

City Council Chamber, City Hall, Tuesday, October 9, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 9, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Xavier Herrera Citizens Assistance Office; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director present. Council Member Addie Wiseman absent due to being ill.

At 1:56 p.m. Mayor White stated that it was time for some important presentations; and Council Member Noriega stated that today they were recognizing Give Kids Good Schools Week and to talk about Houston A+ Challenge; and representatives were invited to the podium. Council Member Noriega stated that Houston A+ Challenge worked to support and transform public schools in the Houston area since 1997 from Kindergarten through College, focusing on quality teaching and learning; and presented Mr. Victor Samuels a Proclamation proclaiming October 9, 2009, as "Give Kids Good Schools Week" in Houston, Texas. Mr. Victor Samuels, board member of Houston A+ Challenge, stated that they were outside the organizational structure of schools with a different focus on education; and thanked all for the recognition. Council Members Lawrence, Clutterbuck, Holm, Alvarado, Brown, Green and Berry absent.

Mayor White stated that it was another week where they were able to recognize a couple of special people and it was a part of recognition of Hispanic Heritage Month and invited Mr. Israel Gomez, Jr., and Ms. Diana Caicedo to the podium. Mayor White stated that the first presentation was to Mr. Israel Gomez, Jr., a hero in Houston who was raised in Laredo, Texas, four years in the Navy and in HPD since 1981 and because of his commitment to safety and his unbelievable community involvement presented him a Proclamation proclaiming October 9, 2007, as "Israel Gomez, Jr., Day" in Houston, Texas; and Mr. Gomez thanked all for the recognition and all sponsors and volunteers who helped make things possible. Council Members Clutterbuck, Holm, Alvarado, Brown, Green and Berry absent.

Council Members thanked Mr. Gomez for his work and congratulated him on his recognition. Council Members Clutterbuck, Holm, Alvarado, Brown, Green and Berry absent.

Mayor White stated that the second honoree being a part of the recognition of Hispanic Heritage Month, Ms. Diana Caicedo, a Houston heroine, was being recognized for her outstanding contributions and service to others; and presented her a Proclamation proclaiming October 9, 2007, as "Diana Caicedo Day" in Houston, Texas; and Ms. Caicedo thanked all who gave her the opportunity to be recognized and for recognizing Hispanic leaders and youth for service and for promoting volunteerism. Council Members Clutterbuck, Holm, Brown, Green and Berry absent.

Council Members thanked Ms. Caicedo for her work and congratulated her on her recognition. Council Members Clutterbuck, Holm, Brown, Green and Berry absent.

Council Member Khan invited the KIPP Academy Choir to the podium with their teacher Ms. Laurie Potter; the KIPP Choir sang and Ms. Potter was presented a Certificate of Recognition for the outstanding work of the KIPP Academy Choir. Council Members Clutterbuck, Holm, Brown, Green and Berry absent.

At 2:19 p. m. Mayor White called the meeting to order and Council Member Lovell stated that today after 14 years of wrongful imprisonment Mr. Ronald Gene Taylor was set free and his response was "It was time to thank God and move on" and today she was offering a prayer all

would take to heart and that they would continue efforts to ensure there were no more Ronald Taylor's there and that all would know the kind of love he had in someone waiting 14 years for him, knowing he was innocent; and led all in the Serenity Prayer and in the pledge. Council Members Clutterbuck, Holm, Green and Berry absent.

At 2:21 p.m. the City Secretary called the roll. Council Member Wiseman absent due to being ill. Council Members Johnson, Green and Berry absent.

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

Council Member Lawrence moved the rules be suspended for the purpose of hearing Mr. Tony Jones at the top of the Non-Agenda 3 minute speakers, seconded by Council Member Garcia. Council Member Edwards voting no. Balance voting aye. Council Member Wiseman absent due to being ill. Council Members Holm, Green and Berry absent. MOTION 2007-0991 ADOPTED.

Council Member Garcia moved the rules be suspended for the purpose of hearing Ms. Jere Talley and Mr. Jeff Caynon after Mr. Tony Jones, seconded by Council Member Khan. Council Member Edwards voting no. Balance voting aye. Council Member Wiseman absent due to being ill. Council Members Holm, Green and Berry absent. MOTION 2007-0992 ADOPTED.

Council Member Edwards moved the rules be suspended for the purpose of adding Mr. Ronald Gene Taylor and Mr. Barry Scheck to the Speakers List at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Johnson, Green and Berry absent. MOTION 2007-0993 ADOPTED.

The City Secretary began calling the public speakers. Council Members Johnson, Green and Berry absent.

Mr. Ronald Gene Taylor, who was previously added to the speakers list, appeared at the podium; and Mayor White welcomed him and stated that he could speak on behalf of all his colleagues and say the strength and dignity he showed through his statements about the person who accused him and the unjustified, unacceptable wrong that was done; and the grace and strength he exemplified was an inspiration to all; and again welcomed him to the City Council Chambers; and Mr. Taylor stated that he wanted to thank all for allowing him to be present and he thought many people had his same problem; that he was blessed enough to receive help, but many could not get it, they did not have the finances or anyone to help and something did need to be done; and Mayor White stated that this Council, such as in the spirit of the prayer given by Council Member Lovell gave, had worked hard and invested to make sure the crime lab and police procedures within that crime lab would provide full, complete and accurate evidence to those responsible for criminal prosecutions and any sloppiness was intolerable; and under the leadership of a couple of Council Members there had been millions and millions extended to get it right so an injustice would not be done in the future so they could avoid situations such as the one being confronted today; and he thanked him for being present and Mr. Scheck; that he, himself, represented in his younger years prisoners and not for pay but because the law profession had obligations to all. Council Members Green and Berry absent.

Council Members extended apologies to Mr. Taylor and his family; commended him for his poise and courage; congratulated him on his release; and discussed the crime lab and people being held responsible. Council Members Green and Berry absent.

Mr. Barry Scheck, who was previously added to the speakers list, appeared and stated that Mr. David Dow, his colleague at the U of H, and he spent much time this morning with the District Attorney and visited the Administrative Judge and talked with many about a cost effective plan to move forward on this and yet be expeditious and get to the bottom of it; that he was not sure the court responded last time in the best way; that they did not want to look at cases where people were guilty, or where there was no evidence, but did want to get to the heart of it as quickly as possible. Council Members Green and Berry absent.

Mayor White stated that the piece Mr. Scheck and Senators Ellis and Whitmire put together was very thoughtful and the specific description of how they might approach this in terms of types of resources and local funding and support for the services he thought was a real step in the right direction and he thought there was legal counsel and significant, private financial resources necessary to make sure that the post conviction relief that may be necessary to sort through some of the serology cases he particularly identified they have an efficient way to do without diverting funds from the prevention of crime and violence; and the Bromwich report stated among other things that funding was doubled and concluded it had been accredited by the National Accreditation Boards an accomplishment that would have been unthinkable and unobtainable for the old lab; and thanked him for his efforts for those within the legal system to obtain release. Council Members Lawrence, Alvarado, Green and Berry absent.

Council Members thanked Mayor White and Mr. Scheck for all their work in making sure the crime lab would provide accurate evidence and for finding a better approach to finding errors in the system. Council Members Green and Berry absent.

Mr. Rob Barrett, 405 Stratford, Houston, Texas 77006 (713-522-3361) appeared and stated that he lived in the Avondale Subdivision and high value was placed on historic significance and during the petition drive over 65% signed for historic designation; that the final step was support of City Council and he was asking they vote yes on Agenda Item 15. Council Members Holm, Noriega, Green and Berry absent.

Council Member Edwards thanked Mr. Barrett and his neighbors for what they were doing and stated that Council would work hard to get this passed quickly. Council Members Holm, Noriega, Green and Berry absent.

Mr. Greg Legrande, 2611 Stanford, Houston, Texas 77006 (713-598-6291) appeared and stated that he was a resident of Avondale and designation of a historic district would help maintain the integrity which now existed; and urged a yes vote on Agenda Item 15. Council Members Johnson, Holm, Alvarado, Noriega, Green and Berry absent.

Council Member Edwards stated that Avondale was an awesome project and would benefit the whole district and the entire city; and she hoped it would pass with no problem. Council Members Johnson, Holm, Alvarado, Noriega, Green and Berry absent.

Ms. Elizabeth Barrett, 405 Stratford, Houston, Texas 77006 (713-522-3361) appeared and stated that she lived in Avondale and in 2008 their neighborhood would be 100 years old; that they wanted their history preserved and were petitioning Council for designation of a historic district; and urged a yes vote on Agenda Item 15. Council Members Johnson, Clutterbuck, Holm, Green and Berry absent.

Council Member Brown stated that he was excited about the future of the Avondale Historic District; and he had an Avondale handout showing an approximate 5-1/2 block area and he would like them to expand and take in other houses and make them permanent landmarks. Council Members Johnson, Clutterbuck, Holm, Green and Berry absent.

Ms. Diane Schenke, 3015 Richmond, Houston, Texas 77098 (713-942-7275) appeared, presented information and stated that she was the executive director of The Park People and present to urge Council Members to support Agenda Item 45, parkland dedication, largely as introduced October 2nd as that version came from almost a year of intense stakeholder input and struck a good balance. Council Members Johnson, Holm, Green and Berry absent.

Ms. Evelyn Merz, 7095 Santa Fe Drive, Houston, Texas 77061 (713-644-8228) appeared, presented information and stated that she was submitting her comments on behalf of the Regional Group of the Sierra Club regarding proposed amendments of Chapter 42, parks and open spaces; that they did support the dedication of onsite parkland and they thought the standard should remain at one acre for both urban and nonurban areas and supported the \$800.00 per unit fee but should be reevaluated after a reasonable period of time after the ordinance was enacted and let it eventually reflect the true cost of land and not link the fee to the consumer price index; and urged its passage. Council Members Johnson, Holm, Green and Berry absent.

Mayor White stated that he was taking notes on amendments he had and would go through what she presented. Council Members Johnson, Holm, Green and Berry absent.

Mr. Tim Womble, 412 Avondale, Houston, Texas 77006 (713-819-8500) appeared and stated that he was chairman of the Avondale Historic District Committee and much of the committee was present and asked them to stand to be recognized; that they had been working three years to get historic designation; that all recycled and he would like them to look at recycling old buildings, that was another way of looking at historic preservation; that a study showed property values in Texas historic districts rose by 15% to 20% over others and they needed more financial incentives for property owners to make the districts work; and urged Council's support. Council Members Johnson, Holm, Noriega, Green and Berry absent.

Mayor White thanked Mr. Womble for coming and stated that he thought Council would get it passed. Council Members Johnson, Holm, Noriega, Green and Berry absent.

Council Member Lovell stated that they had a great brochure and hopefully after tomorrow Avondale would join Westmoreland another historic district in the Montrose; and upon questions, Mr. Womble stated that lowering the preservation ordinance to 51% helped a great deal, the most difficult thing was contacting all property owners. Council Members Johnson, Holm, Noriega, Green and Berry absent.

Ms. Robin Reamer, 1730 Wroxton Court, Houston, Texas 77005 (713-822-7725) appeared and stated that she lived behind the proposed 23 story building to be at the corner of Bissonnet and Ashby and was opposing it; that the traffic study showed the impact of peak hour traffic and the a.m. peak hour increase was six fold on Ashby and entering cars from Bissonnet into the property by eight fold and evening peak hour traffic entering off Bissonnet into the property would be tenfold and exiting sevenfold; and was dangerous for children. Council Members Johnson, Holm, Noriega and Green absent.

Council Member Clutterbuck stated that Bissonnet was a two direction and two lane street and Ashby, where the 23 story high-rise would go in was also a two lane and two direction street and Ms. Reamer's street ran parallel to Bissonnet and would be perpetually in the

building's shadow, but her concern was the streets and the inability to absorb such increased density and if a fire should occur there she would worry a ladder truck would not be able to get there and the fire would rain down on the surrounding homes and place all in severe jeopardy; and the Fire Code needed to be looked at. Council Members Johnson, Holm, Noriega and Green absent.

Upon questions by Council Member Brown, Ms. Reamer stated that if the high-rise went in and she looked out her back window she would see the 23 story building 10 feet from her property line and plants now existing with sunlight would no longer exist; and Council Member Brown stated that all were concerned and they needed to find a way to minimize adverse impact of high-rise development on low density residential neighborhoods and it would be addressed. Council Members Johnson, Holm, Garcia, Noriega and Green absent.

Ms. Angela Synek, 2201 South Boulevard, Houston, Texas 77098 (832-746-6197) appeared, presented information and stated that she currently lived in a high-rise and loved it, but as a resident of a 20 story tower she would disagree the proposed 23 story would not have an impact on traffic; that everyday she saw illegally parked trucks on Montrose in front of her building and people had to go around as it had one lane each way, but when building a vertical neighborhood you forced much traffic to converge on a very small space. Council Members Johnson, Holm, Garcia, Noriega and Green absent.

Upon questions by Council Member Clutterbuck, Ms. Synek stated that the tower she lived in had no retail or restaurants but she went to the JMH market and checked and not even taking into account the spa and offices, etc., there was a minimum of 96 trucks, 18-wheelers and 24 foot trucks that would be in the neighborhood and if they thought they would all use the 23 foot Ashby they were mistaken; that Avondale was a neighborhood; and she urged Council take that into account and help them and all other Houston neighborhoods; and Council Member Clutterbuck stated that Ms. Synek made outstanding points and she worried about what was happening in New York where drivers were not allowed to park on streets but they were happy to pay the price of the ticket and wrote it off as part of doing business. Council Members Johnson, Holm, Garcia, Noriega and Green absent.

Mayor White stated that what was so helpful about the information presented was it did highlight issues of fire safety and too much traffic dumping out of one building, especially in a two lane street was too much traffic wherever it may be in the City of Houston. Council Members Johnson, Garcia, Noriega, Green and Berry absent.

Ms. Bette Pesikoff, 1715 North Boulevard, Houston, Texas 77098 (713-526-1631) appeared and stated that she lived in the area and was opposed to the 23 story development, the developers were totally irresponsible and they should not be granted any city permits for anything; that any emergency ambulance coming from the north side had to go down Bissonnet at some point to be able to get into the Medical Center, there was no through street to Main or Fannin; that also last spring Dunlavy was torn up and asphalt and concrete was removed and it was replaced with compacted sand and topped it with a thin layer of asphalt, they lied to the city; that they were supposed to return the street to the condition it was in and they were not. Mayor White, Council Members Garcia, Lovell and Green absent. Council Member Khan presiding.

Mr. Carlton Thomas, 2406 Hannover Valley Court, Spring, Texas 77388 (713-320-3133) appeared and stated that in 2003 he applied to the Houston Police Department but due to cancellation of the academy he had to fill out another application in 2005 and on that application there were a few discrepancies but not intended; that he made phone calls to the recruitment at headquarters and was told because he did not appeal his application termination within 30 days

he could no longer apply for HPD, but he had moved and did not receive the letter in time and he wondered if Council could assist him to reapply there; that he was already an officer in Prairie View and it was a dream of his to be a Houston officer. Mayor White, Council Members Holm, Garcia, Lovell and Green absent. Council Member Khan presiding.

Council Member Clutterbuck stated that she saw he did not live in Houston, but she admired anyone willing to come tell of their passion and it being to work as a Houston police officer and not filing an appeal in time should not be something to keep them from taking qualified applicants; and suggested he give information to Citizens Assistance and have them forward it to HPD; that they were having a hard time filling classes and if he was only being held up because of a technicality then they should address that. Mayor White, Council Members Holm, Garcia, Lovell and Green absent. Council Member Khan presiding.

Council Member Khan stated that Lt. Gallier was in the back and he would be able to assist him in getting information to the proper parties. Mayor White, Council Members Holm, Garcia, Lovell and Green absent. Council Member Khan presiding.

Upon questions by Council Member Johnson, Mr. Thomas stated that he spoke with a recruiter and was told because of discrepancies on his application, such as traffic tickets, address and employment; that he was a certified officer with Prairie View; that he had moved and his forwarding mail was late so he did not appeal and now could not reapply with HPD; that he was told on the phone he could not reapply; and Council Member Johnson stated that he wanted to be called after his meeting and let him know what was going on. Mayor White, Council Members Clutterbuck, Holm, Garcia, Brown and Lovell absent. Council Member Khan presiding.

Council Member Edwards stated that if he received nothing to that affect in the mail she would assume he had the right to apply and he should follow-up. Mayor White, Council Members Clutterbuck, Holm, Garcia, Brown and Lovell absent. Council Member Khan presiding.

Mr. Tony Jones, 1950 Spenwick #318, Houston, Texas 77055 (713-935-0011) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Clutterbuck, Holm and Berry absent. Council Member Khan presiding.

Ms. Jere Talley, 2929 Hirschfield Road, Spring, Texas 77373 (713-560-7440) appeared and stated that she was a 14 year employee with HPD and today was present as a member of HOPE, the Houston Organization of Public Employees, and for several months they had been in discussions with the city for a contract to ensure public services for Houston, but unfortunately the city's negotiators had been unwilling to make a serious investment in the public employees who provided the services; that the city's own study showed Houston City employees made 21% less than municipal workers in other Texas cities and the United States and yet they were offering an across the board raise of only 2% which added pennies; that one employee here today was a data entry operator at HPD and a single mom with three children and all three had asthma and she had worked for this city 16 years and made just above \$12.00 an hour and because the city's family health plan had become so expensive she now had to rely on CHIP, the government's low income healthcare program, to help her children and that was wrong; that more than 1,000 City of Houston employees still made less than \$10.00 an hour and many of their checks fell below the poverty line for a family of four and they knew this city could do better than that and all services HOPE members provided were vital to Houstonians lives. Council Members Clutterbuck, Holm and Berry absent.

Council Member Lovell asked that Ms. Talley continue; and Ms. Talley stated that they would like the Mayor and Council to make a serious investment in Houston's future, it was time to invest in fair pay and reasonable benefits for every worker; and they all thanked them; and Council Member Lovell stated that they had ongoing conversations about the negotiations and the 2% offer was not the final offer, they were still in negotiations; that they were not going to get to the 21%, but she did think both sides wanted to do what was best for the workers; and Ms. Talley stated that they understood the funds were available to accomplish this and they were all proud of their work, but it truly was time to raise compensation and 2% truly was not enough. Council Members Lawrence, Clutterbuck, Holm and Berry absent.

Council Member Garcia thanked all for coming and stated that he did not forget he was an employee longer than a Council Member; and upon questions, Ms. Talley stated that was 2% per year for 4 years; and Council Member Garcia stated that in the Mayor they were dealing with an honest broker and they should continue negotiations. Council Members Lawrence, Clutterbuck, Holm, Green and Berry absent.

Council Member Noriega stated that as a mother of a 10 year old it was very vivid for her to know what it was like to have a sick child and the healthcare issue was a concern; that CHIP may or may not be a viable option and may periodically be in jeopardy. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia and Berry absent.

Upon questions by Council Member Edwards, Ms. Talley stated performance based merit increases was currently on the table at 1%, as for what she thought would be a fair percentage it was almost impossible to answer just for her; that health and longevity pay were also a part of negotiations; and Council Member Edwards stated that most at the Council table did not want city employees going to CHIPS, etc., if they did a fair day's work they should have a fair day's pay and should not need food stamps, etc., and she hoped they would come up with an equitable increase to represent what they did. Council Members Lawrence, Clutterbuck, Holm, Green and Berry absent. Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Garcia and Berry absent. (NO QUORUM PRESENT)

Council Member Brown thanked all for coming and stated that he was encouraging the City and HOPE to move the negotiations forward; and those making below poverty seemed like they could be corrected first with a higher increase, then on a sliding scale increase the second and third and fourth quartile on a descending sliding scale; and upon questions, Ms. Talley stated that there were a variety of options being discussed and she invited him to come to negotiations, it was informative. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. Talley for appearing and stated that they valued the City's workforce and not a day went by where he did not remind citizens of that in meetings; that he read all proposals and heard comments and looked at the financial analysis and he would empower those in the room, they were very much dedicated to doing this right; that he was dedicated to not downgrading benefits available on the health benefit plan which the cost had gone up on and doing that did limit the salary side; and he would be weary of people who said they knew the money was there, if that were the case why would Council Members not say there was a pot of money when doing the budget and make changes; and finally he believed the public, Council Members and 90% of civilian employees who got performance based pay did appreciate performance based pay and they needed the right balance between across the board and performance based pay and they all needed to work in good faith. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan thanked Mayor White for explaining and stated they were all on the same team and HOPE had friends at City Hall, there had been improvement under this Administration and he would like Mayor White to share information on the last four years salary increase for civilian employees, what it was like prior to the five years; and Mayor White stated that it was hit or miss, some years there were no increases and some increases were in line with cost of living increases; that they also dealt with increases in health benefits, but they had consistently increased in every budget and contract employees did not have security the classified employees had and it was vulnerable and that was why this contract was important. Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent.

Mr. Jeff Caynon, 1907 Freeman, Houston, Texas 77009 (713-223-9166) appeared and stated that he was newly elected president of Local 341 and came to introduce himself today and would like the Mayor to tell his staff to be expecting a call from them, they would be setting individual meetings; and they looked forward to their good working relationship with all. Council Members Lawrence, Johnson, Holm and Green absent.

Mayor White congratulated Mr. Caynon on his election and stated that he had a tough job, but knew he and his team were up for it; and all were proud of the firefighters and their effective union. Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent.

Council Members congratulated Mr. Caynon on his election; and Council Member Garcia stated that his door was always open; and Council Member Alvarado stated that Roland Chavez and those who worked with him did a tremendous job and he would go down as one of the most effective leaders at 341 and she wished him well; and Council Member Brown stated all were excited for his leadership; and Council Member Edwards stated that she would like to meet and talk with him on issues. Council Members Lawrence, Johnson, Holm and Green absent.

Mr. Gordon Washington, 10222 Valencia, Houston, Texas 77013 (713-825-9507) appeared, presented information and stated that he was against the badging of taxicab drivers, the majority of their income arose from both airports; first the 10 year background check would penalize Americans and others who lived in America 10 years and more, were they saying they should be ashamed to be an American; and second was crime, once you did a crime and did your time and became a productive citizen why should they be penalized again; that Mr. Mancuso repeatedly made numerous false and misleading statements and his handout was evidence, one was saying the badge was free when he and others were charged for the badges and he said it would be two days to receive the badge and it took him and others more than two weeks and also the airport was not secure, he observed numerous 18-wheeler trucks driving near terminals and airport control towers and a terrorist act could be done by using an 18-wheeler. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Brown, Noriega and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that they had meetings on this matter and a lot of companies were present and they beat this to the ground; and upon questions by Council Member Garcia, Mr. Washington stated that he was saying taxi drivers should not be badged; and Council Member Garcia stated that attacks could happen many ways, but where they saw the potential it was helpful to take steps to prevent it and commercial vehicle traffic coming in was well surveyed and taxis were able to stay in areas civilians were not; and he hoped they would be good participants; and Mr. Washington stated that he was not advised of any meeting; and Council Member Garcia stated that other cab companies were present, it was well attended. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he should have been at the meeting and if he was not informed then they needed to do a better job on informing; that currently they had badges and this was an additional badge; and upon questions, Mr. Washington stated he was correct and he knew of no other airport in the U. S. doing so; and Council Member Khan stated that he would suggest talking to his colleagues and put together something for Council to review and he would like to see hard facts. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that the issue of homeland security she would not go into right now, but on process she did not think two weeks was right to get the badge; and upon questions, Mr. Washington stated that he was charged a badge fee; and upon questions by Council Member Edwards to Mr. Mancuso, Mr. Mancuso stated there was to be no badge fee; and Council Member Edwards stated that was two issues they could deal with from a process position and she would appreciate him getting back with her on it. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she would ask Mr. Greg Treacy be moved forward; and Acting Mayor Pro Tem Berry invited Mr. Treacy to the podium. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Greg Treacy, 6814 Trimstone, Houston, Texas 77505 (281-851-4959) appeared and stated that he was secretary for the Houston Military Affairs Committee and present to speak on upcoming military events toward the end of the month; that the traveling Viet Nam Wall would be in Veteran's Memorial Park from October 24th – 29th; official viewing started the October 25th and the closing ceremony would be October 28th; that the primary purpose of the event was to raise military awareness and patriotism in youth; that Council Members helped put events together and he appreciated the assistance; that the Constable's office would provide escort for the wall and the Patriot's Guard and several motorcycle organizations would be escorting the wall here; Saturday would be a WWII symposium on the flags father down the street from the park at Sam Houston High School and later in the park the Boy Scouts would do an American Flag Retirement Ceremony so the public could see the proper way to dispose of the American Flag and there would be a Prisoner of War and Missing In Action Ceremony as well and close with a candlelight visual. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that Mr. Treacy worked with them on the Returning Veterans Initiative and was at every meeting with much information; and Mr. Treacy stated that Sunday would be a multi-denominational prayer service at Veterans Park and upon completion would be a dog handler's display and closing ceremony about 5:00 P.M.; and the healing wall was for those who could not actually get to Washington, D. C., to see the national monument; and he would appreciate the word being spread and any other assistance they could give; that they tried to help returning vets needing help to work through the red tape and he did have one number for the Military Severely Injured Joint Support Operations Center which was 888-774-1361 and they were available 24/7. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Noriega, Mr. Treacy stated that the Patriot's Guard would escort the wall in and as soon as he had the time he would let the police and Patriot's

Guard know of it; and Council Member Noriega stated that Council Members would like information so they could participate where they could; that the first time she saw the wall was in Hermann Park years ago and it was interesting and a moving experience; and Mr. Treacy stated that this evening at the Work Source, 1906 Cochran at 6:00 p.m. they were having a final coordination meeting. Mayor White, Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Khan stated that they were all listed at the City of Houston website and he appreciated what he did and hoped they could follow his lead. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Barbara Wilkins, 7303 Touchstone, Houston, Texas 77028 (713-635-2535) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Joseph Ballard, 6302 Rocky Nook, Humble, Texas 77396 (281-850-0388) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Arjumand Mubaarak, 11815 Sandpiper Drive, Houston, Texas 77035 (713-205-1681) appeared and stated that he lived in Southwest Place near the Fondren West Belfort area and he received a letter stating there would be a pilot program for tree waste recycling, which was a great idea, however, benefits given in the letter were they would save \$2,000. but it saved him \$425. and it was saving by not collecting year round, but only three months a year and everyone knew that would cause illegal dumping; that there were already problems in the neighborhood and he felt a few people would pay to take off their appliances and that would do away with their savings and others would just dump it; and on savings of landfill cost, waste was created and it would not change and it made no sense to allocate 75% of the resource effort to save 30% of the volume; and suggested the pilot program be rescinded or amended to have pickup year round. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he was watching in the other room and did hear his statement. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she understood his concerns but they had to get away from picking up heavy trash every month, they were one of the few cities who did such and those who were going to do illegal dumping would do it anyway; that some put out heavy trash too early and then got a warning and they said they would take it in, but they would just wait it out, but now if it was not the correct month they would ticket violators immediately and that would stop them from placing it out so early; and recycling yard waste was to stop it from being placed in landfills and stop the growth of those landfills and then it could be recycled in yards or parks; and also that recycling had become a revenue stream in other cities. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Mubaarak stated that they used to have a problem with dumping in his area and they started calling the city and it was stopped; and

Council Member Edwards stated that she understood his concerns and if he documented what happened in his area for three months on the dumping and city response they would have something to work with; and by working with the city one would be proven wrong and they would know if it was working or what to do. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Ms. Marina Joseph was a representative with Solid Waste and present at this time and if he wanted to follow Council Member Edwards suggestion he may want her E-mail to send his observations. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

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

Ms. Vernelle Taylor, 3207 Hinton, Houston, Texas 77022 (713-861-9062) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Darrow Sabrina Weiss, 11439 Legend Manor Drive, Houston, Texas 77082 (713-819-5856) appeared, presented information to Council Members and stated that she was marketing director for Outback Solutions; they marketed the worlds only instant portable self contained gas stations for waterways, etc., this was a real product with over 100 units having been sold around the world and certified by Shell Oil in 2000; that they believed their hometown, Houston, had a fantastic opportunity for national and international recognition by being the first USA sponsor and customer of their Houston portable gas station; and this could be setup anywhere at anytime, for disaster response, such as flood, hurricane, etc., and during Hurricane Rita with their portable gas stations along freeways the evacuation would have been much better and it was easy to use with operation within three hours. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. Weiss for coming and sharing her information and stated that he would make sure the appropriate person received a copy. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Weiss stated that this product was manufactured in China and United Nation; that it operated in France, Europe, Australia; that the internet gave more information; and they were the manufacturer's representative. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Marc Krasney, 6101 Westline, Houston, Texas 77036 (713-589-8100) appeared, presented information and stated that he was in-house counsel for Phonoscope and present to speak on the Texas Procurement Center and six invoices the City of Houston owed to Phonoscope; that the city requested six circuits to place out and they did the service and had to go through the Texas Procurement Center; that they did the service, billed through TPC and the city paid \$54,000. to TPC but they had not passed that money on to them; that the last invoice was 2006 and their money was tied up at Texas Procurement Center and so their question was what exactly was the TPC entity and they wanted to determine if it was even necessary and then they wanted Council to investigate where that \$54,000. went; that they knew as of July

2007 the city had paid. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he knew this was a continuing saga and Mr. Wells could remind him a little bit; that if they paid and the vender did not get paid then it was a rip off and he understood this was no excuse for this worthless company, but he understood three invoices were paid and three would be paid; and Mr. Krasney stated that at this point they had been paid nothing; and Mayor White stated that the city sent a letter August 17th stating to this worthless company that they were supposed to make timely payments and did not and it was a breach of their duties, they served them notice of default and that the contract would be terminated in 60 days; and if they could not do what they said they would he did not want to use them again. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that this was not acceptable at all; and upon questions, Mr. Krasney stated that they provided six internet circuits to provide a 9,000 plus mile fiber optic network in Houston; that Phonoscope was a privately owned company in Houston; and Council Member Khan thanked Mr. Krasney for bringing this to Council's attention. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that if the city paid and they were holding the money did they owe interest on it; and upon questions, Mr. Heilman stated that the Government Code required that if the government failed to pay within 30 days interest was due, but if the vendor they paid failed to pay timely he was not sure, but would follow-up on it and let her know. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that they would try and get this resolved; and Mr. Wells was present and had been doing what they could to get Phonoscope paid and to no longer do business with TPC; and Mr. Krasney stated that Mr. Larry McKaskle was present, if he could be allowed to speak. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated with there being no objection, yes, Mr. McKaskle could speak; and Mr. Larry McKaskle appeared and stated that last Wednesday it came to his attention Phonoscope had been delivering circuits since December 2006 and they were not paid for, but the city always paid promptly; that today he was present because the city was asking more circuits be turned on and they would be glad to, but couldn't with that much money outstanding; that he called Mr. Childress and he would not answer, he spoke with his employees but he never returned the call; that last Wednesday he faxed him and followed with a hard copy and return receipt requested and now they decided to take more steps; that they were told he mailed three checks for \$9,000. each last Friday, but as of this afternoon were still not there; and they made a thorough investigation on this situation and he was told people were waiting for hundreds of thousands of dollars to be paid by TPC and if that was the case an investigation was in order; and he would appreciate some help; and Mayor White stated that he had it; and to Mr. Wells and to the City Attorney's Office he would say they did not want to do business with TPC anymore, unless there was something completely new from what he had heard here and he was sorry the city did business with a sorry firm and the contract said contractor shall make such payments in accordance with Texas law including provisions of Chapter 2251 of the Texas Government Code; and upon questions, Mr. Heilman stated that was within 30 days; and Mayor White stated that if you did not perform the contract and took money it was fraud and maybe the City Attorney should consider that and to Mr. Wells they just needed to get this sorted out and

terminate the relationship with the company; and upon questions, Mr. Wells stated that as for as he knew they had not cured the default; and Mr. McKaskle stated that the city wanted more circuits and on his word they would put them in; and Mayor White stated that he had their word, but on something where they could bypass this company so if it could be direct billed , they should figure a way to do that; and Mr. McKaskle stated that if TPC was not bonded they should be; and Mayor White stated that he heard nothing good about the company since he had been here and they were trying to extricate themselves. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Jacob Klementich, 4387 Fiesta, Houston, Texas 77004 (832-722-4115) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Ms. E. B. Allen, 1305 Isabella, Houston, Texas 77004 (281-523-1589) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Bobby Ore, 8554 Katy Freeway #100, Houston, Texas 77024 (713-554-6522) appeared and stated that he was a retail developer in Houston and he thanked Council Members Holm, Garcia and Berry and Katy Dorfman in his office for helping him on various projects and Council Member Brown for his nice comments on some of his projects; that his tenants paid millions of dollars in property taxes yearly and he felt he was a responsible retail developer; that besides those he thanked he had received little cooperation from the City of Houston Public Works Department on various things such as parking, etc., he had several projects under construction on Washington Avenue and was disappointed in help received; that today he was present as two METRO people approached him and one of his properties on the Southwest Freeway across from Lakewood Church would now have the METRO Light Rail go over his shopping center; that the Richmond Rail would go down and across the Southwest Freeway and across the top of his shopping center and he would not have them ruin his shopping center; that property taxes were being raised even as much as 300%, 400% and he had probably 30 or 40 lawsuits against the Appraisal District, they were out of control and irresponsible and now METRO was coming over the top of his center with light rail and he was told the train would go in both directions every three minutes and he could not begin to assess damages and did not know why they could not go over Edloe; that for a city trying to be progressive, urban and do things about landscaping and preservation he did not know why the rail would be going over him and he was voicing his opposition. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Mr. Ore stated that he understood the alignment METRO was going to approve was the one going down Richmond and turning south on Cummins between Lakewood and the Camdon Apartments and then over his shopping center between Edloe and Wesleyan and then along the railroad west; that he understood the rail over his center would be at an elevation of about 40 feet; and Council Member Brown stated that he would check into that for him and get back with him. Council Members Lawrence,

Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would say this was not final though it may be the preferred route and he should keep speaking and go to the METRO board and call Mr. Russ Frank and let him know he wanted to speak to Mr. Wilson. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that the way he saw it was first, he did not know the facts exactly but did know in going from one side of the freeway to the other it was built in per structure and foot by foot, yard by yard, there was engineering done and one issue he saw was to put something through someone's property you condemned the property and then in the situation of the Katy Freeway, which was not the city, they took part of someone's property and then owed them for all the property because they said they could not use it any more and sometimes they got paid too much on that process, but some people who were against the Katy Freeway being widened found it was the best thing financially that ever happened to them, but he did not think that was the right thing though the question was when you went above what did you do; that some people said there was more noise elevated but less distraction of street level traffic and when they went through the air going from one elevation to another then what happened to the value and business; and upon questions, Mr. Ore stated that he had the air rights; and Mayor White stated that on this issue how did they figure the diminishment of the market value and if they wanted to lease his air rights, but for want of a better word he would not think it would zero because he said he did have the air rights; and Mr. Ore stated that they could go down Richmond and he knew that battle was fought, but he felt they were going over his property because he was the only one they would have to deal with and maybe he would just let it go but he was not. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Otis Jordan, 7663 South Glenn Willow, Missouri City, Texas 77489 (281-723-3700) appeared and stated that he was president of the Houston Black Firefighters Association and was present in August regarding a captain disrespecting young females at Willowridge High School and he asked that he be removed from the station but it was not done and now he had made other comments; that he, himself, lived in the neighborhood and the captain had said if Captain Jordan had another heart attack he hoped to be the one transporting him in; that he was also watching the Council video and stood up in front of about 11 firefighters and said what did they think should be done to Otis Jordan, should they sue him or shoot all his members; and that was a hostile and terroristic threat; that he worked in the same neighborhood where his family slept at night and he told his daughter this morning that when she was eight years old firefighters spent the night outside the house terrorizing them and they were paid \$4,000. by the Administration because he went one block out of territory and he wanted this stopped; that the District Chief said he did not know if he should turn him in or not, he was transferred to payroll and he wanted it on record that this city, this Mayor was responsible and the Fire Department needed to be cleaned up and he needed to be removed. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Jordan stated that he was watching the video of Council with a District Chief and Senior Captain and about seven or eight other firefighters and he asked them what should he do to Captain Jordan, sue him or shoot all his members; and Council Member Edwards stated that she did not know protocol for such; and Mr. Jordan stated that he commented he would shoot 300 African American firefighters and the OIG never reported it to the Fire Chief or him; and upon further questions by Council Member

Edwards, Mr. Heilman stated that he would follow-up with the OIG and Labor Division and see what the status was on the OIG complaint. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Noriega, Mr. Jordan stated that the Fire Department wanted to hide their dirty laundry and he was not scared but did fear for his family and the other 300 firefighters. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Khan stated that they did value his service and none could advise him what to do in terms of going to the D.A. it was his call and as for the OIG investigation the City Attorney would find the status; that he may should ask the Fire Chief for remediation, etc., and he would request Karen Dupont to ask the Fire Chief to look at procedures in the department and follow them and he should keep Council informed. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that if this was going on, and she had no reason to doubt it, she was amazed someone had not knocked someone out, but she would suggest and ask the Fire Chief to give an assessment of what was going on and she would suggest he get an attorney and if he wanted to file suit then do so; that all had the right to protect their own integrity and community and with this being the Fire Department this was people who went out and served and they did good work and this needed to be settled once and for all; that they could not afford as a city for firemen to be threatening each other in the firehouse, it made no sense. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Noriega, Council Member Khan stated that they were asking Chief Boriskie to give them a briefing within 10 days; and Council Member Noriega stated that typically her experience was things were often more complicated than they seemed and she could not imagine what would justify what he described, but it would be reasonable to check with him though she was dismayed any such thing would go on and wanted to be clear of the outcome. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Alba Morales, 100 Fifth Avenue, New York, New York 10011 (212-364-5340) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Bryan Klein, 701 W. 43rd, Houston, Texas 77018 (713-907-5259) appeared and stated that he had the problem of urination, prostitution, drugs, etc., centered around the corner of 43rd and Shepherd at the major transit hub and tried to contact the City Attorney's Office to get codes and ordinances defined and it seemed it might be out of their purview but he had been working at this three years and he wanted something done as he needed to protect his property and would like assistance from the Mayor or METRO in solving the litter, etc. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Khan stated that Mr. Herrera would take his information and they would pass it to Neighborhood Protection and have them follow-up. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she spoke to him and had gone past to look at his situation and there did seem to be a commercial area not far away and it would be reasonable and easy to move it; that people were concerned about barbed wire, but she did think the METRO stop could and should be moved and maybe her office and Council Member Edwards office could work with Council Member Lawrence's office to see what they could do as the METRO stop was right at the end of his driveway; and Council Member Edwards stated that she would be willing to see what could be done; and Council Member Noriega stated that he should contact Shawn in her office and they would be in touch. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Johnathan Smulian, 1231 Arlington, Houston, Texas 77008 (713-863-9047) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he needed more time; and releasing a convict was a violation; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

At 5:41 p.m. City Council recessed until 6:00 p.m. when they would conduct the public hearing on the proposed tax rate. Council Member Wiseman absent due to being ill. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

At 6:08 p.m. Mayor White reconvened the meeting of the City Council for a public hearing. Mr. Arturo Michel, City Attorney and Mr. Dan Doherty, Senior Assistant City Attorney present. Council Member Wiseman absent due to being ill. Council Members Johnson, Clutterbuck, Holm, Green and Berry absent.

### **HEARING - 6:00 P.M.**

**PUBLIC HEARING** on the proposal to establish a tax rate of \$.64375/\$100 of value for Tax Year 2007 – was called. Council Members Johnson, Clutterbuck, Holm, Green and Berry absent.

Mr. Paul Bettencourt, 1001 Preston, Houston, Texas 77002 (713-368-2510) appeared and presented a handout, which included a map, to each Council Member and stated that he had the presentation that he had already made at County Commissioner's Court that morning, that he wanted to talk about the tax rate that they proposed and reviewed the handout and map, which compared last year's and this year's total property tax collections for the City, and stated that the difference which would result in an increase of approximately 11.97% in the total tax revenue in property taxes going to the City, that basically property anywhere almost exclusively inside the Beltway was up a tremendous value, that they could see specific neighborhoods that were lower socio economic such as Acres Homes, the Near Northside, Denver Harbor, Third

Ward, Sunnyside and Hiram Clarke that were faced with very large appraised value increases and they could see also, depending upon their avenues of growth, such as the Westheimer area, I-10 and the other corridors, that there was a strong growth there was well, that it meant that they were looking at an average tax bill growth that were quite substantial and if they went to page 3 he had given them an analysis that in looking at the property tax roll that the average home in the City, given the current 1/8% cut would have a 12.72% increase in the property tax bill, that he had also taken a look at the homesteads and this data was a little different than was in their public notice, they were using HCAD recaps and it was a 9.13% increase on a homesteaded property which was a substantial increase, so he was present to ask for more property tax relief than the 1/8 of a penny that they had put on their preliminary analysis, that he could tell them that the County wide increases were slightly stronger than this, the average increase on the County's taxable value would be 12.50%, that some school districts were even higher than that, about 13.77% for Cy-Fair and others so it was not just a City of Houston issue but it was clearly a County wide issue as well. Council Members Johnson, Clutterbuck, Holm, Green and Berry absent.

Mayor White stated that he would mention something, just so if anybody was watching or to volunteer that after the meeting there could be a communications of their staff on it, that his numbers were slightly different than Mr. Bettencourt's and again there was no need to debate, that he would like to reconcile it because whatever the numbers were last year on the year to year their total property tax collections that Mr. Bettencourt had said were 7.7% he had at 6.07% year to year, and then on the year to year based on the current projections of the mid range of the Appraisal District for their collections he had about 9.7%, that those were large numbers but he did not know whether they were accounted for, but actually they saw the increase in commercial and he wanted to applaud the Appraisal District on it, that for years both he and Mr. Bettencourt decried the fact that it seemed like residents or homeowners were getting hammered harder or that the full market value was reflected in some of those figures and that in part, because of inertia or because of more sophistication they were seeing a lower percentage of commercial collections on their ad valorem tax increases, but in the last two years, he did not know what they were doing different at the Appraisal District, but they had seen that historically tendency which had existed over decades, start to be reversed so there was some change, and Mr. Bettencourt stated about a 16% year increase on an average bill for the last few years for the commercial, and Mayor White stated that it was good and bad news, for the commercial property owners it was bad news, but it did mean that the trend that they had seen for so long, that so much of the gross and the cost of services was borne by the residential property owner, that there were some things happening at the Appraisal District which had helped correct what both he and Mr. Bettencourt had perceived, and many citizens did, as an inequity, that he did not want to comment on what Commissioner's Court should do because they had their hands full here, and they had not heard him go up in front of Commissioner's Court and talk about what people ought to do on their property tax rate, although he would tell them as a public servant people did pick his brain on some things before the latest bond issue and he would not go into the details, on both the Port and Harris County, that he believed that the appraisals would come in higher than many people had modeled, and Mr. Bettencourt stated that clearly HISD agreed with Mayor White because they were now no longer having any debt increase on their bond issue, and Mayor White stated that Ms. Mitchell could work with somebody at Mr. Bettencourt's staff just so they could get the two numbers reconciled; that the other thing was the figures that they had worked up on the year to year growth in population for the last census period, for which they expect to have the information and the CPI growth, was a very substantial number and all of them were trying to catch up and provide services for a growing community and he thought they needed to take that into account and he thought Mr. Bettencourt did to. Council Members Johnson, Clutterbuck, Holm, Alvarado and Berry absent.

After further discussion, Mayor White asked Mr. Bettencourt if he could share with them his views of what the impact of the TRIZ could be over extended periods of time for the City of Houston, and Mr. Bettencourt stated that using Ms. Mitchell's figure, say for 2006, he thought their TIRZ was \$35 million and he was going from memory, so that meant it increased year after year and thought that as a matter of public policy he thought long term TIRZs were bad public policy because they encapsulate all that money in those high dollar areas in a specific zone and the problem was that those agreements, he believed, were 30 year type of agreements, so over a period of time they would end up literally with some of these districts maybe 10 years from now thinking that all they could do was buy a gold plated lamp post, because that was all they had left, that he would also be concerned about how much their overhead was in legal fees and in the individual jurisdictions that were sub jurisdictions to the City that were set up effectively autonomously, even though he believed the City Council appointed the members of those boards.

After further discussion and questions, Council Member Edwards asked Mr. Bettencourt what was it that he was asking of the City, County and the ISD's, and Mr. Bettencourt stated that tax appraised values for the average home were up almost 10% and he was asking for the City, County and any other taxing jurisdiction to cut their tax rates as much as they could, that the County discussion today was at least one penny, the City of Houston proposed a 1/8 penny and he would dearly love for the City to raise the 1/8 penny up to match the County, but more importantly what was happening was that he looked at the taxpayer ability to pay and there had been many years of these type of increases, not just on commercial but on residential, especially in lower socio economic neighborhoods, that by his guess they had \$92 million worth of additional property tax revenue coming in in just one year, that they all could do with a little less of it, that the ISDs were going to lower their tax rate anyway because they had a buy down by the State, that the County's response was that they upped their cut to about a penny this morning, that the last time the County did that was, he thought, 2001, that the ISD response was that they were now on a buy down by the State of Texas, for example HISD's tax rate would be reduced to about \$1.15 and change, however as the buy down had occurred the appraised value increases had taken a great amount so they were only going to have a \$157 cut, that it was the only cut that he would ever see probably in his life as an assessor for an average home, so it was a good thing, that HISD cut their rate last year by about 17 cents, that again it was all part of the State buy down formula. Council Members Johnson, Clutterbuck, Holm, Green and Berry absent.

After further discussion by Council Members, Council Member Garcia moved to close the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Johnson, Clutterbuck, Holm, Green and Berry absent.

At 6:51 p.m. City Council recessed until 9:00 a.m., Wednesday, October 10, 2007. Council Member Wiseman absent due to being ill. Council Members Johnson, Clutterbuck, Holm, Green and Berry absent.

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

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

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

At 9:36 a.m. Mayor White called the meeting to order. Council Members Holm, Garcia and Berry absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 2 through 42**

#### **MISCELLANEOUS** - NUMBERS 2 through 4

2. RECOMMENDATION from Acting Director of Human Resources for approval of the Holiday Schedule for Calendar Year 2008 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-0995 ADOPTED.
3. RECOMMENDATION from Director General Services Department for approval of application for approval of Redevelopment Plan and Homeless Assistance Submission for United States Army Reserve Centers #2 and #3 to the Department of Defense and Department of Housing and Urban Development - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-0996 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of sale of a water tank to **SPANISH COVE PUBLIC UTILITY DISTRICT - DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-0997 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 5 through 9

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,801,104.75 and acceptance of work on contract with **TOTAL SITE, INC** for Neighborhood Street Reconstruction Project, NSR 439A, WBS N-000372-0002-4 - 0.30% under 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 Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-0998 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$662,638.70 and acceptance of work on contract with **PELTIER BROTHERS CONSTRUCTION, LTD.**, for Lang Lift Station Replacement, WBS R-000267-0070-4 17.97% over 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 Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-0999 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,681,688.96 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by

Sliplining and Pipe Bursting Methods, WBS R-000294-0001-4 - 1.50% under the original contract amount **DISTRICTS C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1000 ADOPTED.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,016,295.00 and acceptance of work on contract with **N. G. PAINTING, L.P.** for Rehabilitation of Two Ground Storage Tanks at District 218 and Heights Pumping Stations, WBS S-000600-00B2-4 - 12.21% under the original contract amount - **DISTRICTS G - HOLM and H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1001 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,027,026.75 and acceptance of work contract with **TEXAS STERLING CONSTRUCTION, L.P.** for On-Call Rehabilitation to Large Diameter Water Lines, Valves, and Appurtenances, Package 3, WBS S-000701-0001-4 - 61.11% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1002 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item No. 15 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1003 ADOPTED.

15. RESOLUTION designating **AVONDALE WEST** as an historic district - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. RESOLUTION 2007-0041 ADOPTED.

Council Member Edwards stated that she wanted to thank her colleagues, that it was in District D but it was a vote for the City of Houston and every community that they develop in the district and adds to the wealth and beauty of the City and she wanted to thank everyone for their support and for the citizens who lived in Avondale congratulations on their work. Council Member Berry absent.

Council Member Lovell stated that she wanted to thank her colleagues also and congratulate her neighbors in Avondale and thank them for their hard work and would encourage her other neighbors in Montrose to follow their example. Council Member Berry absent.

Council Member Holm stated that she too wanted to congratulate the people that had worked so hard on Avondale West and those that worked so hard for the establishment and preservation of the character of their neighborhoods.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 through 14

13. **AMEND MOTION #2002-1414, 12/11/02, previously amended by Motion #2005-1184, 12/7/05, TO INCREASE** spending authority for Chemical, Chlorine for Department of Public Works & Engineering, awarded to **DXI INDUSTRIES, INC** from \$2,635,825.00 to \$2,952,124.00 and **ALTIVIA CORPORATION** from \$2,177,889.24 to \$2,439,235.00 - \$577,644.76 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1004 ADOPTED.
14. **AZTECA SYSTEMS, INC** for Software Maintenance Services Agreement for Infrastructure Management System for Department of Public Works & Engineering - \$110,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1005 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 16 through 42

16. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2007A, for the purpose of refunding certain Public Improvement Bonds previously issued by the City of Houston and refunding Certain General Obligation Commercial Paper Notes, Series D (2001 Voter Authorized, certain General Obligation Commercial Paper Notes, Series E (Rolling Stock, Information Technology, SAP Project, SWD Equipment and West 11th Street Park) and certain General Obligation Commercial Paper Notes, Series F (Drainage); making other provisions regarding such Bonds and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1114 ADOPTED.
17. ORDINANCE authorizing the issuance of City of Houston, Texas, Certificates of Obligation, Series 2007B; making other provisions regarding such Certificates and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1115 ADOPTED.
18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two 5-foot-wide water line easements and a 10-foot-wide prescriptive sanitary sewer easement, comprised of Parcels SY6-081A, SY6-081B, SY6-103A, SY6-103B and SY6-103C, vacating and abandoning said parcels to Northline Mall Limited Partnership and to Houston Community College System Public Facility Corporation, the abutting owners, in consideration of their dedication of a 35-foot-wide storm sewer easement, comprised of Parcels LY6-014 and LY7-001, and the payment of \$24,683.00 and other consideration to the City; all seven parcels being out of the O. P. Kelton Survey, Abstract 493, Houston, Harris County, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1116 ADOPTED.
20. ORDINANCE consenting to the addition of 29.270 acres of land to **NEW CANEY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district; and inclusion of land in Certificates of Convenience and Necessity Nos. 11969 and 20575 in connection therewith – had been pulled from the Agenda by the Administration, and was not considered.
21. ORDINANCE releasing certain territory consisting of approximately 973.43 acres in Waller and Harris Counties in the vicinity of the City of Waller, Texas, from the extraterritorial

jurisdiction of the City of Houston – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1117 ADOPTED.

23. ORDINANCE amending Ordinance No. 2007-0736 relating to the Fiscal Affairs of the Main Street/Market Square Redevelopment Authority on behalf of Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone); approving an amendment of the Fiscal Year 2008 Operating Budget for the Authority - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1118 ADOPTED.
24. ORDINANCE approving and authorizing contracts between the City and (1) **AIDS FOUNDATION HOUSTON, INC**, (2) **BEE BUSY LEARNING ACADEMY, INC**, (3) **LEGACY COMMUNITY HEALTH SERVICES, INC**, (4) **MONTROSE COUNSELING CENTER**, (5) **ST. HOPE FOUNDATION** and (6) **YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON** for HIV/STD Services; providing maximum contract amounts - \$6,525,000.00 - Grant and General Funds – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1119 ADOPTED.
25. ORDINANCE approving and authorizing first amendment to Lease Agreement (City Contract C50810) between the City of Houston and the **HOUSTON MUNICIPAL EMPLOYEES FEDERAL CREDIT UNION**, as tenant, reducing the amount of rentable square feet of space in the leased premises and establishing a new monthly rental for space located at 611 Walker, 5th Floor and Basement Level, Houston, Texas, 77002, as approved by City Council Ordinance No. 99-978 Revenue - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1120 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to joint elections to be held on November 6, 2007; providing a maximum contract amount - \$600,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1121 ADOPTED.
27. ORDINANCE establishing City of Houston Election Precincts and designating polling places for the City of Houston General Election to be held on November 6, 2007 – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1122 ADOPTED.
28. ORDINANCE approving and authorizing first amendment to Professional Architectural Services contract between the City of Houston and **SMITH & COMPANY ARCHITECTS** (approved by Ordinance No. 06-1234) for the African-American Library at the Gregory School, WBS E-000144-0004-3 - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1123 ADOPTED.
29. ORDINANCE approving and authorizing first amendment to construction contract between the City of Houston and **BOYER, INC** for Meyerland Park and Reeves Park (approved by Ordinance No. 2006-1092), WBS F-0504C7-0001-4 and F-0504C8-0001-4 - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1124 ADOPTED.

30. ORDINANCE appropriating \$190,000.00 out of Water & Sewer System Consolidated Construction Fund and \$75,000.00 out of Solid Waste Consolidated Construction Fund and approving and authorizing first amendment to negotiated Work Order Professional Engineering Services Contract (approved by Ord. No. 06-0126) between the City of Houston and **CARTER & BURGESS, INC**, WBS R-000268-0044-3 and L-000073-0001-3 – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1125 ADOPTED.
31. ORDINANCE amending Ordinance No. 1999-1313 to increase the maximum contract amount between the City of Houston and **FRAZER, LTD.** for Ambulance Module Refurbishing and Repair Services for the Fire Department - \$149,086.50 - General Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1126 ADOPTED.
32. ORDINANCE awarding contract to **GOWAN, INC** for Backflow Preventers Certification, Testing and Repair Services for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,073,467.82 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1127 ADOPTED.
33. ORDINANCE awarding contract to **ALLIANCE DIESEL AND GAS ENGINE REBUILDERS, INC.** for Diesel and Gasoline Engine Machine Work Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,433,588.50 - General Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1128 ADOPTED.
34. ORDINANCE awarding contract to **KELLOGG BROWN & ROOT SERVICES, INC** for On-Call Maintenance and Repair Services for Drinking Water Operations for Public Works & Engineering Department; establishing a maximum contract amount - 3 Years - \$5,000,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1129 ADOPTED.
35. ORDINANCE appropriating \$112,107.74 out of Street & Bridge Consolidated Construction Fund, and approving and authorizing Compromise and Settlement Agreement between the City of Houston and **RATNALA & BAHL, INC** to settle a claim - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1130 ADOPTED.
36. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Ley Road Paving Improvements Project (from North Wayside to Mesa Road); authorizing the acquisition of certain real property interests required for the projects and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of fee simple title or easements to 62 parcels of land situated in the J. L. Stanley Survey, Abstract No. 700, in Harris County, Texas, and being more specifically situated out of properties that are situated along the north and south lines of Ley Road between North Wayside and Mesa Road, being a part of Blocks 4, 4A, 5 and 6 of the East Houston Gardens Section One Subdivision according to the plat thereof as recorded in Volume 14, Page 37, Harris County Map Records, and a part of Blocks A, C and D of Knollwood Estate Subdivision according to the plat thereof as recorded in Volume 13, Page 53 of the Harris County Map

Records - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1131 ADOPTED.

37. ORDINANCE appropriating \$175,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Construction Management and Inspection Services Contract between the City of Houston and **MENENDEZ-DONNELL & ASSOCIATES, INC** (approved by Ordinance No. 06-0551), WBS N-000668-0013-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1132 ADOPTED.
38. ORDINANCE appropriating \$3,611,024.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0104-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1133 ADOPTED.
39. ORDINANCE appropriating \$3,764,727.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000294-0014-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1134 ADOPTED.
40. ORDINANCE appropriating \$3,658,785.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000294-0015-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1135 ADOPTED.
41. ORDINANCE appropriating \$3,734,768.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS R-000295-0013-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye.

Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1136 ADOPTED.

42. ORDINANCE awarding contract to **METRO CITY CONSTRUCTION, L.P.** for On-Call Water & Sewer Service Connections, WBS S-000036-0010-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Community Development Block Grant Funds - \$750,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1137 ADOPTED.

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

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 through 14

10. ORDINANCE appropriating \$831,500.00 out of Equipment Acquisition Consolidated Fund for Purchase of Ambulances and Cabs and Chassis for Fire Department – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1138 ADOPTED.
- 10a. **KNAPP CHEVROLET, INC** for Ambulances and Cabs & Chassis through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Fire Department – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1006 ADOPTED.
11. ORDINANCE appropriating \$3,195,865.40 out of Equipment Acquisition Consolidated Fund for Purchase of Refuse Trucks and Trash Collection Trailers for Solid Waste Management Department – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. ORDINANCE 2007-1139 ADOPTED.
- 11a. **SANTEX TRUCK CENTER, LTD.** - \$623,090.00, **TEXAN WASTE EQUIPMENT, INC d/b/a HEIL OF TEXAS** - \$799,191.40, **HOUSTON FREIGHTLINER, INC** - \$822,600.00 and **G & H TRUCK EQUIPMENT, INC** - \$855,784.00 for Refuse Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Solid Waste Management Department - \$3,100,665.40 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1007 ADOPTED.
- 11b. **AMEND MOTION #2006-968, 10/24/06, previously amended by Motion #2007-82, 1/24/07**, to purchase two additional Trash Collection Trailers for Solid Waste Management Department, awarded to **NICK'S DIESEL SERVICE, INC** - \$95,200.00 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1008 ADOPTED.
12. **AMEND MOTION #2005-198, 3/2/05, TO INCREASE** spending authority from \$535,501.40 to \$749,701.96, for Barcoded Traffic and Non-Traffic Citations for Municipal Courts Administration and Judicial Departments, awarded to **WORKFLOW ONE (formerly THE RELIZON COMPANY)** \$214,200.56 - General and Parking Management Funds –

was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1009 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the remaining portion of a 12-foot-wide alley adjacent to Lots 5 through 9, Block 3, located within the Settegast and Dodge Addition, comprising Parcel Numbers SY5-069 and SY6-033, and of the 12-foot-wide alley, along the east property line of Lot 12, Block 1, located within the Courtyards at Lillian, comprising Parcel Number SY6-034, vacating and abandoning (i) Parcel Number SY5-069 to UR Properties I, L.P., the abutting owner, in consideration of its payment of \$53,130.00 and other consideration to the City, (ii) Parcel Number SY6-033 to Steve Houck, the abutting owner, in consideration of the payment of \$10,500.00, and other consideration to the City, and (iii) Parcel Number SY6-034 to Paul John Siwek and wife, Georgianna Liesz Siwek, the abutting owners, in consideration of the payment of \$44,520.00, and other consideration to the City - **DISTRICT H – GARCIA** – was presented, and tagged by Council Member Garcia.
22. ORDINANCE enlarging the boundaries of **REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS, (MEMORIAL HEIGHTS) - DISTRICTS A - LAWRENCE; D - EDWARDS; G - HOLM; H - GARCIA and I - ALVARADO** – was presented, and tagged by Council Member Garcia. (Note: Council Member Garcia released his tag later in the meeting.)

## **MATTERS HELD** - NUMBERS 43 through 48

43. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **STAR AUTOMOTIVE WAREHOUSE** for Automotive, Associated Replacement Parts for Various Departments \$2,119,355.20 - General and Enterprise Funds – **(This was Item 20 on Agenda of October 3, 2007, TAGGED BY COUNCIL MEMBERS JOHNSON, LAWRENCE and GREEN)** – was presented. Council Member Lawrence voting no, balance voting aye. Council Member Wiseman absent due to being ill. MOTION 2007-1010 ADOPTED.
44. ORDINANCE **AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to subdivision and development; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause – **(This was Item 24 on Agenda of October 3, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON, LAWRENCE, GARCIA, HOLM and CLUTTERBUCK)**

Council Member Lovell offered the following written motion to amend Item No. 44:

“Amendment to Article 1 § 42 – 1 Definitions

I propose the following changes be made to these definitions found in Chapter 42:

**Multi-family residential** shall mean the use of property with one or more buildings on a parcel designed for and containing an aggregate of three or more dwelling units. Multi-family residential includes apartments, condominiums, ~~boarding houses~~, triplexes and quadriplexes.

**Residential** shall mean pertaining to the use of land for premises that contain habitable rooms for nontransient occupancy and that are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels, **boarding houses**, and day care centers shall not be considered to be residential.

Mayor White stated that they were in agreement with the amendment by Council Member Lovell.

Council Member Brown offered the following written amendment to Item No. 44:  
"Amendments to Chapter 42, Minimum Lot Size  
Modify the Item (K) (3) of the proposed rules by adding a provision that new development (and any variance) is subject to a maximum density not to exceed the average density of the entire blockface, or the existing density of the site, whichever is greater."

Mayor White stated that there were a number of different issues, legal, involvement of stakeholders and informal process that they would need to go through and at this time the administration would not support Council Member Brown's motion to amend Item No. 44, that there may be issues about what someone who had a single family residence could do with their own house if a neighbor argued that it would increase the density and the blockface but he was not saying that they could not come back at some later time to take a look at it.

Council Member Garcia stated that because there was a concern that there was not an effective definition for what a condominium was, and asked if they could get some definition on condominium so they would not have people just scratch the name of condo's and say they were building duplexes.

Mayor White stated that they did not want the duplex but if people had garage apartments they did not want to say that they could not have them and there was a change that was made, and asked Mr. Michel if he could describe the change and Mr. Michel asked for a minute to track it down and provide it.

Mayor White stated that Ms. Gafrick was present and if there was no objection by unanimous consent they would permit Ms. Gafrick to appear before the City Council, and asked if she had heard Council Member Garcia's concern on duplexes and at the same time they did not want to have the law of unintended consequences of somebody having a garage apartment for a blank amount of time and how did they address that.

Ms. Gafrick stated that what they did was say that a single family lot could have one primary dwelling unit and a secondary dwelling unit of not more than 900 square feet, that would allow them to do a garage apartment or a small 900 square foot free standing secondary building or if they wanted a 900 square foot addition to a primary residence, but the effect was that they would not end up with two 2,400 square foot attached units on a lot and that took care of the form of ownership that they were concerned about, that they would not be able to get two identical footprints on the same lot.

After further discussion, Council Member Brown stated that he would withdraw his motion but would like to emphasize that they already regulated density, there was a definition in their code, they had a maximum density in urban areas of 27 units per acre, that he would like for them to use that to further refine the ordinance at the earliest possible date.

After further discussion and questions by Council Members, Ms. Gafrick stated that 900 square feet was currently in the definition for single family right now and the thought was that it was probably a reasonable size for a garage apartment or a granny flat, that there had been two variances that she could recall where they sought to construct a garage apartment that was greater than 900 square feet, so a huge proportion of garage apartments or secondary dwelling units were being constructed at 900 square feet or less; that as to concerns and suggestions made by the public, one of the suggestions was adding a provision in there for a primary and secondary dwelling unit, they thought it was a good idea and was why they incorporated it in the draft that was before them today, that there were five different proposals that were presented to them to look at and what they were concerned about was that they were trying to take existing multi family properties or commercial properties and make them when they redeveloped single family residential and there was concern that people bought into the neighborhood based upon what it looked like, whether it was single family property owners or non single family properties, so it was the continued continuity versus the change in the neighborhood and they were trying to strike a balance, but there were several different proposals and they looked at each one very seriously. Council Member Garcia absent.

After further discussion Council Member Lawrence stated that she would like to get the opinion of Legal or the Director of Planning on the question of density and whether they thought they needed to strengthen what was written in Chapter 42. Council Member Garcia absent.

After further discussion, Council Member Lawrence stated that last week she had a situation and they talked about a single lane street and after last night's Council meeting she left and went to a neighborhood meeting, that again they had a very small street, 10 acre development, that it was not a vertical neighborhood but a lateral neighborhood and then another one so all together it would be about 600 families coming out so even a worse situation so maybe they needed to look at their small single lane streets and decide how development could take place with a comprehensive study that had that situation, that it was two neighborhoods going onto a street that feeds onto the feeder street, which would be very busy in the morning, if they went the other way, about 700 feet, then they had to fight with two lanes that went one way and then two lanes that went the opposite way and go all the way down and come back, so they really needed to start looking at traffic impact and decide what was going to be required there and how they were going to create neighborhoods on small streets because they were now at that point. Council Members Garcia and Berry absent.

Mayor White stated that Mr. Icken was monitoring the meeting and in those situations that she encountered would that issue be resolved by a requirement for an addition inlet or outlet for a number of dwelling units that was below the 149 and Council Member Lawrence stated that it could but at the same time if gated communities come in how that traffic was going to move and, say gated communities, did they have to have stub streets as other development takes place behind them that it would eventually open up, that was where she was going, that they really needed to look at traffic impact that took in a lot of different situations and say if they do it they could not impact existing neighborhoods.

Mayor White stated that in this case he would ask her to give some thought based on the two examples and would ask Mr. Icken to give some thought on that, very specifically so they were not, 10 years of study later, deciding that were circumstances in which they wanted to drop that requirement of the number of dwelling units for requiring additional inlet and outlet and when the inlet and outlet was on two lanes, that the person who instituted that requirement was a human being and they could take a look at what could be done in that particular case and where there would be not a provision for additional inlets or outlets to be built in the future that might have a different criteria, and they would do that and not take a year to do it. Council Members Garcia and Berry absent.

After further discussion by Council Members a vote was called on Council Member Lovell's motion to amend Item No. 44. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Garcia, Brown and Berry absent. MOTION 2007-1011 ADOPTED.

A vote was called on Item No. 44 as amended. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Garcia, Brown and Berry absent. ORDINANCE 2007-1140 ADOPTED AS AMENDED.

45. WRITTEN Motion by Council Member Clutterbuck to amend Item 45D to provide that Sections 42-251 through 42-257 be amended in the following way - with the appropriate language to be drafted by the Legal Department:

- In calculating the amount of land to be dedicated, allow for as little as one half acre in urban areas and one acre in suburban areas
- Require written notice to the developer when the director requires fees in lieu of dedicating land and stating the reason for the decision. Allow for the director's determination to be appealed to the Director of Planning & Development.
- Allow for 100% credit for dedicated land, including private parks, greenbelts, links to other parks.
- Change the hold time for funds from developers to a three-year time period with two one-year extensions.
- All funds not expended in four years should be refunded to the current owners. The city should identify the current owners and make every effort to notify them of their right to a pro rata refund. **(TAGGED BY COUNCIL MEMBERS WISEMAN and CLUTTERBUCK)** – was presented.

Council Member Holm moved to suspend the rules to hear from Mr. Andy Icken regarding Item No. 45, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Garcia and Berry absent. MOTION 2007-1012 ADOPTED.

Council Member Clutterbuck stated that she would urge her colleagues to support the amendments to modify the parks dedication of land ordinance and offered the following substitute language to amend Item No. 45. Council Members Garcia and Berry absent.

"I move that Sections 42-251 through 42-257 be amended in the following way, with the following appropriate language drafted by the Legal Department:

A. *In calculating the amount of land to be dedicated, allow for as little as one half acre in urban areas and one acre in suburban areas*

In Section 5 of the proposed Ordinance, amend subsection (f) of Section 42-252 of the Code of Ordinances, Houston, Texas, to read as follows (deletions shown by strike-through and additions by double-underlining):

"(f) If the calculation in subsection (b) of this section results in a requirement of less than one-half acre for property located in the urban area or ~~two acres~~ one acre for property located in the suburban area, the parks director may require the developer to pay the fee in lieu of land dedication as provided in section 42-253 of this Code. The parks director may approve the dedication of less than one-half acre of property in the urban area or one acre of property in the suburban area if the proposed park is a pocket park the need for which is identified in the Parks Master Plan, is adjacent to an existing

park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the Parks Master Plan. ~~The parks director may approve the dedication of less than two acres in the suburban area if he determines that the area proposed to be dedicated is a neighborhood park the need for which is identified in the Parks Master Plan, or meets the other criteria of the preceding sentence.~~—This limitation, however, shall not apply to limit the size of compensating open space, which shall be governed by section 42-185 of this Code.”

*B. Require written notice to the developer when the director requires fees in lieu of dedicating land and stating the reason for the decision. Allow for the director’s determination to be appealed to the Director of Planning & Development*

In Section 5 of the proposed Ordinance, amend subsection (a) of Section 42-253 of the Code of Ordinances, Houston, Texas, to read as follows (deletions shown by strike-through and additions by double-underlining):

“(a) In some instances, the parks director may require the developer to pay fees in lieu of dedicating land. In making this determination, the parks director shall consider the following factors:

- (1) Whether sufficient parkland and open space exists in the area of the proposed development; and
- (2) Whether recreation potential for an area would be better served by expanding or improving existing parks, by adding land or additional recreational amenities.

The parks director shall notify the developer in writing of the park director’s decision to require a fee in lieu of dedication and the reason for the decision. The developer shall be entitled to appeal the park director’s decision to the commission.”

*C. Allow for 100% credit for dedicated land, including private parks, greenbelts, and links to other parks*

In Section 5 of the proposed Ordinance, amend part 2 of subsection (b) and subsection (c) of Section 42-254 of the Code of Ordinances, Houston, Texas, to read as follows (deletions shown by strike-through and additions by double-underlining):

- “(2) The parks director shall reduce the dedication requirement of section 42-254(a)(1) or the fee in lieu of dedication of section 42-254(a)(2), as applicable, by one or more of the following credits:
  - a. Up to a maximum of ~~50~~100 percent of the total requirement credit shall be given for each acre or portion thereof of private park land provided within the subdivision or development generating the dedication requirement that meets the requirement of this part. For example, if the total dedication requirement is 5 acres and the applicant proposes to include 2.1 acres of private park within the subdivision, 2.1 acres will be deducted from the total requirement. ~~If the applicant proposes to include 4 acres of private park, 2.5 acres will be deducted from the total dedication requirement.~~ Private park land eligible for credit must be centrally located within the development, designed so that it cannot easily be joined into

one or more adjacent lots with a fence, legally and practically accessible to all residents of the development, and of a size, shape and configuration so that it is likely to be used by residents of the development as determined in comparison to city park standards. Equipment in a private park shall comply with city standards applicable to the type of equipment. When private park land is also compensating open space, these requirements prevail over any contrary requirements of section 42-185 of this Code.

- b. Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of private park land provided within the subdivision generating the dedication requirement attributable to lots that are for the provision of low and moderate income single family housing as determined pursuant to section 47-319(2) of this Code. If credit is given on a subdivision plat for low and moderate income single family housing, the property owner shall certify prior to the issuance of a building permit for the house that the initial purchase price does not exceed the latest available 12-month listing for median price single family housing in the city as published by the Real Estate Center at Texas A&M University. In the event the initial purchase price exceeds this amount, the property owner making the certification shall pay to the city the then-current fee in lieu of dedication for a single family dwelling unit. If publication of the median price for single family housing is discontinued by the Real Estate Center at the Texas A&M University, the mayor is authorized to select another publication that lists the median price of single family houses in the city.
- c. Up to a maximum of ~~45~~100 percent of the total requirement credit shall be given for each acre or portion thereof of park land provided as a greenbelt along a creek bed or around the perimeter of the subdivision or development generating the dedication requirement, including improvements to a hike or bike trail that meet city standards.
- d. Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of park land that links one or more parks.

(c) Credits are cumulative, but in no case other than as provided in subitems b and d above shall credits given under this section exceed ~~75~~100 percent.”

*D. Change the hold time for funds from developers to a three-year time period with two one-year extensions.*

*E. All funds not expended in four years should be refunded to the current owners. The city should identify the current owners and make every effort to notify them of the right to a pro rata refund.*

In Section 5 of the proposed Ordinance, amend (b) of Section 42-255 of the Code of Ordinances, Houston, Texas, to read as follows (deletions shown by strike-through and additions by double-underlining):

“(b) The city shall account for all sums paid in lieu of land dedication under this division with reference to the individual subdivisions or developments that generate the dedication requirement. Any funds paid for such purpose must be obligated by the city within ~~five~~three years after the completion of the contributing subdivision or development, or the completion of the final phase or section of the respective subdivision or development. If the funds cannot be encumbered within the initial ~~five~~three year time period, the parks director may request from the city council a time extension for a period not to exceed an additional ~~two years~~one year for the expenditure of the funds. If the extension request is granted and the funds cannot be expended within the one-year extension, the parks director may request from the city council an additional one year extension. ~~The~~Each extension request(s) shall be submitted in writing by the parks director 60 days prior to the expiration period for the funds to be committed by the city, and shall include a detailed justification for the extension request(s). ~~If the extension is not granted, the~~The owners of the property on the last day of the initial three year period, ~~or any extension thereof,~~ shall be entitled to a pro rata refund of the sum, computed on a dwelling unit basis. The city shall give notice to the owner of the property as shown on the most recent certified tax roll of the county in which the property is located of the right to a refund and the procedure to claim a refund. Notice shall be given by letter deposited into the United States postal service, postage paid, and shall be deemed given on the date of deposit into the United States postal service. The owners of the property must request a refund within one year of notice entitlement. Such request must be made in writing to the parks director, or such right shall be barred.” Council Members Garcia and Berry absent.

Mayor White stated to Mr. Icken that they were talking about the amendments that Council Member Clutterbuck just summarized and asked Mr. Icken if the City supported the amendments to Item No. 45d and Mr. Icken stated that they did. Council Members Garcia and Berry absent.

Council Member Brown stated that he had a written amendment that was overlapping with Council Member Clutterbuck’s as follows, but wanted to amend it by adding three things, the first, that any dedicated parkland on site would be counted as two times the actual acreage; the second, that they would revisit the ordinance within six months, and the third, that they would look again at the methodology for calculating any future increases in the payment in lieu of parkland, and the last that they would get more accurate information regarding the calculation of the number of residents per unit in urban and suburban areas, that his Amendment D was really to say that in six months they would come back and consider amendments in these and he supposed other areas. Council Members Garcia and Berry absent.

Mayor White requested that Mr. Icken make a comment on the administration’s position, that they opposed and had opposed various proposals to delay the effective date and the current effective date was November 15, 2007, that he saw no reason to change the effective date for two weeks and asked Mr. Icken to comment, and Mr. Icken stated that Debra McAbee had just corrected him, that the current ordinance before Council was November 1, 2007, that the administration would be prepared to November 15, 2007; that to comment on Council Member Brown’s suggestions, this was, as Council was aware, a year long process that they had been working with stakeholders and there had been many good ideas, that he was not going to suggest that Council Member Brown’s ideas were bad ideas, there were advocates for many of these ideas during the process, there were advocates also for the ideas of further encouraging onsite development, that what they would like to see was that they do commit to a process within six months to come back and revisit on how the process was going, look at the amendments that he suggested and he would include within that the double counting of onsite

being an issue that they should look at, that he was not opposed to that, he was just concerned that with the fairly prolonged period they had in considering it that just making the one change in the middle of the process, without thinking of unintended consequences and other things, was premature at this point. Council Members Noriega and Berry absent.

Council Member Clutterbuck requested a point of order, and Mayor White stated that he would describe the current status of the discussion, that on the agenda there were several different amendments to Item No. 45d that addressed various different issues, that currently they recognized Council Member Clutterbuck who offered a substitute for her written motion Item No. 45, that he believed that Council Member Clutterbuck, at the appropriate time, would be offering a substitute for Item No. 45a, that Council Member Brown had offered a substitute for Item No. 45b, his prior amendment; that they had been flexible in allowing people to submit amendments whenever they wanted to but he would suggest that a good way to proceed was to have comments that were germane to Item No. 45 and to take an action on Item No. 45 and then he understood that there may be one or more amendments offered to Item No. 45a and then they would consider those, and then they would consider Council Member Brown's motion to substitute for Item No. 45b, and then they would get to the main item; that as to the point of parliamentary inquiry they should be on the discussion on Item No. 45.

After further discussion and questions by Council Members, Mr. Icken stated that they did not see any inconsistency with this and the Floodway Ordinance, there were places that floodways could be used very effectively for public purposes and in fact Chapter 19, that the Council voted on, allowed public purposes of floodway, what Chapter 19 prohibited was vertical improvements on the floodway and they would not allow that either in this ordinance, but he thought there was consistency of that, that there were places that he believed Mr. Turner and the Parks Department would find effective use for floodway property and that was a point that they had made to several of the folks in the Floodway Coalition, that the property still had use for public purposes, not necessarily creating an impediment to the conveyance capacity of the bayou; that as to donated land that was in the floodway he did not think he was capable of talking about the tax issues, he thought they were going to have control of any property that the City accepts as dedicated parkland and be able to make a decision on each and every parcel of whether it was suitable to meet the needs of the City and that was all he felt comfortable commenting on; that as to the administration's position or goal, he would go back to the fundamentals of the ordinance, that today the City of Houston had a standard of 25 acres per dwelling unit on average, or 25,000 acres in the City so they went to talk to the Trust for Public Land on what standard the City should achieve, that what the ordinance was attempting to do was to deal with the fact that they expect a considerable amount of growth in the City of Houston over the next several decades, it sets a standard so as that growth happens developers would contribute to that possibility, that there were many places in the City that land was not available so they created an in lieu of option for developers, they wanted a result in the end that they achieve parkland in the City, that the in lieu of option, they believed, was an important option that other cities had also done, that what the Parks Board and others, who helped facilitate it, had told them that of those dollars that they acquire in an in lieu of option could in fact be compounded with grants, philanthropy contributions and others so that they could acquire parkland, that in the end they wanted to acquire parkland, that it would just be several means by which they do it, that if they could wave a magic wand and tell all developers that they had to dedicate the parkland that would be a desirable objective, that he thought it would inhibit development in many places of the City, so they had created a portfolio of ways that developers could do that and one of them was the in lieu of option; that they were glad that they had an incredible amount of parkland within the City, that the benefactors for that had been in all sorts of philanthropic and other ways but they were not sure they could count on that in the future, that if they did nothing to acquire more parkland and just did not get the benefit of that then it would deteriorate over time as the population of the area increases and that was why

they had put the mix together asking developers to contribute to that in the future; that after six months they agree that they need to go to the committee first and see if there were any changes warranted at that time, that he would agree that they needed some good data to see what was happening and to consider some other options. Council Members Holm, Garcia and Berry absent.

After further discussion and questions by Council Members, Mr. Icken stated that he believed that they would have a mix of people that would opt in and opt out and would want to correct and he thought that in the case of District B he believed that there would be cases that the developer believed that the land costs were comparable to what they would do and pay a fee, that if that was not the case those dollars would be spent adjacent to those developments, that the reason they broke the City into 17 specific areas was that the money needed to be spent, the legal requirement that they had been advised was that there be a nexus between where they require the development and where the dollars were spent, that Mr. Turner had committed that as opposed to doing one Parks Master Plan they would do 17 Parks Master Plans and they should encompass Wayside Village, Leland Woods and the places in District B that should in fact direct the dollars to be spent so that they were accessible parks and they improve the parks in those areas, that he was confident that it would happen, that he was not going to say it was the perfect amendment, they had hundreds of opinions that came out during the course of doing it, from developers, the Park People and advocacy groups but he thought it did represent a very good start for them in a way that they were certainly going to improve on, and whether it was in six months, when he thought they could come forward, there would be some improvements at that time, that he was sure there would be some in a year or two years, as they learn what was going on, but he thought particularly in District B there was a need for parks and thought that even the in lieu of fee would allow them to acquire what could be very complimentary in that community; that one other comment in terms of incentives, what came from many people and the super neighborhood community and the developers was that they would count as greenspace, detention and greenspace if it was designed properly, and he thought it was a major incentive for developers to do some smart planning on what they were doing, that there was no reason for a detention pond to be a clay bottom brown pit in a community and he thought that the ordinance moved them directly in that direction that a developer, who had to put those things in anyway, if it was in a floodplain area they had to create mitigation, they had to meet detention if it was more than 15,000 square feet, so he thought those were very much prescribed already in the ordinance and if they learned some more he was quite prepared to bring them forward; that there were no benchmarks, he thought they just said they needed to come back and talk to Council about potential amendments at that time; that the City was not condemning any land; that they would include the Spark Parks in the inventory, that there were 195 Spark Parks ranging from two and a half to four acres and were integral to the communities and if with the ordinance they could use some of the dollars to expand those or create new facilities at those that was perfectly within the realm of the Parks Board; that as to the five year requirement, they had actually worked very hard on the mechanics of how it would work, that the fees would become due on permitting so if a developer delayed the permitting process they would incur the debt but would not be able to get building permits and do that so the thought the money would come in as the houses were developed, that the five year requirement that Council Member Clutterbuck had put into her amendment was if they did not succeed, and they fully expected to succeed, then they would have an affirmative requirement on the part of the City to reach out to the current residents and say they did not spend the money adjacent to their park and here was how they would get the money back, and that was the amendment that Council Member Clutterbuck had put in. Council Members Clutterbuck and Berry absent.

After further discussion by Council Members, a vote was called on the motion to allow Council Member Clutterbuck to substitute language for Item No. 45. All voting aye. Nays none.

Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1013 ADOPTED.

A vote was called on Item No. 45 as substituted. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1014 ADOPTED.

45a. WRITTEN Motion by Council Member Clutterbuck to amend Item 45D to provide that Sections 42-251 through 42-257 be amended in the following way - with the appropriate language to be drafted by the Legal Department:

- To make the definition of PPDU 1.8 for multi-family and single family
- The fee in lieu of dedication shall be \$600 per dwelling unit – **(TAGGED BY COUNCIL MEMBERS WISEMAN and CLUTTERBUCK)** - was presented. Council Member Berry absent.

Council Member Clutterbuck stated that her first motion was to substitute a written motion that was being handed out for the amendment that she made last week, that it specified that there would be definition of 1.8 for multi family and single family and it also contained a reduction in the fee in lieu of dedication. Council Member Berry absent.

Council Member Clutterbuck presented the following written motion:

“I move that Sections 42-251 through 42-257 be amended in the following way, with the following appropriate language drafted by the Legal Department:

- A. *To make the definition of PPDU 1.8 for multi-family and single-family*

In Section 5 of the proposed Ordinance, amend subsection (b) of Section 42-252 of the Code of Ordinances, Houston, Texas, to read as follows (deletions shown by strike-through and additions by double-underlining):

“(b) The amount of land required to be dedicated for parks shall be proportionate to the development calculated on the basis of the following formula:

$$\frac{10 \text{ ac.} \times \text{No. of DU} \times \text{PPDU}}{1000}$$

Where:

DU = the number of dwelling units in the development;

PPDU = ~~2.6, the number of persons per dwelling unit for each single family dwelling unit; and~~ 1.8, the number of persons per dwelling unit for each multi-family dwelling unit; and

1000 = the number of residents per 10 acres of park land.

In one year a report to show us average number of occupants for (a) areas inside the loop; (b) areas outside the loop; and (c) areas outside the loop with high density. Council Member Berry absent.

- B. *The fee in lieu of dedication shall be \$600 per dwelling unit.*

In Section 5 of the proposed Ordinance, amend the first sentence of subsection (c) of Section 42-253 of the Code of Ordinances, Houston, Texas, to read as follows (deletions shown by strike-through and additions by double-underlining):

“The initial fee in lieu of dedication shall be ~~\$800~~\$600 per dwelling unit.” Council Member Berry absent.

Council Member Clutterbuck stated that she had the motion to substitute but would also move to divide the question, seconded by Council Member Alvarado. Council Member Berry absent.

Mayor White stated that Council Member Clutterbuck had made a written motion and was dividing the question into A and B, and called for a vote. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1015 ADOPTED.

After further discussion by Council Members, Mayor White stated that the vote would be on a motion by Council Member Clutterbuck to substitute the written motion under the heading “A” for the relevant portion of Item No. 45a. Council Member Berry absent.

Mayor White stated that this was a small thing but would ask for a motion to divide the question on Item No. 45a, and Council Member Clutterbuck stated that she had already made that motion, and Mayor White stated that he was talking about the written motion, that there was her motion to substitute and then there was the written motion that she made last week, and if they divide both of them then he could substitute, did they see what he was saying, and asked that someone make a motion to divide. Council Member Berry absent.

Council Member Khan moved that Item No. 45a and the substitute motion offered by Council Member Clutterbuck be divided into two parts, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1016 ADOPTED.

Mayor White stated that they were going to vote to substitute (A), the written motion submitted today by Council Member Clutterbuck for the first portion of the written motion shown as agenda Item No. 45a, then they would vote on the written motion as amended, so there would be two votes and then they would deal with her second issue. Council Member Berry absent.

A vote was called on the motion to allow Council Member Clutterbuck to substitute A, the written motion submitted today, for the first portion of the written motion listed as agenda Item No. 45a. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1017 ADOPTED.

A vote was called on the first portion of Council Member Clutterbuck’s written motion (A) of Item No. 45a, as allowed by the motion to substitute. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1018 ADOPTED.

Council Member Clutterbuck stated that they had divided out paragraph B of the written motion to amend Item No. 45a, that it was her amendment to require that the fee in lieu of dedication should be \$600 per dwelling unit; that she understood that there was more consensus to go towards reducing it from \$800 to \$700, and moved to amend her substitute

motion by substituting \$700 instead of the \$600 per dwelling unit, seconded by Council Member Khan. Council Member Berry absent.

Council Member Green moved to suspend the rules to extend the meeting beyond the scheduled noon recess to complete the agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Noriega and Berry absent. MOTION 2007-1019 ADOPTED.

Mayor White stated that first he would see what he could do by unanimous consent and asked if there was any objection to the substitution of \$700 for \$600 within Council Member Clutterbuck's motion, and if there was no objection by consent it was so ordered.

Mayor White stated that now the issue was Council Member Clutterbuck's motion to amend the second part of Item No. 45a, that they supported the amendment and called for a vote. Council Member Holm voting no, balance voting aye. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1020 ADOPTED.

Note: Motion 2007-1020 was written to include the language submitted by Council Member Clutterbuck as a substitute for the language listed on the agenda as Item No. 45a (the second part) inasmuch as the written motion listed on the agenda stated "with the appropriate language to be drafted by the Legal Department". The substitute listed the language prepared by the Legal Department.

Mayor White stated that right now they needed to vote on the written motion in the agenda, Item No. 45a, as amended. Council Member Holm voting no, balance voting aye. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1021 ADOPTED. (AS AMENDED BY MOTION 2007-1018 AND 2007-1020)

45b. WRITTEN Motion by Council Member Brown to amend Item 45D as follows:

- Amendment A:** (Under 42-257 Park land acceptance standards)  
Add (1) For actual dedication of park land on-site in an urban area: the minimum size of a park is one-half (1/2) acre  
(2) For actual dedication of parkland in a non-urban area: the minimum size of parkland (on-site) is one (1) acre.
- Amendment B:** (Under Section 42-254 Deductions and credits)  
The minimum percentage of parkland to be provided on-site, after payment in lieu of on-site, and off-site dedications, is 15% (subject to a minimum size of ¼ acre).
- Amendment C:** (Under Section 42-254 Deductions and credits)  
The effective date of this ordinance is changed to January 1, 2008.
- Amendment D:** (Under Section 42-254 Deductions and credits)  
Any increases by City Council of the \$800/unit payment in lieu of fee shall be limited to increases in the Consumer Price Index (CPI).
- Amendment E:** Within 4 months of the adoption of this ordinance, the administration will submit to City Council an amendment providing for the calculation of the total required parkland and open space based on a simple percentage of the tract area.  
For example:
- |                 |  |
|-----------------|--|
| Urban area:     | 3 acres minimum size, 12 % of tract area |
| Non-urban area: | 10 acres minimum size, 15% of tract      |

area

Credits or reductions to be considered in the above may include reductions/credits for rear alley access to parking, and other considerations.

**Amendment F:** Appropriate illustrative diagrams and charts will be included in the final version of the ordinance. – **(TAGGED BY COUNCIL MEMBERS WISEMAN and BROWN)** – was presented. Council Member Berry absent.

Council Member Brown moved to table Item No. 45b with the proviso that they have that agenda for the administration coming forward within six months for evaluation of how it was working in terms of actually producing on site parks and supporting a neighborhood parks program and the other items that were listed, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-1022 ADOPTED.

45c. MOTION by Council Member Lawrence/Seconded by Council Member Khan to amend Item 45D, Sections 42-251 through 42-257 as follows:  
To make the definition of PPDU 1.8 for multi-family and single family inside the loop – **(TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Berry absent.

Mayor White stated that he believed that Item No. 45c had been handled under items considered, that Item No. 45c was now moot.

45d. **ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the provision of Parks and Open Spaces; adding a new Division 7 to Article III; establishing the Park and Recreation Dedication Fund; containing findings and other provisions relating to the foregoing subject; providing for severability; providing an effective date - was presented. **(This was Item 25 on Agenda of October 3, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON, LOVELL, LAWRENCE, GARCIA, HOLM, ALVARADO, KHAN, GREEN, BROWN, CLUTTERBUCK and NORIEGA)**

A vote was called on Item No. 45d as amended. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2007-1141 ADOPTED AS AMENDED.

Council Member Garcia stated that he would release his tag on Item No. 22. Council Member Berry absent.

22. ORDINANCE enlarging the boundaries of **REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS, (MEMORIAL HEIGHTS) - DISTRICTS A - LAWRENCE; D - EDWARDS; G - HOLM; H - GARCIA and I - ALVARADO** – was again before the Council. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2007-1142 ADOPTED.

46. ORDINANCE appropriating \$242,108.00 out of Water & Sewer System Consolidated Construction Fund and \$243,714.00 out of Homeless and Housing Consolidated Fund; approving and authorizing developer participation contract between the City of Houston and **EL TESORO DEVELOPMENT, LTD.** for construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of El Tesoro Subdivision, WBS S-000800-0101-4, R-000800-0101-4, & M-000800-0101-4 - **DISTRICT E - WISEMAN** – **(This was Item 53 on**

**Agenda of October 3, 2007, TAGGED BY COUNCIL MEMBER WISEMAN**) – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2007-1143 ADOPTED.

47. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **GEOTECHNOLOGY RESEARCH INSTITUTE** for Professional Consulting Services for Sustainable Development Program Design for Homes and Buildings in Houston, Texas; providing a maximum contract amount - \$2,000,000.00 – **(This was Item 55 on Agenda of October 3, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON and HOLM)** – was presented. Council Member Berry absent.

Council Member Holm stated that several of them had some questions about how it would be stated and assured that any expenditure over and above \$200,000 of public funds would come back to Council and many of them did not realize, that although it was posted on Friday the actual backup of the contract that they received had clarification under Section 4 of the form that clearly said that it should never exceed \$200,000 for City funded governmental purposes unless and until the sum was increased by approval of City Council, and Mayor White stated that was what the fact was. Council Member Berry absent.

A vote was called on Item No. 47. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2007-1144 ADOPTED.

48. ORDINANCE approving and authorizing contract between the City of Houston and **BERLITZ LANGUAGES, INC** for Foreign Language Testing of Police and Fire Department Employees; providing a maximum contract amount - 3 Years with 3 one-year options - \$192,755.00 - General Fund – **(This was Item 63 on Agenda of October 3, 2007, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. Council Member Holm voting no, balance voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2007-1145 ADOPTED.

#### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Alvarado stated that she wanted to give a shout out to her friend Milo Hamilton who was recovering in the hospital, that he suffered a heart attack on the weekend and was doing well, that he recently celebrated his 80<sup>th</sup> birthday, that he was a strong man and was doing well. Council Member Berry absent.

Council Member Khan stated that he wanted to call some attention to the traffic problems in Houston and how they managed the whole traffic issue in the City, that there was a tremendous growth in population and increases in commercial and residential development which had brought Houston to the threshold where the development boom was slowly turning into a traffic nightmare, that they needed to have a policy and a set of guidelines or an ordinance that could check and balance the development expansion that had an impact on traffic circulation, that he was suggesting that they should not be reactive whenever there was a new high rise building coming up or whenever there was a development coming up, they should come up with a comprehensive policy like they were trying to do in many other cases to deal with the traffic problems, that he was always a proponent that there should be if not a separate department, the traffic division should be a separate whole entity where all the expertise and all the functions related to traffic should be in one area. Council Members Holm, Garcia, Alvarado, Lovell, Noriega and Berry absent.

Council Member Khan stated that he appreciated everybody who took part in the Mayor's Ramadan Dinner last Saturday, that on Friday would be the last day of Ramadan, that he

wanted to congratulate all of the people of Islamic faith on the culmination of a successful month of Ramadan, that on Saturday the community would be celebrating the end of Ramadan celebration at the Reliant Center and everybody was welcome to join. Council Members Holm, Garcia, Alvarado, Lovell, Noriega and Berry absent.

Council Member Green stated that the next Budget and Fiscal Affairs Committee meeting would take place on Tuesday, October 30 at 10:00 a.m. in the Council Chamber. Council Members Holm, Garcia, Alvarado, Lovell, Noriega and Berry absent.

Council Member Green stated that he wanted to wish Texas Southern University a great homecoming which would culminate this weekend. Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Noriega and Berry absent. (No Quorum Present)

Council Member Brown stated that he kept having the annoying experience of trying to find an address and the address number was not visible on the building, that he had talked about it before and would like to see some action on it, that they require in terms of the of the building permit process and as part of the plans and part of the Certificate of Occupancy that there be an attractive numerical address on every building that was visible from the street, that a lot of people had brought that up to him, that it was a real issue. Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Brown stated that as to the housing market in Houston he thought if they really looked at the numbers they had an over supply of affordable housing in the City of Houston, if they defined housing in the \$110,000 to \$130,000 sales price range, and there were very few qualified buyers and those that were qualified were those who had down payment assistance so they needed to recognize in terms of their overall housing policy that there was an over supply in this range of housing, that if they looked at the houses that were bought in the last 12 months there was a substantial demand for truly low income housing, which was below \$100,000, but a decided under supply in terms of the housing stock that was not substandard, so a lot of the houses that were being purchased under \$100,000 needed renovation or were substandard in terms of HUD's definition of substandard, then there was a significant under supply, as he had mentioned before, of middle class housing in the City of Houston, that would be housing in the \$150,000 to \$200,000 range and he thought that what they needed to focus on was creating the quality of life with the parks, etc., that was really going to create a much better market for middle class housing in the city limits, that he thought those were things to think about in terms of their housing policy. Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Brown reviewed a handout titled "What We Can Do Without Zoning", a copy of which is in the City Secretary's office for review. Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Brown stated that he had passed out a copy of a full page ad from Monday's Houston Chronicle which was saying that it was time for a comprehensive plan for the City of Houston and he wanted to make sure that everybody knew that it was not just him calling for it, that it was most of the citizens of Houston. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Clutterbuck stated that she wanted to thank Council Member Brown for the handout of all of the options that they had to consider in trying to grapple with increasing growth and density in and around their neighborhoods, that in particular she was going to pull the Pasadena ordinance relating to height restrictions, she thought it would be instructive for

them to see if it was something that they might want to look at. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Clutterbuck stated that she wanted to thank everybody who had come to City Council to speak to them about the project at 1717 Bissonnet, that one thing she had been hearing from her neighbors was that they did not want it to be just an issue for South Hampton or Boulevard Oaks, that it was raising the alarm for communities across the City that were grappling with it and that it was a call to them to go forward with their traffic impact ordinance and with other ordinances and deal with deliberate speed to be able to deliver the kind of relief that their citizens were asking for; that they were having something similar happening, increased density and concern on neighborhood streets in the Braeswood Place Homeowners Association with two new developments going in that were mid rise developments, that they needed a process to be able to have public notice about them and a clear evaluation of what the impact to their local, taxpayer funded, infrastructure was going to be in the future so she looked forward to working with the administration and various departments that were working on that particular ordinance. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Clutterbuck stated that she knew that the City of West University, of which a portion abutted District C, was working with the Public Works Department on developing an interlocal agreement with regard to sidewalks in the City of Houston right-of-way on the west side of Kirby Drive so that when Total Contracting finishes Phase II of the Kirby Storm Water Sewer Reconstruction Project they would be able to install the sidewalks, that it was a tricky issue because the City of Houston owned the easement that the City of West University property owners were immediately adjacent to, so they were asking the City of West University Place to help negotiate the exact design of the sidewalks, which trees they were going to go around and which trees they were going to take out, that it was much better to have them negotiate that with their property owners than the City of Houston, but she would urge the Public Works Department to continue with deliberate speed on the interlocal agreement so that they could move forward as soon as Total Contracting was finished. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Clutterbuck stated that they had another team in town, that they had been playing professional hockey in the City of Houston for quite some time and if they would notice in the sports there was an actual page that said hockey at the top, that she brought it to their attention, C6 of the Sunday paper, because the Arrows had their first game on Saturday and a guy named Clutterbuck scored the first goal, Cal Clutterbuck, age 19, that she wanted to welcome him to Texas. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Mayor White stated to Council Member Brown on adequate public facilities, if he had some ordinances that used that term or defined that term to please get them to Mr. Arturo Michel, that he was inclined to sort of dictate, but it would be very rough, an ordinance that he thought addressed what they ought to be doing so they would not study things to death in the interim that would not just apply to one location but would be something generic, that he would get it dictated pretty quick; that he needed their help on something that he talked to Council Member Lawrence about, that he was going to be asking Ms. Judy Johnson to take a look at the dedication of some portion of the ad valorem tax receipts above certain levels, that they would not do it in a day, but between now and the end of the year, while they still had some of the benefit of the wisdom of Council Member Edwards on the flooding and drainage, so that they had some dedicated source of funding on the flooding and drainage issue, that they had somebody trying to tell the City what to do last night at a public hearing, who was a friend of his, but as Council Member Edwards pointed out they had a lot of drainage to catch up on, and he

thought they had an opportunity to come up with some commitment to drainage over an extended period of time, that he would ask Ms. Johnson to float around some ideas and maybe there could be between Fiscal Affairs and the Drainage Committee sometime a hearing in the next month or two concerning what they would do; that there were going to be some decisions they make in the next month based upon the population growth and growth in the economy of their community and they wanted to give their citizens the assurance that public safety, they gave them a mandate by over a three to one margin of what they should do with extra funds, but he thought whether they needed to vote in the future, which may not be a bad idea, he thought the citizens of the community would support some dedication of a portion of their property taxes to drainage projects in the future and that was what they ought to be looking at between now and the end of the year. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Brown stated that he would also like Mayor White to consider the connection between drainage and open space because he thought Mayor White had said some months back that it was probably time for the City of Houston to get into the regional detention business, that they could not just rely on Harris County Flood Control District to do it all, and Mayor White stated that they were not, that he thought they ought to be in the regional detention business and they were not just relying on the flood control district, if they wanted to take a look at what was being done at Keith Weiss Park on City property in the northeast, 150 acre detention unit, at Beltway 8 and Bellaire, that they ought to be in the business and ought to be more in the business and they were in the business. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Johnson stated that it was an interesting point that the Mayor brought up and thought when they talked about alleviating flooding, especially in the northeast part of town, he thought it was a piece that they needed to revisit, that it was unfortunately the first time that he had heard about it so he would like to be able to sit down and discuss it and maybe it would help alleviate some of the concerns that many of his residents had, that he would like to meet with Joe and talk about it a little further. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Johnson stated that at 9:00 a.m. there was going to be a walk in the Acres Homes Community, that it would be from the Acres Homes Multi Service Center to the African American Chamber of Commerce to bring awareness about prostate cancer, that it would be a walk of life and would also be done in collaboration with some of the things that had been taking place in the Acres Homes Community, that they knew all of the attention that the community had been getting because of the unfortunate findings of young women that had been killed in that particular area, that he wanted to make clear that now that the media was gone and that the emotions had left they the residents were still there and he was asking that the residents continue to keep the pressure on, continue to keep the attention to some of the things that were going in and around their communities and it was important that they send a very strong message to the City and to their neighbors that they would not rest on their laurels, they would not leave it in the hands of someone else to come and fix problems that certainly they had plagued with for a very long time, but he thought that the only way that they demand and command attention was by showing up to things such as the walk for life, that he thought it was a situation where they had an opportunity of bringing more awareness of what was going on in their community, certainly more awareness to the criminal element that had felt the need to come into their community, so he was asking everyone to show up for the walk; that additionally there would be a cleanup. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Johnson stated that they still complain, talk about and were plagued with corner stores that were allowing negative and detrimental behaviors, but yet they still shopped at those stores, that he was asking people that this week, because he had been getting numerous calls about people loitering outside and the store owners that were allowing drug dealers to be on their property, the Acres Homes Community take a stance and do not shop at the businesses that had not been productive or helpful to their neighborhoods, that he thought if they did that it would send a message that the community would not accept anything less than the best. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Johnson stated that he got some very disturbing news in regards to Key Middle School, that he understood that HISD was not within their jurisdiction but he had a real concern and until he got accurate and correct information he needed the Mayor's help to get some of the information, that it was reported to him that there was supposed to be a walkout at Key Middle School for tomorrow, but today 11 buses pulled up at Key Middle School to put children on the bus and then bus them to Fleming Middle School but he understood that there were 22 HISD officer out there with dogs, canine units, surrounding the buses and intimidating children and in many cases placed many of those children in police cars, that the reason he was concerned was because it was also reported to him that there were HPD officers out there and that was his real concern, that HPD said that they got a call and were to be on call in the event that there was a disturbance, that he would like the information, that he understood the Police Department had it's policies and they might not be able to pass out or disseminate information but he thought they owed it to the community to help them understand, that he wanted to know why the City of Houston was there, so if Mayor White could help him with the information and Mayor White stated that yes. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Edwards stated that yesterday in the Housing Committee they had RCA's that represented \$24,816,988 in funding and they did not have a quorum to even look at them and one of them was the RCA that talked about the new program that was being instituted that Mayor White alluded to for monies to help young people come back to the inner city with down payment assistance, that she knew the concern was there because they talked about flooding and housing all the time but it was hard to get a quorum to really discuss these types of RCA's in committee meetings, that she was not sure if Mayor White needed to look at the leadership of the committees and see if they needed to do something different, that she would encourage her colleagues to look at the RCA that dealt with the Workforce Housing Down Payment Assistance Program. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Edwards stated that she wanted to thank Chief Boriski for calling her, that they had a real incident in the district last night at Almeda Road and Reed and Cullen area, that she went over there, because she kept smelling the odor because she lived in the area, and there was about 100 police officers and firemen, that she wanted to compliment the Fire Department for their work and staying there and capping the natural gas leak until the people who owned the company came and put a permanent cap on it, that her concern was how do they inspect these properties, salt domes and so forth, on an ongoing basis or did they just wait until there was an episode to know that there were problems with maintenance, that she did not know what the issue was but was looking forward to a full investigation or at least more information as to what happened last night, that they issued a shelter in place but she did not know if people knew what shelter in place was, but she wanted to thank Chief Boriski for calling her back, and thanks to Terrence Fontaine for the information on what was going on last night. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Edwards stated that she had been calling for a management review or audit of HPD, that to clarify her concern, there was a call by TMO to have incentive pay for officers to be trained in crisis management, how they handle the citizens with mental challenges, and she agreed with the editorial in today's paper, it should not be incentive pay, it should be mandatory training, in fact the State law that was passed two years ago said that all veteran officers had to be trained in that and she understood that according to the article less than 25% of HPD's veterans had been trained in that, so if she could get somebody to give her a kind of overview of where they were with that, that the law said that they all had to be trained by 2009, which did not give them a lot of time to train the remaining 75%, and Mayor White stated yes. Council Members Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Edwards stated that she wanted to thank Mayor White for allowing the presentation by Mr. Taylor and his family and Mr. Sheck yesterday, not allowing but facilitating it, that she was concerned when she heard comments on the radio that the Council was all thanking Mr. Taylor and giving apologies but that they had no solid plan to try to circumvent it happening again, and she would say they did not have a plan and once again she would call for a review of the recommendations and how they would move forward so they could let people know what the plan was, that she was encouraged by Mayor White's remarks and what he had been telling her, that she did not think a special magistrate necessarily have to be an individual, they had an excellent department at the University of Houston, Central Campus, that could possibly facilitate that process without any large amounts of expenditures by the City, that she thought they owed Mr. Taylor more than an apology, they owed him a commitment to doing the work to make sure whoever might still be out there was not there or was released and that they would do everything to marginalize that happening again. Council Members Johnson, Lawrence, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Mayor White stated that on the issue so they were clear he thought it was a combination of not 200 pages but very specific road map provided by Mr. Scheck and Senators Ellis and Whitmire and the piece in the newspaper talking about the cases and staffing that would be required, that he talked to Mr. Scheck about a collaboration with the local university, that they had a couple of local law schools and traditionally there had been a number of students who had done some of this work, that he and Mr. Michel were going to contact some of the managing partners of law firms, as they had indicated in the article they ought to be able to put something together quickly, that in the meantime there had been a number of tests and retests and things made available to various defense counsel that went on continually and that did not need to stop, that it was not a media deal yesterday, it was a real commitment to try to implement the roadmap that those individuals put forth. Council Members Lawrence, Johnson, Khan, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Garcia stated that he wanted to thank Susan Christian and Joe Turner for their support and involvement in the coordination of the visit of the Vietnam Wall that was being brought to Houston to the Veterans Memorial Park, which was in his district; that in conjunction with the visit there would be a veterans symposium that would help to share with young people a better understanding of service in the military and accomplishments by the Nation's finest; that if anyone was interested in attending he would ask that they call his office and speak with Jason Cisneros and he would share details, that he would encourage all veterans to participate. Council Members Lawrence, Johnson, Khan, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Garcia stated that on October 18, 2007 there would be a Regional Safety Conference held at the University of Houston Hilton, that it was the council that he shared in the

Houston Galveston Area Council to focus on issues of traffic and mobility and safety initiatives, that they could visit the Houston Galveston Area Website for more information on registering for the event. Council Members Lawrence, Johnson, Khan, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Garcia stated that as to the discussions that they had been having at the MWBE Committee meetings, there had been full agendas and he wanted to thank both Ms. Laws and Mr. Wells for their continuing assistance and attendance and really taking some very sharp and direct questions as to the goals and things of that nature, the performance of some of the vendors, that they had some good discussion on one particular vendor that had been performing poorly based on some of the information and there was discussion about disbarment in relation to that particular vendor, that he thought what had been happening was that they may not like some of the things that they were understanding but were gaining a greater appreciation for how the program needed to function, what they were obligated to do under law and the various elements attached to it that demonstrated who sets what goals and things of that nature, that he thought overall what it was showing them was that there was a lot of opportunity for them to work with their staff, Ms. Laws and Mr. Wells and others to increase capacity, that he would be visiting with the Mayor about what was the City's real economic development focus, policy and initiatives and whether those things could be partnered with the MWBE Committee. Council Members Lawrence, Johnson, Khan, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Garcia stated that as to the issue involving crisis intervention training, that he hopefully they could develop some dialog on what the priorities should be as it related to that issue, that ideally he thought it was important that law enforcement not be put in the first responder role or having to respond to circumstances where people were having a mental health crisis, that he thought not enough had been talked about that in the past session \$82 million was allocated for mental health services, but for a very specific category of mental health services of which a fraction came to the Houston Harris County area, that the Crisis Intervention Team Training was really good stuff that their officers should have and would have, but he thought they were not having a strong enough dialog on it and thought they were missing the boat in terms of who they should really be empowering to deal with those individuals who were suffering from mental health illness and that was the professional health care community. Council Members Lawrence, Johnson, Khan, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Mayor White stated that both he and Chief Hurtt would ask others at Council to join them, who had interaction with County government, they both had written and urged strongly that Texas allocate the County's fair share of those funds. Council Members Lawrence, Johnson, Khan, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Edwards stated that she wanted to be clear about what she was asking, that she was not concerned about their going out, her issue was if they were going to be CIR Training that it was not incentive pay, that it was mandatory, that was her issue, but the other issue was that she had called MHMRA when there was a person at a school and they will not come out if a person is violent, that she did not know if it was a policy or law issue, but right now what would they do if a person was violent. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 1:10 p.m. Council Member Wiseman absent due to being ill. Council Member Berry absent. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary