sewer Improvements for the Kashmere Area, WBS M-000184-0001-4 - 17.64% under the original contract amount - **DISTRICT B – JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson, Edwards and Berry absent. MOTION 2007-0931 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,323,201.05 and acceptance of work on contract with **D. E. WILLIAMS CONTRACTING COMPANY, INC** for Sanitary Sewer Repairs by Point Repair (Maintenance Repair Contract), WBS R-000266-0070-4 - 1.94% over the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Johnson, Edwards and Berry absent. MOTION 2007-0932 ADOPTED.

PROPERTY - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jose Garcia and Ana J. De Los Salmones, declining the acceptance of, rejecting, and refusing the dedication of South B Street, from 75th Street to its terminus, in exchange for the conveyance to the City of a 5-foot-wide sanitary sewer easement, both located in the Magnolia Terrace Subdivision, out of the S. M. Williams Survey, A-87, Parcels SY7-054 and DY7-032 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Johnson, Edwards and Berry absent. MOTION 2007-0933 ADOPTED.

ORDINANCES - NUMBERS 12 through 48

12. ORDINANCE establishing the north side of the 1100 block of Bomar Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1010 ADOPTED.
13. ORDINANCE establishing the east side of the 2200 block of Cortlandt Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1011 ADOPTED.
14. ORDINANCE establishing the north and south sides of the 300 block of East 24th Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1012 ADOPTED.
15. ORDINANCE establishing the south side of the 1700 block of Marshall Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1013 ADOPTED.
17. ORDINANCE establishing the north and south sides of the 1700 block of Sul Ross Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1014 ADOPTED.
18. ORDINANCE establishing the north and south sides of the 1600 block of Colquitt Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1015 ADOPTED.
19. ORDINANCE establishing the east side of the 500 block of Granberry Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1016 ADOPTED.

20. ORDINANCE establishing the north and south sides of the 1600 block of Hawthorne Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1017 ADOPTED.
21. ORDINANCE establishing the south side of the 1700 block of Marshall Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1018 ADOPTED.
22. ORDINANCE establishing the east and west sides of the 1100 block of Tabor Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1019 ADOPTED.
23. ORDINANCE establishing the north side of the 1600 block of Vassar Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1020 ADOPTED.
24. ORDINANCE establishing the south side of the 2400-2500 block of Wichita Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1021 ADOPTED.
25. ORDINANCE amending Ordinance Numbers 2003-0849, 2004-0022, 2004-0023, 2003-0934 and 2003-0848 to increase the maximum contract amounts; approving and authorizing first amendment to contracts between the City and (1) **THE JEWISH COMMUNITY CENTER OF HOUSTON**, (2) **EYE CARE EXPRESS LAB, INC**, (3) **LONE STAR LEGAL AID**, (4) **THE SHELTERING ARMS HOUSTON, TEXAS**, (5) **ASIAN AMERICAN FAMILY COUNSELING CENTER**, (6) **PERRYLEE HOME HEALTH CARE SERVICES, INC** and (7) **TEXAS SOUTHERN UNIVERSITY** for various elderly services provided under the Harris County Area Agency on Aging \$1,571,392.12 - Grant Fund – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1022 ADOPTED.
26. ORDINANCE amending Ordinance Numbers 2003-1052, 2003-1022, 2003-0933, 2003-0981 and 2003-0848 to increase the maximum contract amounts; approving and authorizing first amendments to contracts between the City and (1) **THE CITY OF JACINTO CITY**, (2) **THE CITY OF LA PORTE**, (3) **THE CITY OF SOUTH HOUSTON**, (4) **INTERFAITH MINISTRIES FOR GREATER HOUSTON**, (5) **HEIGHTS HEARING AIDS, LLC**, (6) **THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON**, (7) **YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON**, (8) **THE FIRST PRESBYTERIAN CHURCH OF GOOSE CREEK, TEXAS**, (9) **ALZHEIMER'S DISEASE AND RELATED DISORDERS ASSOCIATION, INC. - GREATER HOUSTON**, and (10) **THE CHINESE COMMUNITY CENTER, INC** for various elderly services provided under the Harris County Area Agency on Aging - \$6,855,712.81 - Grant Fund – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1023 ADOPTED.

27. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **A CARING SAFE PLACE, INC** to extend the pre-contract services time period and increase the contract amount by \$24,000.00 in connection with the provision of supportive services and the administration and operation of a community residence under the Housing Opportunities for Persons With AIDS (“HOPWA”) Program - Grant Fund – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1024 ADOPTED.
28. ORDINANCE relating to the Fiscal Affairs of the St. George Place Redevelopment Authority on behalf of Reinvestment Zone Number One, City of Houston, Texas (St. George Place Zone); approving the Fiscal Year 2008 Operating Budget for the Authority - **DISTRICTS C - CLUTTERBUCK and G - HOLM** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1025 ADOPTED.
29. ORDINANCE approving and adopting updated ongoing service and assessment plans for and on behalf of the Lamar Terrace Public Improvement District No. 2 covering the periods 2006 through 2015 and 2007 through 2016 pursuant to Chapter 372 of the Texas Local Government Code – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1026 ADOPTED.
- 29a. ORDINANCE appropriating \$485,800.81 out of Fund 7508, Lamar Terrace Public Improvement District No. 2 Fund, for payment to St. George Place Redevelopment Authority pursuant to Ordinance No. 2003-0432 - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1027 ADOPTED.
30. ORDINANCE relating to the Fiscal Affairs of Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone); approving the Fiscal Year 2008 Operating Budget for the Zone **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1028 ADOPTED.
31. ORDINANCE relating to the Fiscal Affairs of the Gulfgate Redevelopment Authority on behalf of Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone); approving the Fiscal Year 2008 Operating Budget for the Authority - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1029 ADOPTED.
32. ORDINANCE relating to the Fiscal Affairs of the South Post Oak Redevelopment Authority on behalf of Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone); approving the Fiscal Year 2008 Operating Budget for the Authority - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1030 ADOPTED.
33. ORDINANCE relating to the Fiscal Affairs of the Memorial City Redevelopment Authority on behalf of Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone); approving the Fiscal Year 2008 Operating Budget for the Authority and the Fiscal Year 2008-2013 Capital Improvement Budget for the Zone - **DISTRICTS A - LAWRENCE and G - HOLM** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1031 ADOPTED.
34. ORDINANCE relating to the Fiscal Affairs of Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone); approving the Fiscal Year 2008 Operating Budget for the

Zone **DISTRICTS B - JOHNSON and H - GARCIA** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1032 ADOPTED.

35. ORDINANCE relating to the Fiscal Affairs of the Southwest Houston Redevelopment Authority on behalf of Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone); approving the Fiscal Year 2008 Operating Budget for the Authority - **DISTRICTS F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1033 ADOPTED.
37. ORDINANCE appropriating \$1,821,447.59 out of Houston Airport System Airports Improvement Fund (8011); authorizing the purchase of 26.897 acres of land and improvements thereon out of the Blas Herrera Survey, A-320, and the W. A. Arnold Survey, A-1461, Houston, Harris County, Texas, for the Runway 4/22 Protection Zone at Hobby Airport, CIP A-0528.05.1; approving a purchase and sale agreement with the owner of the land (FPA/PinPoint Hobby, LLC) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1034 ADOPTED.
39. ORDINANCE approving and authorizing lease agreement between **LINCOLN HARBERT 3NB HOUSTON, LLC, a Delaware Limited Liability Company, as landlord**, and the City of Houston, Texas, as tenant, for 4,522 square feet of leased space at 12707 North Freeway, Houston, Harris County, Texas, at a monthly rental of \$6,783.00 during the first year, with future increases in rental rate as set forth in the agreement, for the Psychological Services Division of the Houston Police Department - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1035 ADOPTED.
43. ORDINANCE appropriating \$9,800.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **CASTONE HOMES, INC** for Construction of Sanitary Sewer Line along Utah Street, WBS R-000802-0054-4 - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1036 ADOPTED.
44. ORDINANCE appropriating \$14,476.25 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **RMJ CUSTOM HOMES, LLC** for Construction of Water lines along Tuam Street, WBS S-000802-0053-4 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1037 ADOPTED.
45. ORDINANCE appropriating \$2,244,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **ACM CONTRACTORS, INC** for Water Line Replacements in Willow Run North Area, WBS S-000035-00F3-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1038 ADOPTED.
46. ORDINANCE appropriating \$3,341,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RWL CONSTRUCTION, INC** for Water Line Replacement in Woodview Area, WBS S-000035-00F7-4; setting a deadline for the bidder's

execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS and I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1039 ADOPTED.

47. ORDINANCE No. 2007-999, passed first reading September 5, 2007
ORDINANCE granting to **TNT WASTE CONTAINER SERVICE, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-0999 PASSED SECOND READING IN FULL.
48. ORDINANCE No. 2007-1000, passed first reading September 5, 2007
ORDINANCE granting to **MAYFIELD TRUCKING, LLC, a Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1000 PASSED SECOND READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$704,273.78 and acceptance of work on contract with **ARROW SERVICES, INC** for Asbestos Abatement and Demolition at HPD Garage, 1202 Washington Avenue, WBS G-000101-0001-3 - 0.55% over the original contract amount - **DISTRICT H – GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Edwards and Berry absent. MOTION 2007-0934 ADOPTED.

PURCHASING AND TABULATION OF BIDS

7. **MACAULAY CONTROLS COMPANY** for Replacement Parts for Metering Pumps and Analyzers for Department of Public Works & Engineering - 5 Years - \$996,032.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Berry absent. MOTION 2007-0935 ADOPTED.

ORDINANCES

8. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Game Rooms; containing other provision relating to the foregoing subject; providing an effective date; providing for severability – was presented, and tagged by Council Member Garcia. Council Members Edwards and Berry absent.

After a lengthy discussion by Council Members, Council Member Wiseman stated that she would also tag the item, and Council Member Edwards asked Mr. Michel if they could only make things against the law that the State gave them the authority to do.

Mr. Michel stated that no, it was not true, they were a home rule City and they could contravene what the State says, that many times what they had an issue with was how effectively they could enforce it, that often the citation process did not work that well, they had an issue with billboards where the compliance was being flaunted, and that was often what the issue was, to be effective they needed to have the ability to enjoin someone from operating, the way they could with fire safety and health, where the State had given them that right; that they could define it as gambling, in fact there were severe criminal penalties for that to address it, that he thought one of the things the ordinance did was provide a tool so that gambling could be established much easier and probably also would minimize the occurrence of gambling because it may make it too difficult for some operations that were gambling to continue to operate; and Mayor White stated that there was something that they covered it in another Council Member's committee, that there was something that talked about teddy bear game and State statute and Mr. Michel stated that he was on the telephone before they began the conversation to try to get to the bottom of it but did not have it right now, and Mayor White asked if Mr. Michel could review it with Council Members.

9. **ORDINANCE AMENDING SECTION 8-126 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to execution of police-authorized tow service agreements; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented. All voting aye. nays none. Council Members Garcia, Alvarado, Brown and Berry absent. **ORDINANCE 2007-1040 ADOPTED.**
10. **ORDINANCE** finding and determining that public convenience and necessity no longer require the continued use of three portions of an 18-foot-wide alley right of way, from Yale Street, 353 feet west, more or less, containing an aggregate of 6,354 square feet of land, more or less, and a 10-foot-wide utility easement, from Yale Street, 198 feet, west, more or less, containing 1,983 square feet of land, more or less, Parcels SY6-090A, SY6-090B, SY6-121A, and SY6-121B, located in the Houston Heights Addition, out of the John Austin Two League Survey, A-1, Houston, Harris County, Texas; vacating and abandoning such parcels to the abutting owners: (i) Parcels SY6-090A, SY6-090B and SY6-121A to the retreat at the Heights, Ltd., and (ii) Parcel SY6-121B to the estate of Shirley Swilley Harkins; in consideration of: (i) the retreat at the Heights, Ltd's., dedication of an easement for alley right of way purposes containing 2,538 square feet of land, more or less, as well as providing for the construction of the alley, and payment of \$97,013.00 (ii) the estate of Shirley Swilley Harkins' payment of \$23,175 - **DISTRICT H - GARCIA** – was presented. All voting aye. nays none. Council Members Garcia, and Berry absent. **ORDINANCE 2007-1041 ADOPTED.**
11. **ORDINANCE** finding and determining that public convenience and necessity no longer require the continued use of a triangular tract of land located at the intersection of Henry Street and South Street, John Austin Survey, A-1, Harris County, Texas, containing 2,432 square feet of land, more or less, (Parcel SY7-147); vacating and abandoning said tract of land to Harris County, Texas, in consideration of owner's payment of \$15,200.00 and other consideration to the City - **DISTRICT H - GARCIA** – was presented. All voting aye. nays none. Council Members Garcia, and Berry absent. **ORDINANCE 2007-1042 ADOPTED.**
16. **ORDINANCE** establishing the north and south sides of the 1000 block of Nadine Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. nays none. Council Members Garcia and Berry absent. **ORDINANCE 2007-1043 ADOPTED.**

36. ORDINANCE approving and authorizing Amendment No. 4 to Managing Agent Agreement at George Bush Intercontinental Airport/Houston by and between the City of Houston and **JDDA SSP, JOINT VENTURE** – Revenue – was presented. Council Members Garcia and Berry absent.

Council Member Clutterbuck stated that this fourth amendment to a contract that had existed for 18 years and that now brought in new parties, terms to the contract and new vendors, to her sounded like a new contract, that it was no longer simply, in her opinion, an amendment and she felt it was extremely important to the integrity of the process and to the City Council that they submit it through the proper process that any new contract should go through, that the contract was between \$300 million and \$400 million, that she thought that it went to the question of at what point do they as a city view that their processes have some kind of integrity that the constituents could rely on and for how long do their contracts continue to last, that she believed so strongly in the process that it was essential that they submit it to open process and competitiveness.

Council Member Holm stated that it may be a good deal but how did they know it was the best deal unless they had options out there, unless they put out an RFP for it, that she was going to tag the item because she hoped there would be further investigation and more information come out and she would like to have some really good facts as to why.

Council Member Alvarado stated that she had a lot of questions, that looking at the DBE participation she was not pleased that the Hispanic participation was only a mere 3.2% and women was even worse, it was 2.7%, that she would like to know just a little bit more about the process, who chose the group that was going to partner with JDD, the Creative Host, how were they chosen, was it a decision that HAS made or a decision that Jason Yoo and his group made, that she was looking to find out who was the responsible person if they wanted to know what was the criteria, who do they ask, that not just how the group was chosen but how the proposed individual groups were selected, that third, what was the City's role in the selection, that she was told that there would be other concessionaires that would be allowed to participate in the deal, and how was that going to come about, was it the City or HAS going to be the ones to make that selection, or was it Creative Host, had they merely turned the process over to a third party, Creative Host, and the City relinquish all of the responsibility for the selection in the process, and then just the overall process, so if someone could answer those questions she would greatly appreciate it.

Upon questions by Council Member Khan, Mayor White stated that he had sent a memo to his colleagues some time ago that was fairly detailed and plainly worded, he thought, about the position of the administration, that he personally did not think, as he said when they went into the politicized process on how they got people back and forth from Intercontinental Airport on vans, he personally thought it should be decisions made by aviation professionals based upon customer service type considerations, because he did not see any particular expertise among elected officials as such on what kind of food, that was a very specialized service, but they did have obligations under the City Charter concerning contracts over a certain amount and he did try to listen to Members of City Council, many of who believed that Houston should follow what had been done in many major cities after post 2001 of an extension of a contract and their attitude was that they were not going to extend the contract and have it competed unless some fairly high thresholds were met, which the aviation professionals told them were as good or better than what they could get if they went into a competitive situation, that it had nothing to do with winners or losers or anything else, that it did reflect their position trying to balance the interest of the City wanting to get a competitive process, but a number of Council Members expressed it to him and Mr. Hall a preference of an extension in light of some of those considerations, it was not just this general contractor, it was a number of the sub contractors who had made investments at the airport, who were on that bandwagon, that was how it had gotten to where it was today, and basically they went through a process that had been 18 months and there had been discussions back and forth, he knew that probably have a dozen Members of

Council, that he said in the open microphone and Mr. Hall had said it on numerous occasions that it would be competed unless some fairly high thresholds were met that would result in an extension and from time to time they did compete some contracts and did extend some contracts based largely on professional advice that they did receive. Council Member Wiseman absent.

Council Member Garcia stated that it was many months ago that Mayor White distributed an email describing what was going to be the process to determine whether or not the vendor could hang with the Mayor's standard and the standard was to get quality product, good investment, bring up Terminal C to the standard of Terminal E and make sure there were going to be investments made on their part, that Mayor White was being very transparent and disclosing as to what the standard was that needed to be met and it had been met so he was not sure what was catching folks by surprise. Council Member Wiseman absent on city business.

Council Member Johnson stated that he thought they had an opportunity of bringing in more experienced concessionaires to bring in more people who had more experience to bring the terminal to where they thought it should be, a first class terminal, where the concessionaires themselves would make the investment of almost \$11 million of their own money to make the concession and terminal a class A terminal of which they would all be proud to arrive in and then depart from, that he wanted to thank the administration for a job well done and hoped that they could move forward. Council Member Wiseman absent on city business.

After further discussion Council Member Clutterbuck stated that she would tag Item No. 36 and Council Member Holm stated that she would release her tag on Item No. 36.

Council Member Brown stated that he supported the administration and as per the Mayor's memo it was an option and in this case was seen as a desirable option for the City to move forward with deliberate speed, they had to get Terminal C fixed up and get that \$12 million spent to make it a first class terminal, that he did not think they had the luxury to go back to the drawing board, that it was not a \$300 million windfall, the group which represented substantial financial capability, had to invest a large sum of money, that there was a risk involved, that there was no profit guaranteed to them, they had to make the investment and then had to hope that because of the quality of the new terminal and the quality of the food, which had been improved, that they like any businessman could make money, there was nothing guaranteed, that there had been a fair, open and transparent process involving, as Mayor White stated, professionals who knew the food service business at the airport, that he would urge his colleagues that there had been a good process and this was a result of that process and that they should move forward. Council Member Garcia absent.

Mayor White stated that he thought it was a perfectly legitimate and good faith point that was made by Council Members Clutterbuck and Holm concerning competitive processes, that it occurred and had occurred in the City and people who were good fiduciaries in businesses, that they could have an auction process or they could say to somebody that here were the conditions and if they met the high conditions then they would forego the auction process, that it was done all the time in real estate and in businesses, City contracts and the purchase of fuel and a number of other things to try to get a fair value for their contracts, that was not to say, and he did not question the motives of his colleagues, who say they should put it up for competition; that he did not think it should be a question of integrity of the other side or good faith, it was just different conclusions based on the facts and he would ask his colleagues to communicate with each other and give the benefit of the doubt, and finally he would say that the administration's policy was not to extend in order to compensate for some losses under prior contracts, that was not it, they said no to the argument of the September, that he knew that was something that was expressed by Members of Council and a number of sub contractors, but based upon the quality of service they thought that had to be the paramount consideration so it was critical to them that they get substantial new investment in the particular

project and new management that could assure that they get as quickly as possible the kind of service that their customers deserve. Council Member Garcia absent.

Upon questions by Council Member Edwards, Mayor White stated that Council Member Berry, Council Member Green met periodically on Aviation, that it was a procedure suggested by Mr. Hall based on his experience with Aviation, and asked Mr. Hall to comment.

Mr. Hall stated that the contract had such attention that they frankly thought it would be duplicitous to present it to a committee, having gone through a host of these deals they felt they would have to, that the idea was to give the term sheets and the full contract to all Members of Council so they could have the discussion, that was why the Mayor was suggesting that he thought the discussion was helpful because they were certain, based on past history, that they would have to have it all over again; that it was discussed with the Chair of the Transportation Committee and the Chair did not disagree with that process, and Council Member Edwards asked if they could delineate the three issues of the extension of the contract, the reasons why the administration felt that an extension was the best way to go, and Mayor White stated that they had certain objectives which were to get better service for the customers, which could also generate more revenues, and they wanted to do that sooner rather than later, that neither he, and he would submit with respect, or a lot of people around the table were experts in a fairly specialized industry, airport food concessions, and they asked the people in the Aviation Department, that in looking at other airports how did they compare with other airports and what were the differences, what would a create contract emerging from any process look like and they described the amount of investment, the type of management that they would get, etc., and then third, that he believed a number of Council Members preferred to have an extension on terms that were good terms as opposed to going through a competitive process, that to remember that because of the cost of the processes sometimes they would not wind up with as good of terms as they could get if they set a very high standard, that was how it all came about, it was not any ideology, favoritism or anything else, that they set out a standard that they thought was as good as what they could get in a competitive bid and they were proceeding to go through a bid unless within a defined time period they had an extension which met that high standard, that was how they negotiated it.

After further questions by Council Member Edwards, Mr. Hall stated that it was a relatively a small specialized industry, so everybody who was in the industry knew kind of what was happening all over the Country, or the world, and they gave the City the parameters, which had been discussed with virtually all Council Members, they gave them a number, \$67 million, was what the City could expect in the way of capital improvements at the time, that was what they told the City and that was what they circulated to Council Members and others, they gave them the benefit of that, that what the Mayor then did when he sent the letter, he sent it to one person, he sent it to the present concessionaire and asked the concessionaire if he would provide a response to the letter that met or exceeded the standards that the Mayor set out, that he like the Mayor frankly did not think that would happen, the reality was what they got in response far exceeded what he even set out in his letter, that was the reality of what they got, they did not pick, and they never did, the joint venture partners that they chose, they had nothing to do with that and did not make any recommendations, they did not make any suggestions, but by the same token they do not pick sub contractors either, that in this instance, and never before either that he knew of, had they picked the sub contractors to these contracts, the vendor picked their sub contractors, they picked their joint venture partner, the City did not, they made the proposal, that what the Mayor required was that the response had to involve an entity that was capable of assuring the financial responsibility that they were requiring and that was what they did; that in the RCA the joint venture was still 51% owned by the current concessionaire, the new agreement would be with that joint venture owned by the 51% present concessionaire, the thing that was added was that the City gets the guarantee of the 49% partner on the financial commitment and on the operational commitments and they had a world of experience with that, and frankly they were financially capable, obviously, of making those guarantees.

Council Member Wiseman stated that she supported an amended contract and thought it was in the City's best interest that they move forward quickly, that if they held off and went through an RFP process and end up right where they were with this firm they would have spent a great deal of money and time.

Council Member Alvarado stated that one of her colleagues talked about the high percentage of DBE numbers, but she did not think it was anything to celebrate when they could only come up with Hispanic participation of 3.2% and women participation of 2.7%, that she was told by the group that others would be allowed to participate and she would like to get a clear answer on how that process was going to work and stated that she would tag Item No. 36.

Council Member Khan stated that while they were looking at participation of various ethnic groups he hoped they would look at participation of, for example, South Asian, Pakistani American's and Middle Eastern groups.

Council Member Lovell stated that from talking with some of the vendors and business people that when the Super Bowl came and they were expecting to really make a lot of revenue the airlines moved their business from that terminal to a newer terminal, which really hurt the businesses, that what assurances were there and were they in the contract that it would not happen to people who were investing and how do they control that from not happening; that she needed to know why the same vendors that were in the contract now, which was an extension, were they saying that those same vendors were going to remain in the contract through the five year life of the contract, that she had heard that there were people in there now but their contracts were not going to be renewed and if that was so, why.

Mr. Hall stated that the incident before the Super Bowl was the subject of intensive discussions, that their hometown airline argued that they did it for operational capacity; that they could not force airlines to schedule flights or locations, that what the airport offered were superb facilities so that in fact both employees and the traveling public would not have to migrate to one terminal or the other, that he did not think that anybody argued that the quality of the service in Terminal C did not match the service in the other terminals, the purpose for the \$10 million and for the Mayor requiring that there be a world company actually taking direct contractual responsibility for the management was to change that, that was why there was the change, to assure that what the standard was now would not be the standard tomorrow, that was what the provision was for; that with regard to whether or not the people there were assured to participate, he did not know it and they did not know it either, that he asked that question just yesterday, that what they had done was to try to give some participation to what had been an active debate among Council Members, and that was frankly whether it was better to have minority participation as a joint venture or whether it was better to have it as a sub contracts, that what they had done in the contract was to provide both and many of the present vendors, as he understood it, were invited to become part of the joint venture, because in fact they had to purchase the 49% from the present vendor, that the primary reason that they believed that they had not had the kind of performance in Terminal C that they had in the others was that frankly the present vendor did not have the experience in managing these contracts that the other terminal enjoyed, that this contract would give them that, that they had not had the level of capital that the other terminals had enjoyed, the \$10.5 million spoke to that, those were the primary issues that they thought would provide instant, as soon as the construction was completed, improvements so that the quality in that terminal would match the quality of the others and frankly exceed it in some instances, they believed.

After further discussion by Council Members, Mayor White stated that Item No. 36 had been tagged.

Council Member Green moved to suspend the rules to extend the meeting beyond the scheduled noon recess to complete the agenda, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2007-0936 ADOPTED.

38. ORDINANCE appropriating \$130,000.00 from Commercial Paper Series E and approving and authorizing a purchase and sale agreement between **OMNE EDUCATIONAL RESOURCES, INC., A TEXAS CORPORATION, SELLER ("SELLER")**, and the City of Houston, Texas, purchaser (the "City"), for 2.0808 acres of improved commercial land located at 7277 Regency Square Boulevard, Houston, Harris County, Texas, with an additional 12,000 square feet of adjacent land for parking, for a purchase price, with related expenses, of \$4,286,700.00, for use by the Houston Police Department for a District Police Station; ratifying the termination of a previous purchase and sale agreement - **DISTRICT F - KHAN** – was presented. All voting aye. nays none. Council Member Berry absent. ORDINANCE 2007-1044 ADOPTED.
40. ORDINANCE approving and authorizing contract between the City of Houston and **HOWREY LLP** for Legal Services relating to Cause No. 2002-22690-A; Steve Williams, et al. v. City of Houston, et al.; in the 80th Judicial District Court of Harris County, Texas; establishing a maximum contract amount - \$340,00.00 - Property and Casualty Fund – was presented. All voting aye. nays none. Council Member Berry absent. ORDINANCE 2007-1045 ADOPTED.
41. ORDINANCE authorizing and approving Compromise and Settlement Agreement between the City of Houston and **TOM H. CONNOLLY**, as Liquidating Trustee of the Consolidated WIN Liquidating Trust, to settle a lawsuit - \$525,000.00 - Property and Casualty Fund – was presented. All voting aye. nays none. Council Member Berry absent. ORDINANCE 2007-1046 ADOPTED.
42. ORDINANCE amending Ordinance No. 2003-1009 to increase the maximum contract amount between the City of Houston and **JOHNSON CONTROLS, INC** for Alarm Monitoring, Inspection, Maintenance and Telephone Response Services for Various Departments - \$160,000.00 General Fund – was presented. All voting aye. nays none. Council Member Berry absent. ORDINANCE 2007-1047 ADOPTED.

NON CONSENT AGENDA - NUMBER 49

MISCELLANEOUS

49. **SET HEARING DATE** relating to amendments to Chapter 42, Code of Ordinances, related to the provision of Parks and Open Spaces - **SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - 1 WEEK FROM DATE OF PASSAGE** – was presented. Council Member Berry absent.

Council Member Garcia moved to set Wednesday, September 19, 2007 for a hearing relating to amendments to Chapter 421, Code of Ordinances relating to the provision of Parks and Open Spaces, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0937 ADOPTED.

MATTERS HELD - NUMBERS 50 through 60

50. ORDINANCE amending Ordinance No. 2004-864 to increase the maximum contract amount to Contract 4600000909 (C56253) between the City of Houston and **CARRIER CORPORATION** for Heating, Ventilation and Air Conditioning Maintenance Services for Various Departments \$2,260,892.50 - General and Enterprise Funds – **(This was Item 26 on Agenda of August 29, 2007, POSTPONED BY MOTION #2007-903)** – was presented. Council Member Johnson

voting no, balance voting aye. Council Member Berry absent. ORDINANCE 2007-1048 ADOPTED.

51. ORDINANCE amending Ordinance No. 2003-383 to increase the maximum contract amount between the City of Houston and **HOLLIDAY DOOR & GATE SYSTEMS, INC** for Overhead Door Repair Services for Various Departments - \$280,000.00 - General Fund – **(This was Item 28 on Agenda of August 29, 2007, POSTPONED BY MOTION #2007-904)** – was presented. Council Member Johnson voting no, balance voting aye. Council Member Berry absent. ORDINANCE 2007-1049 ADOPTED.
52. ORDINANCE appropriating \$2,500,000.00 out of Airports Improvement Fund, and approving and authorizing Amendment No. 1 to Contract No. 55521 between the City of Houston and **KELLOGG BROWN & ROOT SERVICES, INC** for Job Order Contracting Services with the Houston Airport System; WBS #A-000348-0001-4-01 (Proj. 516) - **DISTRICTS B - JOHNSON; E - WISEMAN and I – ALVARADO – (This was Item 45 on Agenda of August 29, 2007, POSTPONED BY MOTION #2007-908)** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-1050 ADOPTED.
53. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **CENTRAL TURF FARMS, INC** for St. Augustine Sod Blocks for Department of Public Works & Engineering \$997,864.80 - Enterprise Fund – **(This was Item 9 on Agenda of September 5, 2007, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. Council Member Berry absent.

Council Member Lawrence stated that she went to the MWBE Committee meeting last week, that she had questions and had tried to get somebody to come see her for eight days and her office had called twice and had sent emails and finally yesterday afternoon they got a sheet with a couple of questions answered which led to other questions, and moved to postpone Item No. 53 for one week, seconded by Council Member Garcia.

After further discussion a vote was called on the motion to postpone Item No. 53. All voting aye. Nays none. Council Member Berry MOTION 2007-0938 ADOPTED.

54. ORDINANCE **AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to food and food establishments; containing other provisions relating to the foregoing subject; providing for severability – **(This was Item 11 on Agenda of September 5, 2007, TAGGED BY COUNCIL MEMBERS NORIEGA, CLUTTERBUCK and HOLM)** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-1051 ADOPTED.
55. ORDINANCE **AMENDING SECTION 20-22 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Mobile Food Units and Commissaries; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefore; containing a savings clause; providing for severability – **(This was Item 12 on Agenda of September 5, 2007, TAGGED BY COUNCIL MEMBERS NORIEGA, CLUTTERBUCK, KHAN, EDWARDS and LOVELL)** – was presented. Council Members Khan and Berry absent.

Council Member Holm offered the following motion to amend Item No. 55:

“Move to amend Section 20-22, subsection (c), section (6) to read as follows:

- (6) Signage. Every mobile food unit must be readily identifiable by business name, printed, permanently affixed, and prominently displayed upon no more than two sides of the unit, in letters not less than three inches in height and not to exceed eight inches in height. Each sign must not exceed nine square feet in area and must be and remain in compliance with all standards set in the Sign Code.”, tagged by Council Members Garcia and Alvarado. Council Members Khan and Berry absent.

Council Member Garcia stated that he would tag Item No. 55. Council Members Khan and Berry absent.

56. ORDINANCE appropriating \$949,709.06 out of Airports Improvement Fund and approving and authorizing agreement for Professional Architectural/Engineering Services between the City of Houston and **AAC DESIGNERS BUILDERS, INC d/b/a AUSTIN AECOM** at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; (Project No. 516C; WBS A-000138-0018-3-01) - **DISTRICTS B - JOHNSON; E - WISEMAN and I – ALVARADO** – **(This was Item 19 on Agenda of September 5, 2007, TAGGED BY COUNCIL MEMBERS NORIEGA, LAWRENCE and JOHNSON)** – was presented. Council Members Holm and Berry absent.

Council Member Lawrence stated that she would like some parameters and what they were talking about before they approved 24%, that she wanted more of companies that would be involved, that she thought they needed to reevaluate how they were looking at each of the agenda items, and moved to postpone Item No. 56 for one week, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0939 ADOPTED.

Mayor White asked Council Member Lawrence if it was something that she had requested information previously on and Council Member Lawrence stated that was correct, that there was more than one person in that department and no one came to talk to them after the calls and emails. Council Members Holm and Berry absent.

57. ORDINANCE appropriating \$196,000.00 out of Fire Consolidated Construction Fund and awarding contract to **SPRING EQUIPMENT COMPANY, INC** for Concrete Repair Services for Various Departments, WBS C-000089-0002-4-01, C-000089-003-4-01-01, establish a maximum contract amount - 1 Year with two one-year options - \$2,625,020.44 - General, Enterprise and Other Funds – **(This was Item 27 on Agenda of September 5, 2007, TAGGED BY COUNCIL MEMBERS LAWRENCE and EDWARDS)** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-1052 ADOPTED.
58. ORDINANCE appropriating \$176,452.00 out of Water & Sewer System Consolidated Construction Fund and \$128,477.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Four of the Clearview Village Subdivision, CIP S-000800-0102-4, R-000800-0102-4 & M-000800-0102-4 - **DISTRICT E – WISEMAN** – **(This was Item 28 on Agenda of September 5, 2007, TAGGED BY COUNCIL MEMBERS NORIEGA and JOHNSON)** - was presented, and tagged by Council Member Wiseman. Council Members Holm and Berry absent.
59. ORDINANCE appropriating \$270,606.00 out of Water & Sewer System Consolidated Construction Fund and \$300,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Five of the Clearview Village Subdivision,

CIP S-000800-0108-4, R-000800-0108-4 & M-000800-0108-4 - **DISTRICT E – WISEMAN – (This was Item 29 on Agenda of September 5, 2007, TAGGED BY COUNCIL MEMBERS NORIEGA and JOHNSON)** - was presented, and tagged by Council Member Wiseman. Council Members Holm and Berry absent.

60. ORDINANCE amending Ordinance No. 2004-1130 to increase the maximum contract amount to contract between the City of Houston, **GT DISTRIBUTORS, INC** and **TASER INTERNATIONAL, INC** for Taser Devices, Accessories, Supplies and Repair Services for the Houston Police Department - \$1,871,942.22 - General Fund – **(This was Item 37 on Agenda of September 5, 2007, POSTPONED BY MOTION #2007-924)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Members Khan and Berry absent. ORDINANCE 2007-1053 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that in the Housing Committee meeting yesterday Council Member Brown had asked regarding homeless population reduction and she did some research with Mr. Love and he had the figure that homelessness had been reduced in the City of Houston by 13.6%, that he did not have the actual raw numbers but they would be bringing that information to their next housing meeting. Council Members Khan and Berry absent.

Council Member Garcia stated that he wanted to commend Ms. Helen Chang, who helped facilitate the attendance at the World Economic Forum in Dalian, China, that it was where roughly around 1,000 of the world's business leaders attended, that the organization challenged the attendees to be thinking like global leaders and focusing on important issues like environment, energy conservation, improved health in the community, that it was a very interesting and fascinating organization and discussion, that Mr. Jeff Mosley, Greater Houston Partnership attended, and they encouraged the forum to consider Houston as a place to hold one of their future events, that Mr. Mosley made the pitch that maybe they could do a test of the Houston community later in the year when the partnership would host the presidential debate; that he met people who had an interest in coming to Houston to do business. Council Members Lawrence, Edwards, Wiseman, Khan, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he had missed the Houston Texan game, that the Texans were picking up their step and how about Mario Williams and Coach Kubiak. Council Members Lawrence, Edwards, Wiseman, Khan, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that they would have a public meeting on Saturday about the reconstruction of Kirby Drive, that it was between San Felipe and Highway 59, that it was a project that was being spearheaded by the local TIRZ with supervision by the City, that it would be a public meeting and they encouraged people to come, that it would be on September 15, 2007 from 9:00 a.m. to 11:00 a.m. at the Upper Kirby TIRZ on the 3100 Block of Richmond. Council Members Lawrence, Edwards, Wiseman, Khan, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that as an avid supporter of the value of open spaces and green spaces in their community she thought it was critical and vital part of quality of life for their citizens, that she was concerned that they may have started with a goal that was a development tool that addressed incorporating green spaces in development and addressed that vital component but now had become a way of developers funding parks, that she thought that was two different issues in meeting a need of what they wanted and would like to continue the

discussions and thought she was going to meet with both Mr. Icken and Mr. Turner this week, but she wanted to make sure, that Logan Lane was a classic example of development that was probably going to take place, that she did not know at this point in what form, but it was an opportunity for them to set standards that were conducive to the community, that as she had said many times she thought the most critical and important thing that they do was to set standards for them to coexist in their neighborhoods, to have mixed development and to learn the value of that in their communities, that she thought by establishing standards for that open and green space that it required it as a part of the incorporation in a project as to a payoff that allowed greater density and promotion with a lack of standards, that they might be stepping off of base just a little bit, that they had a great opportunity before them and thought they had a lot of good issues coming forward in traffic and access management, in the green and open space, that she just hoped that they really would stay focused on the specific goal and make sure that they do not compromise an opportunity that they had before them. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that at the Council meeting yesterday, the graphic illustrations and photographs that the administration put out related to problems of trash and ditches was very helpful and hoped that they could do more of that. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he was very excited to read about the Mayor's initiative on the issue of a freight rail network in the City, that the freight rail system and the master plan for a functional modern freight rail system in the City of Houston needed to be part of the Houston Galveston Area Council's 2035 Plan, that it was not included in the plan, but he did send a letter to HGAC saying that they should include it, plus the Texas High Speed Rail Corporation proposed plan to connect Houston, Dallas, Fort Worth, San Antonio and Austin; that he wanted to go to the Freight Rail meeting that they had today, but they schedule those meetings on Wednesday when they had City Council meetings, so he wondered how they were going to have participation if none of them could attend. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that on Item No. 43 and 44 on today's agenda were DPC contracts and he was very supportive of those because they had to with small off site improvements in the urban area, which catalyzed high quality development and he would like to see more of those in the areas where they were more rapidly urbanizing rather than an imbalance of it all going into lower density suburban areas. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that as to health and wellness and neighborhood parks he wanted to second what Council Member Holm stated and bring up the point of the Parks and Greenspace Ordinance, that the argument had not been made but there had been some very important recent studies that showed, particularly in cities like Houston where they had high incidents of childhood obesity and respiratory problems in children, that easy access to a neighborhood park really improves community health, that he thought that the Parks Ordinance should be seen as well as a health and wellness initiative by the City's administration and government, but the parks had to be accessible; that he had to strongly disagree that the minimum size of a park was two acres, that they ought to make the distinction between an urban area and a suburban area, that he thought they needed to look seriously at the issue of strengthening their neighborhoods by having more smaller parks that were really accessible to

people; that a women said she wanted to buy a condominium downtown but decided to buy in Sugarland because she had a pet and there was no pet park downtown or even in Midtown, that if they wanted to attract seniors to have a small pet park in Old Market Square or even Discovery Green, that he thought it was an interesting concept, that they did not want to discourage seniors because they did not have a pet park. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that when the photographs of trash accumulating in ditches were shown he made a connection with that and some discussion they had on City Council of a modern version of the civilian conservation corps, where they could have a pilot program that would cost \$100,000 where they would have unemployed youth during the summer that were trained and supervised to cleanup the ditches, that it could be a very effective and economical way to keep the City clean and improve the drainage system and to provide employment and spending money and role modeling, hopefully, to their youth. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that they may have done it on the Fourth Ward TIRZ Board, that he had asked them to approve the portion of the plan that would allow them to go forward with the West Webster Park, they had a whole City block and the residents had a couple of meetings and had specified what they wanted to see in the design that included a dog park feature right in Midtown, that he had been at them to please approve the funding for that park and they had a couple of others things that needed to be approved, but it was a slow process, that they could have a park built there that would have a dog feature; that he had taken notes on the youth corps and thought it was a good idea, they just had to figure out how they would manage that. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to thank all the communities that came out to the townhall meeting that he hosted with Representative Sylvester Turner, they had a great turnout at the meeting where they were talking about the bond, that the media and the newspaper classified it as the Black Communities stepping out about the bond election, that he wanted to make it clear that it was not a Black issue, it was an issue regarding their children and he thought it was important for the development of their neighborhoods. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he mentioned before about the Jena 6 in Jena, Louisiana, that it was about six young males that had been wrongly convicted, that he along with some of his friends from the Millions More Movement would be taking six buses to Jena, Louisiana, leaving from Texas Southern, the University of Houston and various community centers in the City to go to Jena, Louisiana to send a strong message, that the reason that he was involved was because injustice anywhere was a threat to justice to everywhere, that the buses would leave September 20, 2007 at 2:00 a.m. to be at the courthouse for 8:00 a.m. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to talk about the weather, which would be getting bad later in the day, that he wanted people to be mindful that there would be some very bad weather coming into the City and certainly hoped that everyone would start to prepare for the terrible weather that might be coming into the City. Council Members Lawrence,

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

Mayor White stated that there was a front that was moving through and he just wanted to let people know to tune into the weather stations and radio stations, that as they knew they lived in a portion where rains could come up suddenly and could be highly localized, that the emergency management team had a meeting already. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to recognize Council Member Edwards who yesterday had a building named after her at Saint John's Church for the good work that she had done; that they went to a wonderful event, the Firefighters Foundation, recognizing the firefighters, that it was six years since 9-1-1 and the evening before she was at another event, that Council Member Lawrence lost her sister, Barbara Olson, in the Pentagon crash and it was the first time that Council Member Lawrence on this day was sort of out in the public, that she used to stay very private and she wanted to commend her, that it had to be a very difficult day to sit last night at the Firefighters Foundation and watch the images of what went on, that she wanted to let her know that they all recognized what a personal loss it was to her. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that as to the school bond, she agreed totally with Council Member Johnson, it had nothing to do with race, that it was a very important decision that they were going to make and had to do with HISD wanting to compete for their customers, which were the parents and children who lived in the neighborhoods and districts and had school choice. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:00 p.m. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary