

City Council Chamber, City Hall, Tuesday, September 18, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 18, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega and Ronald C. Green and; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; and Ms. Marty Stein, Agenda Director present. Council Member Pam Holm absent on personal business. Council Member Michael Berry absent.

At 2:00 p.m. the meeting was called to order. Mayor White appeared at the podium, invited Yolanda Black Navarro to the podium and stated that it was Hispanic Heritage Month and today he was able to honor a dear friend and special person; that today she was being recognized for her outstanding contribution to the betterment of the City of Houston and presented her a Proclamation proclaiming September 18, 2007, as "Yolanda Black Navarro Day" in Houston, Texas. Council Members Wiseman and Green absent.

Council Members thanked Ms. Navarro for all her good works and her recognition was much deserved.

Council Member Clutterbuck invited Polio survivors to the podium and stated that Polio was a disease and word she was not real familiar with growing up and was pleased to say her children had to look the word up in the dictionary and read about it, but the vaccine credited for saving so many lives has indeed been a victim of its own success in the United States allowing Americans to think Polio was cured and vaccination was unnecessary when in the past two years Polio had been reported in children and in one adult and it was frightening and for every case of Polio there were between 70 and 200 silent carriers; and because of Polio awareness and reasons mentioned presented a Proclamation proclaiming this month as "Polio Awareness Month" in Houston, Texas.

Council Member Edwards stated that her BRAVO Awards was celebrating three additional employees who had gone beyond and invited Mr. Richard Gomez of HFD to the podium, that he was stationed at Station 94 and chairperson of Houston Hispanic Firefighters Caucus Local 341; and presented Mr. Gomez with the BRAVO Award for helping and sponsoring so many things and giving so much back to his community. Mayor White invited Ms. Mary Ann Grant of the IT Department to the podium and stated that she was Deputy Director of the Enterprise Resource Planning Systems Support Team responsible for ERP needs and troubleshooting ERP issues including updates to the system and training; and presented Ms. Grant the BRAVO Award for all her works and for having a true passion for her community. Ms. Annise Parker, City Controller stated that Ms. Grant was one of her four deputy controllers and sending her off took a lot but she was one who could do it and she did not have to leave and take this on but she did and excelled and she was one needing recognition. Mayor White invited Mr. Damon Russell of the Public Works Department to the podium and stated that he was a truck driver who began as a laborer and acquired his commercial drivers license and transferred and took on more responsibility for flooding problems and mastered tasks and is instrumental to the city's workforce and ready to earn his Masters degree and volunteers much to the community; and presented Mr. Russell the BRAVO Award honoring him and all his good works.

Council Member Garcia stated that he was recognizing an important neighbor in the City of Houston, KLM Royal Dutch Airlines, and invited the two representatives of KLM to the podium. Council Member Garcia stated that KLM Royal Dutch Airlines for fifty years, the oldest airline in the world, and had been a neighbor doing tremendous service; that September 6, 1957 they made history with its inaugural flight as the first European Airline to fly to the City of Houston landing at William Hobby Airport and now had helped link cities all around the world to

the City of Houston with its daily nonstop flights; and presented them a Proclamation proclaiming September 18, 2007, as "KLM Royal Dutch Airlines Day" in Houston, Texas.

At 2:51 p. m. Council Member Wiseman led all in prayer and in the pledge.

At 2:52 p.m. the meeting was called to order and the City Secretary called the roll. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence, Johnson and Garcia absent.

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

At 2:53 p.m. the City Secretary began calling the public speakers. Council Members Lawrence, Johnson, Edwards and Garcia absent.

Mr. Bob West, 1200 Louisiana, Houston, Texas 77002 (713-375-4610) appeared and stated that on behalf of the Hotel Lodging Association and Hyatt Regency Houston he was present in support of Agenda Item 13, the valet parking ordinance. Council Members Lawrence, Johnson, Khan and Garcia absent.

Ms. Joan Johnson, P. O. Box 25399, Houston, Texas 77265-5399 (713-858-6119) appeared and stated that she was president of the Hotel and Lodging Association of Greater Houston and they worked with Ms. Rambo and the City Parking Commission for approximately 18 months to draft the ordinance she understood was going before Council; that many hotels had the valet parking stand and storage of vehicles on private property and therefore asked that those who used private property for valet parking be exempted from being permitted and they supported the insurance and that all valet operators should have to display insurance on the valet stand. Council Members Lawrence, Johnson, Khan and Garcia absent.

Ms. Sandra Goldman, 400 Dallas, Houston, Texas 77002 (713-351-5726) appeared and stated that she was general manager of the Double Tree Downtown and was present to support the ordinance, Agenda Item 13, as written. Council Members Lawrence, Johnson, Khan and Garcia absent.

Mr. Moustapha El-Hakam, 1950 Lexington, Houston, Texas 77098 (713-528-6865) appeared, presented information and stated that he was present representing the Super Neighborhood of Neartown and Super Neighborhood Alliance concerning changing to the valet parking ordinance, Agenda Item 13, that yesterday Jackie Mahorn, president of Super Neighborhood Alliance and he met with Deputy Director of Convention and Entertainment Facilities, Mr. Lewis and Ms. Rambo and they were promised four of their six concerns would be fully alleviated by inserting appropriate language in the guidelines of the ordinance, however, two of their paramount concerns were not resolved with number one concerning the permitting of all who engaged in the business of valet parking so the city may have an industry standard code of conduct to rely upon and they believed the ordinance well crafted once you fell under the umbrella of the permit with one exception, but the problem was not all were required to obtain a permit and the proposed took a step back by not requiring valet service providers who drove on streets to obtain a permit if they performed pickup and drop-off on private property and stored the vehicle on private property; that they believed the subsection of storage of valet vehicles would have a devastating effect on neighborhoods if left in its current form; and second the proposed ordinance allowed vehicles entrusted to a valet parking service operator to be stored on public streets instead of a secure off street storage location by allowing this a valet

parking service could take an entire neighborhood block hostage; and implored Council to tag the ordinance and slightly amended to disallow on street storage of vehicles which consisted of 60% residential frontage. Council Members Lawrence, Johnson, Khan and Garcia absent.

Council Member Edwards stated that she appreciated Mr. El-Hakam's work on this; and upon questions, Mr. El-Hakam stated that since the city was growing by allowing storage of vehicles on neighborhood streets they ran the risk of being held hostage with their parking and turnover, self parkers tread much lighter on their neighborhood and they crafted an amendment which stated that if 60% of your block face was residential frontage then valet parking operators would not be allowed to store vehicles on that block face and they could contract with private property for parking. Council Members Khan and Garcia absent.

Upon questions by Council Member Clutterbuck, Mr. El-Hakam stated that one restaurant on a block face could affect the quality of life on a whole block and he would like Council to take a stand and make sure hostilities were decreased between businesses and residences. Council Members Wiseman, Khan and Garcia absent.

Council Member Edwards stated that she thought the work Council had done on Neighborhood protection and neighborhood preservation was one reason they called for a special parking assessment of primarily in communities where they were being inundated and held hostage by companies and she believed this could be settled and moved forward, she thought they could reach the challenge of businesses and residences working together. Council Members Wiseman, Khan, Garcia and Alvarado absent.

Ms. Mary Lawler, 2505 Washington Avenue, Houston, Texas 77009 (713-864-8099) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Khan, Garcia and Alvarado absent.

Ms. Patricia Howard, 607 Briar Park, Houston, Texas 77042 (713-783-4607) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Khan, Garcia and Alvarado absent.

Ms. Shere Lipinski, 10023 Briar Park, Houston, Texas 77042 (713-968-9368) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Khan, Garcia and Alvarado absent.

Ms. Kay Crooker, 3711 San Felipe, Houston, Texas 77027 (713-621-4519) appeared, presented pictures to Ms. Vasquez and stated that she was with the Planning Commission and today present as a private citizen on behalf of Scenic Houston and urged that when the I-10 Scenic Corridor came to the Council table they vote in favor of it as it was very important and the right thing to do for the City of Houston and the right time. Council Members Wiseman, Khan, Garcia and Alvarado absent.

Council Member Brown stated that he could not see why anyone would vote against the Scenic Corridor; and upon questions, Ms. Crooker stated that she could not imagine anyone voting against it either and all business interest along the energy corridor supported it. Council Members Wiseman, Khan, Garcia and Alvarado absent.

Council Member Lawrence stated that she also participated in Vision Houston in the early 1990s and it was an awakening situation; that she appreciated her participation in discussion recently and she believed they had a nice corridor showing support for this and it was her understanding they had a majority of Council Members who supported it and she looked forward to moving on it. Council Members Wiseman, Khan, Garcia and Alvarado absent.

Mayor White thanked Ms. Crooker for her work and being present and Council Member Lawrence for moving it along and stated in response to Council Member Brown there were procedures you went through to make sure those with on premises signs had an opportunity to participate, he personally would like no billboards as long as people could find out where things were, but people had on premise signs and they needed to feel as though they were heard in an appropriate manner and he also applauded work being done to take so many billboards down and get to the finish line, there were federally protected highways and to have something where they had bargaining power over the billboard companies to take down some did take hard negotiations and he did not know who spent more time at this than Council Member Holm, but they would be taking down a whole lot of billboards, that was the goal, and sometimes the game plan took longer than people would like, but if it was not done just right..., they wanted to do it in a way it would legally stick. Council Members Wiseman and Garcia absent.

Mr. Ali Nagvi, 9223 Misty Vale, Houston, Texas 77075 (281-704-9073) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Garcia and Noriega absent.

Mr. John Morris, 5703 Caldicote, Humble, Texas 77346 (281-852-6388) appeared and stated that he was speaking in regards to representative responsibility and discussed the Kennedy assassination and mass media censorship; that American people were not being told the truth about matters which dealt with their economy, democracy or issues with their lives and lives of their loved ones and Council Members were given an opportunity to do what people could not do for themselves. Council Members Wiseman, Garcia and Noriega absent.

Mr. Mark Hogue, 9307 Meadow Glen, Houston, Texas 77063 (832-277-6000) appeared and stated that he again was present asking for elevated crosswalks along Westheimer, especially at Fountainview and Westerland and that they might consider placing red light cameras at the same locations; that he had been nearly hit more than 80 times in the last four months. Council Members Wiseman, Garcia and Noriega absent.

Upon questions by Council Member Edwards, Mr. Hogue stated that he thought they should be at Westerland at Westheimer, two lights east of Gessner and the other near Wal-Mart between Oakfarm and Dunvale. Council Members Wiseman, Garcia and Noriega absent.

The City Secretary stated that Mr. Ali Nagvi was now present and would be called at this time. Council Members Wiseman, Garcia and Noriega absent.

Mr. Ali Nagvi, 9223 Misty Vale, Houston, Texas 77075 (281-704-9073) appeared, presented pictures to Ms. Vasquez and stated that he lived in the Bridgeway Subdivision and they had severe Neighborhood Protection and deed restriction violations and commercial lots were not taking care of their responsibility and now on both sides of their subdivision they had severe problems of graffiti, gang problems, etc., and they asked numerous times through 311 and Council Member Wiseman's office for assistance as they had no homeowners association; that they started a community group, but Suburban Homes left them with a severe problem and would like the city to intervene; that they had 750 homes and they were about ready to move out. Council Members Johnson, Wiseman and Garcia absent.

Upon questions by Mayor White, Mr. Nagvi stated that they had commercial trucks parking on a daily basis and tow trucks; that they had commercial lots on both sides and they were never kept up and their property value was going down; that they had graffiti problems, gang problems and burglaries; that their streets were being damaged by such large trucks; that they formed a small community group but funds were small and they could not form an association,

he consulted with an attorney and a minimum of \$10,000 was needed to start a homeowners association and he thought there should be a city ordinance so no builder could start until an established homeowners association was started because without one there were severe results; and Mayor White stated Ms Vasquez or someone who dealt with deed restrictions in Legal could speak with him; that he did know they could designate through some process places where trucks could not drive through or park and it should be taken into account. Council Members Johnson, Wiseman, Garcia, Lovell and Green absent.

Council Member Lawrence stated that there was a certain weight and hours that trucks with that weight could not be on the streets parked in front of houses; and upon questions, Mr. Nagvi stated that they pursued this with Mr. Michael Martin, an attorney with the City of Houston, and the city filed a lawsuit but it required him to be a witness and he did not want to be an enemy of someone living so close and he thought there should be another way the City could pursue him without his involvement; and Council Member Lawrence stated that Ms. Rambo was making visits to locations at night and she would like the addresses and she would give them to her, but they should continue calling 311 and they would get reports back. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Noriega stated that Council Member Lawrence's team sounded as though they would be real helpful here and she would offer to assist the District Council Member as well, she was very familiar with the area as her in-laws lived there; and Council Member Lawrence stated that she would be happy to have an At-Large Council Member to assist. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Nagvi stated that his subdivision was seven years old, practically new; and Council Member Khan stated that normally new subdivisions had an association; and Mr. Nagvi stated the builder deliberately did not establish one, they established deed restrictions and in it there was a date of January 1998 they were to have a homeowner association established, but they failed to do it and now they had 750 homes with no say. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that you had to have an administrative setup to administer deed restrictions; and Mr. Nagvi stated that Suburban Homes had done this more than once, they knew how to play the game; and Council Member Brown stated that he would like to be furnished with a copy of the restrictions and if he had a comment he would get back with him. Council Members Johnson, Clutterbuck, Wiseman, Garcia and Green absent. (NO QUORUM PRESENT)

Mayor White stated to Ms. Acosta he knew there were renters in the neighborhood and it was in the public interest they do what they could to facilitate creation of a homeowners association, renters were in associations and it was an asset to the city to have one; that he did not know how to provide technical assistance to citizens but it was a good thing for the city to do and he would ask the Legal Department, he was not asking them to go door to door, but it could not be rocket science for forms to establish a homeowners association and someone should not have to pay \$10,000 just to tell you how to establish; that second he would say to him and Council Members, Claudia and Neighborhood Protection that if a person was a resident and parked in front of his property may be different than someone just parking a vehicle, but if someone was parking a commercial vehicle the weight needed to be looked at and commonsense in enforcement needed to be used; and another thing was if the business was there before the subdivision and the truck was being parked in front of the business there may

be a different perspective, but there should be a kit of how to create a homeowners association which could be given to citizens. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Michael Levy, 10003 Briar Rose Drive, Houston, Texas 77042 (713-582-3135) appeared and stated that he was present as a member of the Briargrove Park Homeowners Association and there was a series of proceedings filtering through the city process involving West and East Rivercrest and the so called abandonment project, not only are the 1,500 members in their subdivision in strong opposition of the measure, but he was present today as they had not seen much effort of fairness or disclosure regarding the issue; that wealthy homeowners in Rivercrest had decided to write whatever check necessary and privatize the street between Briar Forest and Westheimer; that he lived one block from the two streets in question and besides the traffic issues the City of Houston took a stance that the traffic ordinances and issues did not comply with their request to cut the traffic off. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Lovell, Mr. Levy stated that the signs posted said nothing about sale or purchase or real estate only abandonment and for years this was put through as a traffic issue and he was asking for the spirit of disclosure, fairness and intent of the law that this not be allowed to continue any further. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Mr. Levy stated that studies existed in the City of Houston's department process which for years showed it did not meet the standard for traffic so that was out and now it was being taken out of traffic and into a real estate nature and it was a complete surprise and they originally presented to the City of Houston cutting off, similar to what Bellaire did on its feeder roads years ago, they wanted to close it and remove access to limit cut troughs and now wanted it to be a gated community similar to what President Bush had near the Galleria. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he was getting information on this from others; and upon questions, Mr. Levy stated that it was his understanding that similar to the speed bump program there was a firm process laid out and during the process there was a minimum of which traffic was monitored by a black box and under every criteria the traffic issue was never met, so the volume was not high enough so now five years later they sue the city for the right to do it under real estate and it would cause irreparable harm to every adjoining street within a remote distance; and Mayor White stated that he was trying to get his hands around this and he would be asking professionals, but on the procedural status he had encountered problems within the city process and at sometime the city told people on the street it was not legal to have a street closure or abandonment unless it was unanimous and they got an almost unanimous and then sued the city and he did not think it was right to say it was not legal if it was but yet it still should not be done, but then some citizens thought they got a runaround and sued the city and it went through mediation after there was a judgment but there was no final determination made on how to deal with the petition, but there was concern on the fact they sued the city when the city said it was not legal and yet it may have been but may not be a good idea and that put them in the situation of where you did a balance of interest and if not many used it and it was not contributing to mobility at all and it was unanimous you may treat it one way and then if it was necessary for mobility, but in general the city wanted to do things which would mitigate cut through traffic, particularly when there was a danger, but they did not want to open the door to street closings. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Levy stated that if you continued on the north side of Briar Forest you got into a circular street going east and west and for whatever reason those constituents chose not to participate in the process. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Levy stated that it was his understanding homeowners at the Rivercrest Association were informed they did not need 100% participation and people objected, but there were just not large numbers; and Mayor White stated that they incorporated in a policy the fact that normally it would require unanimous consent of all abutting property owners to do something and they would be making a decision soon. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that in looking at a September 11th memorandum from the Mayor it said revised policy for abandonment of improved streets and did state the policy; and Mayor White stated that they had done... and one proceeded that by about 10 days but that was the policy; and Council Member Brown stated that there may be a solution, he knew the street and it was a long straight shot and without curb and gutter and could be dangerous at night, but there were traffic calming devices which discouraged cut through traffic, such as a neck down or speed humps; and Mayor White stated that those were being considered; and upon questions, Council Member Brown stated that the neck down was when you placed a narrower curb at the street entrance and it forced a slowdown. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Jerome Simon, 4899 Montrose #1802, Houston, Texas 77006 (713-702-6000) appeared and stated that as a property owner on East Rivercrest he would say Rivercrest was a circular street cut by Briar Forest going through and it was eighteen feet wide and no curbs between Westheimer and Briar Forest and one resident had been killed; that he was a new property owner, but that was why he was in favor of the closure and it would be minimum impact on surrounding neighborhoods, it was a safety issue and opportunity to preserve Houston's past and they were willing to pay and take over the street which he felt was a benefit to the city. Council Members Johnson, Wiseman, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that he had been to the area and you would think it was a private street and being that narrow it should not have cut through traffic. Council Members Johnson, Wiseman, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she received many phone calls and comments and one in particular was from a young mother on a near street who was concerned because her children like to play in the front yard and if Rivercrest closed she was afraid the traffic would come to her and they had much smaller streets and were not enclosed as those on Rivercrest; and upon questions, Mr. Simon stated that Rivercrest was never meant to be a pass-through street to other neighborhoods it was to be a circular drive; that also the study impact by the city stated there would be no impact. Council Members Johnson, Wiseman, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he wanted to do the right thing and have a basic principal which could be placed in every neighborhood and there were plenty of narrow streets with no curb and gutter and sidewalks at all income levels and it would defeat the purpose of having the street grid to say those streets become private where it would be gated and have a security guard to

get through; that similarly they would say no all the time when people wanted to let someone with only ID on their street when it was public because of crime concerns; that he did get worked up when he read the city said it was illegal to consider abandonment unless it was unanimous because it did not look at the law to him; and it was probably not completely plausible that only a handful of people used it and they all raced down the street, it was probably true more than a handful of people used it and some obeyed the speed limit and some did not and if they were going to do it in fairness that was probably a fair statement and so they wanted to figure out how to get rid of those who did speed; that he was happy some wanted to put their money where their mouth was and to Council Member Brown he thought here was an issue to put it to the test of what they thought to be traffic calming, put it to the test and see the incremental expense. Council Members Johnson, Wiseman, Garcia, Alvarado, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Lovell, Mr. Simon stated that he hated the term abandonment, it was really residents purchasing the street and he thought the proposal was to place a gate or limited access on Briar Forest to Westheimer segment and not the north side of Briar Forest. Mayor White, Council Members Johnson, Wiseman, Garcia, Alvarado, Brown, Noriega and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Patricia Joiner, 8588 Katy Freeway, Houston, Texas 77024 (713-463-8200) appeared, presented information and stated that she was asked by the Rivercrest residents to speak to Council today, she processed the joint referral application which had gone before Joint Referral and as a result of the lawsuit the Mayor represented there was a 12 point letter issued by Public Works which they needed to comply with and they were in the process of completing with part of it being the 30 day notice; that one thing she thought important was they were trying to develop a policy for all City of Houston neighborhoods and the 12 point letter outlined the conditions under which a city street could be abandoned, one was a traffic study and 84% of people traveling east and west on Rivercrest did speed; that an unintended consequence of decisions made in the '70's like the extension of Briar Forest which split a neighborhood was how they got to this point, the 1940's plat showed it was a neighborhood entirely enclosed; that the engineer who did the study and she were both committed to try and develop a citywide policy which would help the city; that they could not have one policy fits all, but they could have guiding principles and this could be a good start; that Chapter 42 allowed new developments to be created which were gated and it was from 1982 and the impact of this if 100% of all traffic on Rivercrest were diverted to Seagler the increased traffic on Briar Forest to Seagler would be 40 cars per hour during peak hour and they felt it was about safety; and she also wanted to urge all Council to vote for the Scenic District. Mayor White, Council Members Johnson, Wiseman, Garcia, Alvarado, Brown and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Joiner stated that the traffic study done did say there was cut through traffic and authorized traffic calming devices and they did, but they mysteriously disappeared; and Council Member Edwards stated that older neighborhoods had cut through traffic and she did not know how to fix it but would like to know what they as legislators could do to minimize the problem; and Ms. Joiner stated that the TIA process went a long way and the traffic calming ordinance went a long way but they needed follow through. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Brown stated that the Mayor's September 11th letter said the abandonment or conveyance should be a rare occurrence; and upon questions, Ms. Joiner stated that they incorporated one way options, etc., in their study and the staff said there was a speeding problem and she thought once the lawsuit happened the residents now wanted to

complete the process set out for them last summer. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Howard Davis, 10226 Pine Forest Road, Houston, Texas 77042 (713-783-4542) appeared, displayed a drawing and stated that he lived in Briargrove Park and very opposed to the closing of Rivercrest, if he lived on it he would want it closed, but he was one of 2,500 residents of Briargrove Park and surrounding area and in his opinion they would be greatly affected; that the problem was it was a long way from Voss to Beltway 8, 3-1/2 miles, and his map showed all through streets from Westheimer north to Briar Forest and if you were to close north and south Rivercrest it would be exactly the same as closing River Oaks Blvd. between Westheimer and San Felipe; that he and his wife use the two streets but do not speed and if the streets were closed they would add to traffic problems. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Khan stated that Mr. Davis brought a very impressive drawing; and Mr. Davis stated that he would be happy to present it and left it with Ms. Vasquez. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. David Harlow, 4114 N. News Meadow Drive, Sugarland, Texas 77479 (281-227-2597) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Douglas Nichols, 2418 Broad, Baytown, Texas 77521 appeared and stated that he just got out of jail for assault with a deadly weapon, attempted murder, and beat the case because of communication; that drug dealers in the neighborhood and the Police Department were communicating together and he was present asking for Council's help to stop the communication; that he did not want to be a topic or a clown; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Johnson, Wiseman, Garcia, Alvarado, Lovell and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Jackie Powell, 5417 N. McCarty, Houston, Texas 77013 (713-501-6985) appeared and stated that she was present on behalf of their family owned and operated business, Best American Iron and Metal, a scrap recycling yard on McCarty; that they had been in business 21 years and in May this year she forwarded a letter to Council addressing their concerns pertaining to the new ordinance concerning their industry, it addressed each section with comments and requests for revision and she would ask Council to review that letter and if they did not get it she would be happy to give them one; that the section she believed to be of the utmost concern to their day to day business was Section 7-60, Articles to be retained at least 72 hours and tagged; that because of the large quantity of material their business purchased daily the lack of physical space and cost of labeling and holding would be astronomical; that unloading, sorting, tagging and holding each item was impossible; that the number of items in a truck could be in the hundreds and it was not unusual to have 200 to 300 customers a day or more, six days a week; that a revision to that section was needed as they were gravely concerned about the ordinance and the harsh burden it would place on their business and industry as a whole; and would be glad to volunteer and work with the city any way possible towards the revision. Mayor White, Council Members Johnson, Wiseman, Garcia, Alvarado, Lovell, Noriega and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Powell stated that they dealt with the public and if something came in and did not look right they would not buy it, if it came in original packaging they would not buy it; that she did not say they did not get stolen copper, she was not qualified to say if a piece was stolen, but on their receipt they had to sign that they owned the property they were selling; and Council Member Edwards stated that she understood the hardship of tagging each item, but she also knew of churches where their guts were ripped out and saw homes the same; that she thanked her for her comments and this was an ongoing procedure and if she could come with some alternative method to accomplish the same goals without being as intrusive on their business she was sure they would be open. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Lovell and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that it was insight from individual business owners which could help the most when they crafted ordinances or amendments, but she raised a real concern and she wondered if it could be addressed with digital photographs with an indication of when it was brought in; that one person who had stolen and cut up works of St. Ann's was able to be identified because the purchaser had taken his fingerprints, had identification of the scraps and he had signed that he came across it legally, so that dealer was a good participant in the process; that they did provide a good service to the public recycling; and Ms. Powell stated that they tried to comply as much as possible and they did take their driver's license, etc., even with tin cans sold; that they did their best and they did this long before the ordinance. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Lovell and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Khan stated that was why it was important for all stakeholders to share their thoughts. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Lovell and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Gloria Holmes, 3560 Dixie Drive, Houston, Texas 77021 (713-741-7331) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Lovell and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

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

Ms. Kathryn Ross, 3614 Montrose #1200, Houston, Texas 77006 (713-520-0243) appeared and stated that 30 years ago she ran for City Council and believed to be the first woman to do so and was also instrumental in having the designation of office changed from Council Man to Council Member and sometimes in setting goals you may not achieve them for yourself you lived to see results of your planted seed and she did congratulate each woman on Council; that time had flown and she was now a 75 year old great grandmother and still cared about what happened to this city; that she owned a building at Montrose and Westheimer, in an area of the city taken over by hoards of vagrants, homeless people and street kids, who terrorized property owners and businesses in the area; that they broke into cars, stole copper, urinated, etc., all over and there was drug dealing, prostitution, thievery and vandalism on a daily basis and all in sight of the Westheimer Police Station; that the Westheimer Substation was totally ineffective and the only attention she was able to receive was a citation for graffiti and trash left on her property; that she went two to three times daily to clean and was

threatened and assaulted and if police came they never made an arrest; that her building had a nice marble exterior which was now destroyed and she believed the city had a conflict of interest in laws relating to homeless and vandalism, they had a vested interest in not making an arrest. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he appreciated her long-term commitment to the city and the seed she planted brought this Council to a majority of women. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Lovell, Ms. Ross stated that the area was the gateway to the Museum District, etc., and it was being destroyed by the failure of the city to protect it; and Council Member Lovell stated that portion of the city was historical and it was a mess; and upon further questions, Ms. Ross stated that her building was located at 3209 Montrose and it was vacant at this time, she was not able to lease it or sell it and charged with protecting it and keeping it from the vagrants and homeless; and Council Member Lovell stated that the officers should keep it better and there should be more places for homeless to go to; that it was a magnet for teens, but she was sorry and would look into it. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that whatever was happening was not enough, but there was a Montrose Task Force operating and she would like to put her in touch with them and speak with her further about her apparent perception of no response from the storefront because the officers had worked very aggressively with the taskforce and they could not do it all; that one problem with the civility ordinance was people were being moved from one section of town to another and now an added population was moving to that area, but she knew she needed help now and would like the opportunity for her office to work with her. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Noriega thanked Ms. Ross for leading the way and apologized from the city for her having to deal with that level of nuisance; and stated that she had all confidence Council Members Edwards and Lovell would help. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Khan stated that there was an officer present now, raising his hand, who would speak with her at this time. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Ce-Ce- Fowler, 1411 N. Blvd., Houston, Texas 77006 (713-524-7365) appeared and stated that she was a board member of Scenic Houston and Scenic Texas and was also chairman of Scenic America and it was in that capacity she wanted to speak to Council today; that for Houston to be compatible with other urban areas around the world they had to have beautiful cityscapes with beautiful entrances and gateways and the I-10 Katy corridor could be that and could be a model for the other gateways; that recently in Brazil the Mayor took down all billboards, just saying enough is enough and took them all down, she was not advocating they take the flack for that, but thought they had a real opportunity here and would urge all to vote for the Katy Freeway Scenic Corridor as it would make a huge impact. Mayor White, Council

Members Lawrence, Johnson, Wiseman, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Brown stated that she was very much appreciated and he thought they were all very supportive of Scenic Houston and the Scenic District. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Noriega and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (281-236-7518) appeared with a jug of water and stated that many people did not know Ozarka drinking water was actually City of Houston tap water it was on the label under the source; that his two concerns were first the picture looked like a natural spring, nothing to do with the City of Houston and Ozarka did not share any profit with the City of Houston for their water supply and the question had never been posed by the city to profit share; that the water was distributed statewide and he felt there was an oversight and deceptive trade practices with their labeling; that he felt it serious and would like the Mayor to get a distribution deal with them; and presented the water to Ms. Vasquez. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Noriega and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she thought another bottling company was doing the same thing and the issue of bottle water companies taking municipal water and doing a quote unquote purification process, she did not know if it gave them the legal right but would check with Legal to see if the city should be getting a return on the profit margin; and Mr. Bullard stated that he just thought the question had never been posed. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Noriega and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Max Watson, 3389 Inwood Drive, Houston, Texas 77019 (713-522-9844) appeared and stated that he wanted to congratulate the Mayor and Legal for staying after RTM, for pressing the case against the illegal billboards; that he also wanted to discuss the I-10 Scenic Corridor and felt it was urgent and would like it on the Agenda as soon as possible; that a scenic designation could be established two ways, one by petition and one by Council's actions; that he thought out of the 22 scenic designations in Houston 20 were done by Council and 2 by petition and this was urgent as people were trying to get an edge up before anything happened. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Noriega and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated at the hearing Friday Mr. Watson made a comment, mentioning that auto dealers were not currently following the sign code; and upon questions, Mr. Watson stated that he felt it unusual representatives from HADA were explaining why auto dealers needed more and more signage, but to look at a typical dealership, some conformed, but many had signs on their light standards and those were illegal and they also overhung public area which made it illegal in more than one way and he would encourage Mr. Wainwright to police his own organization. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Noriega and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Joseph Chase II, 4640 Main #265, Houston, Texas 77002 (713-823-6211) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Noriega and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Cristobal Hinijosa, 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, Wiseman, Garcia, Alvarado, Noriega and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was requesting more time and he was being fatally crucified by assassination; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Noriega and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

At 5:16 p.m. City Council recessed until 9:00 a.m., Wednesday, September 19, 2007. Council Member Holm absent on personal business. Council Member Berry absent. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Noriega and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, September 19, 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., Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green; Mr. Anthony Hall, Chief Administrative Office, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Pam Holm absent on personal business. Council Member Michael Berry absent.

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, and stated that the first item was a public hearing. Council Members Garcia, Alvarado, Lovell and Green absent.

HEARINGS

1. **PUBLIC HEARING** relating to amendments to Chapter 42, Code of Ordinances, related to the provision of Parks and Open Spaces – was called. Council Members Garcia, Alvarado, Lovell and Green absent.

The City Secretary stated that Mr. Andy Icken, Public Works, would make remarks concerning the hearing. Council Members Garcia, Alvarado, Lovell and Green absent.

Mr. Andy Icken stated that he would briefly go through the critical elements of the proposed ordinance, which in fact was an amendment to Chapter 42 of the City's Code of Ordinances; that it had been a process which had been ongoing for almost one year where they had engaged many parts of the community to make a change in the City's ordinance with respect to the dedication of park space by developers for plats which were platted or replatted in the City of Houston; that they started with defining a standard that they would achieve for it and that standard came from the Trust for Public Land, that standard was 25.5 acres per thousand residents, that there was a press release done by the Trust for Public Land in the summer which said that today Houston, counting all of the county parks in the City and Lake Houston Park, met that standard, that the concern that had been expressed in the public comments they had was that as Houston continued to grow and they had population that standard that they were achieving today would be diminished, that they had established in the ordinance a requirement

for future development of 10 acres per thousand residents of what a developer would be required to do, that standard of 10 was part of what the City would like to do over time, the City had achieved much of the park space they had today through philanthropy and work of various volunteer groups, that they saw that continuing to a certain extent but they also saw the need to require development to participate in the process of requiring parkland, that they spent a fair amount of time on the legal requirements to achieve it, that the basic requirement, as they understood it and had been so advised, was that as they required the dedication of parkland there be a nexus between the development, a linkage between the development itself and where the park was actually established, that in the ordinance they do that, in fact they had broken the City into seventeen sectors and would be doing seventeen master plans of the park and as parks were dedicated to the City or payment in lieu of parks was achieved, it would be spent in areas that were a nexus to that, that they had to go through a requirement to convert that to residential units, that based on advise they had from multi family they had established an average residence, and it was based on substantiated data, of 1.8 residents per unit for multi family and were at 2.6 residents for single family, that was equivalent to the 2001 Census and all data that they had so far; that the standards for dedications when a developer makes it to the City, that it would need to be useable by the City's Parks Department and affordable, that it was a challenge in writing the ordinance and thought the issue that many came up with was a concern that if they made that standard too small a park they would find that the cost to the City of maintaining those small parks would stretch an already tight budget to thin, that as they would see they had defined some minimum standards for parks in order to achieve an affordability standard, those standards today, and they had changed it from some of the earlier iteration based on feedback from many, that inside the Loop that standard would be one acre, outside the Loop it would be two acres, that the dedication of the land itself would meet the current City Park Standards, one of the pieces of feedback they received that he thought was important was that there was no reason in the proper design of these Parks Standards that it could not serve the multiple purpose of being a mitigation side if it happened to be in a floodplain, a detention side, if it was needed for impervious cover and also recreation space, and they thought good design could do that as it had done it in City parks today; that there was a great deal of discussion about developers who wished to create private parks and relieve the City of some of the maintenance cost of doing it by making them accessible to the community themselves, they had allowed for that in the ordinance, in fact, given the way the ordinance had been structured up to 50% of the total requirement could be met with private parks, in addition if the developer allowed access to public spaces or green belts an additional 25%, so up to 75% of the total requirement could be met within a community; that they had a fair amount of feedback on affordable homes and the cost that it would have and they had concluded that as they made some exceptions in other affordable communities that they set a somewhat different standard there and they had allowed up to 100% of private parks to be established within an affordable community and there were ways of doing that in the ordinance; that there was a discussion of compensating open space, he would not dwell on that right now, but believed they had simplified the requirements that were in the current ordinance and in effect be able to piggyback off of this part of the ordinance; that there was considerable discussion on predictability from the community, would the Parks Department accept it, would they not, and what they had done, which was what many other cities in the adjoining area of Houston and in the State had done, they had established a payment in lieu of option, that it was defined as per residential unit and the figure was \$800 for a developer to pay into a fund which would be dedicated for the purpose of improving or acquiring park property, that \$800 was a subject of considerable debate, as it had been in committee meetings, in fact what it did was represent a number comparable to cities in the ETJ adjoining the City of Houston had done and what other cities in Texas had done; that finally the dedicated fund for those who did pay the fee, it was their expectation that the Park Board would be the primary vehicle, as it had been in the past, for acquiring properties, they would acquire those properties within the master plan, as done by the Parks Department, they also had considerable discussion of whether it was just acquiring land or improving existing

land, that first it could only be used in this ordinance for capitol improvements, not for day to day maintenance of the fund, but because in many cases, and he would use examples inside the Loop, they believed there was sufficient greenspace but difficult access to that greenspace for the community, whether that be for parking or trails to the greenspace the ordinance would allow that use, as it had in other cities, for access to the area, again consistent with the master plan and consistent with an overall program; that finally based on many comments there was a concern that the fund be used for the actual acquisition of park space, there were some land transaction costs and engineering costs, they had limited those and none of the costs could be used in the ordinance for the payment of City staff or anything other than the day to day acquisition of land as related here. Council Members Garcia and Alvarado absent.

Council Member Edwards stated that the issue of the master plans for the 17 sections, what she would like to do was talk with whoever was working with that, that she wanted to see how it was going to be pulled together, the community involvement and as well how would there be an synergy to the 17 plans and would the current parks be a part of that process, and Mr. Icken stated that the super neighborhoods were really the critical piece of that and they grew from them, and Council Member Edwards stated that she would like to keep abreast of how that went and how that was developing. Council Members Garcia and Alvarado absent.

Ms. Mandi Kimball, 2900 Wesleyan, Ste. 400, Houston, Texas 77027 (713-869-7740) appeared and stated that she was a Public Policy Analyst at Children at Risk, that Children at Risk improved the quality of life for greater Houston's children through strategic research, public policy analysis, education, collaboration and advocacy and through their work to change public policies, laws and programs, that Children at Risk focused on making greater Houston a place where kid's needs came first and where ample resources were met and available to both children and families, that they appreciated the Council's consideration and supported the proposed ordinance for parkland and open space, that parks combated air pollution and improved the livability and quality of life of the surrounding areas and neighborhoods, it also helped to boost property values as perspective investors were willing to pay for a clean environment, that although parks did cost money to establish and maintain the social and economic benefits significantly outweighed the initial risk, that Children at Risk encouraged them to support the proposed ordinance to invest in parks and improve the quality of life of Houston's children. Council Members Wiseman, Alvarado, Lovell and Green absent.

Upon questions by Mayor White, Ms. Kimball stated that she thought an open space was where a lot of their volunteer activities happened to be able to get kids and families invested and it was also a way for physical activity and cultural activity. Council Members Wiseman, Alvarado, Lovell and Green absent.

Council Member Johnson moved to suspend the rules to add Mr. Faheem Hameed, Mr. Bob Schwartz and Ms. Gina Donovan to the speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. MOTION 2007-0940 ADOPTED.

Ms. Linda Shead, 1113 Vine, Ste. 1115, Houston, Texas 77002 (713-226-7200) appeared and stated that she was Program Director for the Houston Galveston of the Trust for Public Land, that the trust was a national non profit conservation organization, it had been around since 1972 and they worked to conserve land for people to enjoy as parks, gardens and other natural places with a goal to insure livable communities for generations to come, that the proposal to institute a parkland set aside program for the City of Houston was a welcome addition to City resources that were needed to make the Houston Park System among the best in the Nation, that such set aside fee programs, as Mr. Icken pointed out were being successfully utilized in city's throughout the Country, including some of the Houston's chief

competitors such as Atlanta and Chicago as well as Texas cities, such as Fort Worth and San Antonio and their neighboring cities such as League City and others, that in fact, though not typical, the City of Atlanta went beyond requiring set aside fees for single and multi family developments to include new commercial development in it's requirements for requirements for providing park fees, so it was not out of step by any means what the City of Houston was proposing, that the set aside programs were especially important in cities like Houston where it was very challenging for City resources to keep pace with the constantly increasing demand imposed by a fast growing population, that without such a program and with 2 million more people expected in Harris County by 2035, a substantial portion which would be in Houston and it's ETJ, that an unfair burden would be placed on existing Houston taxpayers, both to catch up on providing park equity and access for current residents and to provide adequate parkland for the new arrivals, that the benefits of parks and greenspace were well documented and she would provide them a copy of her comments and it had some citations and websites and Trust for Public Land publications as well as a brand new study in the Journal of Public Health that pointed out that the roll that safe parks played in increasing physical activity among youth, that they would especially like to applaud the City in the new draft and it's commitment to maintaining a minimum requirement of 10 acres, as pointed out, that did not meet the full needs of the new developments, but was certainly an important first step to have the participation on the part of the new developments to meet those needs, they applauded the applying of a 17 sector plan which was more likely to make sure that the new dedicated funds benefited the neighborhoods that were impacted by the new development, that incorporating the City's Master Plan as a key criteria in defining the suitability in park dedication acreage was also a new feature that was much appreciated, and the ongoing incorporation of flood plain or floodway land as dedicated parkland, helping them to meet both a green city and meet their name of being a Bayou City, that she would provide additional comments in writing. Council Members Wiseman, Alvarado and Lovell absent.

Mr. Tom Bacon, 5 Greenway Plaza #1300, Houston, Texas 77046 (713-533-5863) appeared and stated that he was the President of the Houston Parks Board and wanted to recognize the other board members present in the audience, that in the last year the Houston Parks Board had through private funds, foundations, individual and corporations, raised \$10 million and invested \$10 million in creation of new parks and in addition to that the City of Houston had contributed \$10 million in the last year for recreation and parks, that in the last year they had done \$20 million in new parks, that activity would not stop, this was simply a supplement to that activity and they were always working hard to leverage as many funds as they could get to expand the park system, that the amount of money that they needed to affect a vision that was created in the City of Houston Master Plan was far greater than any of the numbers they were discussing today, that the City of Houston had an excellent master plan and the breakdown of the master plan and the 17 zones was simply going to improve the master plan and specifically give members of the City the opportunity to focus specifically on their area as to use of greenspace, so the ordinance as created through the process of the last year had been a very good community exercise, a lot of input from the community and as such had been compromised and shaped into a very good first step in funding their parks, that the City of Houston had as good a master plan as any of their competing cities and it was time that they begin funding that master plan with an ongoing source of funds, that right now every year they start over, in the coming year the Houston Parks Board had \$14 million worth of targeted acquisitions and were starting fresh and needed to raise funds, that they could put the money to work effectively as the City grows they had got to be leading not following what was going on in the Country. Council Members Wiseman, Alvarado and Lovell absent.

Upon questions by Council Members, Mr. Bacon stated that if they were to execute the entire master plan they would need more than a billion dollars, that was why the numbers they were working on right now were not numbers that were going to realize the master plan, so what

they do was create what was called a Rapid Assessment Study and that prioritizes every opportunity that they had to acquire property so that they match the dollars that they had with the highest priority needs; that so often parks were looked at as sort of green need, that when people were thinking green it was parks and insects and birds and parks were economic development and they created value in the tax base and created value for new developers because approximate open space to a real estate developer retains tenants, improves quality of life and reduces turnover. Council Members Wiseman, Garcia and Lovell absent.

Ms. Mary Lawler, 2505 Washington Ave, Houston, Texas 77009 (713-864-8099) appeared and stated that she was Executive Director of Avenue Community Development Corporation, that they were a non profit organization that developed affordable housing in the Washington Avenue and Near Northside Communities, that she would like to urge that affordable housing be exempted from the requirement to dedicate parkland or pay a fee in lieu of dedication, that as the Council Members knew Houston had a tremendous need for affordable housing, that just last week the Houston Chronicle reported that the Houston homeownership rate fell far below the national level or even levels in other Texas cities, the article pointed out that housing costs in Houston were high relative to the City's medium income, that those of them who were working to develop affordable housing in the inner city were already battling increasing land costs and the rising costs of construction, that adding to the costs the required dedication of land for an \$800 fee would make the housing less affordable to the low income families they were trying to serve, that she knew that an \$800 fee did not sound like very much but their low income buyers could not afford the increased cost, that an \$800 fee was nearly a 1% increase to the cost of an affordable \$100,000 home, that increasing the cost of development by \$800 meant the homebuyer would have a mortgage payment that was approximately \$7 higher each month, that to pay for the increase the homebuyer wage would need to increase about 12 cents an hour or about 1%, that at a time when wages were stagnating and while all the other costs of housing development were increasing their low income buyers could not afford the increase, that the result was that some of the low income families would be excluded from the opportunity to buy their own homes and it was not an outcome they desired when their homeownership rate was already so low, that given the high cost of land in their community the dedication of parkland would be completely uneconomical for their projects, that the impact on affordable rental housing would be similar to that of home ownership, the developers would have to raise the rents for the added cost, that she urged the City Council to include an exemption for affordable housing in the proposed greenspace ordinance. Council Members Wiseman and Garcia absent.

Upon questions by Council Members, Mr. Icken stated that in the case where there was a development not necessarily an infill, but on a large based development, they were allowing affordable homes to dedicate land in total, to him it was private space, and those parks would then be included within the community.

After further discussion Council Member Edwards asked if Mayor White or Mr. Icken if someone could look at what the consequences or benefits would be if the affordable housing program would be involved and what would be the impact and so forth, not unless it was already in the ordinance, and Mr. Icken stated that they did allow different allowance for the dedication but not for the fee itself, that it was an area of discussion, GHBA brought it up at a fairly considerable discussion, that he would tell them that the debate, which was very robust on the subject, related to whether they dealt with parks as a building standard today and they did not have less building standards for affordable homes, or as an impact fee, and they ended up in the ordinance that it was a standard for the community and it ought to apply to all, but they certainly would relook at it as Council Member Edwards asked. Council Members Johnson, Wiseman, Khan, Garcia, Brown and Noriega absent.

Mr. Ty Kelly, 69 Tiel Way, Houston, Texas 77019 (713-888-1809) appeared and stated that he was present on behalf of the Bayou Preservation Association to speak in support of the ordinance, that the association was looking for the enhancement of greenspace and improvement of their waterways and the ordinance was an excellent step in the direction of preserving the greenspace that helped prevent flooding and all of the other negatives that were associated with paving and building, so to the extent that the ordinance was increasing their parkland acquisition and protecting their floodways and waterways it was a great step; that they had an election coming up and he hoped they would all look for new revenue sources and other ways to build on the process to increase even more their parkland acquisition and their preservation of waterways. Council Members Johnson, Wiseman, Khan, Garcia and Green absent.

Ms. Diane Schenke, 3015 Richmond Ave., Ste. 210, Houston, Texas 77098 (713-942-7275) appeared and stated that she was the Executive Director of the Park People, that they had submitted a variety of comments and the Park People's advocacy committee contained a variety of representatives from various organizations in the City plus a number of citizens and they saw that some of the comments had been included and they appreciated it, that they enthusiastically supported the development of the parkland set aside ordinance, they thought it would provide the City with an opportunity to receive land and funds in connection with planned development, those lands and funds would then be used to create and expand parks, recreational areas and other amenities, that they thought the September 17, 2007 draft was a vast improvement over some of the earlier drafts and they commended the hard work of everyone involved, that they had several comments and she was going to leave written materials behind that would develop those in more detail and she just wanted to highlight a couple of the points, that the first was that they commend the City's commitment to maintain the standard of 10 acres of parkland per 1,000 residents, while it would not improve the ratio of parkland per residents it would keep the City from falling behind as they had 2 million more people come in and her written comments contained some information in response to an earlier question at a Council meeting on August 13, 2007 about how the national standard of 25 acres per 1,000 residents was developed; that her second point was that they strongly supported the 17 sector approach, they believed that would be a good way to both address equity issues as well as allow a lot of public input through the development of the master plans for each of those 17 sectors; that they were a bit concerned on the \$800 in lieu fee, primarily because they knew that the average value of land in the City was around \$200,000 per acre, they were encouraged in the draft to see a process for increasing the fee, although it was a bit cumbersome and they had some suggestions for improving that; that they applaud what the City had done, the Park People looked forward to working with the City in developing those 17 sector master plans and they looked forward to working with them to implement the ordinance. Council Members Johnson, Wiseman, Khan, Noriega and Green absent.

Mr. Ron Lindsey, 1800 West Loop South, Ste. 1300, Houston, Texas 77027 (713-961-3588) appeared and stated that he was present on behalf of the Houston Real Estate Council and his employer developed apartments across Houston and in other cities in Texas, that he wanted to comment on the quality of life issue that seemed to be something that was important to him and everybody, that they had to look at the cost of living in the City, that they supported parks and in their projects they created nice community areas, they landscape their projects nicely, they were all what they considered "Class A" and if he looked at how he thought they should approach parks it was a multi prong effort, the developer in the end does not pay it, it did go to the tenants or home buyers, but different organizations could act as a collecting mechanism and he thought the developers could do that in this case, the City needed to do it, they redeveloped an urban tract of land and it was probably valued at \$4 million, they had a \$40 million project, they just increased the City taxes by a quarter of a million dollars, that needed to be recognized some place, and within those communities they had their own security and dealt

with their own issues of maintenance and really got very little help from the City, they paid another quarter million dollars in tap fees for water and sewer, that he thought the development community did not need to be looked at as an unlimited source of funds, that he thought there needed to be cooperation with the school district, that immediately adjacent to his house was a brand new school with a nice playground and it was fenced and locked, that if the City could work out a program with the school districts so that there was an ability to maintain and provide security he thought was another good way to approach the park issue. Council Members Lawrence, Johnson, Alvarado and Lovell absent.

Mayor White stated that where they did have Spark Parks, which were parks on the school place, was he aware of the program, that he had introduced several business people to the program who had been partners with individual schools to develop these parks and asked Mr. Lindsey if he had any interest in that, in the park next to where he lived because they could have somebody plug him into that program, that they relied a lot on private funding of those and many people did step up and provide that funding, and Mr. Lindsey stated that yes, that they also developed single family subdivisions and they had built schools, they had dedicated land and helped raise money for schools, so they were involved in schools and he would be interested in his neighborhood in particular, that it was a new school on Hidalgo in Saint George Place, just west of the Galleria, and Mayor White stated to Mr. Joe Turner, Director, Parks and Recreation Department, that Mr. Lindsey was interested in getting involved with the Spark Park Program. Council Members Lawrence, Clutterbuck and Lovell absent.

Upon questions by Council Member Edwards, Mr. Icken stated that regarding the \$800 fee there was a process defined in the ordinance of which City Council would ultimately determine any changes to that fee over time, depending on market changes or anything else but there was a prescribed process, and Council Member Edwards asked that on the \$800 as it related to affordable housing, would it scrap the whole program if the permits were considered to be waived for that category, would it mess with the whole economic value of the program and Mr. Icken stated that it would lessen the economic value, that he did not know if he would characterize it as scrapping the whole program, but they would get her the data of how much the expected total would come from that. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia and Lovell absent.

Ms. Ann Lents, 1200 Smith St., Houston, Texas 77002 (713-844-9303) appeared and stated that she was with the Center for Houston's Future, the center was a not for profit that did planning and research on issues that were important to Houston's future prosperity, that quite some time ago they convened a 70 person regional task force to evaluate how they could accelerate the creation of parks, they did that because they knew that the City and region were growing very quickly and that creating the infrastructure to support that growth was going to be challenging at best, that they shared the conviction that she knew the Council shared, that Houston needed to be competitive in the provision of parks and recreation because people, especially young people, chose where to live and companies chose where to put jobs based on that quality of life issue, that she brought for each of them the executive summary and that section of the report that dealt with park set asides, the ordinance they were considering today, that what the research showed was that the set aside technique was very commonly used in the Nation and in Texas to fairly distribute the capital burden of providing parks among existing taxpayers and future residents, just like capital recovery fees allow new development and residents to contribute to the infrastructure that was needed to serve them park set asides allow them to contribute to providing green infrastructure, that what the set asides did was give the City a fighting chance of having new residents not dilute or decrease the level of service that the City already provided, that research was done on what other cities were doing, that work done by a lawyer was included in the report appendix and had been given to the City and to the committee that worked on the ordinance, that it was against that background of research that

she served on that committee, that she was impressed with the dialog and the process that was followed, that City staff made it absolutely clear from the beginning that it would be a process based on facts and they stuck to that all the way through, that based on the comparisons that she had seen the proposal that was before them was quite conservative in that it provided less of a service standard than the City did now so there was still the prospect of some dilution, that it dealt only with land cost and not with cost of development so it was conservative in that respect and the City was keeping quite a lot of the burden, it was simply a fallacy to say that the entire burden of providing parks was being placed on the development community, that the ordinance should help, not solve the problem, keep development in the City competitive and amenities that were typically offered in the ETJ. Council Members Lawrence, Johnson and Garcia absent.

Ms. Evelyn Merz, 7095 Santa Fe, Houston, Texas 77061 (713-644-8228) appeared and stated that she was present representing the Houston Regional Group of the Sierra Club, that they would like to express their support for the inclusion of park space requirements in Chapter 42, that it was a very good beginning, they would also like to state that they support an annual review of the amount of the payment in lieu amount that had been set at \$800 to begin, especially after they had a chance to do a review to find out how much \$8 per unit would actually buy of parkland, that they may want to even adjust the amount based upon where the development was taking place, which was the model that was used by the Harris County Flood Control District with respect to providing detention basins in various water sheds, the cost per acre which they collect was not the same in every water shed, they also had a comment on the open space option regarding multi unit residential developments in the extra territorial jurisdiction, that right now the allowance for increased reduction, and the amount of required greenspace was very large as they had their density in units go up, if it was 50 to 59 units per acre the allowed reduction and the aggregate open space was 45%, that greater than or equal to 60 units it was 60% reduction, and if it was in the extra territorial jurisdiction and greater or equal to five stories there was no open space requirement and it was not reasonable, especially as the City grew and expanded around the ETJ, that these residents would also need open space, just as the people inside the ETJ did, that they needed permeable space as well, that in summary there was much to admire in the revisions to Chapter 42, but it could be improved, that she hoped that they would set up a review date to look at how the new ordinance had performed and to make any required recommendations; that the Houston Sierra Club had discussions in the past with the Houston Parks and Recreation Department about a similar idea that was brought up by an earlier speaker and that was trying to setup a cooperative agreement between the Houston Parks and Recreation Department and HISD so that the extensive sports facilities at some of their larger public schools could be used after hours as playing fields rather than the City having to buy entirely new spaces and develop them for the same purpose. Council Member Edwards absent.

Mr. Craig McDonald, 3502 Burlington, Houston, Texas 77006 (713-203-1223) appeared and stated that he was present to speak in favor of parks, quality of life and for the continued development and redevelopment of the City of Houston, that he was also present to urge City Council to defeat the ordinance, that he was a licensed architect in the State of Texas and much of his practice had involved the design and construction of parks, that he could count numerous utility districts as clients and could also count several developers among his clients, that he was primarily concerned that the proposed ordinance addition, one, be of benefit to the City, two, not to be an uneven burden to a specific sector of the development community, and three, be able to achieve the goals and objectives promoted in the preamble of the ordinance, that he would suggest three goals to make the City better, one, cleaner air and water, two, less traffic congestion, and three better scenery, would this ordinance accomplish these goals, marginally, no and maybe, that as they knew plant life in general, trees in particular, had a positive affect on cleaning both air and water, would the ordinance maintain or reduce traffic congestion, not at all,

to the contrary the ordinance would subsidize development further from the already developed areas and create a disincentive to develop within the city limit as the ETJ had been excluded, would Houston look better as a result of the ordinance, the goal of the ordinance was more and better parks which would make Houston more attractive, that actual accomplishment of this was questionable due to some fundamental deficiencies; that he wanted to speak a little about land valued disparity, that were the ordinance to be enacted developers within established neighborhoods close to downtown would certainly pay the fee, that he would urge his clients to do so, that with land values exceeding \$2 million per acre in downtown a multi family developer would pay far less in fees than the cost of the required land, that even less experienced inside the Loop, say the Fifth Ward for example, had land prices of \$150,000 per acre, that purchasing one acre of land in downtown would require 25,000 units worth of fees, that according to the proposed ordinance the City would also need 425 acres of parkland to service the residents of these units or about the size of downtown, that in areas like the Fifth Ward at current land values 187 units would provide funding for the purchase of one acre of parkland, that with the area redeveloped as single family residential these residents deserved five acres. Council Member Edwards absent.

Council Member Lovell asked that in their inventory of greenspace or park space in their neighborhoods were they including the HISD or school property, that the reason she asked was that in the new bond proposal for HISD they were going to consolidate Wharton School and sell the property, that when they do that in that neighborhood they lose a Spark Park and a little league field, how would this address what was happening there and the other closures and consolidations of HISD property as they effect the greenspace and park space in their neighborhoods. Council Member Edwards absent.

Mr. Turner stated that the HISD properties were not in their inventory number unless they had a lease, which they did have with some of the schools, but as far as a count no, that it would be a loss in that area and as they discussed earlier those were opportunities they were going to have to try to look to see to require some of that space, and Council Member Lovell stated that this ought to be something that they work on because they lose them and never get them back. Council Member Edwards absent.

Mr. Adam Aschmann, 9511 W. Sam Houston Pkwy N., Houston, Texas 77064 (281-970-8970) appeared and stated that he represented the Greater Houston Builders Association and would like to open by stating that they all supported parks and thought that was why they were present and trying to work towards that, that he did not think where that would be, and that was number one according to the Trust for Public Land, without developer participation and the process, that in trying to look through the ordinance, if they looked at the requirement of persons per dwelling unit they felt that 2.6 was extremely high, particularly in the City for new residential, that there were development patterns that the number was much lower, that they had data that suggested actually that in townhomes it was closer to 1.3 to 1.5 and in the entire City it was probably much closer to 2, that when they were talking about one acre tracts and the Parks Department not accepting tracts less than one acre unless it was at their discretion, they felt that the acre was much too large in that many small parks provided very valuable services and space for people to be able to use, that when they talked about fees there was much to much discretion, if they looked at Section 42-253, Item A, there was a tremendous amount of discretion given to the Parks Department to either require a fee, that essentially allowed the Parks Department to override any dedication or anything else, and require a fee in lieu of if they deemed there was adequate park space in the area, that the \$800 fee they felt was high and was going to drive affordability factors and people would likely leave the City due to that, but it also needed to be tied to the CPI when they were talking about indexes, there had to be predictability in the process, that he could not stress that predictability was critical when they were buying and developing land in the City; that having a 75% cap on credits, the

message that kind of sent to their folks yesterday was that there was really a 25% requirement and a fee, so if there was only 75% credits maximum, there was 25% that they were going to have to pay in a fee, regardless of whether they were able to hit 100% credits or not, if they added them all up, that 50% credit for private parks was much to little, it should be 100%, that these parks were being provided at the request of the City, that their members would be complying with the law and they would be providing that space for the number of residents for which they were building those homes, that if they looked at the fees the money had to be obligated in 5 years, when they looked at the size of some of the sectors, one of the sectors was something like 15 miles long, there was actually a document handed out at the committee by one of the prominent law firms in town that furnished a legal opinion that differed with the 5 year requirement as well as some of the sizes of these sectors, and also there was a park location standards, there were three standards that were laid out in the ordinance, two of them were laid out, and the minimum park improvement standards were not laid out, and in the park location standards they were wondering which plan were they expected to comply with, was it the current plan or there had been discussion that there was a new plan in process or that there would be 17 individual plans for each of these sectors, so they were wondering which one, that as one of the speakers said this was going to drive development outside of the City, that he believed Council Member Clutterbuck stated that it was double taxation, people were paying their ad valorem property taxes to provide these spaces, that housing did pay for itself, they had the studies to show them, that people were now going to be expected to pay twice for park space. Council Member Garcia absent.

Upon questions by Council Members, Mr. Icken stated that on cases that the Parks Director concluded that there were sufficient parks in the area, which they expect would not be a majority of cases at all, then they would go back to the developer and say that, but there would be a process during platting where they had promised an expedited review of that, that the decision would become known very quickly in the process, but it was only those cases that they had one of the 17 sectors that they conclude that they did have sufficient land today and that the fee would help improve some of the existing land, that they would encourage healthy dialog between developers and Mr. Turner as part of it. Council Member Garcia absent.

Upon further questions, Mr. Turner stated that as to the maintenance of those parks he would be asking them for money in a budget to maintain those areas, that as to an estimate a general rule of thumb an acre of property ran them to maintain about \$2,600 per year, that as to a forecast as to how many more acres were going to be added and how much more was going to be added to the budget he did not have the number with him but they could work through what the 2006 numbers were, and Mr. Icken stated that they did an analysis and each of the projects the developers adds appraised value to the City and some of that was dedicated to the Parks Department, that they looked at the numbers that Mr. Turner had just talked about and it was the view as they went through the analysis that as the growth in the overall City budget, assuming the same percentage of the budget, which of course was made every year, was allocated to parks they could be maintained in that area, and Mr. Turner stated that the key would be through the budget process, they would acknowledge the new lands that came in and then that would attach to it the dollars going in that they would need in the budget. Council Members Lawrence, Brown and Noriega absent.

Mr. Andy Teas, 4810 Westway Park Blvd., Houston, Texas 77041 (713-595-0303) appeared and stated that he was present on behalf of the Houston Apartment Association, that they were a nonprofit trade association and represented the owners and managers of about 470,000 units in the Houston area, that as to recreational opportunities to kids he wanted to put in a quick plug for Fun Fare Positive Soccer, which was a group that he was involved in and they provided recreation for thousands of kids every fall and spring, that it was an amazing organization, they played five on five soccer with no tryouts, no standings and no super stars,

that everybody touches the ball and it was a lot of fun, that they had opportunities for special needs kids; that as far as the ordinance was concerned, on behalf of the apartment industry they were not opposed at all to paying more for parks even though they already did, but he did not think the question was whether new residential developers were going to help pay for parks or not, they were already paying a tremendous amount of money into City revenues, some of which they would like to think could be used for parks, that according to the Harris County Appraisal District, the average apartment property in Harris County was worth 38% more this year than it was worth last year, that was the number they came up with, that if they would remember with an apartment property those were the homes of half of the citizens and there was no homestead exemption or 10% appraisal cap, all of that money they would get the very next year after the appraisal increase, so basically they were bringing in new City revenue by the truckload from apartment residents and they would like to think that some of that could go to help pay for parks even before they would get to an extra compensatory fee; that on the credit provision in the ordinance, they would like to see that expanded to provide more credits for recreational amenities that they included in their properties, it should not be limited to 50% and it certainly should not be capped at 70%, that he thought they would want to encourage those things, not discourage them; that they were concerned a little bit about some of the size requirements, that the issue of having to drive to a park and yet if they tried to dedicate strips of parkland they could use for hike and bike trails to provide connectivity between the parks those would probably be rejected the way the ordinance was crafted because unless they had a two acre chunk, which he guessed was easier to mow, the Parks Department really did not want it, and there were exceptions for that but they were subject to a lot of review that could not be particularly predictable, that he would caution them to look very hard before they enact the ordinance at some of the laws involved in enacting fees like this, that the rule as he understood it was that there had to be a reasonable nexus between the fee that they bring in and what they spend it on, had a direct impact on the people that were paying it, that the parks plan divided the City into 17 sectors, one of those went from the Loop all the way out to Highway 6, and under the ordinance the City gets five years to actually spend the money, that he thought if they collected a big fee from an apartment developer or single family developer that was building something in the Galleria area they wait four and a half years and then build a pocket park out around Highway 6, he did not think that passed the smell test, that he thought they needed to look real hard at finding a way to more closely tie the money that they abstract to something that would actually benefit the people whom they were abstracting it from before they moved forward. Council Members Garcia and Brown absent.

Upon questions by Council Member Lawrence, Mr. Icken stated that they had written into the ordinance an annual requirement for Mr. Turner to come forward to City Council and describe in fact how the ordinance was working and they included the assumption on each of those 17 sectors on how the money had been spent, what the balances were and it would certainly be very appropriate to say that they needed 18 or 15 or 20 as part of that annual process and Mr. Turner was committed to that; and Mr. Turner stated that he wanted to address the connectivity standpoint and stated that was a piece that they as the Parks Department along with the Houston Parks Board were working very hard on, that connectivity was a very important role for them in the park system, so from a land acquisition, particularly along bayou routes and trail routes, those would be looked at very hard because they needed that connectivity, their issue with their trail systems today was that they really did not take them anywhere and they were working very hard to make that happen, particularly around their bayou networks, so those would be a high priority for them to evaluate. Council Member Clutterbuck absent.

Ms. Gina Donovan appeared and stated that she was the Executive Director of the Houston Audubon Society, that their organization very much appreciated the Council addressing the importance of parkland and open space, not only for the quality of life for the City's residents, but also for the survival of native and migratory birds, that literally millions of

migrating birds were dependent upon Houston's natural areas for successful migration across the Gulf of Mexico twice a year; that according to environmental writer, Gary Cartwright, for the Texas Parks and Wildlife Magazine, every two minutes another acre of Texas farmland or open space becomes a subdivision, mall or road; that it was critical that they protect and enhance Houston's natural areas and parklands, that habitat destruction was forcing native and migratory birds into their parklands to nest and raise their young, that the Houston Audubon Society hoped that the Council would recognize and celebrate Houston's remarkable abundance of avian species that blessed their region with a quality of life unlike any other large city in the Nation, that they again applaud the Council for its sensitivity and diligence in providing venues to add parkland and open space, not only for its human residents but also its feathered friends, that they support the Council's decision to incorporate park elements into new development requirements, that she would like to mention for the record that she recently moved to Houston on August 3, 2007 and she chose specifically to live in an apartment complex that was within walking distance of Terry Hershey Park.

Mr. Faheem Hameed appeared and stated that he was Executive Director of the CDC Association of Greater Houston, which was a trade association for community development corporations and affordable groups and economic development organizations throughout the greater Houston area, that he was present to support the proposed ordinance related to parks and open spaces, that they felt that overall it was a very positive step towards enhancing and insuring the availability of greenspace and open space and it was one of the values that many of their CDC's members held very high in terms of their own organizations and development processes, that they did have some concerns with the impact that it would certainly have on affordable housing and the availability of affordable housing, that what they would like to see were some exemptions, both in terms of dedicated space as well as the annual fee for organizations or entities that were doing affordable housing projects, that the primary reason was cost and space requirements, that affordable housing was very difficult to do, particularly for the nonprofits involved in it, but it also served an extremely valuable function in the community, their members like to perceive themselves as playing a key role in terms of not only bringing additional financing to the table, public sector, foundation sector, as well as conventional financing to the table for community development, but also as representing the unique community perspective that focused on the design, the aesthetics and the integrity of the neighborhoods, that at the end of the day they recognized that having such an exemption would ultimately result in increased costs but he would say it was a matter of balancing public policy objectives, one of which of course would be the need for open space and greenspace and the other was affordable housing, which the Council had continued to state was important in the City, so he would like to encourage reconsideration of the impact of the ordinance on affordable housing as the process went forward, and they were available as a resource.

Council Member Edwards asked Mr. Hameed if he thought there was any way that his CDC could accommodate the ordinance as it now stood regarding the permitting fees, and Mr. Hameed stated that he thought it was a cost issue ultimately and did translate into how did it get paid for, the challenges with CDCs was packaging of financing; that it would be a challenge as with any of the costs of developing affordable housing, that one of the things that made sense and some of the things they had seen in some other urban cities, was the public sector playing a role in providing some additional fees, that it was very similar to the kinds of conversations they had on some of the LARA projects about the City underwriting some of the capitol improvement costs, that he did not have an easy answer, it was something that they would just be additionally challenged to come up with financing, that it would be reasonable to assume that it might have to be passed on in the cost of the house; that he was not involved in the more recent aspects of the stakeholder meetings, that some of the CDC members had been involved in some of the conversations at the local level, and admittedly as a trade association everyone was not on the same page in terms of the impacts, but overall it was felt that if they could look at

some way to come up with some exemptions that would affect their already marginal bottom lines that it would be best for the industry. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Mr. Bob Schwartz appeared and stated that he was representing the Braes Bayou Association and the Willow Water Hole Greenspace Conservancy, that both of the organizations derived their membership from civic associations in the Braes Watershed, that they were trying to accomplish reducing the risk of flooding in the watershed, that they were all strong supporters for passage of the ordinance, there was another issue however that he had to bring up for their attention, that it was from a flood control perspective, if the ordinance did not pass then the additional greenspace that would be set aside would undoubtedly be used for development and if it did that meant that there was going to be additional impervious cover, they had 22 watershed in the County, most of which passed through the City, that under a 100 year storm event probably every one of them would run bank full, if they introduced any more fast water into the bayou system there was going to be flooding, it was just very simple, that the result was that there was going to be a future cost to the City, and that was if the additional development takes place without some mitigation or compensation, they were going to have to mitigate it because they could not add any more fast water or there was going to be flooding, so that meant that the City would have to purchase land, and it was not a small amount, it was going to be hundreds of acres, not only would there be the cost of purchase, but there would be the cost of the excavation and development of these detention sites, that all they could say was that they certainly supported the acquisition of additional greenspace and parkland and could also point out that many of these sites that would represent parkland could perform a dual purpose, they could also be used for detention purposes, that from a personal point of view, the Willow Water Hole Greenspace Conservancy was working with the Parks Department and the Flood Control District to develop a major park on the Willow Water Hole Greenway and they appreciated very much the very close relationship and strong support that they had from the Parks and Recreation Department; that Mr. Turner mentioned the subject of connectivity and from a personal point of view he would like to expand very briefly on that, that he had a personal interest in trying to see the City have what he would call a green network that provided the ability to communicate across the City without having to compete with surface traffic and this certainly would be a strong element of providing such a network.

After discussion by Council Members, Council Member Noriega stated that it sounded like the connectivity issue that Mr. Schwartz brought up was a lot like the lovely string of parks they had in College Station that she went to go see and she would like to visit with him about it and maybe they could have a chance at a later date to talk about that very thing.

The City Secretary asked if there was anybody else in the audience that wished to be heard in connection with the hearing, and Mayor White stated that the record should reflect that no one responded to the City Secretary's call.

Council Member Khan moved to close the public hearing, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. MOTION 2007-0941 ADOPTED.

MAYOR'S REPORT

Mayor White stated that it would be the shortest Mayor's Report on record, that the City employees were a great group of people, many hard working and providing valuable services, that all of them would like City employees to be well and fairly compensated, that anybody who describes their compensation without taking into account the health benefits and pension payments in comparison to others was doing that employee no service and was trying to

mislead that employee and he did not like it when people misled their employees, that they had to look at the total compensation of people if they were going to be telling them that they were under paid or over paid.

Council Member Clutterbuck moved to suspend the rules to consider Item No. 41 out of order, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Member Brown absent. MOTION 2007-0942 ADOPTED.

Council Member Lawrence moved to suspend the rules to consider Item Numbers 40, 42 and 43 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Member Brown absent. MOTION 2007-0943 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item No. 13 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Member Brown absent. MOTION 2007-0944 ADOPTED.

41. 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 – (This was Item 36 on Agenda of September 12, 2007, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and ALVARADO)**

After discussion Council Member Clutterbuck presented the following written motion:

“I move to refer Item 41, amending the agreement between the City of Houston and JDDA SSP, Joint Venture, back to the administration for a RFP process.”

After further discussion Council Member Noriega requested some assurances, first if the upgrade was going to take place immediately, and second whether they were going to have some built in accountability benchmarks, and wanted assurance from the Mayor that they were going to have quarterly reports from the Airport on whether or not it was moving ahead the way that it should and that they would be able to expect a review of it on a periodic basis so they would know exactly where they were on all of the things that were involved.

Mayor White stated that there was a timetable that would have design begin immediately and construction to begin in about 120 days, that he would direct the Aviation administration to give quarterly reports at the end of each quarter of the fiscal year concerning their progress on it.

After further discussion, Council Member Lovell asked for a point of clarification and asked in the next five years how many of the airport contracts were going to be up for renewal or an extension and was there a way that they could communicate to the City Council the process, and Mr. Hall stated that in the next two years there were only two of the concessions that were up, one was the currency exchange for George Bush Intercontinental Airport/Houston and the shoe shine contract would be up for George Bush Intercontinental Airport/Houston next year, that all of the other contracts at both George Bush Intercontinental Airport/Houston and Hobby, retail and food service, were actually in their option years and they were more than four or five years out.

Council Member Green moved to suspend the rules to extend the meeting beyond the scheduled noon recess to complete the agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. MOTION 2007-0945 ADOPTED.

After further discussion Council Member Green moved to call the question on the discussion of Item No. 41 after the next speaker, and Mayor White stated that if there was no objection it was so ordered.

Council Member Edwards stated that she needed a definite written dialog as to how the evaluation would take place and who would be in charge of that and how would it be presented to Council.

Mr. Hall stated that they did visit with several of the Council Members to point out all of the various specific forms of standards from timing of when construction had to be accomplished, from what the standards were for cleanliness, for when they washed the walls and cleaned up the place, the evaluation would be based on those objective standards and the Mayor had directed it to be done every quarter, in writing, to Council Members.

Mayor White stated that so they would get it on record, that if there was some subcontractor who was always a problem, and he did not care what a fine outstanding citizen they were, after notice if they did not tow the line, and he would review it to make sure it was not a personality feud, they were out of there.

A roll call vote was called on the motion to refer Item No. 41 back to the administration.

A ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting aye	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Noriega voting no
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting no	Council Member Berry absent
Council Member Holm absent on personal business.	MOTION 2007-0946 FAILED

A vote was called on Item No. 41. Council Members Clutterbuck and Lovell voting no, balance voting aye. Council Member Holm absent on personal business. Council Member Berry absent. ORDINANCE 1054 ADOPTED.

40. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Game Rooms; containing other provision relating to the foregoing subject; providing an effective date; providing for severability – **(This was Item 8 on the Agenda of September 12, 2007, TAGGED BY COUNCIL MEMBERS GARCIA and WISEMAN)** – was presented.

Council Member Wiseman stated that in reviewing the ordinance and confirming with the Legal Department and given the language in the proposed ordinance, the ordinance and the requirement of licensing and collection of fees would apply to any establishment that had a minimum of two of these machines that were considered recreational, that would include the machines that children used, that it would have an impact on every convenience store, those mom and pop operations, from them to the CiCi's Pizza to Chucky Cheese and Dave and

Buster's, all of them would be included, and wanted to extend her thanks to Mayor White and Mr. Michel, City Attorney, for taking that into consideration and agreeing to a two week delay to basically get it worked out and ironed out so that they would go after the real offenders. Council Member Brown absent.

Council Member Wiseman moved to postpone Item No. 40 for two weeks, seconded by Council Member Johnson, and Mayor White stated that they supported the delay. Council Member Brown absent.

After further discussion by Council Members and questions by Council Member Edwards, Mr. Michel stated that what they said in the memo was that right now they did have the exception and they had the category, they were treating everyone the same, that if they were going to define out the eight liners separately they needed that definition and they needed the police to have in the record that those particular machines were responsible for the other adverse affects and if there were other machines of the same nature they probably should be grouped within the definition to, that he did not have any reason to believe that did not exist but when Council votes it had to be in the record and that was really the conclusion of the memo. Council Member Brown absent.

After further discussion by Council Members, Council Member Clutterbuck asked if it was possible to go after the entities that had the darkened windows and double locked doors with fire code violations, if it may be another way to go at it, and Mr. Michel stated that he agreed and thought it was another tool and knew that Chief Hurtt had always been a proponent of using their codes as a supplement of police action and would speak to him about that. Council Member Brown absent.

A vote was called on Council Member Wiseman's motion to postpone Item No. 40 for two weeks. Council Member Edwards voting no, balance voting aye. Council Member Holm absent on personal business. Council Member Berry absent. Council Member Brown absent. MOTION 2007-0947 ADOPTED.

42. 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 53 on Agenda of September 12, 2007, POSTPONED BY MOTION #2007-938)** – was presented. Council Member Brown absent.

Council Member Lawrence stated that they were a shining star with a lot of changes in various departments, that they close their eyes on what could be a wonderful program, MWBE, they had a number of things going on, that they were going to spend \$21,953 for diesel fuel just for the MWBE Program, to just think if they put that in to having a great program here and getting somebody from Houston and not somebody 60 miles away that had to burn gas, that they were wasting tax dollars, the program needed to be revamped and needed somebody else brought into it to compliment the people who were there right now, that she knew they had budget constraint but to spend \$60.90 per day on gasoline for Saint August grass, that most of them pull out every weekend from their flower beds, that somebody had to meet 11% MWBE situation so they were going to have somebody drive 90 miles per day so they could spend \$60.90 a day, that she would vote on it just because they had not put a good program in place, they were wasting taxpayer dollars and this was an example of spending gas dollars just so they could say they had a MWBE on the item. Council Members Wiseman and Brown absent.

Council Member Edwards stated that she would give her colleague the respect to voice her opinion but she did not think that one episode defined a program and thought the issue of

MWBE if they wanted to staff the program to where it would do what they wanted it to do then they needed to staff it at budget time, that she thought that the people there were dedicated to the mission, that she agreed that the program needed to be bolstered but that was going to take money and the Council had to have the will to find the money to fund the kind of programming that they were asking Director Laws and her staff and the other people to run. Council Members Wiseman and Brown absent.

Council Member Garcia stated that Marty sat through most of the MWBE meeting that they had and he thought that Council Member Lawrence raised a good point, but on these issues, by virtue of the discussions they were having at committee, they were raising the awareness at the department level that they needed to provide them with real goals and be putting some real thought into the recommendations that they were sending because they were bird dogging these items, that he wanted to thank his colleagues for sitting through longer and more meetings than usual but he thought they were going to be seeing the items bare fruit.

A vote was called on Item No. 42. Council Member Lawrence voting no, balance voting aye. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Wiseman and Brown absent. MOTION 2007-0948 ADOPTED.

43. WRITTEN Motion by Council Member Holm to amend the proposed Ordinance **AMENDING SECTION 20-22 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Mobile Food Units and Commissaries; as follows:

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

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**) - was presented. Council Members Wiseman and Brown absent.

Council Member Clutterbuck moved to table Item No. 43, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Wiseman and Brown absent. MOTION 2007-0949 ADOPTED.

- 43a. 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 therefor; containing a savings clause; providing for severability – (**This was Item 55 on Agenda of September 12, 2007, TAGGED BY COUNCIL MEMBER GARCIA**) - was presented. Council Members Wiseman and Brown absent.

Council Member Noriega offered the following motion to amend Item No. 43a:

"I move to amend Item 43a as follows:

1. By renumbering **Sections 2, 3, and 4** as **Sections 3, 4, and 5** and adding a new **Section 2** to the proposed Ordinance to read as follows:

Section 2. That Section 20-18 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definition of *food preparation area* or *kitchen* to read as follows:

Food preparation area or *kitchen* shall mean each physically separated area of a food establishment in which food is manufactured,

produced, prepared, processed or packaged. In the instance of mobile food units, each mobile food unit that does not meet the criteria for restricted operations established in section 20-22(a) of this Code shall constitute a food preparation area or kitchen.

2. In Section 1 of the proposed Ordinance, amend the first two sentences of Item (5) of Subsection (c) of Section 20-22 to read as follows:

Prior to the issuance of a medallion or renewal, the operator of a mobile food unit, other than a restricted operations mobile food unit, a licensed park vending unit or a fixed location mobile food unit, to be operated on private property shall submit to the department proof of availability of restrooms with flushable toilets for the use of the mobile food unit employees located in a business establishment within 500 feet of each location where the mobile food unit will be in operation for more than 1 hour in any single day. Proof of availability of adequate facilities shall be in the form of a written statement from the owner or owner's agent, including the name, address and telephone number of the property owner or authorized agent, and the type of business and hours of operation, granting permission for use of the facilities.

3. In Section 1 of the proposed Ordinance, amend Item (1) of Subsection (f) of Section 20-22 to read as follows:

(1) ***Permitting of commissaries as food establishments.*** A commissary servicing any mobile food unit, other than a restricted service mobile food unit shall be an approved and permitted food establishment at which the mobile food unit is supplied with fresh water, emptied of waste water into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the mobile food unit utensil-washing sink.

4. In Section 1 of the proposed Ordinance, amend the last paragraph of Subsection (h) of Section 20-22 to read as follows:

A fixed location mobile food unit that does not fully meet the requirements of item (1) of subsection (g) above and was first operated under a medallion on or before February 13, 2000, shall be exempt from the requirements of item (1) of subsection (g) above provided that the operation continues under the same ownership and the medallion is continuously renewed without lapse or termination", seconded by Council Member Garcia. Council Members Wiseman and Brown absent.

After discussion by Council Members a vote was called on the motion to amend Item No. 43a. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Member Brown absent. MOTION 2007-0950 ADOPTED.

A vote was called on Item No. 43a as amended. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Member Brown absent. ORDINANCE 2007-1055 ADOPTED AS AMENDED.

13. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Valet Parking in the City; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties

therefor; containing a savings clause; providing an effective date; providing for severability – was presented, and tagged by Council Members Edwards and Khan. Council Member Brown absent.

After discussion by Council Members, Council Member Edwards stated that she would like to speak with Ms. Rambo about her understanding that the ordinance still did not give residents relief from valet parking. Council Members Lawrence and Brown absent.

Mayor White stated that he heard what Council Member Edwards was saying and would say to Ms. Rambo, who was present in the Council Chamber, and it was subject to wiser heads and stakeholder involvement, but it seemed to him that Council Member Edwards was saying that there were still issues with valet parking that they needed to deal with and deal with outside the downtown area, where they had an ordinance, and he thought a fair principal should be that people could not reserve places on their streets to park with the cones and the like, the streets did not belong to them, that was a different issue than patrons who patronized businesses, of course there were things on driveways, they should not park in front of a driveway, they ought to be cited or maybe towed, that it was different than somebody who patronized something, who was a tax paying citizen, who parked on the street because they wanted to get to the cleaners or wanted to go to a restaurant, but it was the idea of reserving their public streets for a business on the public street to the detriment of residents was something that just did not seem right to him, that it would have been better if there would have been clear rules for a long time because they would hear people say that they counted on the valet parking, had been doing it for a blank number of years and they were going to have to think what to do in that case, maybe there were some transition rules for some establishment, but he would like to give it to her as general policy direction, that for those people who put up cones and reserve and stuff like that they do not own those streets and did not have any more right to do that than somebody else did and they ought to figure out a way to regulate that.

After further discussion Mayor White stated that Item No. 13 had been tagged. Council Members Lawrence and Brown absent.

Council Member Lovell moved to suspend the rules to consider Item No. 22 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence, Brown and Green absent. MOTION 2007-0951 ADOPTED.

22. ORDINANCE amending Ordinance No. 2007-539 that established the boundaries of single member districts from which district council members are elected; containing findings and other provisions related to the foregoing subject; containing a severability provision – was presented, and tagged by Council Member Edwards. Council Members Lawrence, Brown and Green absent. (Note: Council Member Edwards released her tag later in the meeting.)

At 12:45 Mayor White stated that they would move to the consent agenda. Council Members Lawrence, Brown and Green absent.

CONSENT AGENDA NUMBERS 2 through 39

MISCELLANEOUS - NUMBER 2

2. REQUEST from Mayor for confirmation of the reappointment of **MR. ROLAND GARCIA**, to Position 11 of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for a term to expire August 31, 2009 – was presented, moved by Council

Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. MOTION 2007-0952 ADOPTED.

ACCEPT WORK - NUMBERS 5 and 7

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,284,605.72 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Construction of Kirkwood from Bellaire Boulevard to Alief Clodine, WBS N-000575-0002-4 - 5.45% under the original contract amount - **DISTRICT F - KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. MOTION 2007-0953 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,742,605.68 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS), WBS R-002013-0011-4 - 4.86% over the original contract amount - **DISTRICTS F - KHAN; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. MOTION 2007-0954 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBER 10

10. **AMEND MOTION #2005-267, 3/30/05, TO INCREASE** spending authority from \$232,831.43 to \$281,831.43, for Automotive Air and Spring Brake Replacement Parts for Various Departments, awarded to **TOMMIE VAUGHN MOTORS, INC** - \$49,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. MOTION 2007-0955 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 11 through 39

11. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds (Hometowne on Bellfort) Series 2007 and approving the Preliminary Official Statement with respect to such bonds - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. RESOLUTION 2007-0036 ADOPTED.
14. ORDINANCE approving certain Broker Dealer Agreements relating to the Airport System Subordinate Lien Revenue Bonds, Series 2002D; making certain findings in connection therewith; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1056 ADOPTED.
15. Omitted
16. ORDINANCE establishing the north and south sides of the 1500 block of Harold Avenue within the City of Houston as a special minimum lot size requirement area pursuant to

Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1057 ADOPTED.

17. ORDINANCE establishing the north and south sides of the 1500 block of Kipling 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 Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1058 ADOPTED.
18. ORDINANCE establishing the north and south sides of the 1600 block of Marshall Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1059 ADOPTED.
19. ORDINANCE establishing the north side of the 1100 block of Milford 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 Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1060 ADOPTED.
20. ORDINANCE establishing the north and south sides of the 900 block of W. 15th ½ Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1061 ADOPTED.
21. ORDINANCE establishing the north and south sides of the 1700 block of West Main 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 Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1062 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City and the **HOUSTON-HARRIS COUNTY IMMUNIZATION REGISTRY** for Immunization Reminder-Recall Activities for Children \$62,680.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1063 ADOPTED.
25. ORDINANCE amending Ordinance Number 2004-0185 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **NEIGHBORHOOD CENTERS, INC** for Elderly Services - \$1,392,626.25 - Grant Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1064 ADOPTED.

26. ORDINANCE approving and authorizing the City of Houston to enter into contracts with each of two (2) Independent School Districts [**CLEAR CREEK ISD** and **SPRING BRANCH ISD**] to administer an After School Achievement Program (“ASAP”) - \$115,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1065 ADOPTED.
27. ORDINANCE appropriating \$24,200.00 out of Public Library Consolidated Construction Fund for Professional Consulting Services for Marston Roof Replacement, WBS E-000038-0021-3 under purchase order with **BUILDING ENVELOPE CONSULTANTS, LLC - DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1066 ADOPTED.
28. ORDINANCE awarding contract to **HEIGHTS TRANSPORTATION, INC** for Bus and Van Rental Services for the Parks and Recreation Department; providing a maximum contract amount 2 Years with 3 one-year options - \$825,750.00 - General Fund – had been pulled from the Agenda by the Administration, and was not considered. Council Members Lawrence and Brown absent.
29. ORDINANCE awarding contract to **GBJ, INC dba AFC TRANSIT** for Bus and Van Rental Services for the Parks and Recreation Department; providing a maximum contract amount 2 Years with 3 one-year options - \$415,605.00 - General Fund – had been pulled from the Agenda by the Administration, and was not considered. Council Members Lawrence and Brown absent.
34. ORDINANCE appropriating \$4,480,000.00 out of Street & Bridge Consolidated Construction Fund (Number N-00663A-00RE-2-01), and approving and authorizing the purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court costs and Expert Witness Fees, for and in connection with, and finding a public necessity for, various projects identified in the body of this ordinance – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1067 ADOPTED.
35. ORDINANCE appropriating \$648,640.61 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **ESPA CORP.** for Edloe Storm Drainage Improvements Project, Segment 1, WBS M-000253-0001-4 - **DISTRICTS C - CLUTTERBUCK and G - HOLM** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1068 ADOPTED.
38. ORDINANCE No. 2007-999, passed second reading September 12, 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Holm absent on

personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-0999 ADOPTED THIRD READING IN FULL.

39. ORDINANCE No. 2007-1000, passed second reading September 12, 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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1000 ADOPTED THIRD READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. RECOMMENDATION from Director Finance & Administration Department that the City Council receive the 2007 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw, Jennifer Chen and James Bell to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Wiseman. Council Members Lawrence and Brown absent.
4. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2006 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2007 MTFP in map form – was presented, and tagged by Council Member Wiseman. Council Members Lawrence and Brown absent.

ACCEPT WORK

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$737,133.58 and acceptance of work on contract with **SHUMAKER-HARVEY EQUIPMENT CO., INC dba SHE-CO, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00B7-4 - 0.22% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; G - HOLM; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. MOTION 2007-0956 ADOPTED.

PURCHASING AND TABULATION OF BIDS

8. **MARTIN ASPHALT COMPANY** for Asphalt Emulsion for Various Departments - \$1,602,881.45 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. MOTION 2007-0957 ADOPTED.

9. **3M COMPANY** - \$961,894.46, **NIPPON CARBIDE INDUSTRIES (USA), INC.** - \$283,633.25 and **AVERY DENNISON CORPORATION** - \$60,950.00 for Reflective and Non-Reflective Materials for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. MOTION 2007-0958 ADOPTED.

RESOLUTIONS AND ORDINANCES

12. RESOLUTION authorizing the Houston Parks and Recreation Department (HPARD) to submit an application for a \$3,750,000.00 Outdoor Recreation Grant to the Texas Parks and Wildlife Department (TPWD) for West 11th Street Park; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. RESOLUTION 2007-0037 ADOPTED.
24. ORDINANCE approving and authorizing Workforce Contract Amendment #2 to Houston-Galveston Area Council (“H-GAC”) Contract No. 235-07 between the City of Houston and **H-GAC** pertaining to a Katrina and Rita Assistance Grant - \$499,940.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1069 ADOPTED.
30. ORDINANCE approving and authorizing contract between the City of Houston and **NIGHTINGALE ADULT DAY CENTER** for the Performance of Deaf and Hearing Impaired Interpreter and Closed Captioning Services for Houston Police Department Employees; providing a maximum contract amount - 3 Years with 2 one-year options - \$150,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1070 ADOPTED.
31. ORDINANCE approving and authorizing contract between the City of Houston and **BERLITZ LANGUAGES, INC** for Foreign Language Testing of Police and Fire Department Employees; providing a maximum contract amount - 3 Years with 3 one-year options - \$192,755.00 - General Fund – was presented, was presented, and tagged by Council Member Khan. Council Members Lawrence and Brown absent.
32. ORDINANCE approving and authorizing contract between the City of Houston and **CENTURY ASPHALT, LTD.** for sale of Street Millings for the Public Works & Engineering Department 3 Years with 2 one-year options - Revenue – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1071 ADOPTED.
33. ORDINANCE approving and authorizing contract between the City of Houston and **CHECKFREEPAY CORPORATION** for Automated Bill Collection and Processing Services for the Public Works Department; providing a maximum contract amount - 5 Years - Not to exceed \$1,500,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry

absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1072 ADOPTED.

36. ORDINANCE appropriating \$440,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **COBB FENDLEY & ASSOCIATES, INC** for Technical Assistance for Interagency Project Reviews (approved by Ordinance No. 07-0028), WBS N-000668-0011-3 - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - EDWARDS; G - HOLM; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1073 ADOPTED.
37. ORDINANCE appropriating \$380,731.00 out of Water & Sewer System Consolidated Construction Fund and \$321,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **GARC ENTERPRISES, LTD.**, for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Southridge Crossing Subdivision, WBS S-000800-0106-4/R-000800-0106-4/M-000800-0106-4 - **DISTRICT E - WISEMAN** – was presented, and tagged by Council Member Wiseman. Council Members Lawrence and Brown absent.

MATTERS HELD - NUMBERS 40 through 46

44. 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 56 on Agenda of September 12, 2007, POSTPONED BY MOTION #2007-939)** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1074 ADOPTED.
45. 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 58 on Agenda of September 12, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Members Lawrence and Brown absent.

Council Member Wiseman stated that while they had been provided with information with regard to whether or not they were legally required to enter into the agreement because of prior agreements related to it she still could not, especially given the discussion that was held during the public hearing with respect to development and the need for green space and park space and how development impacts and exacerbates a flooding situation, that was what had been the difficult part of the DPCs and for her constituents in Clear Lake that were downstream from the development she could not in good faith vote in favor of adding to their already difficult and

challenging flooding issues, so as their Council Member she would be voting no on this item and the next one. Council Members Lawrence and Brown absent.

A vote was called on Item No. 45. Council Member Wiseman voting no, balance voting aye. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1075 ADOPTED.

46. 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 59 on Agenda of September 12, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence and Brown absent. ORDINANCE 2007-1076 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Garcia stated that Giovanni Garibay, his Chief of Staff, would be going on to greener pastures, that he wanted to take the opportunity to thank him for his service, that they had tremendous success in District H, in part to Giovanni's good work, that he was going on to Comcast to be part of their government relations team. Council Members Lawrence and Brown absent.

Council Member Alvarado stated that last week they lost someone who was well known the labor community, Mr. Don Horn, that he continued to be active, even after he retired, on community issues and voter registration drives, that he would be greatly missed, that she wanted to acknowledge his long history and work in the labor movement in Harris County. Council Members Lawrence and Brown absent.

Council Member Alvarado stated that she wanted to wish Giovanni a good farewell, that he would certainly be missed in the halls of City Hall. Council Members Lawrence, Brown and Noriega absent.

Council Member Edwards stated that she wanted to release her tag on Item No. 22. Council Members Lawrence, Brown and Noriega absent.

22. ORDINANCE amending Ordinance No. 2007-539 that established the boundaries of single member districts from which district council members are elected; containing findings and other provisions related to the foregoing subject; containing a severability provision – was again before Council. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence, Brown and Noriega absent. ORDINANCE 2007-1077 ADOPTED.

Council Member Khan stated that he wanted to wish happy Ramadan to everybody, that it was a month of Ramadan celebration and a time for remembrance and prayers, that the Mayor's Annual Ramadan Dinner would be on Saturday, October 6, 2007, that for those who would like to share in the fast that day to please contact their office and they would provide the times. Council Members Lawrence, Garcia, Brown and Noriega absent.

Council Member Khan stated that next Tuesday, at the Alief Super Neighborhood Council meeting they would be holding a candidate forum; that next Thursday, September 27, 2007 the Sharpstown Civic Club would be holding their candidate forum so they urge everyone to come and join and listen to their candidates and make an informed decision. Council Members Lawrence, Garcia, Brown and Noriega absent.

Council Member Green stated that the next Budget and Fiscal Affairs Committee meeting would take place on Tuesday, October 2, 2007 at 10:00 a.m.; that the Houston Citizens Chamber of Commerce would have their monthly luncheon and this month's guest speaker was Dr. Kase Lawal, the City's appointee to the Port Commission, for more information they could call the Houston Citizens Chamber of Commerce at 713-522-9745; that the National Black MBA Association was hosting it's Leaders of Tomorrow Scholarship Golf Tournament on Monday, October 1, 2007, at Southwick Country Club in Pearland, if they needed information they could visit www.HoustonBlackMBA.org; that Texas Southern University would be hosing it's homecoming festivities and would begin on October 7 through 13, 2007, that if they need information they could contact the Alumni Association at www.TSUNAA.com. Council Members Lawrence, Garcia, Brown and Noriega absent.

Council Member Clutterbuck stated that she wanted to express her thanks to the Upper Kirby TIRZ and to all of the citizens who attended last Saturday's meeting at the Upper Kirby TIRZ building to discuss the reconstruction of Kirby Drive, and would like to thank Council Members Lovell and Brown for attending as well. Council Members Lawrence, Garcia, Brown and Noriega absent.

Council Member Clutterbuck stated that she wanted to point out one of their outstanding contractors, Mr. Joseph Tahtouh, JFT Construction, that they began their work coordinating with the Westside Civic Club, between Loop 610 and South Braeswood, that they began in May and had multiple meetings with the community and in spite of all of the rain they had they had maintained right on schedule, that this contractor was extremely approachable and listened and was at attendance personally at each monthly progress meeting and turned in his next month's schedule on time and was in compliance with everything that the neighbors had asked him to be in compliance, that he was exactly the kind of contractor that their taxpayers deserved to having working in their neighborhoods. Council Members Lawrence, Garcia, Brown and Noriega absent.

Council Member Wiseman stated that she had a personnel issue that she would like to seek the Mayor's assistance on, that she had staff member who was a part time staffer who became available for full time work and she extended the offer and wanted the start date to be the beginning of a work week and because of the Labor Day Holiday that made it September 4, 2007, that they followed the process as they were told to follow and low and behold she heard back later, after the fact, from central payroll, that hiring somebody in the middle of a pay period did not work for them so she was going to have to start on September 8, 2007, that as far as the compensation that she did not receive at the time they asked if she could offer her some comp time, that did not sit well with her, there was nothing in anything they had ever received that stated that they could not hire someone to begin at any time inside a pay period, that it had to be at the beginning of a pay period, that she would like the Mayor's assistance in making sure that the employee who had put in the time and had worked hard receive the compensation that she was supposed to receive. Council Members Lawrence, Garcia, Alvarado, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that they would look into it, and Mr. Hall stated that he thought it related to SAP, that he would check it out, that it was after the conversion, that he thought they could resolve it, and requested that Council Member Wiseman send him the information.

Council Members Lawrence, Clutterbuck, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he needed an opinion from the Mayor and some advice in regard to a department, that he was not in the business of telling departments how to do their job, that recently he had the unpleasant experience of having to field many calls from his constituents in the Fifth Ward Community complaining to him regarding sting operations of speeders on the Lyons Avenue Bridge, that one of the reason that he concurred with his constituents was that while the officers were writing tickets to residents coming into the Fifth Ward Community the biggest and most disturbing thing to the residents was that directly across the street, in eyesight of these officers writing speeding tickets, prostitution and drug sales were going on, that he himself had been pulled over by the Police Department and he was not complaining about that because if in fact he was coming down a hill at an accelerated speed he deserved that ticket, that he was not disputing that nor was he disputing the fact that the officers, who were traffic enforcement, should be doing their job of writing tickets, but no one had said one word to the prostitute who was in eyesight of the officer or the drug dealer who was in eyesight of the officer, that he and the residents think that the officer's mindset was that it was not their responsibility, that they were there to write tickets, that although he was an officer of the City of Houston, a police officer, it was not his responsibility to stop the prostitution, his job was to stop speeders coming over the hump, that he believed they owed it to the citizens, that if in fact they were going to ticket them for speeding they owed it to them to have public safety in their own communities, that while he was sitting talking to an officer and could see a prostitute actually waving down a "john" he thought was a total disservice to the residents of the Fifth Ward Community and any community for that matter, that he had sent a letter to Chief Hurtt and talked with some of the assistant chiefs and hoped they would have changed the policy, where they had officers lurking in bushes trying to get speeders as opposed to lurking in bushes trying to stop prostitution, that he thought they needed to send a better message to the residents of the City. Council Members Lawrence, Clutterbuck, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he heard what Council Member Johnson was saying and maybe they should look at what they could do to help prevent people from stopping in the middle of the street as well as going to fast in the middle of the street. Council Members Lawrence, Clutterbuck, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he would continue his quest to ask people's support for the Jena, Louisiana trip, that he wanted to make it clear that it was not a Black issue, that it was an American issue. Council Members Lawrence, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to encourage people to get on the bus to raise money for the Texas Southern Debate Team, lead by Dr. Freedman, that it was a world renown debate, that they were traveling abroad again and he encouraged people to help raise money, that the bus would be departing on October 20, 2007, that it was a fundraiser and he would be giving more detail later. Council Members Lawrence, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that as to Jena Louisiana, her position was that until racism becomes a criminal offense in the Country, it was still going to be going on, that she thought it was a criminal offense. Council Members Lawrence, Wiseman, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank Mayor White and the citizens of District D who had given their office to serve them, hopefully in a meaningful way, for attending two back to back townhall meetings, and to the department heads for sitting through very long meetings, that every citizen that they talked to was talking about the productivity of the meeting, the information they received and how grateful they were for the department heads being there to answer their questions and to get the information of where the district office was as far as projects and programs and where they needed to go. Council Members Lawrence, Wiseman, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to let the community know that they would not be hosting the Chocolate Bayou Festival this year because they were winding down, but they were having a reception for the Sunnyside Community and wanted to thank Susan Christian and her group for helping to do that, that they would be giving their final monies for the Chocolate Bayou scholarships, that they had given over \$50,000 in the last four years in the District D and Sunnyside area, that they would be figuring out a way to keep that whole process going. Council Members Lawrence, Wiseman, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to remind her colleagues that tomorrow they would be having the Flooding and Drainage Meeting, Thursday, September 20, 2007 in the Council Chamber to talk about possible revisions to Chapter 19, and would encourage her colleagues, she still had not received any recommendations that she was aware of, that the recommendations that would be presented by Public Works were just a draft of where they could start the dialog but she had not received from her colleagues any people recommended for their stakeholders group and/or any recommendations, that Mr. Icken and his staff had done a pretty good job of addressing, that they would have three distinct positions, one a summary of effected property based upon FEMA, and where they were with the FEMA rating process, a discussion of Chapter 19, possible replacement of structures in floodways in the event of catastrophic loss, replacement of structures in floodways in the event of construction, that these were issues that had been brought to them by constituents and would encourage them to be present, that she understood they would have people present from the federal offices of Congress and the Senate and if they needed a backup on where they were and how they got there to contact her office, so they could come in with an understanding of how they had gotten to where they were going to be tomorrow, that it was Thursday, September 20, 2007 at 2:00 p.m. Council Members Lawrence, Wiseman, Garcia, Alvarado, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would encourage Mayor White to have a Mayor's Report on the Expectation Graduation Program, that she had been looking on the figures and data that had been amassed by Ms. Clarke and the young lady who was over the Expectation Program, that it showed that 40% of the entering ninth graders in Houston did not complete high school, that was not acceptable and should be a state of emergency as far as education in the City, that over 85% of all jobs in Houston required at least a high school diploma, that another point was that in the four years that they had been doing the reach out to dropouts, 492 students had graduated as a result of that program, 4,050 students had returned to school, and they had over 6,609 volunteers in that process, that was an amazing record and thought it sent a message to somebody in education in the City of Houston of how to get their children engaged in the education process; that Mayor White had mentioned a lot about cyber influence in the community and his group had indicated that if the website "My Space" was a country that based on the hits it would be the eleventh largest country in the world, how could they use that opportunity to get the word out to their young people about the power of education in a way that they would understand and to maybe couple that, that she was sure the Mayor was already working on it, that at some point and time if Mayor White could give them a more

thorough briefing of Expectation Graduation and how do they as City Council Members react to the numbers. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that they had to remember and put it in a meeting right before the middle of October 2007 where they were lining up a program to expand the mentoring and lining up volunteers to do that and they would cover it in the Mayor's Report. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to compliment Mayor White on his leadership, that he thought they took some important steps and make some good decisions.; that he would also like to commend Mayor White on his leadership in terms of straightening out the freight rail issues, clamping down on the billboard violators, that people were sick and tired of the billboard jungle that they had in the City; that they were moving forward on the Parks and Open Space Ordinance and he thought it was a real affirmation of the Mayor's commitment and that of the people in his administration who made all of it possible. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:27 p.m. Council Member Holm absent on personal business. Council Member Berry absent. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell, Noriega and Green 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