

City Council Chamber, City Hall, Wednesday, January 10, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 10, 2007, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Claudia Vasquez, Director Citizens Assistance Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

Note: Council Member At Large Position 3 vacant.

At 8:21 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:33 a.m. Mayor White called the meeting to order and called on Council Member Alvarado for the prayer and Council Member Alvarado invited Father Bill Davis of Immaculate Heart of Mary Church in the East End Community for the prayer and Council Member Alvarado led all in the pledge of allegiance. Council Member Berry absent.

Mayor White requested the City Secretary to call the roll. Council Member Berry absent.

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

Mayor White stated that they would begin with a public hearing. Council Member Berry absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on proposed amendments to **CHAPTER 42, CODE OF ORDINANCES, HOUSTON, TEXAS** relating to the subdivision and development of property – was called. Council Member Berry absent.

The City Secretary stated that Ms. Marlene Gafrick would make remarks.

Ms. Gafrick stated that Council Members had a memo dated January 9, 2007 that pretty much outlined the amendments, the ordinance amendments had been through the Planning Commission subcommittees, Planning Commission work sessions and the Council committee a couple of times and now they were here at City Council, that she would note that there was one item that would receive significant discussion and that was on the prevailing lot size and whether the rule, in terms of the basis for establishing the minimum lot size, should be at 60% or 75% and that was probably where they were going to receive a lot of discussion today, the Planning Commission left it at 60% recognizing that the Council committee could make changes, the Council committee left it at 60% knowing that there would be additional discussion and potentially perhaps a different recommendation or leaving it the same as a result of the public hearing.

Upon questions by Council Members, Ms. Gafrick stated that as they looked at the total area within the block face and then for each lot they assign a percent of the total area, when they reach 60% that becomes their minimum lot size, so they start from the largest lot and work down until they reach 60% and that would set their lot size, the issue that seemed to be a problem was that there was a concern of at what point was a neighborhood transitioning, if a neighborhood was still intact in terms of it's lot size then the 75% rule really would not make a difference, but as those lot sizes had been subdivided over the years, where they had gone in

and taken one lot and put two houses, there was a point where that character of the neighborhood was no longer, for example a 6,000 square foot lot it might be a 3,000 square foot lot so it was really about when did the character of that lot size change for the block face; that if they stay at 60% then in the neighborhoods that were transitioning or the block faces that were transitioning they would keep the larger lot size in a lot of the cases, that in other words they could not subdivide into a smaller one, that the ordinance that went through the committee was at 60%; that the ordinance right now did not define the number of block faces that were eligible so they had instances where neighborhoods were putting three, four, five, six and seven blocks together to make the numbers work so they said that it needed to be a maximum of two block faces, opposing block face, that a block face was from street intersection through street intersection, the criteria was found on page 9 they had to have no more than two opposing block faces and at least 60 % of the area to be included within the minimum lot size area was residential, they had to show sufficient support and that establishing the lot size area would further the goal of preserving the lot size character of the area and then that the lot size character could be preserved by establishing the minimum lot size and then they looked at the age of the structure, evidence of a common scheme of development, it would be easier for neighborhoods to apply for the prevailing lot size, it was not going to be restrictive, that the current rules say that they look at the most frequently occurring lot size and then they average the lot sizes and say they could not deviate by a certain percent from that number, if 75% or less lots met within that range then they were not eligible and what they were saying here was that they had eliminated that range and averaging and made it easier for them to qualify; that they were going to look at all of the building lines and at the 60% rule that would become the building line for that block face; and stated that she would let Legal answer the effective date.

Ms. Debra McAbee, Legal Department, stated that it was anticipated that the ordinance that would come to Council would have the standard effective date, which meant that the ordinance would become effective after the sixth day after it's passage and approval by Council, that rather than a prolonged specific time it would allow the ordinance to become effective within a plat submittal process, they concluded that a standard effective date would work for this kind of ordinance and that would be their recommendation coming forward to Council.

Council Member Brown stated that he had a question about No. 2 Reserves and would pose the question by giving her an example of attractive land on Ashby Street just south off of Memorial Drive for which a plat with an unrestricted reserve was approved by the Planning Commission a year ago or so and in their presentation they proposed two high rise luxury condominiums with 300 units and relying somewhat on that the Planning Commission approved the plat because it was a street that had very limited traffic carrying capacity and now the owner had changed and they were coming back with 750 units, which in his view the street could not take, and in this Ms. Gafrick said that they may specify the use of the reserve and he thought in order to manage the City better there had to be some indication that was binding on the part of the developer getting his plat approved particularly if there was a variance involved as to the intensity of use on that unrestrictive reserve, it did not have to be a use requirement but it should relate to the intensity of use, so his question was how were they going to handle that issue. Council Member Edwards absent.

Ms. Gafrick stated that this was discussed and they were finding that when they placed a restriction on the face of the plat it became the effect of the deed restriction on the piece of property and it created problems when they wanted to change the use of that particular piece of property, that Public Works was looking at access management and traffic impacts and how they looked at development and mitigating impact on the streets and the case that Council Member Brown mentioned was of discussion right now. Council Member Edwards absent.

Mayor White stated that he thought it was a good conversation that would be continued afterwards, that there was a way that they draft something and then they consider the processes and procedures where the Planning Commission may do something and one approach was to have something restrictive where they could give a variance and as they heard him say before he was inclined to do so with explicit written criteria, that it was important for people to know what the rules of the game were, and another was just to say it may do something before they had defined procedures and criteria in place to define when it may or may not, that they may do something where they define criteria in advance.

Mayor White requested the City Secretary to call the list of speakers. Council Member Edwards absent.

Mr. Mark Sterling, 738 Courtland, Houston, Texas 77007 (713-869-7467) appeared and stated that he served on the Neighborhood Preservation Subcommittee, that he was present to offer a visual presentation of the minimum lot size provisions of the recommendations that they had before them, and displayed a chart and stated that he would start with his block which he thought was representative and was originally platted, the opposing block faces comprise of twenty-four, fifty foot by one hundred thirty two foot lots in the 1920's four of the lots were combined to make three lots, that it was a lot that would qualify under the current prevailing lot size ordinance and indeed it was protected by ordinance, it was one of the first applications, that to play the game and understand what the changes would do to the procedure he was going to do a little bit of redevelopment (on the chart) and expanded a couple of lots down near the proposed MKT Bike Trail and was also going to build some townhomes, that the configuration would no longer qualify under the current ordinance and part of the reason was that the so called prevailing lots now only numbered 12 which did not reach the 75% threshold and in part that was because these lots, which were slightly bigger, were not included in the prevailing number, they contributed to the overall historic original feel to the block yet they were excluded, that using the current scheme that block would not qualify in any way for any minimum lot protection, the new procedure did the following, it looked at the contribution of lots to the total area of the application starting with the largest lots first (displayed on his chart in yellow) and as they continued to add that contribution there were the historic lots.

Council Member Lawrence moved to extend Mr. Sterling's speaking time by two minutes, seconded by Council Member Green. All voting aye. Nays none. MOTION 2007-0026 ADOPTED.

Mr. Sterling further stated that the new ordinance, whether it was a 60% or 75% rule, which was the contention, the block would now qualify for minimum lot protection at the original size, which was 6,600 square feet, since what was at issue was whether that rule should be a 75% rule or 60% rule he would ask them to consider a block configuration where the two different methodologies would result in two different minimum lot sizes, that a 60% would prescribe a 6,600 square foot lot minimum, but the 75% rule would be a smaller 3,300 square foot lot, what would that look at (and displayed one on his chart), that he would leave that pattern of lots sizes for them to consider as they hear the comments that were to follow, that one block would receive protection of a 6,600 square foot lot size under the 60% rule, and protection for a 3,300 square foot lot size minimum if they used the 75% rule.

Upon questions by Council Members, Mr. Sterling stated that his personal opinion was that 75% was the most appropriate rule to use, that the vast majority of the test cases they ran and the vast majority of the anticipated applications that Planning expected to get, 95% to 97% he would suspect 60% or 75% would not make any difference at all, those areas would receive the same protection for minimum lot size, they were looking at what was happening on the margins so the question was had the block passed over into a region where 3,300 square foot

block better represented where it stood in terms of it's current development, that he thought that how the changes would impact community integrity in the long run was a much larger question than he felt prepared to answer right now, that he thought nobody could predict but would say short term clearly it gave a greater advantage to the neighborhoods, it was not for the development community it was for the preservation community, that clearly and obviously he supported the recommendations, whether it was 75% or 60%, but only as the first step of a continuing effort to give the neighborhoods more tools to preserve and to give them self determination in terms of what happens on their block.

Ms. Janice Evans Davis, 501 E. 16th, Houston, Texas 77007 (713-802-0337) appeared and stated that she was Vice President of Historic Preservation and Land Use for the Houston Heights Association, that approximately 40% of all of the blocks in the City with lot size and building line protections were concentrated in the Houston Heights, Woodland Heights, North Hill Heights and Sunset Heights and fortunately many more wanted the protection but were unable to qualify under the current regulations, that was why she was present today to express support for the proposed changes as endorsed by the subcommittee of the Planning Commission and Council committee, however she wanted to urge that there be no change in the recommendation that the calculation for a minimum lot size be based on a weighted percentile in which the lot size at the 60th percentile dictates the minimum lot size for a block, the calculation was more beneficial towards the goal of preserving a neighborhood's original character, which was why the ordinances were created in the first place, the 60th percentile becomes more important when they couple it with the proposed limitation of no more than two opposing blocks per application, the limitation forces preservation efforts to occur only on a block by block basis, one block would have one degree of protection but surrounding blocks, which were integral to a neighborhood's character would have another degree of protection, it would have an effect of not only creating the perception of lack of planning but would further undermine the character of neighborhoods as originally conceived, although neighborhood advocates had hoped for a more comprehensive package of protections with limits on site setbacks, building height and lot coverage the proposed changes were a good step forward, the additional suggestions would not dictate land use but rather allow for planning and orderly redevelopment, hopefully work would continue in this direction, finally she wanted to register a solution to the kind of loophole that rendered lot size protection meaningless and places in jeopardy the real estate investment and quality of life of every resident on blocks with these protections.

Council Member Brown stated that he wanted to remind his colleagues and the Mayor that serving on City Council should be a challenging job and here they were trying to balance neighborhood interests and the re-urbanization of Houston, Texas, which was a phenomenon which was going on all over the County and there was a delicate balancing act there but he thought they needed to weigh in on supporting their neighborhoods and supported what Ms. Davis had said and understood that for those who wanted to invest in real estate and develop real estate there were huge areas in the City that were crying out, particularly the brownfields, to be developed and there were neighborhoods with enormous character that deserved to have that character preserved.

Mr. Adam Aschmann, 9511 W. Sam Houston Pkwy North, Houston, Texas 77064 (281-970-8970) appeared and stated that he was with the Greater Houston Builders Association, that over the last several months the Neighborhood Preservation Committee of the Houston Planning Commission had worked very hard to come up with a consensus agreement on the issues, the agreement included several items that Ms. Gafrick had outlined and GHBA did support the changes, they felt they were very positive changes, they increased the number of blocks that would qualify for building lines and lot size by going to a minimum, that all blocks within the Loop would qualify at some level, their concern lay with the 60% versus the 75%

issue, they did feel it should be 75% because when they looked at Mr. Sterling's depiction, when they had potentially up to 18 townhomes on a block there was no existing single family character left there, it was up to them to determine where that number ultimately falls, but as a resident of the City he personally would not feel that there was any character left when there were several townhomes, let alone up to 18 and 18 would potentially qualify when they were talking about 60%, that he would like to thank Director Gafrick, Ms. Rita Hayes, all of the staff at the Planning Department, Commissioner Crooker and all of the committee members for working as hard as they did to come up with a consensus, when it left that committee it was originally at 75% and it somehow through different discussions did end up getting changed to 60% but they felt that the character would lay at 75% and the expansion, for all blocks now qualifying, was a huge step forward for the City of Houston; that he wanted to bring up another issue, that Council Member Garcia's committee had been working very hard on job site theft as had the Mayor and several other Members of Council, in the last week they had members who had homes burned out in the City of Houston, they had a carpenter chased down a street yesterday and they asked them to please, as quickly as they could, take action and move that forward. Council Member Lovell absent.

Council Member Lawrence asked what would be the number of townhomes with 75% used and Mr. Aschmann, stated that when he said 18 he was talking about the entire block, so essentially, probably, 8 to 9 per block, in the discussion that they had with Mr. Sterling the number was right around 18 on an entire block when he set it up on his chart, that Mr. Sterling had said that at 75% they could have up to 12 townhomes and at 60% they could probably have 18. Council Members Lovell and Green absent.

Council Member Garcia asked Ms. Gafrick if the process by which neighborhoods worked to apply the restriction would not change, the neighborhoods would still have to drive it on their own and then submit their petition and pretty much everything from that point on stays the same, and Ms. Gafrick stated that was correct, and Council Member Garcia asked if there was any way that they could expedite that process on their end, was there any meaningful support that they could provide communities so there was a referee in the process at all times, and Ms. Gafrick stated that she did not know that they could have a referee in the process at all times, but she appreciated his comment because what they were doing right now was revising all of their handouts to give to the neighborhoods and give them tools to help them go through getting the signatures because she thought that at Council committee he talked about people signing the petition and in the middle of the process withdrew their name from the petition and kind of went back and forth, they were going to act at the time the application was filed and people could withdraw or not withdraw, once they sign it they had the opportunity to file a written protest within 30 days of the letter and at that point they could protest and they would take it to the Planning Commission, and Council Member Garcia asked what about when a neighborhood begins the process and then there were plats being submitted for that same street, and Ms. Gafrick stated there were a couple of things, one, if the plat met the proposed rules then the plat was allowed to move forward, if the plat did not meet the proposed rules then they had 180 days to process that application and have approval, the application being the petition, up to City Council acting on the application, so they were continually monitoring when a lot size or building line application comes in and then they look to see if there was a subdivision plat application in process or if a subdivision plat had been filed after the application, they were continually monitoring that and tracking timeframes to try to prevent an application moving forward that should not. Council Member Green absent.

Council Member Garcia stated that as to the point that Mr. Aschmann made regarding the Precious Metals Ordinance he wanted to tell him that they had made good progress and wanted to thank Captain Moore and his staff for the information they had gotten, he had been working with the District Attorney's office to make sure the ordinance would be supportive to prosecution

efforts and it looked like they were at a good place, he just had a meeting with some of the dealers so they would be seeing something on this very soon. Council Member Green absent.

Mr. John Olden, 922 W. 25th, Houston, Texas 77008 (713-864-0205) appeared and stated that he was a homeowner in the Shady Acres area, it was a very rapidly redeveloping area, the Planning Commission draft uses the criteria of 60% for determining minimum lot size, while the percentage may not make a difference on some blocks it will be critical on others, the 60% criteria would allow greater preservation in older neighborhoods, he urged them to retain the Planning Commission's recommendation of 60%, by doing this they would strengthen a homeowners ability to protect their neighborhood. Council Member Green absent.

Council Member Holm asked if they were going to have further discussion before they voted on it, would there be another committee meeting before that; and with the prevailing setback, it seemed to her that they were questioning it because they were reacting to an inner core that was already partially developed, when they addressed it would it be feasible, and she would like to have further discussions, to at the same time extend the appropriate boundaries from 610 to the Beltway so that they were proactively addressing the next section rather than creating those boundaries later on, and Mayor White stated that was a fair request and something they ought to consider and other points between.

Council Member Garcia asked Mr. Olden if he supported the 60% rule and not the 75% and Mr. Olden stated that was correct, that he had looked at the presentation that they had seen earlier and had to disagree that the neighborhood character was launched at the 60%, he thought that at the 75% level to 60% did make a big difference to many neighborhoods and if they looked at multiple examples they could see that, once they continued the development they lose trees and open space and were getting everything covered up with pavement and roofs and runoff increases and they already had a lot of flooding, it just contributes more and more.

Council Member Edwards stated that based on Mr. Olden comments and where she was not clear on, when they had communities like Sunnyside whose lots were oversized, like 110 by 120 or 120 by 110, Acres Homes where the lots were very large, how would these revisions affect those types of communities, and Ms. Gafrick stated that areas that were outside the 610 Loop were not going to be impacted by the ordinance, but Council Member Holm had brought up that they should explore extending it just out to Beltway 8, there were communities inside the 610 Loop that had large lots and they met the 60% test in terms of where they established the lot size and changes were they would retain that larger lot, but she had not looked at neighborhoods with real large lots to really see the impact, and Council Member Edwards stated that she did not know if it was good or bad but knew it was changing and would like to have somebody look at that to see if it could be useful and if they needed to make that extension faster rather than later. Council Members Lovell and Green absent.

Council Member Lawrence stated that they had a lot of people who came down and prepared their speech last night and now they were hearing things a little bit different than they were told last night at a community meeting, so she was asking Ms. Gafrick to do, let's say that Sunnyside and Acres Homes, the lot sizes that Council Member Edwards was giving, did apply to Chapter 42 in which case would be the best number for preserving that neighborhood character, 60% or 75%, that she thought everybody around the table wanted and they kept hearing both sides and it was very hard for a lot of people not on the Regulatory Affairs Development Committee to get their arms around it real fast when various people were saying the same thing with opposite numbers because of who came to speak to them at their neighborhood, that she thought they put so much trust in Planning and maybe Ms. Gafrick was going to need to come back to them next week but she thought that was what they really

wanted to hear, what preserved their neighborhood, when they talked about Acres Homes or Sunnyside what do they really need to use. Council Members Wiseman and Green absent.

Mr. Roger Farrow, Jr., 4613 Creekbend, Houston, Texas 77035 (713-663-6390) appeared and stated that he was on the neighborhood preservation committee, one of two representatives from the residential building industry, that he believed that deed restrictions were always the best way for neighborhoods to protect themselves, however they recognized that was not always possible, that the ordinances did give the neighborhoods a way to protect themselves or to keep the character that they had, their disagreement was not with the ordinance but where the threshold was that the character had changed in that neighborhood, when they crossed the 75% threshold number they believed that the character had changed, the block would still qualify for a minimum lot size it was just no longer the 6,600, it would now be the 3,300, but they were still within the protection of lots being subdivided even smaller, giving neighborhoods those tools was a good thing to do, however the 60% threshold was to low a number, he urged them to reject the 60% and accept the 75% threshold that was the consensus of the committee. Council Members Wiseman and Green absent.

Upon questions by Council Member Lovell, Ms. Gafrick stated that the ordinance required evidence of support, if they obtained 51% of the property owners it allowed the director to forward the application directly to the Planning Commission if no one had filed a protest, so they did not have to have 51% it just made the process move faster if they had the 51%, they could file an application with 40% support but it would be referred automatically to the Planning Commission and the Planning Commission would have to determine if there was sufficient support; if they went to the Planning Commission and had 35% support and if no one went to the Planning Commission and spoke against it then the Planning Commission had historically said nobody was opposed so they were going to go ahead and move the application forward, in instances where there was a protest in those applications it would be helpful for the Planning Commission to know that those who signed the petition lived there as opposed to owning and renting it out and that might help sway their decision making. Council Member Holm absent.

Council Member Lovell moved to suspend the rules to extend Mr. Farrow's time by five minutes, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2007-0027 ADOPTED.

Council Member Brown asked how was the issue of for example the 100 year flood plain which occupied 60% or more of Cottage Grove or the inadequacy of the infrastructure or the width of the street in Cottage Grove, they had some 16 foot wide pavement sections, how was that taken into account in determining the appropriate minimum lot size and density in these neighborhoods or was it, or should they be taking that into account, and Ms. Gafrick stated that it was not taken into account in the draft ordinance because they were talking about preserving the lot character of the neighborhood, the Development Impacts Committee had completed a study or was just about to complete a study of Cottage Grove, looking at the infrastructure and then identifying how they would get areas ready for redevelopment if they were going to start redeveloping and she thought Cottage Grove was a good example and at the same time balance that against the residents that were living there and not negatively impacting them, one of the recommendations that came out of that subcommittee was some funding through a Builder Impact Fee and then exploring other ways to finish financing the infrastructure improvements and when she says infrastructure she meant streets. Council Member Berry absent.

Mayor White stated that there were many different rules and regulations that governed at the time of original plats and some at the time of new construction, what they could do in the flood plain and what they could not do, the requirements within the flood plain, the width of the

streets and many other features of development that were within Public Works and he was not sure that they could go through all of them but he would be happy to. Council Member Berry absent.

Upon questions by Council Member Garcia, Ms. Gafrick stated that 60% was only the number that they used to establish what the minimum lot size was, and Council Member Garcia asked at what point was the character of neighborhoods lots, what was that percentage, and Ms. Gafrick stated that really was the focus of the discussion today, and Council Member Garcia stated that if they moved to 75% and were at 60% then they could not apply and the rest of that block was inapplicable but was there a way to differentiate between a neighborhood that had no previous development that should achieve maximum impact versus a neighborhood who had already begun to see some change that 60% was reasonable for them, and Ms. Gafrick stated that she was not sure she understood his question, was there an instance where they could say that 90% was the threshold versus 60%, and Mayor White stated that it was a judgment, there was not a bright line between the difference between continuity and change they were both good things and they could both have some bad things associated with it, but he was exploring the idea of could there be different categories of neighborhoods for which percentages would apply and with due respect he thought that was an appropriate thing for them to think about and do the scenarios and the consequences of that and they understood the point that Council Member Garcia was raising. Council Member Berry absent.

Council Member Johnson asked who was able to classify and register the special building lines in a particular area, was it the residents in that block, do they look at the entire area, do they have to have the renters or the landlords who were renting lease property, what was the ownership that took place or needed to be in place in order to designate a particular area, and Ms. Gafrick stated that it was really a neighborhood initiative and started down at the lowest level which was really the block face, that the neighborhood would probably say they wanted to do it for their neighborhood and they had virtually an entire neighborhood go through the process on very small blocks, but it was a petition submitted showing evidence of support from the property owners within the block face, so they did not count people who did not live on the block, they did not count renters in the process because what they were doing was in fact restricting that person's property to a minimum lot size for a period of time, so that was why they did not recognize renters, it actually had to be the property owner, that they did not have to say 75% of the property owners agreed, and Mayor White stated that was the issue that had been addressed with the question about the 51% threshold and what went to the commission and it might be good just as a refresher to everybody to put some of those procedures in a summary of one or two pages. Council Members Alvarado and Berry absent.

Mr. Farrow stated that he was not going to say that the decision on where the number was was not important, for minimum lot sizes they were not talking about a large percentage they believed and he thought the neighborhood groups, that 96% of the neighborhoods, would qualify if the percentage was 100 or 0, however the number did set the peg for decisions on the next round of neighborhood characteristics, which were unfortunately even more difficult to characterize than lot size because those were numeric, so that was why the decision between 60% and 75% was important, not so much for minimum lot size but for the next round of discussions. Council Members Garcia, Alvarado and Berry absent.

The City Secretary stated that she understood that there were speakers in the audience and asked that they make themselves known at this time and asked if there was anyone in the audience that wanted to speak that they would recognize them. Council Members Garcia, Alvarado and Berry absent.

Ms. Jane Cahill, 211 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and stated that she to was a member of the Planning Commission Subcommittee for Neighborhood Protection, that for the Old Sixth Ward she thought and for other neighborhoods of comparable age the proposed prevailing lot size amendments were an example of the proverbial one step forward, two steps back, the step forward allowed all blocks to qualify as minimum lot size areas, that was a good thing, but the two steps back were one, that the proposal to limit applications to two facing block faces and the 75% rule discussed tipped the scale to heavily in favor of new development for neighborhoods like Old Sixth Ward that had six lot blocks, for the neighborhoods with twelve lot blocks, as Mr. Sterling illustrated for them, the 75% rule may make sense but for blocks in the Old Sixth Ward that only had six lots the 75% rule would become essentially a 84% rule in application, the inequity was recognized by all members of the Planning Commission subcommittee and that was why the recommendation that came out of that subcommittee was for 60%, that she wanted to make that clear, that because the purpose of the Prevailing Lot Size Ordinance was to preserve the integrity of existing neighborhoods and because the Planning Commission subcommittee recommended 60% rule she urged them not to tip the scales so heavily in favor of new development at 75% and in the bare minimum alternative she would ask them to consider somewhere in the middle at 66% because in the 66% range they could still preserve the neighborhood in the Old Sixth Ward, that for example in the Sixth Ward at 75% one lot could be subdivided and they could still have a minimum lot size of 5,000 or 4,500, which were their typical lot size, but if two lots were subdivided and even if they were only subdivided into 2,500 square foot lots, not into three lots as allowed by Chapter 42, then they would qualify for minimum lot size but the minimum lot size would be 2,500 square feet which tipped the balance much to heavily in favor of new development, especially in the historic districts. Council Member Berry absent.

Upon questions by Council Members, Ms. Gafrick stated that the 60% in almost all of the cases they analyzed would keep the lot sizes larger, and Mayor White stated that the issue was not big or small, or developers versus consumers, they had neighborhoods where nobody forces people who lived in neighborhoods to sell their lots, that they were all Houstonians, the seller, the people who move in, the people that were there, and at the same time it was an asset to their community to have neighborhoods like the Old Sixth Ward and to have those close in neighborhoods, that they wanted to maintain some of that continuity, that they had less density and more big lots if they set a lower threshold for subdivisions basically.

Ms. Maria Isabel, 1518 Washington, Houston, Texas 77007 (713-542-0721) appeared and passed out a letter for the Council Members and stated that she was the Communications Executive for the Sixth Ward Property Owners, they were a neighborhood civic group, that she represented 230 neighbors in the community and she had their signatures against restrictions in their neighborhood, that the Sixth Ward Historical Neighborhood was very diverse, there were a lot of different buildings and architecture there and she was not sure about this character, preserving of the character of the neighborhood, she was not clear on how the prevailing lot size, the size of the lot, they had beautiful small lots that had been divided a long time ago and little small scale bungalows built there and they were charming and beautiful and she thought they very much support the historical preservation movement and she thought they very much preserve the character of their neighborhood, that she was present to question the general rules about 60% and 75%, was that really going to insure historical preservation or neighborhood character, she was just not clear, and these people were not clear. Council Members Edwards, Khan and Green absent.

Mayor White stated that there would be special issues involving the Sixth Ward which would be openly and publicly discussed, that there were some, including one prior speaker and emails questioning his commitment to preservation and he wanted to respect people's property rights and he would mention one thing to her with tremendous respect, that he knew where she

was coming from but in the letter when she talked about people promoting rules that were un-American, the Woodlands was a completely planned community and there were good Americans there, and they were having a discussion and a debate between people who were searching for the right balance, who were sincere, and he would encourage people in the Old Sixth Ward and other communities to please talk with each other and not about each other, and Ms. Isabel stated that what she meant about un-American and unconstitutional and against property rights was to try to enforce restrictions in a neighborhood that had already been established, that she did believe in restrictions and did believe that they were good and applicable but they did not belong in a neighborhood that had already been established and the homeowners had property rights and they wanted to sell their lots, they purchased the lot or home as an investment and they were hoping that at some point maybe they wanted to sell it and divide the lots, they had been divided all along, that some of the citizens requesting these rules had divided their lots in the past. Council Members Johnson, Edwards and Green absent.

Ms. Susan Neal stated that she was with the Midtown Civic Club, she was the secretary and was also in the Membership and Historic Committees and they would ask that they support the Planning Commission's recommendation of the 60%, they were a unique civic club, they encompassed the areas of Super Neighborhood 62 Midtown, which was Council Member Alvarado's district and also the western section of Third Ward, the Super Neighborhood 66, the Binz, which Council Member Edwards represented, that the unique position that they were in of seeing both Midtown, formerly referred to as the Fourth Ward that has arguably been overdeveloped and had an excessive amount of high density living in it they felt like the 60% would allow them as a neighborhood to protect their larger lot sizes, that when Henry and Peggy McGregor established the Southmore, Empire Grove and Alameda subdivisions they intended for them to be larger lot sizes, they were usually 8,000 to 10,000 square foot lots and they recognized that it was something that the homeowners would bring forth for themselves on a block face by block face basis but the 60% allowed them to maintain their larger lot sizes, they did disagree respectfully with Mayor White that perhaps it may be perceived as a developer versus homeowner type of argument because it was arguably the 70% writing off of the larger lot sizes after they had reached the 25%, they passed that and they could not meet that, they were writing of the larger lot sizes and they might encourage gentrification which was something that no one wanted so they would just ask that they adopt the 60% that was recommended by the Planning Commission; and on a personal note they appreciated the quotes that Mayor White gave to Mr. Bunting for the Governing Magazine article in March, they used those in their last two civic club newsletters so they appreciated that and they agreed with him in the Fourth Ward it could have been done better and they were concerned about that not happening in the Third Ward. Council Members Johnson and Green absent.

Council Member Lawrence moved to close the public hearing, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2007-0028 ADOPTED.

Council Member Lovell moved to suspend the rules to consider the Monthly Financial Report before the public session, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Green absent. MOTION 2007-0029 ADOPTED.

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Mayor White called on the Ms. Annise Parker, City Controller and Ms. Judy Gray Johnson, Director, Finance and Administration for the Monthly Financial Report. Council Member Green absent.

Ms. Parker stated that it was the Monthly Financial Report for the period ending November 30, 2006, they in the Controller's office were projecting a \$3.9 million improvement over last month indicating a revenue shortfall of \$18 million, the change was attributed to both revenue adjustments and reduced spending at the departmental level, on the revenue side they had increased their Sales Tax projection by \$2.2 million, that due to a continued show of performance in this category they upped their Sales Tax projections nearly every month since the start of the fiscal year, although over the holiday season it seemed to have leveled out a little bit and they were awaiting the latest Sales Tax Report, that with regard to expenditures they were reducing their overall projection by \$2.2 million primarily due to savings in personnel cost caused by lower than budgeted staffing levels in various departments, that before she concluded her remarks she wanted to add that due to continuing difficulties gathering information from the various City departments and from several City component units the completion of the 2006 Comprehensive Annual Financial Report was delayed, they had notified bond holders and various other entities that the report should be out at the end of January, they did submit un-audited reports to those entities with very strong assurances that there were no underlying financial issues, it was simply that they were unable to receive the information to get it timely to their auditors, that after three years of frustration over this her strategy for the coming months was that she intended to come to Council as part of the MOFAR and give a report card on where the various City departments were on both their monthly data and as they moved into the annual report period in submitting their year end data and hopefully with a little public discussion of that they would be able to do better next year, and that concluded her report. Council Member Lawrence absent.

Ms. Johnson stated that overall their financial situation was not that much different than last month, their projections also for revenues were somewhat up and for expenditures were somewhat down, so that it was overall a little bit better than last month but not significantly so, they had hoped to know the next Sales Tax check this morning but the State Comptroller had not yet released those figures, they would remind people that the real date that they would be looking at was February 7, 2007 and that was when they would know what the biggest check was with the December 2006 sales, they had heard different mixed reactions from retailers about how the Christmas season went so they should not be overly optimistic, they hoped to have an increase from the same time last year and they were just going to have to wait until February 7, 2007 to see how that turned out, they did increase their estimate for Hotel Occupancy Tax Revenues this month, overall the year-to-date receipts were up quite a bit over last year, it was a little more difficult than usual to compare and analyze because as they recalled in the fall of 2005 the hotels were all at near capacity but much of that was due to Katrina and Rita evacuees who were not subject to the hotel tax, so they had been cautious knowing about that but had increased their revenue estimate because the numbers were really looking very solid now, and that concluded her report. Council Members Lawrence and Lovell absent.

Council Member Green moved to accept the Monthly Financial Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Lovell absent. MOTION 2007-0030 ADOPTED.

At 11:08 a.m. the City Secretary began calling the public speakers. Council Member Lovell absent.

Council Member Lawrence moved that the rules be suspended for the purpose of adding Mr. Blair Satterfield to the speakers list, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lovell absent. MOTION 2006-0031 ADOPTED

Mr. Blair Satterfield, who was added to the speakers list appeared and stated that he was a homeowner in Timbergrove Manor and present pleading to save the 11th Street Park in its entirety, it was the largest unprotected piece of Texas forest in the inner loop and it was critical in protecting their community from flooding; that they believed it irresponsible to sacrifice any piece of unique greenspace simply to satisfy an immediate financial need; and the community was active in raising funds to help the Houston Park Board in its efforts to secure the property and he was asking the city to help with the difference if they fell short.

Mayor White stated that the City of Houston was not in the business of selling their park land and had worked with the neighborhood to rescue this within some reasonable financial limits from another government entity who was seeking to sell it, but a fear was no good deed goes unpunished; that they did want to continue working with them and he thanked Council Member Lawrence for her work. Council Member Clutterbuck absent.

Council Member Lawrence thanked Mr. Satterfield for reminding all how important the loan was and the time limits of it; that as they talked about density it was important to have greenspace and this was one of the few forest; and for anyone listening they were looking for the magic name, the one who could donate the appropriate amount could have the park named for them. Council Member Clutterbuck absent.

Mr. Bradshaw Hovey, 744 1/2 , Houston, Texas 77007 (713-589-7051) had reserved time to speak but was not present when his name was called. Council Member Clutterbuck absent.

Ms. Jenneh Spencer, 3710 Russell, Houston, Texas 77026 appeared and stated that she was present to let Council know she was having a problem with her disability retirement, her insurance was almost \$400.00 a month, Medicare was about \$90.00 a month and some tell her she needed to drop her insurance because it was interfering with her having a place to live; that this month a part of her co pay was \$135.00; and she did not know the policy, but for single individuals who could not get into the HMO like herself it was a burden. Council Member Clutterbuck absent.

Upon questions by Mayor White, Ms. Spencer stated that she was a City of Houston retiree; and Mayor White stated that a colleague from Citizen's Assistance..., he knew what had gone back and forth between her and the HR Department or the Pension Board, but he did not know the disposition; and thanked her for coming.

Mr. Lorenza Butler, Jr., 3906 Daphne, Houston, Texas 77021 (713-440-6994) appeared and stated that he was publisher of the oldest continuous Black newspaper and radio company west of the Mississippi River, since 1893, that he lost 9 mentors last year and he was present asking the Mayor and Council to be there this weekend, Friday at Texas Southern University, Saturday to march on MLK Blvd., Sunday for remembrance services throughout city churches, Monday for the 1,000 plate breakfast at the George R. Brown and on King's birthday as Texas Southern University Robert James Taylor Library Friends Foundation was kicking off a capital campaign to raise \$60,000,000 on the 60th anniversary at the university. Council Member Berry absent.

Council Member Edwards thanked Mr. Butler for his service throughout the years and throughout the community. Council Member Berry absent.

Council Member Johnson thanked Mr. Butler for coming and bringing the information; and commended him for bringing good news as often the news media played up African Americans in a negative light, but he was successful in playing up the African American Community in a positive light. Council Member Berry absent.

Mr. William Barker, 9966 Kirkdale, Houston, Texas 77089 (832-519-4332) had reserved time to speak but was not present when his name was called. Council Member Berry absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Member Berry absent.

Ms. Maria Isabel, 1518 Washington, Houston, Texas 77007 (713-542-0721) had appeared at the previous hearing. Council Member 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 Member Berry absent.

Mr. Lester King, 4315 Lemac, Houston, Texas 77096 (713-703-8535) appeared, presented information and stated that he was a Ph. D. Candidate in the Urban Planning Program at Texas Southern University and in the Planning Commission report dated December 14, 2006, he identified three problems he would like clarification on and those problems were the omission, mistranslation and misrepresentation of a Council directive which were explained in his information presented. Council Member Garcia absent.

Council Member Brown thanked Mr. King for coming and stated that he wanted to put in a plug for the graduate program of Urban Planning and Environmental Policy at the Barbara Jordan and Mickey Leeland School of Public Affairs which was the only university in the City of Houston which offered a masters degree in city planning and a PHD doctorate in city planning. Council Members Holm, Garcia and Green absent.

Council Member Khan stated that he was thoroughly impressed with Mr. King's presentation, he could go through it and understand what was going on and if he had more questions would get in touch with him. Council Members Holm, Garcia and Green absent.

Council Member Edwards thanked Mr. King for his analysis and upon questions, Mr. King stated that he had not submitted his information to the Planning Director; and Council Member Edwards encouraged him to do so and stated that she would like to speak with him later. Council Members Holm, Garcia and Green absent.

Mr. Stephen Fox, 1215 Banks #7, Houston, Texas 77096 (713-348-3378) appeared and stated that he was an architectural historian who studied Houston and by examining parts which retained value they would see there were places which were planned and they absorbed successive waves of growth and change but because of an initial commitment to planning they continued to make city life beautiful and enjoyable; that at the midpoint of the 20th century Houston diverged from the mainstream of American city planning practices and for the past half century managed its growth as in the 19th century with inadequate tools and though increased density may be a good thing would Houston in upcoming years be more enjoyable if current practices were extrapolated into the immediate future, what would the impacts on existing neighborhoods traffic management, air and water pollution, flooding and public health be; and appealed Council begin a comprehensive planning process. Council Members Holm and Garcia absent.

Mayor White thanked Mr. Fox for his contributions; and upon questions, Mr. Fox stated that River Oaks was planned by Mr. Will Hogg, one of the great civic visionaries of Houston who used private development to make a model of intelligent community planning practices which he hoped the rest of Houston would develop and it was because of him that the Texas Legislature in 1927 enabled Texas cities to adopt zoning codes; and Mayor White stated that he was for planning for the future and one issue they were trying to focus on was where should some decision making lie, how would you entail the accountability of elected officials, what was the roll of consultants, how did they make sure the tremendous and excellent work done by some planners so far with parks, libraries, etc., be used and he was interested in things they could implement in an effective manor and he was enthused about ways they could promote visionaries with originality who could invest their money as well as their time. Council Members Holm and Garcia absent.

Council Member Brown thanked Mr. Fox for his analysis and stated that he would like each Council Member and the Mayor to be given a copy of his statement. Council Members Holm and Garcia absent.

Mr. Mohammad Qasim, 6419 Skyline #1077, Houston, Texas 77057 (713-363-3745) had reserved time to speak but was not present when his name was called. Council Members Holm and Garcia absent.

Minister L. Fransau, 3011 Ella Blvd. #21, Houston, Texas 77018 (713-869-4938) appeared and stated that she was with Women Who Looked For a Mentor and was representing the Fifth Ward Area; that she noticed in 2006 buildings were being torn down instead of repaired and seniors did not know there were programs to help them; that she was asking for help to rehab houses seniors were abiding in which were being torn down or being bought out; that several hotels could be rehabbed and benefit people on fixed income; and there was an abandoned store next to Brewster Park which she would ask they turn into a game room for children and also rehab Brewster Park. Council Members Lawrence, Holm and Garcia absent.

Council Member Johnson thanked Minister Fransau for coming with her concern and stated that for the most part the city only tore down homes that had been tax delinquent and no one took claim for; and upon questions, Minister Fransau stated that in some senior citizens were living and she had placed them in housing under emergency circumstances; and Council Member Johnson stated that he would like her to get with his office, if in fact a senior citizen was living in a home torn down he would like to know and he would like to work with her on some of the other rehabilitation programs they wanted to try and introduce, but they would need an infusion of dollars from private investors or organizations and would still look to see if there was funding from the City of Houston that may be able to take over and use parks money to look at the community building by Brewster Park. Council Members Lawrence, Holm and Garcia absent.

Mayor White thanked Minister Fransau for coming and stated to Council Member Johnson that he would like a copy of results he was to receive; that he had encountered a couple of cases where it was a private land owner who was renting the property and then it was torn down, so they needed to find the source of that; and to Minister Fransau they were receptive to people identified, particular properties that were long term delinquent and abandoned, people would say they had money and wanted to take over the property and do something good with it and then they had to work through the issues which sometimes involved other taxing jurisdictions. Council Members Lawrence and Holm absent.

Mr. Sylvanus Onyeonu, P. O. Box 74134, Houston, Texas 77274 ((713-779-4343) had reserved time to speak but was not present when his name was called. Council Members Lawrence and Holm absent.

Mr. Cristobal Patino, 8800 Broadway #5189, Houston, Texas 77061 appeared and stated that he wanted to know why the city cried wolf saying they could not find candidates for HPD and why they waited so long to fix libraries, why sidewalks were not fixed, etc. Council Members Holm and Garcia absent.

Ms. Jane Cahill, 211 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and stated that over 65% of the Old Sixth Ward property owners were actively urging the Mayor and Council to allow their TIRZ 13 to hold public hearings for the purpose of establishing architectural performance standards in preserving the historic character; 16% of the property owners opposed the effort; that the Greater Houston builders Association did support the effort; that conservation occurred with anticipation the TIRZ performance standards would protect private investment and restoration from devaluation by demolition and incompatible new construction; that the average market value per square foot of improvement for new construction was \$93.7 and for historic structures was \$112.1 which demonstrated preservation of historic character represented the highest and best use of property. Council Members Holm, Garcia and Alvarado absent.

Upon questions by Council Member Lovell, Ms. Cahill stated that the Old Sixth Ward was the first Houston neighborhood to be listed on the National Register of Historic Places in 1978 and in 1998 it became one of the first districts to be recognized by the City of Houston as a municipally designated historic district and that was also when they petitioned for the creation of the tax increment reinvestment zone; that since 1978 those who moved there knew they were moving into a historic district and since 1998 those moving there knew they were moving into a neighborhood committed to preserving the neighborhood's history, but people were still buying a house with the intent of demolition and this was a struggle between people who bought a home and worked to keep the neighborhood historic opposed to those wanting to move in and change the neighborhood's direction. Council Members Holm, Garcia and Alvarado absent.

Council Member Clutterbuck stated that if they ended up with a 75% requirement maybe they could entertain discussion of whether or not a different requirement could be had for historic districts with a small number of small lots. Council Members Holm, Garcia and Alvarado absent.

Upon questions by Council Member Lawrence, Ms. Cahill stated that her role in the TIRZ was she was chair from its inception until last spring when she stepped down and now she was still on the board of the Old Sixth Ward Neighborhood Association but not on the TIRZ; and Council Member Lawrence stated that her input was needed and she should stay active. Council Members Garcia and Alvarado absent.

Council Member Edwards thanked Ms. Cahill for coming and stated that what she had put into words was happening in a lot of communities and in the Montrose the same thing was happening and being carried out through parking issues, etc., and she thought in going forward in this effort they needed to look on how to bring a balance of continuum while preserving historic integrity and tradition and character of the neighborhood and both sides was going to have to give up things to get things and that was going to be throughout the city and not just the Sixth Ward; and Mayor White stated that the Administration would support performance standards to preserve historic character of designated properties and it was critical that the 1999 TIRZ Plan adopted by Council specify that and as a policy matter he was trying to avoid going back to redo things prior Mayor and Council's committed to do and they were very close;

and in good will and good faith he did like to get things done and also make sure they were on the strongest ground legally and in the neighborhood performance plans he wanted there to be...; that they were not going to appropriate incentives for people to restore and one issue he was concerned with was after a while if someone had a dilapidated structure they did nothing with and called it preservation, there were good neighbors who called that something else and he wanted that issue addressed; that he did respect people who put money where their mouth was in restoring properties, it was persuasive to him and the city would move forward early this year as they said it would do. Council Members Garcia and Berry absent.

Council Member Brown stated that he thanked the whole district for all their work and they did need satisfaction soon and he thought it was urgent and she should have confident they would be moving forward and saving wonderful structures. Council Member Berry absent.

Council Member Garcia stated that many were patient, particularly the Old Sixth Ward community, and he appreciated it and as Council Member Brown stated they were trying to get what the neighborhood was looking for with striking legal balance; and thanked Mayor White for keeping it up front. Council Member Berry absent.

Council Member Green moved to continue the Council session through the noon break until all business was taken care of, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0032 Adopted.

Ms. Sudaphon Kinney, 225 Aldine Bender #708, Houston, Texas 77060 (281-448-4190) appeared and stated that the phone company was up and down, up and down and she needed money for her medicine. Council Members Khan and Berry absent.

Ms. Justina Chen, 2626 Folage Green, Houston, Texas 77339 (281-358-6468) had reserved time to speak but was not present when her name was called. Council Members Khan and Berry absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Council Members Khan and Berry absent.

Ms. Mary Pruitt, homeless, had reserved time to speak but was not present when her name was called. Council Members Khan and Berry absent.

At 11:59 a.m. Mayor White stated that he had a brief Mayor's Report. Council Member Berry absent.

MAYOR'S REPORT

At 12:02 Mayor White stated that they would return to the consent agenda

CONSENT AGENDA NUMBERS 2 through 37

ACCEPT WORK - NUMBERS 2 through 6

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,027,090.09 and acceptance of work on contract

with **DURWOOD GREENE CONSTRUCTION, L.P.** for Generic Citywide Overlay Package #5, WBS No. N-001037-0040-4 - 01.31% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; H - GARCIA and F - KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0033 ADOPTED.

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,978,579.86 and acceptance of work on contract with **JALCO, INC** for Richmond No. 1 Lift Station Rehabilitation and Westpark No. 2 Lift Station Diversion, WBS No. R-000267-00A4-4 - 01.64% over the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0034 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,078,025.98 and acceptance of work on contract with **JALCO, INC** for Epps Lift Station Force Main Replacement, WBS No. R-002011-0047-4 - 07.46% under the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0035 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,029,152.18 and acceptance of work on contract with **WESTERN SUMMIT CONSTRUCTORS, INC** for Sludge Handling System Improvements Project 1B; WBS No. S-000056-0011-4 - 01.62% over the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0036 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,418,778.23 and acceptance of work on contract with **LAUGHLIN-THYSSEN, LTD.** for 48-inch Water Line and 24/20-inch Well Collection Line along North Dairy Ashford Road, Old Katy Road and Well Site #2 Private Access Drive from North Eldridge Parkway to Wickchester Lane, WBS No. S-000900-0084-4 - 09.65% under the original contract amount **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0037 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 11

8. **ARC ABATEMENT, INC** for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$58,000.00 and contingencies for a total amount not to exceed \$60,900.00 Dangerous Building Consolidated Fund - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0038 ADOPTED.
10. **PENCCO, INC** for Chemical, Hydrofluorosilicic Acid for Department of Public Works & Engineering - \$1,956,892.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0039 ADOPTED.

11. **NATIONAL ENVELOPE-HOUSTON LLC** for Envelopes, Utility Customer Service for Department of Public Works & Engineering - \$906,633.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0040 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 17 through 35

17. ORDINANCE approving and authorizing Memorandum of Agreement between the City of Houston and **THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION** for Navigation, Communication and Weather Aid Facilities at Ellington Field **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0030 ADOPTED.
18. ORDINANCE approving and authorizing Memorandum of Agreement between the City of Houston and **THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION** for Navigation, Communication and Weather Aid Facilities at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0031 ADOPTED.
19. ORDINANCE approving and authorizing lease agreement between the City of Houston and **THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION** for Outer Marker Facility Site for Runway 22 at Ellington Field - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0032 ADOPTED.
20. ORDINANCE approving and authorizing lease agreement between the City of Houston and **THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION** for Outer Marker Facility Site for Runway 12 at William P. Hobby Airport **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0033 ADOPTED.
23. ORDINANCE approving the first amendment to Joint Development Agreement between the City of Houston and the **HOUSTON PARKS BOARD** for a 5 acre portion of the land (West 11th Street Park); amending Ordinance 2006-1169 (Nov. 29, 2006) to re-describe the land designated as park property; approving necessary documents related thereto - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0034 ADOPTED.
24. ORDINANCE approving and authorizing a first amendment to Loan Agreement between the City of Houston and **TX COMMONS OF GRACE, LP** - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0035 ADOPTED.
25. ORDINANCE approving and authorizing a first amendment to Loan Agreement between the City of Houston and **COVENANT NEIGHBORHOODS, INC** - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0036 ADOPTED.
26. ORDINANCE approving and authorizing Indemnity and Maintenance Agreement between the City of Houston and **THE GREATER SOUTHEAST MANAGEMENT DISTRICT** for Right-of-way Improvements - **DISTRICTS D - EDWARDS and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0037 ADOPTED.

28. ORDINANCE approving and authorizing agreement between the City of Houston, Texas and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for a Waterline Attachment to the IH-610 Bridge at Hunting Bayou (WBS No. S-000521-00W1-3) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0038 ADOPTED.
29. ORDINANCE approving and authorizing a Sanitary Sewer Service Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 220** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0039 ADOPTED.
30. ORDINANCE approving and authorizing Treated Surface Water Contract between the City of Houston and **LAND DEVELOPMENT COMPANY, LTD. and SOWELL EQUITIES-FORESTWOOD, L. P.** on behalf of the proposed Harris County Municipal Utility District No. 421 – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0040 ADOPTED.
31. ORDINANCE appropriating \$200,138.35 out of Water & Sewer Consolidated Construction Fund and \$222,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **PASQUINELLI PORTRAIT HOMES - AVONDALE L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Avondale Place Subdivision (WBS Nos. S-000800-00L6, R-000800-L6 & M-0800-00L6) - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0041 ADOPTED.
32. ORDINANCE appropriating \$193,327.13 out of Water & Sewer Consolidated Construction Fund and \$258,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **PASQUINELLI PORTRAIT HOMES - AVONDALE L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Avondale Place Subdivision (WBS Nos. S-000800-00L7, R-000800-L7 & M-0800-00L7) - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0042 ADOPTED.
33. ORDINANCE amending Ordinance No. 2003-194 to increase the maximum contract amount to Contract 4600000717 (C54734) between the City of Houston and **SOLUTIONS SAFETY SERVICES, INC** for Cleaning, Decontamination and Repair Services on Fire Fighting Protective Ensembles for Fire Department & Houston Airport System - \$570,162.18 - General Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0043 ADOPTED.
34. ORDINANCE approving and authorizing an amendment to Professional Environmental Consulting Services Contract between the City of Houston and **TECHNOLOGY SERVING PEOPLE, INC** to extend existing contract / WBS. No. R-000019-0005-3 – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0044 ADOPTED.
35. ORDINANCE appropriating \$2,949,300.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Water Line Replacement in Brookhaven Area, WBS No. S-000035-00E2-4; 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 Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0045 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PURCHASING AND TABULATION OF BIDS

7. ORDINANCE appropriating \$880,812.45 out of Fire Consolidated Fund for Continuous Power Sources, for the Building Services Department (WBS C-000162) – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0046 ADOPTED.
- 7a. **C. F. MCDONALD ELECTRIC, INC** for Continuous Power Sources for Building Services Department - \$838,869.00 and contingencies for a total amount not to exceed \$880,812.45 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0041 ADOPTED.
9. **AAR INCORPORATED** - \$188,800.00 and contingencies for a total amount not to exceed \$198,240.00 for Asbestos Abatement, Demolition and Site Clean-up Services and **HONESTY ENVIRONMENTAL SERVICES, INC** - \$50,390.00 for Asbestos Consulting/Air Monitoring Services for Police Department - Dangerous Building Consolidated Fund - **DISTRICT C – CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Berry absent.

Council Member Clutterbuck stated that the item authorized money for the demolition of a condominium complex and a pool that had become a dangerous area, that it had been a long time coming, that it was a wonderful example of good people in the community working hard to point out blight in their neighborhood and using the available tools to try to get rid of dangerous buildings, that the project took a long time because it was a condominium complex owned by a number of different owners and making sure that they served everybody properly and had adequate notice, that she wanted to thank Ms. Ruth Hurst and Mr. Jim Myers who were on the Building and Standards Committee, that she hoped they would be able to utilize the ordinance and that other communities could take their cues from people in the Fondren southwest area who had been able to utilize the exiting ordinances to try to get rid of blight in the neighborhoods. Council Member Berry absent.

A vote was called on Item No. 9. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0042 ADOPTED.

12. **AMEND MOTION #2004-918, 8/18/04, TO INCREASE** spending authority from \$400,025.96 to \$500,032.45, for Landscape, Plants, Trees, Grass and Associated Materials Contract for Various Departments, awarded to **HALL'S LANDSCAPING AND MAINTENANCE LLP (Bids #1 and #2)** \$100,006.49 - Parks Special Revenue Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0043 ADOPTED.

RESOLUTIONS AND ORDINANCES

13. RESOLUTION evidencing the annual review of the Investment Policy for the City of Houston – was presented, and tagged by Council Member Wiseman. Council Members Holm and Berry absent.
14. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2006-658 by changing two (2) Communications Job Titles, adding two (2) Chief Communication Officer Positions and by deleting two (2) Communications Senior Captain Positions and one (1) Mechanic Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0047 ADOPTED.
15. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2005-1116 by adding one hundred (100) Senior Police Office Positions, Thirty-four (34) Sergeant Positions, Eleven (11) Lieutenant Positions, Three (3) Identification Officer Positions, one (1) Senior Identification Officer Position and by deleting one hundred eighty-three (183) Police Officer Positions, one (1) Police Communication Specialist I Position, one (1) Police Communications Specialist III Position, and one (1) Deputy Administrator, ID Division Position; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0048 ADOPTED.
16. ORDINANCE issuing a permit to **HOUSTON COMMUNITY COLLEGE SYSTEM** for constructing, using, occupying, operating, maintaining and repairing the following: (I) one eighteen-inch chilled water supply line and one eighteen-inch chill water return line, one, one and one-half-inch conduit for controls and two six-inch and three four-inch conduits for telecommunication cables all in 54 inch steel casing under and within Alabama Street, (II) one eight-inch chilled water supply line and one eight-inch chilled water return line, one, one and one-half inch conduit for controls and two six-inch conduits for telecommunications cables, all in a 36 inch steel casing, under and within Holman Street, (III) one six-inch chilled water supply line and one six-inch chilled water return line, one, one and one-half-inch conduit for controls and one six-inch conduit for telecommunications cables, all in a 36-inch steel casing under and within Caroline Street and (IV) one six-inch chilled water supply line and one six-inch chilled water return line, one, one and one-half-inch conduit for controls and one six-inch conduit for telecommunications cables, all in a 36-inch steel casing under and within Francis Street; Alabama, Holman, Caroline and Francis Streets, all being public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Holm, Green and Berry absent. ORDINANCE 2007-0049 ADOPTED.
21. ORDINANCE appropriating \$5,000,000.00 out of Airports Improvement Fund and approving and authorizing a Carrier Incentive Program for the Houston Airport System - **DISTRICTS B - JOHNSON; E - WISEMAN; I – ALVARADO** – was presented, and tagged by Council Member Johnson. Council Members Holm and Berry absent.
22. ORDINANCE appropriating \$5,789,699.00 out of Houston Airport System Consolidated 2000 AMT Construction Fund, approving and authorizing contract between the City of Houston and **HONEYWELL INTERNATIONAL, INC** for Closed-Circuit Television Modifications and Upgrades at George Bush Intercontinental Airport/Houston; WBS A-000372-0004-4-01, Project 612Z; providing funding for contingencies relating to construction of facilities financed by such funds - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Johnson. Council Member Berry absent.

27. ORDINANCE approving and authorizing settlement and payment of claims of 22 Firefighters in Cause No. 06-0508, City of Houston v. the Houston Firefighters' Relief and Retirement Fund, et al, in connection with claims for prior service credit, in the total amount of \$1,258,151.11, consistent with the terms of an agreement – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0050 ADOPTED.
36. ORDINANCE appropriating \$1,897,476.97 out of Water & Sewer Consolidated Construction Fund, awarding contract to **TROY CONSTRUCTION, L.L.P.** for Citywide Fire Hydrant Replacement and Height Correction, WBS No. S-000035-00V4-4; 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 Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0051 ADOPTED.
37. ORDINANCE appropriating \$208,857.00 out of Fire Bond Consolidated Fund, \$328,586.00 out of General Improvement Consolidated Fund, \$170,028.00 out of Public Health Consolidated Fund, \$463,108.00 out of Public Library Consolidated Fund, \$500,000.00 out of Parks Consolidated Fund, \$263,000.00 out of Police Consolidated Fund, \$142,196.00 out of PWE-W & S Consolidated Construction Fund and \$110,111.00 out of Solid Waste Consolidated Fund for project management costs; containing provisions relating to the subject – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0052 ADOPTED.

NON CONSENT AGENDA - NUMBER 38

MISCELLANEOUS

38. SET HEARING DATE on proposed amendment to Project and Financing Plan for REINVESTMENT ZONE NUMBER NINETEEN, CITY OF HOUSTON, TEXAS (UPPER KIRBY) **DISTRICTS C - CLUTTERBUCK and G – HOLM - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - 2 WEEKS FROM DATE OF PASSAGE** – was presented. Council Member Berry absent.

Council Member Khan moved to set January 24, 2007 as the hearing date, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0044 ADOPTED.

MATTERS HELD - NUMBERS 39 through 45

39. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY5-042, located in the 1200 block of Allen Street, owned by Southern Pacific Transportation Company, Linda Baburek, Real Estate Property Manager, for the **HOUSTON HERITAGE CORRIDOR BAYOU TRAILS EAST HIKE AND BIKE PROJECT**, N-000420-0002-2-01-01 - **DISTRICT H - GARCIA – (This was Item 60 on Agenda of December 20, 2006, POSTPONED BY MOTION #2006-1178)** - was presented. Council Member Berry absent.

Council Member Brown moved to postpone Item No. 39 for one week, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2007-0045 ADOPTED.

40. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Rene Rodriguez of South Texas Surveying Associates, Inc., on behalf of Hartford Homes, Inc., (Hossein Nikooi, President) for abandonment and sale of a 10-foot-wide utility easement within Lots 1 and 2, Block 1, Lailah Trustee Townhomes Subdivision, a replat of the Camp Logan First Addition, Parcel SY7-038 **STAFF APPRAISERS - DISTRICT G - HOLM – (This was Item 18 on Agenda of January 3, 2007, TAGGED BY COUNCIL MEMBER HOLM)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0046 ADOPTED.
41. ORDINANCE authorizing the Mayor to execute a revised Freight Rail District Ordinance to remove the thirty-day limit on execution by the parties; adopting the revised ordinance in lieu of Ordinance No. 2006-1154 – **(This was Item 27 on Agenda of January 3, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. Council Member Wiseman voting no, balance voting aye. ORDINANCE 2007-0053 ADOPTED.
42. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON AREA COMMUNITY SERVICES, INC**, providing up to \$642,000.00 in Housing Opportunities For Persons with AIDS (“HOPWA”) Funds for the Administration and Operation of a “Tenant-Based Rental Assistance” Program with Supportive Services - **DISTRICT C – CLUTTERBUCK – (This was Item 44 on Agenda of January 3, 2007, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented.

Council Member Clutterbuck stated that she wanted to thank Ms. Dena Gray, Ms. Rebecca Reyna and Mr. David Minzberg for preparing all of the work for her to review and taking the time to walk her through this important item.

A vote was called on Item No. 42. All voting aye. Nays none. ORDINANCE 2007-0054 ADOPTED.

43. ORDINANCE appropriating \$1,507,000.00 out of Equipment Acquisition Fund; \$253,000.00 out of Airports Improvement Fund; and transferring \$440,000.00 out of Combined Public Utilities System Fund to the Non-Recurring Projects Fund and appropriating the same amount out of the Non-Recurring Projects Fund as an additional appropriation for contract with **SAP PUBLIC SERVICES, INC** for an Enterprise Resource Planning System; amending Ordinance No. 2005-405, which approved the SAP contract to increase the maximum contract amount – **(This was Item 47 on Agenda of January 3, 2007, TAGGED BY COUNCIL MEMBER WISEMAN, EDWARDS, HOLM, KHAN and CLUTTERBUCK)** – was presented.

Council Member Edwards stated that she wanted to thank Mr. Lewis and his staff for taking time out to discuss the issue with her, that her concerns were still there but was convinced that they would address those issues, they were not looking for a perfect system they were looking for a way to address any problems in a consistent and efficient manner and she was convinced that would happen.

A vote was called on Item No. 43. Council Member Wiseman voting no, balance voting aye. Nays none. ORDINANCE 2007-0055 ADOPTED.

44. ORDINANCE amending Ordinance No. 2006-118 to increase the maximum contract amount for the contract between the City of Houston and **PHOENIX BUSINESS CONSULTING** for Computer Consulting Services relating to the ERP Project – **(This was Item 48 on Agenda of January 3, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN,**

KHAN and CLUTTERBUCK) - was presented. Council Member Wiseman voting no, balance voting aye. ORDINANCE 2007-0056 ADOPTED.

45. ORDINANCE appropriating \$350,000.00 out of Parks Consolidated Fund and approving and authorizing Professional Services Contract between the City of Houston and **CLARK CONDON ASSOCIATES, INC** for Houston Parks Master Plan Update (WBS No. F-000519-0001-3); providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Fund – **(This was Item 51 on Agenda of January 3, 2007, TAGGED BY COUNCIL MEMBERS HOLM and GARCIA)** - was presented.

Council Member Brown stated that they had Hermann Brown Park, one of the largest parks in the City and they had a freeway slicing that park in half because there was no coordination between the Transportation Planning and their Parks Plan and it was causing all sorts of trouble, that it should be a parkway and not a freeway, same carrying capacity and lower speed like Allen Parkway going through Hermann Brown Park and not an elevated freeway, that he wanted to make his colleagues aware of that.

A vote was called on Item No. 45. All voting aye. Nays none. ORDINANCE 2007-0057 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Johnson stated that on Item No. 36 it was a little ironic that it had come up in the City of Houston when some parts of his district did not have any fire hydrants because they were being monitored by a private water company, but he really appreciated the work that the Mayor had done on it to get in Garden City the water fire hydrants that they needed for public safety reasons to insure that the community was at peace, they did have a meeting on Monday regarding the Champs Water Company and that meeting was a successful one and he really appreciated Mr. Gary Norman and Mr. Vo for coming out and giving them a brief synopsis of what was going to take place in that particular community, that he thought they needed to continue the work that they had done in the State Legislature to pass stronger ordinances and laws that allowed them to govern the water companies more, the fact that improper and unsafe drinking water was there and the pressures that they were talking about really held the community hostage and from a City standpoint they had no regulations in place that held them accountable if they were not doing what they were supposed to do to pass or to place a lien or fine against them, he knew that in the past they had placed fines against companies that had allowed air pollutants out there and they were regulated by TCEQ but from a City standpoint they were able to levy a fine against them, or at least they tried, that he believed the same thing should happen when they annex the particular water companies, that he understood it was an economic matter, how do they take over a water company, that he knew it was a very old water company and it was going to take a lot of money to get their system up to standard but he hoped that they could move into the direction to put CIP dollars in place that way at some point when they annexed those communities that they were able to provide for them the same type of water service that the rest of the citizens of the City of Houston were getting. Council Member Holm absent.

Council Member Johnson stated that last night they had a deed restriction workshop that was very successful and he was proud of his communities that came out and supported and were a part of it, that as they talked about communities that did not have civic clubs or deed restrictions sometimes they had to do things that would strengthen their positions in the City of Houston and through the workshop they were able to do just that; in District B they were looking to find a way to strengthen themselves so they were not held burden by developers who felt

they could come into their community and put just anything everywhere around their houses and parks. Council Members Khan and Holm absent.

Council Member Johnson stated that in this new year unfortunately they had two controversial killings in the City already, that he had tons of calls to his office regarding the killings and he thought they owed it to the citizens, they had just had a meeting talking about police brutality and how the police were moving in a manner that would be more responsive to the citizens but right now he was a little confused because when he looked at the news and the police force was saying one thing but eyewitnesses were giving a depiction of others it really put them in a precarious situation as to how do they tell their citizens that the police force was forthright and upright and there was no corruption but when they had media outlets showing a community saying this was what happened and a police force saying no, this was what happened they were pitting community against police force, he thought they really needed to do a community workshop, a townhall meeting, to address it, they had to face it head on and he certainly believed that the communities would feel a lot better knowing the truth and knowing that they were actively engaged in it and were listening to them and wanted to give them the truth, that he would be calling a townhall meeting very soon to address the matter and hoped that he could get the Mayor's support and voice and certainly Chief Hurtt's so they could quell some of the concerns that were out there regarding some of their citizens because he had been getting a lot of calls. Council Members Khan and Holm absent.

Council Member Johnson stated that he had a meeting with Woodmere Development later today and to this point he had not been able to get what he had asked for, a Memorandum of Understanding, in which they were supposed to get together and talk about the development in that particular community, that he hoped they could get that particular Memorandum of Understanding in the near future and hoped that the meeting they did have was one where they could come to a conclusion on what they were going to be looking like moving forward, that he wanted to go on record and say they had not gotten that information yet and hoped that the Mayor could help them get that information. Council Members Khan and Holm absent.

Council Member Johnson stated that he wanted to wish a happy birthday to Ms. Linda Layton's son Mathew who was 22 years old today. Council Members Khan and Holm absent.

Council Member Johnson stated that he wanted to thank Ms. Karen Dupont who came out to the Garden City Civic Club as well to give her information and wisdom that helped ease a lot of the tension that was out there in Garden City, as well as Mr. Arturo Michel who answered a lot of the questions from the citizens. Council Members Khan and Holm absent.

Council Member Wiseman stated that she wanted to touch on the concerns that Council Member Johnson had expressed on fire hydrants and the City's position and statement that because they did not provide water service to certain communities then it was not their responsibility to the operations of fire hydrants in those communities, that she did have some questions and wanted to visit with the Fire Department and the City Legal Department on the matter, that according to their Charter, Article II, Corporate and General Powers, Section 8, it was devoted entirely to their powers as it related to fires, and it started by saying "the City of Houston shall have the power to provide means for the protection against and the extinguishment of conflagrations", that it was their responsibility then and authority so there was nothing in their Charter that said if they provide water service in that area, that water service was a separate thing and enterprise operation they were not required under the Charter to provide those services, they sell and buy water but fire protection was their responsibility under the Charter so she would like to visit with City Legal on it. Council Members Khan and Holm absent.

Council Member Lovell stated that she had been concerned in the Montrose area over the last few months of the rising crime and they saw the other night where there were tires slashed and windows broken at one of the neighborhood bars, it was on the news last night that the University of Saint Thomas was now having to beef up their security because they had two people that were robbed in the area, that just this weekend Robie had some friends over to play and they left their bikes in the front yard went inside for 10 minutes and came out and all the bikes were gone, that was only what they knew about, they had an increase in people on the streets over there that they had never seen before, at night they could go out and it looked like a little ant farm of activity of people who were people that she was sure were not engaging in any legal behavior, but it had gotten worse and she did not know what they could do about it, they were going to form in their civic association a neighborhood watch program, but the crime had increased, that she would like to sit down and visit with the Police Department, but just to be aware of people that know of activity going on over there to start calling in, do not grab her at the grocery store or call Council Member Edwards, do calls for service so they could start tracking, but she knew there had been an increase in robbery just in her neighborhood, she checked and there were 15 break ins to houses in the afternoons and computers taken, some were reported and some of them did not, she was really concerned in the increase in crime in Montrose and if they could just take a look at beefing up some of the patrols or maybe coordinating with the Constable's office or other agencies, she would like to request that. Council Members Khan and Holm absent.

Council Member Lovell stated that today's discussion on prevailing lots, to her, was one of the things why she wanted to be on Council and she thought it was one of the positive things that was going on right now, they were really taking a look at what was happening in their neighborhoods and it was a very important discussion that they were engaging in and today pointed out that there was not one size fits all, one size fits none on how they deal with different neighborhoods and actually a neighborhood or structure could be 50 years old to qualify as historic, that really was outside of Loop 610, they were moving to the Sharpstown area and really out into the other what were then suburbs and she thought that while they were engaging in the subject it was important to go ahead and just expand the borders so that they could protect those neighborhoods that were going to be facing those very same problems that they were inside the 610 Loop, but that also they be open and creative, the problems in Old Sixth Ward were very different than the problems in other neighborhoods, the problem they had in Montrose right now was just in a one mile area there were six to seven proposed mid rises to high rises that were going to be built and she thought that was very exciting, she was for the development, they moved off of preserving homes, they were going to really be the urban epicenter of Houston and that was exciting but it would not be exiting to the people who come and live there if the problems were not addressed and one of them was the problem of traffic, she was concerned that as they gave variances and they allow builders to come in that they were not connecting the dots of what the traffic patterns were going to be in the whole neighborhood, what happens on Kirby may be fine in that area but it affects what was going to happen over on Montrose Boulevard and what happens on Richmond was going to affect what happens on West Gray, and she was really concerned that no one was connecting those dots and looking at that traffic pattern and seeing if there was seven of them and at least seven of them had at least 300 new people moving in and each of them probably had a car and probably 2 cars per unit and that was over 5,000 cars that they were going to be putting on their streets in a one mile area, and she was concerned that they were not looking at that big picture, that she knew Public Works had traffic engineers but she thought they were at the point where they were really growing in Houston and she would really like to look again at having a Traffic Department that really could sit down with neighborhoods, how did the traffic impact the neighborhood, how would they set up the lights to make the traffic flow, how would that impact the outlying neighborhoods, people who had to get to work and move down certain streets, just the whole

impact to a large area and not just that one neighborhood, that she would like for them to explore it and see if it was something they could do. Council Members Khan and Holm absent.

Council Member Lovell stated that they were moving forward on the changes to the Historic Preservation Ordinance, that some of the changes had already gone through the Historic Commission, they were hopefully in February going to have a public comment on that but again it was a very important issue they were looking at and the things that happen in their discussions today with Chapter 42 really impacted how they did Historic Preservation and one of the things that she was all for Historic Preservation but there was also an economic development aspect to it, that as they preserved their neighborhoods and the history, as they have people come to Houston for conventions or come visit Houston it was one of the things they could use to say they should bring their spouse with them and they could go on a tour of historic cemeteries or visit different types of neighborhoods or architecture, there were so many things they could do with their Historic Preservation that would be very important to the City, not just to preserve their history but on an economic development level also. Council Members Khan, Holm and Alvarado absent.

Council Member Lovell stated that she wanted to chime in with Council Member Johnson on the issue of what was happening with the police since the beginning of the year, it was something that really could not get out of hand, it was something that needed to be discussed before it did get out of hand and she would totally support some sort of townhall meeting or some place that they could talk through publicly instead of on the blogs or newspaper of which they really did not get the true facts, but that they take a lead in the issue before it did get out of hand. Council Members Wiseman, Khan, Holm and Alvarado absent.

Council Member Edwards stated that in 1989 there were several shootings in the City and there was a lot anger, pain and frustration and out of that came a group that met at the Houston Area Women's Center for over a year, including herself and Controller Annise Parker, Police Chief of Bellaire and police officers from HPD, community leaders and so forth, it was a group of about 50 who met for a year, every Wednesday, and the outcome of those meetings were recommendations that were given to then Chief Watson and Chief Nuchia, as to how they could have a more informed Police Department regarding the communities they served, she thought it was very productive and understood that a lot of the things that still went on in training at HPD came out of those recommendations, that she thought it was past the time of just another inquiry and thought they needed to look at policies and procedures and even if they had all the policies and procedures correct they were still dealing with human beings and thought one of the biggest perception, for whatever reason, people believed that police were held outside of the norm of being, they were human and made mistakes and when they make mistakes, acknowledge, and they were going to deal with it and not cover it up, that she did not think that anyone expected a perfect institution that was run by human beings, that it was possible for them to say they understood that it was wrong and they were going to deal with it and it was a policy that hopefully would be corrected in the future, she thought where a lot of people got frustrated was that they felt they were not being heard, that she knew there were a lot of HPD officers that were just as disturbed as the community was, that she did not think the community was looking for a perfect system but it was looking for an accountability system that had a structure and a standard that would be open and transparent. Council Members Wiseman, Khan, Holm and Alvarado absent.

Council Member Edwards stated that she wanted to let all those who traveled on OST Boulevard that she had talked again with TXDOT, Gary Treece in particular, he left her a message that OST would be hopefully finished in 8 to 10 weeks, she was not sure why that was but they were going to keep conversation dialog with TXDOT, that had become a real thorn in the side of people who used OST and OST was very widely traveled and was a mess, that they

were going to try and get it fixed as soon as possible. Council Members Wiseman, Khan, Holm and Alvarado absent.

Council Member Edwards stated that they had passed out cards on the "We Are the Dream March" which was going to take place on Saturday, January 13, 2007, it was a march and rally, that it had been an incredible experience and thought it was a victory, that since the end of October 2006 they had approximately 40 to 50 various communities, all the way from Kingwood to Clear Lake, almost every ethnic group they could imagine, that had been meeting in a short time to pull the event together and it had been an awesome learning experience, and she would like to thank the Mayor's Office of Special Events, Parks and Recreation, Mr. Edward G. Robinson, who managed the McGregor Community Center and his staff and all of the volunteers, that Council Member Berry's staff member, Carl Davis, had been a life send to the organizational effort and she wanted to thank them for that, and all of their corporate sponsors they wanted to thank, they had two financial corporate sponsors and the rest were giving in kind services and they really appreciated that, that the financial benefits of the march would go towards a project in the District D office that it had in partnership with the Hermann Park Conservancy to get a statue of Dr. Martin Luther King in the area where there was one for Ghandi and other international leaders, that they were done by private contributions, that they got together with the conservancy and came up with a budget of \$270,000 that they needed to raise and of that they had raised approximately \$70,000 in cash and had a \$50,000 matching grant so they had come a long way so all of the monies that were garnered through the march and rally would be put to that effort, that the rally would feature empowerment opportunities, they would have housing opportunities, screenings, employment opportunities from HPD, HFD and Solid Waste and also the Houston Urban League would be there with their employment team as well as Worksource and other things so people would have that opportunity, that they would have entertainment and Lockheart Elementary had a great music consortium of singers and performers and were outstanding, that the issue for why they were doing it on MLK was that when she was growing up one of the things they did in order to galvanize people and to organize and mobilize people was to have marches in the community so that people could come together and then they could take that mobilization effort and move it towards an organizing effort, hopefully they were going to reignite that type of mobilizing and organizing experience for their community. Council Members Johnson, Wiseman, Khan, Holm, Garcia and Alvarado absent.

Council Member Lawrence stated that this Council meeting for the ideas and the things that had come forward in the pop-off, the things that were said by constituents today, the Mayor's report, very important things that were really going to influence the City if they followed through with 60% of the ideas, that even though the Council committee had really looked at the minimum lot size they had some great ideas come forward because of the hearing and right now the director was working on some of those ideas and how they could incorporate that, that she remembered when she and Council Member Holm were rookies they were talking about going out to the Loop and protect neighborhoods who had not had the surge of changing character and today she thought they made tremendous progress on looking at something like that, her colleague mentioned about the water district and it was so important about the relationship they build up with the State Legislators and State Senators to get things done because they were such an enigma out there being an un-zoned City and it was all about relations and she knew that many of them went to Austin and that was so important, they met with State reps, and with the Legal Department's help, Melba Porteau, they had already presented them with some items to put in Legislation to protect the City and constituents in water districts, they had not had the State to move forward on some of the water districts, the City had annexed the areas and people were looking to the City and they were making progress but they could not make progress to everybody over night; that they had a constituent come up and talk about the coils and she urged her colleague who had brought that forward in his

committee and the agenda to really look at it, that a man came forward and spoke with Crime Stoppers and his house was burned down and that was how serious the situation was, that because he spoke out against stealing coils and urged City Council to come forward, that they saw him on television and figured out he was the reason the City brought it forward so they burned his house down. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to thank Council Member Clutterbuck, she attended a wonderful breakfast and Mayor White spoke at it yesterday morning, the passion of the management district, they were excited about the demolition as they were when they got part of Hilton Town demolished, it was so important the spirit and something really happening in those groups that worked so hard to make things happen in their neighborhoods so she really complimented everybody in the City and in her management district and her neighborhoods that made that happen. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she and Council Member Clutterbuck were able to visit fourteen various State Legislators, their chief's of staff, and talk about the things that the City of Houston was going to want to bring forward so she urged her colleagues to renew relationships if they had them. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he thought that several of them were in Austin yesterday and thought it was important that people talk about the relationships, that all of them had overlapping relationships with Legislators, that there were certain Senate and Legislative districts that overlapped their Council districts and it was a good thing when they could call on that representative, especially when they could work together and get some synergies together on the resources and he encouraged them to continue those relationships. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that on January 30, 2007 they would have their Budget and Fiscal Affairs Committee meeting at 10:00 a.m. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that the "Take the Walk", HIV/AIDS Testing Campaign would be held on Saturday, February 3, 2007 at Sharpstown Mall, that it would kickoff National Black HIV Awareness Day and they could do that outside the Urban Zone Music Store, if they had any questions they could contact Darian Ward at 713-628-0142. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that one of the largest Boy Scout troops was at Wheeler Avenue Baptist Church, that at one while Troop 212 was at Saint James Episcopal Church and they were revitalizing that unit and calling on people in the community if they had boys from the age 11 or completed the fifth grade, they could contact Saint James, the troop meets at 3129 Southmore Boulevard every Thursday at 6:30 p.m. if they knew anyone interested in becoming a Boy Scout they could call the Sam Houston Area Council at 713-659-8111. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to reiterate the issue of litter on a stick, the overhead tangle of utility poles and wires and transformers, etc., that he and Andy Eiken had

been working with Reliant Energy, CenterPoint, developers and neighborhood folks to come up with some standards for easements and the placement of utilities, which he thought could make a huge difference in the quality of the visual environment in the City. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he would like to mention again the idea of community gardens particularly as they could be associated with libraries and the Project Houston Hope and the LARA Program, that he knew that they had a number of acquired flood plain lots and those would make ideal candidates, since building on them was difficult, for community gardens. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that on the issue of too many of their neighborhoods at risk, and he seconded the wonderful enthusiasm of Council Member Lawrence on the issue of conserving the character of the neighborhoods, he may seem impatient but he had been working on that stuff for 25 years, but their neighborhoods were affected by blight, the loss of deed restrictions, unwanted bulldozers, unwanted overcrowding, over densification, over taxing of the streets and infrastructure, that he was really excited about the conversation they had today that even without zoning they could have neighborhood performance plans, whatever they call it if it gets the job done to do it. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown read an excerpt from an article that came out in the January 8, 2007 issue of the New Yorker Magazine about a Mayor and his great city and stated that it had very interesting parallels with Mayor White and the City of Houston, that he would hand a copy out to the Council, that the article said that in regulating the City they could not lose their soul, so there again was the very interesting issue of balance. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank Mayor White for personally attending and speaking at the Southwest Houston 2000 Breakfast yesterday morning, that she thought he could tell from the warm welcome he received from those good residents in southwest Houston, the neighborhoods of Westbury, Fondren Southwest, New Braeswood and Meyerland that they were extremely grateful for his leadership and for the renewed efforts that had been put in place to address crime in the area, that she wanted to thank Council Member Lawrence for attending also. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that in preparation for a meeting that she attended at the Meyerland Civic Club on Monday night she asked for the officers at the Beechnut Station to run the crime stats for her for Meyerland because they had a few notable assaults in the area and some other crimes but she wanted to know what was happening in Meyerland in particular and she was delighted to report that the particular area had seen a significant decrease in the violent crimes in all of Meyerland and that was thanks in a large part to the good hard work of the police officers at the Beechnut Station that services that area as well as the neighborhood efforts in Meyerland; that last night they had the citywide PIP which featured southwest Houston and the Meyerland area, that she thought things were great in the southwest part of Houston and she wanted to thank all of the good people in blue for their hard work. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank the people at Public Works for helping them iron out a particular problem, it was the issue of the pole just outside the Contemporary Arts Museum, there was a pole at the corner of Bayard and Bissonnet that was hit by a car, that it did not belong to CenterPoint or the City and it went back and forth, unimaginable amount of man hours expended on both the part of the City as well as her office and CenterPoint trying to find out who owned the pole and who could restore it and multiple reports to 3-1-1. that it turned out that it was a City of Houston pole and unfortunately the situation continued way beyond what it should have because the pole was not on the City's map of poles, which was an extensive map, that she would like to thank Gary Norman, Roberto Medina, Steve Urin, Mary Manning, Ray Chong, Randy Jovanavich with CenterPoint, Mike Boone, Lenise Brown and Jeffrey Weatherford, as well as Barbara Height and Lali Segal-Gardner and Sharon Shanahan in her office, all of those individuals spent multiple hours trying to find out the ownership of the pole so they could get it restored. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to talk about BARC and wanted to thank Kent Robertson for responding to some of her many concerns and in one of the concerns she expressed was about is budget and some of the claims that volunteers were making that the budget was inadequate through FY07 and he had assured her that it was with an exception of the fact that FY07 funding for the Bureau of Animal Regulatory and Control, the one organization that they had in the City, that takes care of their abandoned and dangerous animals, did not provide food for the animals, that he was working diligently with Science Diet to secure free food for the animals and she would like to express if there was anything that they on Council could do to help with that effort, that she knew there were a number of good citizens in Houston that would be delighted to help make dedicated contributions to that effort. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she would like to invite everybody to her Capitol Improvement Plan meeting, it would be the first CIP meeting of the season and was going to be on Monday, January 29, 2007, from 7:00 p.m. to 9:00 p.m. at the Jewish Community Center and she would like to thank the good people at the JCC for allowing them to use their facility, it was a facility that was located pretty much exactly smack dab in the middle of a very long and narrow District C and she was grateful to the good people at the JCC. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she neglected to thank the Dream Girls of District D office for all of the work they had done on the "We Are The Dream March", that she appreciated and loved them very much. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:01 p.m. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary