

City Council Chamber, City Hall, Wednesday, November 7, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 7, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Office, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member M. J. Khan, P. E. out of the city on city business.

At 8:22 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:08 a.m. Mayor White called the meeting to order and called on Council Member Holm for the prayer and pledge of allegiance. Council Members Wiseman, Garcia, Alvarado, Green and Berry absent.

Mayor White requested the City Secretary to call the roll. Council Member Khan out of the city on city business. Council Members Wiseman, Alvarado, Green and Berry absent.

Council Members Lovell and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Wiseman, Alvarado, Green and Berry absent. MOTION ADOPTED.

At 9:11 Mayor White stated that they would move to the public hearing and stated that Ms. Sameera Mahendru, Legal Department, would make comments. Council Members Wiseman, Alvarado, Green and Berry absent.

## HEARINGS

1. **PUBLIC HEARING** on proposals for the City of Houston to enter into separate strategic partnership agreements with the below named districts in Harris County and Fort Bend County, and on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts and certain territory in the vicinity of certain Districts:
  - a. Amending the existing strategic partnership agreement with **Charterwood Municipal Utility District**;
  - b. Amending the existing strategic partnership agreement with **Cypress Hill Municipal Utility District**;
  - c. Amending the existing strategic partnership agreement with **Harris County Municipal Utility District No. 120**;
  - d. Amending the existing strategic partnership agreement with **Fort Bend County Municipal Utility District No. 50**;
  - e. **Harris County Municipal Utility District No. 400**;
  - f. **Harris County Municipal Utility District No. 196**;
  - g. **Northwest Harris County Municipal Utility District No. 5**;
  - h. **Hunters Glen Municipal Utility District**;
  - i. **Harris - Fort Bend Counties Municipal Utility District No. 3**;
  - j. **Lake Forest Utility District**;
  - k. **Harris County Municipal Utility District No. 173**;
  - l. **Fort Bend County Municipal Utility District No. 146**;
  - m. **Harris County Municipal Utility District No. 157**;
  - n. **Ricewood Municipal Utility District**;
  - o. **Harris County Municipal Utility District No. 285**;
  - p. **Northwest Harris County Municipal Utility District No. 10**;

- q. **Harris County Municipal Utility District No. 391;**
- r. **Harris County Municipal Utility District No. 167;**
- s. **Harris County Municipal Utility District No. 406;**
- t. **Cinco Southwest Municipal Utility District No. 2;**
- u. **Chelford One Municipal Utility District;**
- v. **Cinco Southwest Municipal Utility District No. 4;** and
- w. **Harris County Municipal Utility District No. 152.**

- was called. Council Members Wiseman, Alvarado, Green and Berry absent.

Ms. Mahendru stated that the following text was provided by Planning and Development, that the proposed agreements that were the subject of the hearing fell into four categories; the first included items a and b on the agenda, in each case the City would amend an existing agreement by adding new territory, that there was territory outside the MUD to be included in the annexation, the area was entirely commercial, there were no residents, the City would levee a 1% sales tax, which it would divide evenly with the MUD, the City would enforce the fireworks ban in the area to be annexed, it would not provide any other public services; the second category included items c and d on the agenda, in each case the City would amend an existing agreement by adding new territory, that there was no additional territory outside the MUD to be included, the area was entirely commercial, there were no residents, the City would levee a 1% sales tax, which it would divide evenly with the MUD, the City would enforce the fireworks ban in the area to be annexed, it would not provide any other public services; that the third category included item numbers e through t on the agenda, that for these 16 districts the City would execute a new Strategic Partnership Agreement, that there was territory outside the MUD to be included in the annexation, the area was entirely commercial, there were no residents, the City would levee a 1% sales tax, which it would divide evenly with the MUD, the City would enforce the fireworks ban in the area to be annexed, it would not provide any other public services; that the final category included numbers u through w on the agenda, in each case the City would execute a new Strategic Partnership Agreement, there was no territory outside the MUD to be included in the annexation, the area was entirely commercial, there were no residents, the City would levee a 1% sales tax, which it would divide evenly with the MUD, the City would enforce the fireworks ban in the area to be annexed, it would not provide any other public services. Council Members Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent.

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

Mr. Ray Soffers, 415 Woodland, Channelview, Texas 77530 (713-253-7285) appeared and stated that he was the Vice Chair of Harris County Fireworks Retailers Association, that the annexations that were taking place in Harris County was hurting the fireworks industry in a great way, that it was actually putting his business in jeopardy of going under, that because of the fireworks ban he was no longer able to sell fireworks in the areas being annexed, when in some areas they were able to sell fireworks in annexed areas, that he had lost two locations in Harris County due to the City annexations, which cost him about 35% of his business, that right next to the MUD District there was an annexation in that area and they were able to sell fireworks in that annexed area, that his business was in great danger of going under because of the annexed areas that the City was doing and he felt that the City was targeting the Fireworks Industry, that he was just a businessman, just like every other business in Harris County and he was being discriminated against because he sells fireworks. Council Members Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent.

Council Member Lawrence asked Mr. Soffers how he found out about the hearing and Mr. Soffers stated that he actually called the City and they let him know about the hearing, that there were no signs posted, that on the two locations that he lost he was not aware that he was losing

the locations until he set his business up, paid his leases and bought his inventory for the business and everything else and then on the July 4, 2007 the City came out and told him he was not allowed to sell fireworks. Council Members Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent.

Council Member Lawrence further stated that a couple of weeks ago she asked Legal to research notification and what they could do on the annexation and she had not heard from anybody, that regardless of the business, she thought citizens needed to be notified and they talked about a large sign being posted, and if somebody could get back with her, and Mr. Michel stated that they would do that right away. Council Members Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent.

Mr. Shannon Brinkley, 3010 Grace Lane, Highland, Texas 77562 (832-656-8302) appeared and stated that he was the Vice President of the State organization Texas Fireworks Association and also the Chairman for the Harris County Chapter, that he resided in Harris County and did business in Harris County, that they had talked to Mike Montgomery and also some Commissioners and it seemed that the main concern for the fireworks was public safety. Mr. Brinkley reviewed a handout of statistics, a copy of which is on file in the City Secretary's Office for review, from the U. S. Census Bureau, Foreign Trade Division and Influence of Consumption. Council Members Clutterbuck, Garcia, Alvarado, Lovell, Green and Berry absent.

Council Member Edwards stated that she had a question for Legal and F&A, that they had asked at the last meeting regarding the agreements that there be two things specifically done, and she needed to know the status of them, one, that they would look to see if they could place, as the City, a sign similar that Planning and Development, placed for a variance notice, that they had mentioned that they could not tell the other agencies how to notify, just to let them know that the City was very concerned about notification and asked if that had been done, and what was the status of those two particular things. Council Members Clutterbuck, Garcia, Alvarado, Lovell, Green and Berry absent.

Ms. Mahendru stated that she believed that Planning and Development was looking into the cost of putting up a variance type sign in the district, that as far as notification by the MUD's themselves they had received information from the MUD's that the information should have been distributed today, which indicated what sort of notice that they had provided, that in the future they could require them to give a defined type of notice, they could suggest a variance type sign to them, that for this round some of them had already been through the process so it was not possible to implement for this round, but it was certainly possible to do in the future. Council Members Clutterbuck, Garcia, Alvarado, Lovell, Green and Berry absent.

Mayor White stated that in the packets they had there was a response to some of the questions that reviewed district by district the public postings and had some maps and other things; that on the second point he thought the Council Member's idea of public posting was a good thing, so Planning was looking at the size and cost, it was a prudent thing but it did not affect these items, but a posting like they had on the variance, he thought, was a good idea, and he would ask, unless somebody disagreed with him from the Planning and Legal, that they prepare the appropriate procedure, that it could be by either Executive Order or ordinance. Council Members Clutterbuck, Garcia, Alvarado, Lovell, Green and Berry absent.

Council Member Edwards stated that even if the other agencies did not want to do any further notification if the City could legally post a sign similar to that, and asked if the cost was what was holding it up, and Ms. Mahendru stated that Planning and Development was looking into that issue and she did not know the results, and Mayor White stated that one of the issues was that they had to lease a place, but the point was that they were going to do it.

Council Member Lawrence stated that she did not think the City should have any of that expense, that the MUD that was applying to do business, or a special annexation with the City, should pay for it, that should be one of the requirements, that Planning knew the price of the signs, so it was no secret what cost was, so she was not looking for another cost for the City, that she was saying that for them to become a MUD they should post it in an ordinance, that she would like for it to come to committee and if anything needed to be changed, that for the next round that they should start doing it as one of their requirements, that she had a lot of concern for people who went out and got a lease and then find out that they could not have their business there, whether she agreed with that business or not. Council Members Clutterbuck, Garcia, Alvarado, Lovell, Green and Berry absent.

Mr. Johnny Pate, 5220 Humble Camp Rd., Dickerson, Texas 77539 (832-647-4268) appeared and stated that he owned J. J. & P. Fireworks and had been put out of business in two different locations, that they did not even know about the first one, they had set up in that one spot for 20 years and they setup last season and they came out and told them that they had a limited corporation and that was one of the first one that they put the fireworks clause in, that they did not have to put a fireworks clause into the limited corporation, that they had several of them and when they first started they did not put the clause in and somebody saw the loophole that they could put the fireworks clause in there and the second one was the same, they were there for 23 years and they knew about that one and went to the MUD District meeting and talked to them and tried to negotiate something with them but were not able to do, that their main purpose was that it was a small district and they had nine small businesses and they told him that their main concern was to do away with fireworks, that was the reason they were doing it, and the other benefit was that they had 30 years that Houston would not take them in, but the Legislature passed the law to help the City and the MUD District financially, the intention was not to put somebody out of business that had been there for 20 years and let all the rest of the businesses go, they just did not feel like it was fair for them to build their business for 20 years and then they come in and do nothing but put the fireworks out of business, that the City does not have no other services that they provide and they just felt that it was unfair for them. Council Members Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent.

Mr. Joe Daughtery, 2565 N. Twin City, Hwy, Nederland, Texas 77627, had reserved time to speak, but was not present when his name was called. Council Members Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent.

Council Member Lawrence moved to close the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck, Garcia, Lovell, Green and Berry absent. 2007-1095 ADOPTED.

At 9:28 Mayor White stated that they would move to the consent agenda. Council Members Clutterbuck, Garcia, Green and Berry absent.

Council Member Alvarado stated that she wanted to take a point of personal privilege to recognize Mr. James Rodriguez who was present in the audience, that he was going to be taking her Council seat and had quite a victory last night and won without a runoff, that joining him was his wife Wendy. Council Members Clutterbuck, Green and Berry absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 2 through 49**

**MISCELLANEOUS** - NUMBER 2

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **EAST DOWNTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2011
  - Position One - **MR. RUSSELL MORGAN**, reappointment
  - Position Two - **MR. NORMAN R. PEGRAM, JR.**, reappointment
  - Position Three - **MR. JIM OLIVE**, reappointment
  - Position Four - **MR. HARVEY W. BURTON**, appointment
  - Position Five - **MR. ROBERT M. EURY**, appointment
  - Position Six - **MR. JOE R. MARTIN**, appointment
  - Position Seven - **MR. DAN NIP**, reappointment
  - Position Eight - **MR. LOUIS A. MACEY, JR.**, reappointment

- was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1096 ADOPTED.

**ACCEPT WORK** - NUMBERS 3 and 4

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,715,514.90 and acceptance of work on contract with **CALCO CONTRACTING, LTD.**, for Waterline Replacement in Jensen-610 Area, WBS S-000035-00C4-4 - 0.03% over the original contract amount - **DISTRICT H - GARCIA** - was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1097 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,466,134.22 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.**, for Citywide Fire Hydrant Replacement and Height Correction, WBS S-000035-00V3-4 - 6.0% under the original contract amount - was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1098 ADOPTED.

**PROPERTY** - NUMBERS 5 through 10

5. RECOMMENDATION from City Attorney to settle a lawsuit styled City of Houston v. Bank of America, N. A., et al., Cause No. 821,807; in connection with eminent domain proceeding for acquisition of Parcel AY3-101, and payment of appraisal invoice for **PECH ROAD PAVING PROJECT (Long Point Road - Westview Road)**, WBS/CIP N-000754-0001-2 - \$273,732.00 Street & Bridge Consolidated Construction Fund - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1099 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ronnie D. Harris, Brown & Gay Engineers, Inc., on behalf of Institute Place Partners, Ltd., [Institute Place I, Inc. (Jack

Lee, President) General Partner], declining the acceptance of, rejecting, and refusing the dedication of various alleys, portions of alleys, streets, and portions of streets, and authorizing the abandonment and sale of various portions of streets, in exchange for the conveyance to the City of right-of-way for and construction of the realignment of Hepburn Street and Pawnee Street and a 10-foot-wide water line easement, all located within the Institute Place Addition, out of the P. W. Rose Survey, A-645, Parcels SY7-066A thru CC, AY7-448 and KY7-251 - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1100 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kenneth M. Knapp, Knapp Polly Pig, Inc., for sale of excess fee-owned right-of-way being portions of Lots 8, 9, 10, and the east one-half of Lots 11 and 12, Block 46, S. F. Nobles Addition, out of the John Austin Survey, A-1, Parcel SY7-145 - **DISTRICT H - GARCIA** - was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1101 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel CY7-002, owned by Citywide Investment Group, L.P., a Texas limited partnership, for the **PANAGARD LIFT STATION RENEWAL AND REPLACEMENT PROJECT located along the south line of Richmond Avenue at Panagard Drive**, WBS R-000267-0058-2-01 **DISTRICT G - HOLM** - was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1102 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY5-093, located at 2221 Parker Road, owned by Edward E. Hudson, Jr., as to an undivided ½ interest and wife, Elizabeth Ann Swallen Hudson as to an undivided ½ interest, for the **ALDINE WESTFIELD PAVING PROJECT from Tidwell to Little York**, WBS N-000577-0001-2-01 - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1103 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY3-046, located in the 11200 block of Wilcrest Drive, owned by Karl Russell Smith, Jr., for the **KEEGANS' BAYOU HIKE AND BIKE TRAIL PROJECT from Brays Bayou to Kirkwood**, N-000420-0025-2-01 - **DISTRICT C - CLUTTERBUCK** - was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1104 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 11 through 16

11. ORDINANCE appropriating \$3,181,717.24 out of Equipment Acquisition Consolidated Fund for Purchase of Pumper and Hazardous Materials Trucks for Fire Department - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1230 ADOPTED.

- 11a. **TYLER MOTOR CO., INC d/b/a HALL BUICK, PONTIAC, GMC, VOLVO** for Pumper and Hazardous Materials Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Fire Department - was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1105 ADOPTED.
14. **GILBREATH COMMUNICATIONS, INC** for Public/Disaster Preparedness Video and Companion Marketing through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council - \$454,963.60 - Grant Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1106 ADOPTED.
15. **AMEND MOTION #2005-287, 3/30/05, TO EXTEND** expiration date from March 30, 2008 to March 29, 2009, and increase spending authority from \$2,072,220.00 to \$2,901,108.00 for Concrete, Hot Mixed Asphaltic for Various Departments, awarded to **CENTURY ASPHALT MATERIALS** - \$828,888.00 - General and Enterprise Funds - was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1107 ADOPTED.
16. **AMEND MOTION #2006-117, 2/8/06, TO INCREASE** spending authority from \$704,327.71 to \$986,058.79 for Spheres, Reflective Glass for Various Departments, awarded to **FLEX-O-LITE, INC (Bid No. 2)** - \$281,731.08 - Enterprise Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. MOTION 2007-1108 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 18 through 46

18. RESOLUTION of the City Council of the City of Houston, Texas giving consent to **TEXAS GULF COAST HEALTH FACILITIES DEVELOPMENT CORPORATION** for the financing of certain Health Facilities located within the City of Houston, Texas for the benefit of Montrose Counseling Center Permanent Endowment, Inc - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. RESOLUTION 2007-0043 ADOPTED.
20. ORDINANCE consenting to the addition of 390.0 acres of land to **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 4**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1231 ADOPTED.
21. ORDINANCE consenting to the addition of 216.9974 acres of land to **ENCANTO REAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1232 ADOPTED.
22. ORDINANCE consenting to the addition of 143.5663 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 58**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1233 ADOPTED.

23. ORDINANCE consenting to the addition of 9.737 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 OF HARRIS COUNTY, TEXAS**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1234 ADOPTED.
24. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 476** - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1235 ADOPTED.
25. ORDINANCE establishing the north and south sides of the 600 block of Aurora Street and the north side of the 700 block of Aurora 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 Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1236 ADOPTED.
26. ORDINANCE establishing the north and south sides of the 1700 block of Colquitt Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1237 ADOPTED.
27. ORDINANCE establishing the north and south sides of the 1500 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 Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1238 ADOPTED.
28. ORDINANCE establishing the east side of the 2900-3100 block of Morrison Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1239 ADOPTED.
34. ORDINANCE approving and authorizing an Indemnity and Maintenance Agreement between the City of Houston and the **GREATER EAST END MANAGEMENT DISTRICT** for right-of-way Improvements - **DISTRICTS D - EDWARDS and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1240 ADOPTED.
37. ORDINANCE authorizing the amendment of Ordinance No. 2007-251 to add additional fire training classes to those described in Ordinance No. 2007-251; to set fees for the additional classes and authorize an agreement between the City of Houston and **TEXAS ENGINEERING EXTENSION SERVICE** to provide an online continuing education program - Revenue - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1241 ADOPTED.

38. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for civic art and conservation administration services on behalf of the Houston Airport System; providing a maximum contract amount - \$2,663,985.14 Enterprise Fund - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Clutterbuck and Berry absent.
39. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for civic art and conservation administration services on behalf of the Convention and Entertainment Facilities Department; providing a maximum contract amount - \$306,250.03 - Enterprise Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1242 ADOPTED.
40. ORDINANCE appropriating \$3,560,264.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000295-0014-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – had been pulled from the Agenda by the Administration, and was not considered. Council Members Clutterbuck and Berry absent.
41. ORDINANCE appropriating \$2,706,004.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000294-0017-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1243 ADOPTED.
42. ORDINANCE appropriating \$4,836,139.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, WBS R-002013-0019-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1244 ADOPTED.
43. ORDINANCE appropriating \$3,170,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Water Line Replacement in Del Monte, WBS S-000035-00L2-4; setting a deadline for the

bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1245 ADOPTED.

44. ORDINANCE appropriating \$3,397,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Oak Estate, WBS S-000035-00L3-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1246 ADOPTED.
45. ORDINANCE appropriating \$2,351,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Broad Oaks, WBS S-000035-00L5-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1247 ADOPTED.
46. ORDINANCE appropriating \$12,000.00 out of Parks Consolidated Construction Fund for Construction Services at Charlton Park Tennis Court, WBS F-000680-0001-4, under a purchase order with **URELIFT GULF COAST, LP** - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Clutterbuck and Berry absent. ORDINANCE 2007-1248 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item No. 17 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Member Berry absent. MOTION 2007-1109 ADOPTED.

17. RESOLUTION designating certain property within the City of Houston as a landmark and a protected landmark (Emancipation Park, 3018 Dowling Street) - **DISTRICT I - ALVARADO** - was presented. Council Member Berry absent.

After discussion by Council Members, a vote was called on Item No. 17. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Member Berry absent. RESOLUTION 2007-0044 ADOPTED.

Council Member Brown moved to suspend the rules to add Ms. Doris Robinson to the speakers list, seconded by Council Member Alvarado. All voting aye. Nays none. Council

Member Khan out of the city on city business. Council Members Johnson and Berry absent.  
MOTION 2007-1110 ADOPTED.

At 9:36 a.m. Mayor White stated that they would move to the public session and requested the City Secretary to call the list of speakers.

Ms. Doris Robinson, who was previously added to the speakers list appeared and stated that she wanted to thank the Mayor and Council for allowing them to do the work their ancestors started 135 years ago; that as a representative from the Friends of Emancipation Park they were pleased at what they were trying to do in the community as they worked to enhance and develop Houston; and thanked Council Members Edwards, Alvarado and Brown for being there with them and making sure the efforts were moved forward and they were ready to take the historical designation just granted by Council to the state and then to the nation and they were excited about Emancipation Park; that they had a list of items to present to Mr. Turner and wanted to present it to Council Member Alvarado so they would be in position to work with their new Council Member and they were counting on the city's continued support. Council Members Alvarado and Berry absent.

Council Member Edwards thanked Ms. Robinson for her work on this park and in the community over the years to make sure this day came and Mr. Turner and Mr. Daudoush were working diligently to get the funds; and upon questions, Ms. Robinson stated that she envisioned Emancipation Park being a destination place in Houston and on the list of what people should do and see here. Council Members Lawrence, Wiseman, Holm, Alvarado and Berry absent.

Mayor White stated that he read the incredible history of this park in the RCA and asked Mr. Turner to report back to him after meetings with the community and group and they would get things done. Council Members Lawrence, Wiseman, Holm, Alvarado and Berry absent.

Mr. Chris Amandes, 2227 Tangle, Houston, Texas 77005 (713-758-1146) appeared and stated that he was co chair of the Stop Ashby High Rise Task Force and they were grateful the city had developed an effective tool to address one of the more objectionable aspects of the ordinance and appreciated the Mayor's leadership in stopping the proposed project; that they understood a motion would be made to delay the ordinance and they were disappointed but did support reasonable efforts to improve it though did not understand it being a 90 day delay. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado and Berry absent.

Mayor White stated that he understood the issue he raised, but he would say that when it came to formulas which were guidelines and applying it city wide, sometimes it took longer to do it right, but they would try for a shorter period. Council Members Lawrence, Wiseman, Garcia and Berry absent.

Ms. Rachel Dunlap, 1659 North Boulevard, Houston, Texas 77006 (713-522-3974) appeared, asked everyone in opposition to the Ashby High Rise to stand to be recognized and stated that Vision Houston, Imagine Houston, Blue Print Houston, etc., many Council Members were involved in admirable efforts and now there were reams of paper and stored documents and they stood at a difficult decision which involved many studies; and Mr. Steven Klineberg did a study pointing to few restrictions being placed in an urban development and they were asking to be heard; and urged they act quickly on the ordinance. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Ms. Sue Lawson, 1720 North Boulevard, Houston, Texas 77006 (713-522-3974) appeared and stated that the ordinance was very important; that it was getting harder and harder to live in

the inner city and they needed help now. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Mayor White stated that goals were the same, the project was currently configured, but he would do all in his power to make sure it did not go forward; that no ones political contributions ever had one wit of influence on how Council proceeded with particular items and he wanted dialogue with her and others because if they came up with something which gave clear criteria of what could be built as opposed to what could not be built then it was important she have a chance to weigh in and sometimes that took time, citizens should have a chance to weigh in if they came up with criteria about what could or could not be built. Council Members Lawrence, Alvarado, Noriega and Berry absent.

Mr. Ron Kahanek, 1825 South Boulevard, Houston, Texas 77098 (713-529-9336) appeared and stated that he lived approximately one block from the proposed project and was president elect to the Boulevard Oaks Civic Association and represented them on the taskforce and he and all others today were present supporting the ordinance, as originally drafted it was narrowly drawn and addressed the project but did not address all land use within the city nor should it, the city must address the issue and he congratulated those on the Council for addressing it; and haste should not give way to sloppiness but with Council Member Clutterbuck's amendment thought it provided a good basis from which a solution could be crafted and would also offer their assistance. Council Members Edwards, Alvarado, Noriega and Berry absent.

Ms. Laurie R. Lee, 1331 South Boulevard, Houston, Texas 77098 (no phone) appeared and stated that the high rise towering over the neighborhood was heartbreaking to all; that the City of Houston historically had supported developers, they had run away from zoning and ordinances which protected other cities of Houston's size and it was now time to join and address the growth of Houston and what the growth had caused and areas must be protected; that they appreciated Council's efforts in responding to their concerns quickly and urged passage of the ordinance as soon as possible. Council Members Berry absent.

Ms. Jamie Flatt-Hickey, 1740 Wroxton Court, Houston, Texas 77005 (713-256-4330) appeared and stated that she lived in a house which would backup to the high rise and she and her family walked the neighborhood and she crossed Ashby with two small children multiple times daily and the traffic impact was very real; that she urged passage of the ordinance in its current or very similar form quickly as it provided a way to measure change, it allowed change but in a scale not to destroy it. Council Member Berry absent.

Ms. Malla Brandenberger, 2128 Dunstan, Houston, Texas (713-962-3574) appeared and stated that she lived in the area over 33 years and it had dramatic change and was now threatened by a 23 story high rise and the traffic would have a large increase, it was not viable from the traffic standpoint alone, it would be a traffic nightmare; and urged passage of the ordinance and its amendment as quickly as possible. Council Member Berry absent.

Mr. Norman Rund, 1726 Wroxton Court, Houston, Texas 77005 (713-529-9276) appeared and stated that many of his points were already made and he thought responsible developers did a fine job in making Houston what it was and he appreciated that the Mayor and Council recognized the mistake these developers were making; and urged passage of the ordinance today. Council Members Green and Berry absent.

Ms. Leslie Miller, 5306 S. Hampton Estates, Houston, Texas 77005 (713-591-1254) appeared and stated that they lived in the complex ten feet next to the proposed high rise and she felt the Mayor and Council had heard their message of stopping the Ashby High Rise and

close to 3,000 people had signed their petition and they appreciated the rapid action of the Mayor and Council, but the proposed delay was a concern, they were committed to working with the city and stakeholders to make it the best legislation possible and they would love to be assured an ordinance would arise from the delay and address in a satisfactory manner traffic impacts and they would like to understand the process by which the ordinance would be fine tuned if there was a delay and who would be responsible for managing the process on behalf of the city; and they did hope for a shorter rather than longer extension. Council Members Wiseman, Green and Berry absent.

Council Member Edwards stated that she heard and respected what the community did not want; and upon questions, Ms. Miller stated that she did not want to dictate what could be built there, but thought something that would be in scale to the neighborhood and not create tangled traffic or destroy the quality of life; and Council Member Edwards stated that what would be helpful would be knowing what the community could say yes to and she would get with their Council Member. Council Members Wiseman, Green and Berry absent.

Mr. Mitch Hovendick, 1314 North Boulevard, Houston, Texas 77006 (713-659-6100) appeared, presented information and stated that he lived in the neighborhood 15 years his presentation showed how the proposed height would dwarf the whole community and their roads would not handle the traffic and it would force cut through traffic through the area and by the elementary school; that he thanked Council Member Clutterbuck for her proposed amendment and his concern was the developer would say they could not go backwards and have a retroactive bill and if they were going to delay he asked they stop the developers where they were and get it fixed. Council Members Wiseman, Green and Berry absent.

Mayor White stated that his message to the developers and development community was they better stop this because he was if they did not and he did not know what took them so long, Council Member Lovell was as clear as she could be about the attitude of other developers who had pulled back projects when they were asked to, but they did have something in writing from the developers, and absolutely they would not tolerate anyone taking additional steps through permitting, planning, whatever it may be on this particular project while they were considering it and he was sure his concerns of traffic and the elementary school would be considered, but so all would know what they were about they had to make law which applied to the city on a nondiscriminatory basis and because of the nature of the city they were building up, there was almost no place outside of a fairly narrow parameter in the Galleria area in the central business district and in the heart of the Medical Center where a high rise would not be out of scale to surrounding properties and they had to carefully define criteria and make sure there was no unintended consequences. Council Members Wiseman, Green and Berry absent.

Ms. Franci Crane, 1702 North Boulevard, Houston, Texas 77098 (713-526-7522) appeared and stated that she spoke in favor of the well reasoned high density residential ordinance with Council Member Clutterbuck's amendment; that her three points were property rights, growth and proposed delay and on the first point, those who would benefit financially from development without boundaries usually opposed any restriction to their property rights, but what about the rights of the others; second point, growth, all growth was not good and Houston should seek quality growth; and third point of delay, delay was almost always costly and rarely did people work hard on the concern during the delay but instead waited to the next deadline and here a 90 day delay came at a high cost. Council Members Wiseman and Berry absent.

Ms. Sharon Lauder, 373 1/2 W. 19th, Houston, Texas 77008 (713-206-0953) appeared and stated that she thanked the City Attorney for advising her to speak before Council; that the First Amendment to the Constitution provided Congress should make no law abridging freedom

of the press and that provision protected the press from all government whether local or state and the news rack ordinance would impede the free flow of ideas and voices to be heard; that 35 publications had been notified and 15 had not turned in their list to the city and that was over 40% at risk and of the 20 publications which turned in their list about 80% would have to purchase new metal boxes to remain downtown and the idea of all the same color to please diversity, recognition of a box was important to readers and a fee to be on a sidewalk was unconstitutional; that free publications did not need metal boxes. Mayor White, Council Members Wiseman and Berry absent. Council Member Alvarado presiding.

Ms. Tonya Debose, 7625 Boggess, Houston, Texas 77016 (281-924-6500) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Wiseman and Berry absent. Council Member Alvarado presiding.

Ms. Catina Vaulx, 14723 West Oak Plaza, Houston, Texas 77082 (832-883-7591) appeared, presented information and stated that she was cofounder and vice president of Restorer of the Streets World Outreach Center and they were a faith based, non profit organization in operation since 2004 and it was a mega life center and she would like support of the City of Houston for funding, it helped ex-offenders and ex-abusers; that many were getting out of prison and wanted to establish their lives through different organizations. Mayor White, Council Members Lawrence, Wiseman, Garcia, Lovell and Berry absent. Council Member Alvarado presiding.

Upon questions by Council Member Edwards Ms. Vaulx stated that they were in operation and right now they had no location and held study groups, etc., in different apartment locations; that they were in existence since 2004, but did not apply for a CDBG grant through Housing; and Council Member Edwards stated that was the agency who usually funded programs such as social service programs and suggested go on line or call and see if her plan was eligible. Mayor White, Council Members Lawrence, Wiseman, Garcia, Lovell and Berry absent. Council Member Alvarado presiding.

Ms. Brenda Nesbitt, 1907 Semmes, Houston, Texas 77026 (713-237-0897) appeared, presented information and stated that in the Fifth Ward they had room for the Ashby High Rise and if they built a foot bridge they could walk to Minute Maid Stadium; that many lots in her area were apparently owned by dead people and overgrown as there was no one to mow; that she would like the lots sold and knew that was the county; and the Aid to her Council Member told her those lots were being taken care of and she appreciated it. Mayor White, Council Members Lawrence, Wiseman, Garcia, Lovell, Noriega and Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that she was right they would not mind having an Ashby High Rise there; that currently in Fifth Ward they had the LARA Program, trying to land bank many of the lots there that were tax delinquent and needing to be cut and they would not be able to cut every lot in Fifth Ward, but they were working on it and they incorporated a program which gave the community money to cut the lots but it was a process and they were working on an ordinance to start holding landowners responsible; and Ms. Nesbitt stated that two-thirds of the lots in her area were overgrown and she wondered if there was a process to notify the county when a house was torn down so they could reduce taxes because when they were foreclosed it was as if there was an improvement, the taxes were still being increased and at foreclosure it was a tremendous amount of money being asked for an empty lot; and Council Member Johnson stated that it was up to the landowner to protest its own appraisal value; and Council Member Johnson stated that she needed to continue calling 311 to get the lots in the system. Council Members Lawrence, Wiseman, Garcia, Lovell, Noriega and Berry absent.

Ms. Nancy Trimble, 4016 Bellefontaine, Houston, Texas 77025 (713-667-1724) appeared and stated that she was a member of Bellefontaine Plaza, a one block subdivision, over 20 years they had bought up dilapidated buildings with gangs and drugs and changed land to parks, library, YMCA, two new schools, it was a dynamic community, but her block was to now be developed and apartment buildings were torn down and many townhomes were being added with three times the density of what she lived in now; that she was present regarding the midrise called the Belgravia, it would be seven stories tall with two stories of parking and a spa on top and it was a great development but it would loom over their three story townhomes and would greatly impact them with density, traffic safety, parking, loss of green space and the quality of life; that Monday there was a boy injured, hit and run, because of the traffic and with parking on both sides of the street she did not know how an emergency vehicle would get down sometimes and it would only get worse; and for those reasons she was present opposing the development on their block and praised and thanked Council for the ordinance they were considering and they thought the magic number of 100 would be better if they had a significant change in density to kick off a traffic study, they would like height limited on residential small streets to three stories and they would like their existing setbacks of 25 feet honored and also have adequate parking; that over 280 people supported the protest and they had signed a petition and sent it to all of Council; and urged help. Council Members Lawrence, Johnson, Wiseman, Garcia, Lovell and Berry absent.

Council Member Clutterbuck thanked Ms. Nesbitt for coming and stated that she had a very timely comment and they were working on it. Council Members Lawrence, Johnson, Wiseman, Garcia, Lovell and Berry absent.

Mr. Carl Jordan, 1423 Hawthorne #1, Houston, Texas 77006 (832-767-5371) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Garcia and Berry absent.

Mr. Dennis Leibham, Houston, Texas 1617 Fannin, Houston, Texas 77002 (713-751-0067) appeared and stated that he hoped Council would remember his politically incorrect request that the Bush name be dropped from the name of Houston Intercontinental Airport; that previously thanked Council Member Berry for calling him a BS artist and the realization did not hit him until he was in his seat and he had a quick wit, but what he said was true; that he still requested the name be dropped; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Wiseman, Garcia and Berry absent.

Mr. Albert Coleman, 2319 Everest Way, Kingwood, Texas 77373 (281-841-5096) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Garcia and Berry absent.

Mr. Mark Connell, 8934 Manchester, Houston, Texas 77012 (281-359-7475) appeared and stated that he worked for the Port Terminal Railroad Association in District I and present to alert Council of a service they provided, they were a national nonprofit organization called "Operation Lifesaver" and he had been involved with the program 13 years and they were now celebrating their 30th anniversary this year, they did children's presentations and school bus presentations in elementary schools and they did civic groups, etc., and tried educating children and adults on the safety of railroad tracks and school buses; that he had literature and contact information in his handouts which he would present to the City Secretary for distribution. Council Members Lawrence, Johnson, Garcia and Berry absent.

Council Member Wiseman thanked Mr. Connell for coming and stated that she appreciated the efforts their nonprofit organization was making to try and bring awareness to children on dangers, often children were not aware of the dangers of trains and tracks and she

appreciated them educating the public in general. Council Members Lawrence, Johnson, Garcia and Berry absent.

Mayor White stated that he echoed the comments of Council Member Wiseman, he also appreciated their works. Council Members Lawrence, Johnson, Edwards, Garcia and Berry absent.

Ms. Roberta Prazak, 606 Attingham Drive, Houston, Texas 77024 (713-461-2860) appeared, presented information and stated that she was present sometime ago regarding the destruction of Briar Branch Creek and did not think Mayor White had been present, but she lived adjacent to the Memorial City TIRZ and the Memorial City Management District and when she came earlier she was seeking information on Briar Branch Creek, the environmental study supposedly done by TIRZ 17 or that Management District and they would not release it to the public saying it was still in draft form and being considered, one year later the draft was presented, December 2006, and for one year they would not approve the minutes of that meeting, presumably so they would not have to release it to the public and a few weeks ago they came and totally destroyed the creek and killed rare birds nesting; that she and a friend had volunteered to be on a committee and develop it into park land and trails; that she presented Mayor White with pictures she was now showing of what it previously looked like and what it now looked like, they came and clear cut every single plant and tree and killed the birds and it was so sad and inexcusable that a TIRZ should be able to come in and pay no attention to the public's concerns, how could it happen; and in the E-mails presented they could see the lanes on Gessner being widened in ways she did not think was right, there were no public hearings, etc., she wondered if they could call a halt to the whole TIRZ 17 thing until they had a master plan required by the state; that the state required it and the TIRZ said they did not have it; and urged some sanity be given. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. Prazak for coming and stated that he was aware of her comments at the meeting and he also had notes of her criticism of the TIRZ. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated the city needed to have better standards to protect the quality of life in neighborhoods; that the Mayor took a strong stand for clean air but they also needed standards for clean water and protecting native vegetation, etc., and he thought she would see a growing commitment by this Council to enact ordinances with standards to correct the situation she was talking about and the standards needed to be sent to TxDOT and to TCEQ and say honor the standards we have. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Brown and Berry absent.

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. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Brown and Berry absent.

Mr. Ed Brown, 41 Rollingwood, Houston, Texas 77080 (713-365-9902) appeared, presented information and stated that he was from the Spring Branch area and he agreed with the new high rise ordinance but their neighborhood was neglected; that he was passing out a picture he took yesterday which showed a property on I-10 at Bunker Hill and it had no provision for any detention ponds whatsoever and going through the Public Works design manual he found it said for areas between one and fifty acres the detention needed to be about .5 acre feet per acre and the tract he showed was about 40 acres and that was 20 acre feet of detention which should be there and was not and he would like to know what happened and beyond that

last night he received two calls and it turned out that previously Council Member Lawrence stated 20 properties were flooded along Briar Branch Creek and a friend of his went to try to find which property flooded and could not find any, but there were streets which flooded; that he was told TIRZ 17 was trying to get the FEMA maps changed so the area would be in the flood zone and he thought they should be connecting the dots. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Garcia, Brown and Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

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

At 10:45 a.m. Mayor White stated that they would return to the business agenda. Council Member Berry absent.

Council Member Holm moved to suspend the rules to consider Item Numbers 55, 55a, 55b and 55c out of order, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members Clutterbuck, Garcia, Noriega, Green and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2007-1111 ADOPTED.

55. WRITTEN Motion by Council Member Clutterbuck to amend Item 55C below:  
I move to amend Item 55C, revisions to Chapter 45 in section 45-163 to strike the existing number 1 and in lieu of add a new number 1 that reads: "Would require a number of off-street parking spaces pursuant to Article VIII of Chapter 26 of this Code that is greater by 100 percent or more than the number of off street parking spaces provided under the current use of the parcel;" – **TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and WISEMAN** – was presented. Council Members Noriega and Berry absent.

After discussion, Council Member Holm moved to postpone Item Numbers 55, 55a, 55b and 55c for 90 days, seconded by Johnson; and asked if they could define what was going to happen in the next 90 days so that the citizens would know and would be equipped with the information to participate, that they needed the affirmation that they needed 90 days working and not that they would have a 90 day delay with 30 days of work.

Mayor White stated that the stakeholders needed to be on notice and they would be working, that on the three particular issues that he had invited comment from on an ordinance that he was very familiar with, that first proximity to a major thoroughfare, what were the geographic parameters, that second, what were some of the criteria or formulas of rules of thumb that people could use to predict what the outcome of a permitting decision was, and number three, there had been some questions raised concerning whether it was too narrow, that they needed to address it and get the input and think of the consequences on those three issues, that he invited people who were in the development community to provide input on those particular issues and to be very specific about it, and finally he thought they had from the developers of two different projects that may be affected by the ordinance letters which forego any permitting or progress on it. Council Member Berry absent.

Upon further discussion and question by Council Members, Mayor White stated that they had a directive that went out where he said that on the particular project he was not delegating the authority to anyone below himself and Mr. Icken to issue any permits and they had been flagged within the system, that the Council Members could help him make sure that they tee it up in the proper form so that would not occur; that he thought the Regulation Committee would

be the appropriate committee to hold periodic hearings, that he had defined three particular issues; that he also thought one of the features of it would be that they dispel some myth because there were people out there saying that the City had turned negative on high rise development, which was a falsehood, that was not the message that they wanted to send. Council Members Wiseman and Berry absent.

After further discussion a vote was called on the motion to postpone Item No. 55, 55a, 55b and 55c for 90 days. Council Member Clutterbuck voting no, balance voting aye. Council Member Khan out of the city on city business. Council Members Wiseman and Berry absent. MOTION 2007-1112 ADOPTED.

- 55a. WRITTEN Motion by Council Member Lawrence to amend Item 55C below:  
Replace multi family residential development in Sec. 45-163 with residential development and to add the definition of Residential to Sec. 45-162 as follows:  
**Residential** shall mean pertaining to the use of land for premises that contain habitable rooms for nontransient occupancy and that are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels and day care centers shall not be considered to be residential – **(TAGGED BY COUNCIL MEMBERS LAWRENCE, HOLM and WISEMAN)** – was postponed by MOTION 2007-1112. Council Members Wiseman and Berry absent.
- 55b. WRITTEN Motion by Council Member Garcia to amend Item 55C below:  
“I move to modify section 45-163(3) by omitting the words “with two-way traffic.” – **(TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was postponed by MOTION 2007-1112. Council Members Wiseman and Berry absent.
- 55c. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to high-density multi-family development on two-way, two-lane local and collector streets – **(This was Item 21 on Agenda of October 31, 2007, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and HOLM)** – was postponed by MOTION 2007-1112. Council Members Wiseman and Berry absent.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 19 and 19a out of order, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Member Berry absent. MOTION 2007-1113 ADOPTED.

19. ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2007 – was presented. Council Members Alvarado and Berry absent.

“I move to amend Item 19 on the November 7, 2007 agenda by substituting the following sections, with the resulting revenue reduction to be taken out of incremental expenditures on public safety and public safety equipment, and not the investment in additional drainage projects:

**Section 2.** There is hereby levied for general purposes, to be assessed and collected in the current money of the United States of America, for the use of the City of Houston to fund maintenance and operation expenditures for the year 2007, an annual ad valorem tax at the rate of \$0.453225 on each one hundred dollars (\$100.00) of taxable value on all property, real, personal or mixed, within the corporate limits upon which a tax is authorized

by law to be levied by the City of Houston, and upon all franchises of all individuals and corporations holding franchises from the City, including the payment of any obligations for which taxes are not levied by another section hereof and for the payment for which provision is not otherwise made.

And:

**Section 4.** This tax rate will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will reduce taxes for maintenance and operations on a \$100.00 home by approximately \$6.04, tagged by Council Member Garcia. Council Member Alvarado absent.

After discussion by Council Members, Council Member Garcia stated that he would release his tag and a roll call vote was called Council Member Holm motion to substitute a written motion for Item No. 19.

**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 aye	Council Member Green voting no
Council Member Khan out of the city on city business.	Council Member Berry voting aye
Council Member Holm voting aye	MOTION 2007-1114 FAILED.

A vote was called on Item No. 19. Council Members Edwards, Wiseman and Berry voting no, balance voting aye. Council Member Khan out of the city on city business. Council Member Alvarado absent. ORDINANCE 2007-1249 ADOPTED.

19a. RECOMMENDATION from Director Finance & Administration in conformance with the requirement of the State Tax Code that Council adopt a motion that property taxes be increased by the adoption of a tax rate of \$.64375/\$100 of assessed value – was presented. Council Member Alvarado absent.

Council Member Edwards moved that property taxes be increased by the adoption of a tax rate of \$.64375/\$100 of assessed value, seconded by Council Member Garcia. Council Member Alvarado absent.

After further discussion a vote was called on Item No. 19a. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Member Alvarado absent. MOTION 2007-1115 ADOPTED.

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

**PURCHASING AND TABULATION OF BIDS**

12. **GRAYBAR ELECTRIC COMPANY** - \$1,589,956.70, **COMMUNICATION SUPPLY CORPORATION** - \$115,816.60 and **ANIXTER, INC** - \$80,577.00 for Communication Cables and Supplies for the Information Technology Department - Central Service Revolving Fund – was presented, moved by Council Member Garcia, seconded by Council

Member Green, and tagged by Council Member Lawrence. Council Member Alvarado absent.

13. **DALLAS DODGE CHRYSLER JEEP** for Cargo Vans through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Police Department \$249,312.00 - Asset Forfeiture and Police Special Services Funds – was presented, and tagged by Council Members Holm and Johnson. Council Member Alvarado absent.

Council Member Johnson moved to postpone Item No. 52 for one week, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Member Alvarado absent. MOTION 2007-1116 ADOPTED.

52. ORDINANCE approving and authorizing agreement between the City of Houston, **THE LELAND WOODS REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER TWENTY-TWO**, City of Houston, Texas (Leland Woods Zone) in connection with the City's Reinvestment Zone Number Twenty-two over the Leland Woods Area - **DISTRICT B – JOHNSON – (This was Item 21 on Agenda of October 24, 2007, POSTPONED BY MOTION #2007-1062)** – postponed by MOTION 2007-1116. Council Member Alvarado absent.

#### **RESOLUTIONS AND ORDINANCES**

29. ORDINANCE authorizing the acceptance of grant from the **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC)** for Expanded and Integrated Testing of populations affected by the HIV Virus; declaring the City's eligibility for such grant; authorizing the Director of the Health and Humans Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$1,050,500.00 - Grant Fund – was presented, Council Member Berry voting no, balance voting aye. Council Member Khan out of the city on city business. Council Member Alvarado absent. ORDINANCE 2007-1250 ADOPTED.
30. ORDINANCE approving and authorizing grant application to the **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC)** for the 2008-2010 National HIV Behavioral Surveillance System Program; declaring the City's eligibility for such grant; authorizing the Director of the Health and Humans Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$1,420,651.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Member Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-1251 ADOPTED.
31. ORDINANCE approving and authorizing grant application to the **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC)** for HIV Core and Incidence Surveillance Activities in the City; declaring the City's eligibility for such grant; authorizing the Director of the Health and Humans Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$1,599,013.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Member Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-1252 ADOPTED.
32. ORDINANCE approving and authorizing City of Houston to enter into contract with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to administer an After School

Achievement Program (“ASAP”) - \$709,000.00 - Grant and General Funds - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Member Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-1253 ADOPTED.

33. ORDINANCE approving and authorizing Grant Agreement between the City of Houston, Reinvestment Zone Number Three-City of Houston, Texas, Main Street Market Square Redevelopment Authority and the **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** for the Rehabilitation of a single room occupancy facility located at 1414 Congress - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Member Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-1254 ADOPTED.
35. ORDINANCE approving and authorizing amendment to Contract No. C55986 between the City of Houston and **WEST AIRPORT/GATEWAY 15.01, LP**, for Construction of Water, Sanitary Sewer and Storm Sewer Lines for the Brentwood Subdivision - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Member Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-1255 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City of Houston and **GUADALUPE C. QUINTANILLA, dba CROSS CULTURAL COMMUNICATION CENTER**, for Foreign Language Teaching Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$363,790.00 - General Fund - was presented. Mayor White and Council Member Alvarado absent. Acting Mayor Pro Tem Berry presiding.

After discussion by Council Members, Council Member Holm stated that she would tag Item No. 36 and requested more information. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

47. ORDINANCE granting to **FOWLER’S TRANSFER, 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 - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-1256 PASSED FIRST READING IN FULL.
48. ORDINANCE granting to **COOPERS-SANITECH, INC, a Texas 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 - **FIRST READING** – was presented. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that there was an issue related to the granting of these commercial trash hauling franchises that were required to pay 4% of the value of their waste stream to the City of Houston as a franchise fee on a quarterly basis and they were five years behind in auditing and collecting what could be \$10 million to \$20 million of taxpayer's money, that he did not have an objection to granting the franchises but if they could not enforce their franchise contracts with the trash haulers there was something wrong, that he would like to tell everybody that before they approved another one of these to get a report from either the Controller's office or F&A, that he thought that was promised to them two or three weeks ago, and Acting Mayor Pro Tem Berry stated that he thought the administration was going to get him an answer. Mayor White and Council Members Edwards, Clutterbuck and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

A vote was called on Item No. 48. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members Edwards, Clutterbuck and Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-1257 PASSED FIRST READING IN FULL.

49. ORDINANCE granting to **RUSTIN TRANSPORTATION COMPANY, L.P., a Texas Limited Partnership**, 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 - **FIRST READING** – was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members Edwards, Clutterbuck and Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-1258 PASSED FIRST READING IN FULL.

**NON CONSENT AGENDA** - NUMBERS 50 and 51

**MISCELLANEOUS**

50. MOTION to set a date not less than seven (7) days from November 7, 2007, to receive nominations for the City of Houston representative on the **HARRIS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS** – was presented. Mayor White and Council Members Edwards, Clutterbuck and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Green moved to set November 14, 2007 to receive nominations for the City of Houston representative on the Harris County Appraisal District Board of Directors, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members Edwards, Clutterbuck and Alvarado absent. Acting Mayor Pro Tem Berry presiding. MOTION 2007-1117 ADOPTED.

51. **SET A PUBLIC HEARING DATE** to consider whether a new property tax exemption applied to certain goods-in-transit will be allowed to take effect on January 1, 2008 - **SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 14, 2007** – was presented. Mayor White and Council Members Edwards, Clutterbuck and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia moved to set a public hearing for November 14, 2007 to consider whether a new property tax exemption applied to certain goods-in-transit will be allowed to take effect on January 1, 2008, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members

Edwards, Clutterbuck and Alvarado absent. Acting Mayor Pro Tem Berry presiding. MOTION 2007-1118 ADOPTED.

**MATTERS HELD** - NUMBERS 52 through 57A

53. MOTION by Council Member Green/Seconded by Council Member Lovell to adopt recommendation from Director Convention & Entertainment Facilities Department for approval of supplemental budget submitted by the Greater Houston Convention and Visitors Bureau \$1,903,047.00 - Enterprise Fund – **(This was Item 5 on Agenda of October 31, 2007, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members Edwards, Clutterbuck and Alvarado absent. Acting Mayor Pro Tem Berry presiding. MOTION 2007-1119 ADOPTED.
54. ORDINANCE **AMENDING SECTION 10-432(a) OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to convening hearings related to emergency action taken with respect to a dangerous building or structure; containing other provisions relating to the foregoing subject; providing for severability – **(This was Item 20 on Agenda of October 31, 2007, TAGGED BY COUNCIL MEMBERS HOLM and LOVELL)** – was presented. Mayor White and Council Members Edwards, Clutterbuck and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Holm stated that she wanted to clarify that buildings would be torn down prior to the process, however she was still concerned that they were trying to lengthen a process. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lawrence stated that right now there was a lot being worked on to speed up the process and that ordinance should come forward pretty soon, that they were all very disappointed sometimes in the length it took to tear down a building and they were trying to get it all situated in an ordinance. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

A vote was called on Item No. 54. Council Members Holm, Lovell and Wiseman voting no, balance voting aye. Council Member Khan out of the city on city business. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-1259 ADOPTED.

56. ORDINANCE approving and authorizing contract between the City and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** for Purchase of Employee Transit Fare Media; providing a maximum contract amount - \$800,000.00 - General, Enterprise, Special Revenue and Other Funds – **(This was Item 38 on Agenda of October 31, 2007, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-1260 ADOPTED.
57. WRITTEN Motion by Council Member Holm to amend Item 57A below:  
I move to amend Section 12-64 to read:  
**Sec. 12-64. Rate adjustments by director.**  
(a) Wherever in sections 12-62 and 12-63 of this Code rates are stated as not to exceed maximum amount or the director is authorized to set rates within a range or offer special rates, ~~including specifically and without limitation, modifications to~~

~~the not to exceed maximums, ranges of rates and special rates made pursuant to subsection (b) of this section, the actual rate shall be deemed by the director. The director shall seek to establish rates in consideration of market conditions and with a view to maximizing the city's total recovery of revenue from the parking facilities. Without limitation, the director may offer incentives to encourage contract parking based on volume or new accounts.~~

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

- (e) (b) The director shall ensure a copy of the current parking rates established pursuant to this subsection is maintained for public inspection in the offices of the director and the city secretary or is otherwise made available to the public, **(TAGGED BY COUNCIL MEMBER ALVARADO)** – was presented. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Holm stated that she had passed out a substitute to her amendment of last week to clarify the language on the ordinance that raises parking fees and allows, after they exceed a range of setting the fees, to provide that Council will be the policy making body on setting those fees and offered the following substitute motion for Item No. 57 to amend Item No. 57a:

"I move to amend Section 2 of the proposed ordinance in Item 57 as follows:

1. In the introductory line, replace the words "through 12-64" with the words "and 12-63."
2. In both Sections 12-62 and 12-63 of the proposed amendment text, delete the phrase "Subject to the provisions of section 12-64 of this Code" wherever it appears, and capitalize the word "rates."
3. Delete Section 12-64 from the proposed amendment text, seconded by Council Member Green. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Holm, seconded by Council Member Green, moved that she be allowed to substitute a revised written motion for Item No. 57, and a vote was called on the motion to allow Council Member Holm to offer a substitute motion for Item No. 57. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding. MOTION 2007-1120 ADOPTED.

A vote was called on Council Member Holm's written motion as substituted for Item No. 57. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding. MOTION 2007-1121 ADOPTED.

57a. **ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to rates for contract parking in parking lots operated by the Convention and Entertainment Facilities Department – **(This was Item 58 on Agenda of October 31,**

**2007, POSTPONED BY MOTION #2007-1094**) – was presented. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-1261 ADOPTED AS AMENDED.

**Item received during Council meeting**

38. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for civic art and conservation administration services on behalf of the Houston Airport System; providing a maximum contract amount - \$2,663,985.14 Enterprise Fund - **DISTRICTS B - JOHNSON; E - WISEMAN and I – ALVARADO** – was presented. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Wiseman stated that she was curious as to what the delay was and would like for someone to get with her on that, and Acting Mayor Pro Tem Berry stated that he understood there were some paperwork problems and the Controller could not certify it and once they were in it was certified. Mayor White and Council Members Edwards and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that since the airport served all Houstonians the Houston Art Alliance ought to be given some discretion as to where the civic art was located and that it did not necessarily all have to be at the airport, which limited the number of people and places where the public could enjoy the art, that he was making a comment about the policy associated with the Civic Art Program and would like a response from the administration or the arts alliance on that matter. Mayor White and Council Members Edwards, Wiseman and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson stated that he was curious on the project and would like to know what the \$2 million was for, that he wanted to know what kind of projects were they going to be doing at the airport in terms of beautification projects. Mayor White and Council Members Edwards, Wiseman and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

A vote was called on Item No. 38. All voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members Edwards, Wiseman and Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-1262 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Clutterbuck stated that she wanted to congratulate all of her colleagues who won re-election yesterday, as well as Mr. James Rodriguez, who would be joining them, that she wanted to thank all of the people who ran for office; that she wanted to remind their fellow Houstonians that there would be a runoff election in early December. Mayor White and Council Members Edwards, Wiseman, Alvarado, Lovell and Noriega absent. Acting Mayor Pro Tem Berry presiding.

Council Member Clutterbuck stated that she wanted to thank all of the citizens who came to City Council to speak about concerns in their neighborhoods. Mayor White and Council Members Edwards, Wiseman, Alvarado, Lovell and Noriega absent. Acting Mayor Pro Tem Berry presiding.

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 Garcia. All

voting aye. Nays none. Council Member Khan out of the city on city business. Mayor White and Council Members Edwards, Wiseman, Alvarado, Lovell and Noriega absent. Acting Mayor Pro Tem Berry presiding. MOTION 2007-1122 ADOPTED.

Council Member Clutterbuck stated that yesterday she began receiving a series of complaints about the Grayco Company, the contractor for a City project on Ferndale, that according to residents Grayco was using a small residential street of Ferndale as a thoroughfare for their project without any traffic control people on the ground, that Ferndale was very close to the intersection of Kirby and Westheimer; that it was her hope that the City of Houston could work with Grayco so that they were able to stage their project without inhibiting the flow of traffic significantly in the neighborhood. Mayor White and Council Members Edwards, Wiseman, Alvarado, Lovell and Noriega absent. Acting Mayor Pro Tem Berry presiding.

Council Member Clutterbuck stated that she wanted to encourage her colleagues and all of the Council staffs to join them Friday night at the Palace Bowling Lanes on Bellaire Boulevard, that District C challenged them; that it was part of the Combined Municipal Campaign. Mayor White and Council Members Edwards, Wiseman, Alvarado, Lovell and Noriega absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson stated that the CMC was a great program in which municipal employees could contribute to very needy and deserving organizations that were helping out many of his constituency and even some of the employees of the City of Houston; that he would meet that challenge and make sure that his office was there and ask everybody else to show up as well. Mayor White and Council Members Edwards, Wiseman, Alvarado, Lovell and Noriega absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson stated that he wanted to congratulate his colleagues who were in the race and made it back into office and was looking forward to a great two years; that to the Acting Mayor Pro Tem, they had a very good time at the Phyllis Wheatley and Jack Yates Game the other day, it was a great turnout. Mayor White and Council Members Clutterbuck, Edwards, Wiseman, Alvarado and Noriega absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson stated that the turnout was not that great for the City election and he heard a lot of concerns and complaints from people about the City election and heard a lot of complaints and concerns about the process and why they were not getting certain things done, that he thought the community of South Hampton should be applauded for their efforts, they had been very determined in their movement to make sure that the City Council listened to them, that was something that certainly needed to be taken as a model of what they needed to do and he was asking his community that when they went out to vote that they make sure they turnout in numbers to send out a clear message; that he wanted people to show up at civic clubs because that was how they got things done. Mayor White and Council Members Clutterbuck, Edwards, Wiseman, Garcia, Alvarado and Noriega absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that she wanted to congratulate all her colleagues and everyone who went out and voted yesterday; that they should have a higher turnout and that was something they needed to work on, the apathy that was out there; that she wanted to congratulate James Rodriguez and his wife Wendy on a job well done and looked forward to working with James, that she wanted to congratulate the people who made the run off, that she wanted to thank her three sons for the past three months, that it had been a hectic schedule having a campaign and things going on at home and their busy schedules, that she wanted to thank them for being very patient. Mayor White and Council Members Clutterbuck, Edwards,

Wiseman, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to congratulate all of the people who ran for office, win or lose, that she hoped they learned a lot, for those who lost the race, and that they get back in the race. Mayor White and Council Members Johnson, Clutterbuck, Edwards, Wiseman, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that they wanted to congratulate Mr. Will Dabney, of her office, who was getting married on Saturday. Mayor White and Council Members Johnson, Clutterbuck, Edwards, Wiseman, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that they would be at the CMC event to bowl with four people. Mayor White and Council Members Johnson, Clutterbuck, Edwards, Wiseman, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to congratulate Mr. Arturo Michel, City Attorney, for his 15<sup>th</sup> year anniversary. Mayor White and Council Members Johnson, Clutterbuck, Edwards, Wiseman, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that one thing she had as a budget item last year was looking at the computers and how they bought them and look at all of the departments and try to combine them, that it was moving forward; that she wanted to encourage Earl Lambert who was looking at all of the City computers and how they were using them and different things they could do to make that more efficient as a business. Mayor White and Council Members Johnson, Clutterbuck, Edwards, Wiseman, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he also wanted to congratulate everyone who was in the election, that he wanted to thank all of the volunteers for all of the campaigns, that he wanted to thank all of the voters and would encourage them to make sure they were grabbing folks along the way as they were going to the polls and to make sure they take a neighbor, that he wanted to thank his wife who took time out to take their next door neighbor to the polls; that he wanted to congratulate James Rodriguez and looked forward to working with him. Mayor White and Council Members Johnson, Edwards, Wiseman, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that Houston was riding high, that the Houston Dynamo was in the Western Conference Playoffs for the second time since their inaugural season; that he felt that they were going to be champions twice in a row and wanted to encourage folks, they were going to have a pre game rally on Saturday at 7:30 p.m.; that the Houston Texans pulled out a good win last week, that Dunta was out for the season and they wanted to wish him a speedy recovery, that he wanted to congratulate Coach Kubiak; that with the Houston Rockets they had trifecta working, that he wanted to congratulate the Rockets. Mayor White and Council Members Johnson, Edwards, Wiseman, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Holm stated that she to wanted to thank and congratulate all of her colleagues for their victories last night, and to welcome James Rodriguez for coming in; that she

wanted to thank the citizens of Houston for recognizing the value and importance of those who were serving and working hard and for restoring them back to office. Mayor White and Council Members Johnson, Edwards, Wiseman, Garcia, Alvarado, Brown, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Holm stated that District G has accepted Council Member Clutterbuck challenge and would have two teams on Friday night. Mayor White and Council Members Johnson, Edwards, Wiseman, Garcia, Alvarado, Brown, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Holm stated that next week would be SPARK Week and Ms. Kathleen Ownby, the Executive Director of SPARK Parks, did such a phenomenal job in bringing the great program to 195 schools in the Houston/Harris County area, that they had some upcoming events and she encouraged her colleagues to attend, that Ms. Ownby would be at Council next week to extend the invitation to celebrate the 25<sup>th</sup> anniversary of SPARK Parks. Mayor White and Council Members Johnson, Edwards, Wiseman, Garcia, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to remind his colleagues that the next Budget and Fiscal Affairs Committee meeting would be on Tuesday, December 3, 2007, at 10:00 a.m. in the Council Chamber. Mayor White and Council Members Johnson, Edwards, Wiseman, Garcia, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to congratulate everyone who participated in the election process, that he thought it was important, that he had a concern for the low voter turnout. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Brown stated that he attended recently at the Looscan Library a public television townhall meeting called "Dialogs in Democracy", that it was a very interesting presentation and townhall discussion of where they were in terms of democracy, what were their values, how was their political system working and what did they need to do to improve it, that he would like to see more of those kind of townhall meetings taking place. Mayor White and Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:27 p.m. Council Member Khan out of the city on city business. Mayor White and Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado, Noriega and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary