

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 18, 2007, Acting Mayor Pro Tem Berry presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, Pam Holm Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Michael Berry; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director present. Mayor Bill White and Council Member M. J. Khan, P. E., out of the city on personal business.

At 2:01 p.m. Acting Mayor Pro Tem Berry called the meeting to order and stated that straight from a visit to the Vatican there was a very special guest and called on Council Member Alvarado for the presentation. Council Members Johnson, Clutterbuck, Edwards, Wiseman and Holm absent.

Council Member Alvarado stated that this was a very special time for Houston and she was proud to stand as a Council Member and member of the Catholic community and friend of the gentleman she was introducing; that they were most fortunate to have present Cardinal Daniel DiNardo; that on Sunday, November 25th he was ascended to the position of Cardinal and was one of 23 and the first elevated to the position from Texas, from the south and he would continue his position as Arch Bishop of the Diocese in Galveston; and presented him a Proclamation proclaiming December 18, 2007 as "Cardinal Daniel DiNardo Day" in Houston, Texas. Cardinal DiNardo stated that he wanted to express his deepest gratitude to be honored with this day; that he had been in Houston three years and all were very welcoming. Council Members Johnson, Edwards and Wiseman absent.

Council Member Garcia stated that it was an honor to have him present and representing the Arch Diocese of the Houston/Galveston area; that having a Cardinal from this area was extremely important to the Catholic community; and as he prayed for everyone all would pray for him. Council Members Johnson and Edwards absent.

Council Member Lovell stated that having 12 years of Catholic school she was thrilled to meet a Cardinal and as chair of the preservation committee she hoped as they moved forward many buildings under his care could be preserved; that any Council Member would be happy to help in any way he needed and he honored all today. Council Members Johnson and Edwards absent.

Council Member Brown stated that all were pleased Cardinal DiNardo was present; and today he was to led all in prayer and would turn it over to Council Member Alvarado and all join in with him in thanking our creator for wisdom and guidance. Council Members Johnson and Edwards absent.

At 2:18 p.m. Cardinal Daniel DiNardo led all in prayer and Council Member Brown led all in the pledge. Council Members Johnson and Edwards absent.

At 2:20 p.m. the City Secretary called the roll. Mayor White and Council Member Khan out of the city on personal business. Council Members Johnson and Edwards absent.

Council Members Wiseman and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on personal business. Council Members Johnson and Edwards absent. Acting Mayor Pro Tem Berry presiding. MOTION ADOPTED.

Council Member Lawrence moved the rules be suspended for the purpose of hearing Mr. Tony Jones at the top of the three minute non-agenda speakers list, seconded by Council Member Garcia. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on personal business. Council Members Johnson, Edwards and Lovell absent. Acting Mayor Pro Tem Berry presiding. MOTION 2007-1234 ADOPTED.

Council Member Green moved the rules be suspended for the purpose of hearing Mr. Ted Weisgal for one minute at the bottom of the one minute Agenda speakers list, seconded by Council Member Garcia. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on personal business. Council Members Johnson, Edwards and Lovell absent. Acting Mayor Pro Tem Berry presiding. MOTION 2007-1235 ADOPTED.

Council Member Brown moved the rules be suspended for the purpose of hearing Mr. James Nash at the top of the non-agenda speakers list, seconded by Council Member Green. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on personal business. Council Members Johnson, Edwards and Lovell absent. Acting Mayor Pro Tem Berry presiding. MOTION 2007-1236 ADOPTED.

At 2:23 p.m. the City Secretary began calling the public speakers. Council Members Johnson, Edwards and Lovell absent.

Acting Mayor Pro Tem Berry stated that before Mr. St. Pierre spoke he wanted to say he was an employee of Clear Channel Radio, a different division of Clear Channel Outdoor, but part of the same holding company therefore could not vote or seek to influence anything relating to this ordinance and he would not be speaking on it, only filling his role of sitting in for the Mayor. Council Members Johnson and Edwards absent.

Mr. Stan St. Pierre, 11 Treasure Cove, The Woodlands, Texas 77381 (281-364-1421) appeared and stated that he lived in the Woodlands, the ETJ, and became interested in the billboard ordinance years ago after driving people around and having them tell him how ugly they were; that later there was more embarrassment after trying to find a nice route into Houston when trying to sell the Olympics; that today it was better because of the current code, but he wanted it better and he could not believe the city was working hard to snatch defeat from the jaws of victory, this case was won years ago and now they were trying to make a deal with a company who lost and was trying to save dollars by moving billboards around; why would they want to move any billboards anywhere except to the ETJ where there was growth; and urged all Council Members to stay the course. Council Members Johnson and Edwards absent.

Council Member Holm stated that Mr. St. Pierre had worked vigorously 30 years and was a fulltime volunteer with advocates of a better quality life and sign control for Houston; and upon questions, Mr. St. Pierre stated that he did not believe a trade off of

allowing Clear Channel to move billboards into high traffic areas was an advantage, the tradeoff was not good and he was against any new contract with Clear Channel or any companies coming after them. Council Members Johnson and Edwards absent.

Mr. Ted Weisgal, 5527 Hummingbird, Houston, Texas 77096 (281-546-6793) appeared, presented some with copies of the Leisure Learning Center, and stated that he had a sheet of paper from Council Member Holm's office stating those on the sheet were present at News Rack Ordinance Taskforce Meetings though he was not present and understood others were but he was asking it be rescinded or not enforced until they were given another opportunity to meet and come up with a win/win situation. Council Members Johnson, Edwards, Wiseman and Garcia absent.

Council Member Holm stated that there was an open records request of which Mr. Weisgal's name was a part of the recipients who received emails and went forward and that particular piece of information was inaccurate as to those who were present and would vouch she never saw him present, but she would say he was on the list to attend meetings; and Mr. Weisgal stated that he would be happy to come to one assuming he knew of it. Council Members Johnson, Edwards, Wiseman and Garcia absent.

Upon questions by Council Member Lawrence, Mr. Weisgal stated that he would like for them to be able to pay money to the city to defer cost of putting in uniform racks and over a period of time put in beautiful racks which would be doled out as library books in a fair system; that he was speaking of multiple holding racks. Council Members Johnson, Edwards and Wiseman absent.

Upon questions by Council Member Holm, Mr. Weisgal stated that he was advocating the bank of news racks to which there would be a lottery system for newspaper placement and small publications would be given a certain number of spots and larger ones such as the Houston Chronicle would be given more and the racks would be paid for by users just as they paid for stickers on their cars to park and distribute papers. Council Members Johnson, Edwards and Wiseman absent.

Ms. Barbara Thompson, 14511 Falling Creek #205, Houston, Texas 77014 (281-440-4160) appeared and stated that she was president of the Houston Northwest Chamber of Commerce and most of their service area was not within the city limits and today she was addressing Council as a representative of approximately 700 businesses and neighbor in the ETJ and they were opposed to the proposed billboard ordinance; that while they recognized the proposed ordinance had short-term benefit to the City of Houston they viewed it detrimental in the long run, particularly to unincorporated areas of the county; that they already had a billboard problem and billboards would migrate to high density areas such as theirs; that the 1985 ordinance would clean Houston on a more permanent basis than the proposed; that they had attempted to protect their area by establishing County Scenic Districts but were advised there was no need and they were covered, but now understood this might not be the case and in any event they did not want to see the onslaught of billboards, they viewed it as a neighbor cleaning their yard and dumping trash in theirs; and urged Council help them to keep their area as clean and upgraded as possible. Council Members Johnson, Edwards and Wiseman absent.

Council Member Lawrence stated that she was trying to give Mr. Larry Lipton information on what was going on and the last thing they wanted to do was cause

problems for the ETJ; that she had brought up the scenic question and that was being negotiated and she did want highways and freeways looked at. Council Members Johnson, Edwards and Wiseman absent.

Mr. Bill Brinton, 1835 Challen Avenue, Jacksonville, Florida, 32205 (904-346-5537) had reserved time to speak but was not present when his name was called. Council Members Johnson, Edwards and Wiseman absent.

Mr. Max Watson, 3389 Inwood Drive, Houston, Texas 77019 (713-526-7511) appeared and stated that he wanted to thank the Mayor for agreeing to delay consideration of the billboard agreement with Clear Channel until at least the 9th of January; and hopefully between now and the time Council considered it they would have something more appropriate for Houston and its ETJ. Council Members Johnson, Edwards and Wiseman absent.

Ms. Mary Davis, 5515 Pine Arbor Drive, Houston, Texas 77066 (832-877-4306) appeared and stated that she was the executive director of Renaissance 1960, a grassroots community organizational group, striving very hard to make improvements along FM 1960 from 249 to I-45; that they never had a meeting where sign blight did not come up and until this was about to be struck with Clear Channel they could say there would be no more new ones and now could not even say that; that they wanted to stress they were Houston's neighbors and they valued their neighborhood and did not want more billboards and urged a no from Council; that without a plan as to when and where they would go up it was up to Clean Channel and it was not right. Council Members Johnson, Edwards and Wiseman absent.

Council Member Brown stated to all opposing the ordinance he thanked them for coming and Council was listening; that there was a flurry of numbers floating around and it would be helpful if their group on one page of two columns do a simple and easy to understand analysis of where they were now in enforcing the court order and requirements of the current sign ordinance up through 2013 compared to the new deal with Clear Channel; that he had a memo from the Deputy Director of Planning and Development and it said limited rights to relocate 466 billboards, it did not say, but he understood they could be 42 foot large billboards, they could be converted from medium to large and that was a huge difference, but they did not have the information in front of them and he thought the Administration as well needed to present not an argument in favor but a fair analysis comparing the two situations. Council Members Johnson, Edwards and Wiseman absent.

Ms. Shari Beale, 316 W. 15th, Houston, Texas 77008 (713-594-2199) appeared, presented information and stated that she was present in support of the Houston Heights Historic District West and she wanted to thank Council Member Garcia for his unfailing support and Council Member Lovell for her unfailing support as chair of the Historic Preservation Committee and Council Member Brown for his support; that the Houston Heights Association had been working on this 30 years and what they were bringing was about all they could bring of what was left after all the demolition; that they were asking for Council's support to save what was left, over 53% of the homeowners were in support; and urged Council Members to pass it right a way. Council Members Johnson, Edwards, Wiseman, Holm and Noriega absent.

Council Member Garcia asked all in support of the historic district to stand to be recognized and stated that this was a great moment in Houston's history; that this was well thought out and entirely community driven and more of such needed to be done; that many thought property value would drop but it was the contrary; and Ms. Beale stated that a study was done and it showed historic preservation made property value go up 4% to 20% higher. Council Members Johnson, Edwards, Wiseman and Holm absent.

Council Member Lovell thanked all for their efforts and stated that slowly but surely they would get more preservation and generations would be grateful to them; and Ms. Beale stated that she wanted to recognize her co chair Mr. David Beale who had worked very hard on this. Council Members Johnson, Edwards, Wiseman and Holm absent.

Mr. David Bush, 712 Main, Houston, Texas 77002 (713-216-5000) appeared and stated that he was Information Director for the Greater Houston Preservation Alliance and GHPA did support the Houston Heights Association and the homeowners in their efforts to have the neighborhood designated as the Heights West Historic District and strongly encouraged Council to pass the resolution. Council Members Johnson, Edwards, Wiseman and Holm absent.

Council Member Garcia thanked Mr. Bush for all he did to help with historic preservation in Houston. Council Members Johnson, Edwards, Wiseman, Holm and Lovell absent.

Ms. Paula Swain, 1432 Ashland, Houston, Texas 77008 (713-420-7520) had reserved time to speak but was not present when her name was called. Council Members Johnson, Edwards, Wiseman, Holm and Lovell absent.

Mr. David Beale, 316 W. 15th, Houston, Texas 77008 (713-594-2199) appeared, displayed their sign supporting preservation and stated that he was also present supporting Houston Heights Historic District West; that if they had waited another four to five years to start preservation there would not be enough of the Heights to save; that builders had to apply for Certificates of Appropriateness to build on vacant lots, however, there was one case where the builder had filed to demolish a potentially contributing building; and thanked Council for what they had done. Council Members Johnson, Edwards, Wiseman, Holm and Lovell absent.

Council Member Garcia thanked Mr. Beale for coming and stated that his statement was correct about waiting another four years, but what hurt was if they had started sooner they would have more to be proud of. Council Members Johnson, Edwards, Wiseman, Holm and Lovell absent.

Council Member Brown stated that he was dismayed at the historic houses torn down in the Heights, it was a crying shame and he seconded, what Council Member Garcia said about his efforts to defend as it was an issue of defense and preserve and the City of Houston needed to give neighborhoods more help and he was dismayed about that too and every one at the Council table needed to step up to the plate; that there were plenty of places where development should be going and the character of neighborhoods should not be destroyed. Council Members Johnson, Edwards, Wiseman, Holm and Lovell absent.

Deputy Willie Drew, P. O. Box 680946, Houston, Texas 77268 (713-232-0354) appeared and stated that he was present last week and asked a question about what the road block was in his way of developing his project and the road block was in the Housing Department; that they went through four directors and one approved and blessed the project to go forward and then he retired and the interim director held up the project asking that they spend more money, money which officers who were donating along with time and effort to the project to make it happen, he held it and did not allow it to come to this committee, then another director came and wanted to see more work and he stepped down and another director, the present director looked at the project. Council Members Johnson, Edwards, Wiseman, Holm and Lovell absent.

Council Member Garcia stated that he and Deputy Drew spoke of the project over the last two to three years and he was not in the meetings he referenced he still kept him up to breast with progress and discussions he was having and his comments today were in direct recollection to the updates he was getting over a period of years; that he thanked him for not giving up because his concept had tremendous merit and so many more properties in the city could benefit from his concept and they needed to make sure the Housing Department did look at this. Council Members Johnson, Wiseman, Holm and Alvarado absent.

Council Member Green stated that he heard they had gone through the process and it was approved by Council; and Deputy Drew stated that they went through the process and the Housing Sub Committee for it to be moved forward, it was published in the newspaper for the public review for 30 days and at that time the underwriting was completed and it was told to them that it was to be moved forward; that Mr. Sampley said there were new requirements, he wanted them to go do more feasibility studies and they spent more money to do all three of the studies and they all came back with the same numbers; that Mr. Sampley basically said it was not something they wanted to do. Council Members Wiseman, Holm and Alvarado absent.

Upon questions by Council Member Edwards, Deputy Drew stated that one comment made by Mr. Celli was the city had changed priorities as to where money would be spent; and Council Member Edwards stated that she had not been able to verify that statement; that she did talk with Mr. Celli with him yesterday and he was not aware of that position; that she still needed to get information from Mr. Sampley she had not spoken with him yet and if they had changed positions she had not heard it, especially if Council already approved it; that with what they were doing with apartments and wanting police presence she would think this would be...; that they would get answers for him in the next few days; and upon questions, Deputy Drew stated that they did three feasibility studies and one recognized engineer forgave the amount he charged for the study, but other monies were spent and they also had consultants and the police presence would not just be at that project but they would work with the community as a whole. Council Members Wiseman, Holm and Alvarado absent.

Acting Mayor Pro Tem Berry stated that they asked for someone with Housing to come and if he would remain here they would be coming and Mr. Fontaine offered to assist as well. Council Members Wiseman, Holm, Alvarado and Noriega absent.

Mr. Tony Jones, 1950 Spenwick, Houston, Texas 77055 (713-935-0010) appeared and stated that today he was present to thank Council Members who were leaving and in particular Council Member Edwards for her support of the fair housing ordinance; that

he did want to say in Spring Branch newspaper racks blocked sidewalks and those in wheelchairs could not get by and he would like something done about that. Council Members Johnson, Wiseman, Holm, Alvarado and Noriega absent.

Acting Mayor Pro Tem Berry stated that he shared his sentiments, he enjoyed the last six years and he always learned something from Council Member Edwards. Council Members Johnson, Wiseman, Holm, Alvarado and Noriega absent.

Council Member Lawrence thanked Mr. Jones for coming and honoring all leaving Council Members. Council Members Johnson, Wiseman, Holm, Alvarado and Noriega absent.

Council Member Edwards thanked Mr. Jones for his kind remarks and stated that with citizens such as he Council could do better; and Mr. Jones stated that for some term limits was probably a good thing, but with the group they now had it was a bad thing and he thought term limits should be by election and not by the City Charter. Council Members Johnson, Wiseman, Holm, Alvarado and Noriega absent.

Mr. James Nash, 7030 Colonial Lane, Houston, Texas 77051 (713-725-1664) appeared and stated that he came to honor his District Council Member; that District D covered a lot of territory and she was busy, busy and he thanked her for all her time spent; and read a letter to Council Member Edwards regarding her service and his thanks and presented her with a plaque. Council Members Johnson, Wiseman, Holm and Alvarado absent.

Council Member Edwards thanked Pastor Nash for his comments and stated that she looked forward in continuing their works. Council Members Johnson, Wiseman, Holm and Alvarado absent.

Council Members Garcia, Green and Lovell agreed with Pastor Nash regarding Council Member Edwards good works and thanked him for coming and recognizing her. Council Members Johnson, Wiseman and Alvarado absent.

Ms. Lisa Cronin, 6829 Academy, Houston, Texas 77025 (713-409-5551) had reserved time to speak but was not present when her name was called. Council Members Johnson, Wiseman and Alvarado absent.

Mr. Dean Gladden, 4022 Lanark Lane, Houston, Texas 77025 (713-315-3372) appeared and stated that he was Managing Director of the Alley Theater and new resident of Houston in Braeswood Place; that their property line was shared with a proposed development by Pelican builders called Bellefontaine Square and it would include 30 three story townhomes with attached two car garages and that would add 60 cars to the two lane road plus visitors and it would significantly increase traffic congestion; that they were also proposing a variance of the 25 foot set back as they would prefer a 10 foot setback and they felt strongly it was all inappropriate for their neighborhood and in addition directly across the street another development was being proposed for a 44 unit condo which would be five stories tall and there was no building in the area that tall and that would again increase traffic significantly; that the two projects together would place 148 cars parked in a half block area and it was completely inappropriate in a residential neighborhood; that Council was considering a traffic impact analysis and assessment management ordinance and they would strongly support such

an ordinance and urged Council place a temporary moratorium on developments in residential neighborhoods where residents expressed concern of inappropriate high density projects until the ordinance was considered. Council Members Johnson, Wiseman, Garcia and Alvarado absent.

Council Member Clutterbuck stated that issues Mr. Gladden spoke of were significant and they appreciated his support in the Council's efforts as they decided them. Council Members Johnson, Wiseman and Garcia absent.

Mr. John Bleyer, 2929 Greenbriar #7201, Houston, Texas 77098 (713-204-3445) appeared and stated that he was representing Job Hunter Magazine regarding the city's newsrack ordinance; that what concerned them was it was to be implemented January 1st and it made being in compliance a financial burden for independent publications which could cause many to go out of business, the racks their company used were made of the material required by the ordinance and were anchored by a concrete block, but they were informed their design was not in compliance because it was not a box shape rack, it was a steel pole with the magazine holder on top, it posed no safety risk and was presented in a professional manner and was now claimed to be obsolete; that thousands of dollars was invested in the racks and they would be rendered useless; that as a result of decreased circulation jobs would be lost with them; and they were asking Council to rescind the ordinance or postpone implementation while independent publishers were brought in for additional planning sessions. Council Members Johnson, Edwards, Wiseman, Holm, Garcia and Green absent. (NO QUORUM PRESENT)

Ms. Dorris Ellis Robinson, 1520 Isabella, Houston, Texas 77004 (713-524-0786) appeared and stated that she was publish editor of the Houston Sun and today she was present in opposition to the ordinance and in support of the First Amendment; that the First Amendment provided opportunity for all to gather, to assemble, to reflect their religion and it also speaks to the press; that with the ordinance they would not be able to distribute information to communities and they were asking Council to reconsider the ordinance and bring forward community newspapers who could help them make a better decision; that they already had their boxes and they were just sitting and they could not be used with the new ordinance. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown, Lovell and Noriega absent. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he agreed and he did vote against the ordinance; that he could assure her City Hall was listening and the Mayor shared her concern on the protection of small newspapers. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mr. Jorge Nucete, 4530 W. 34th #J, Houston, Texas 77092 (281-216-6720) appeared and stated that he was publisher of Auto Magazine and he too was expressing concern regarding the city newsrack ordinance, it was affecting them tremendously by hitting the economics of their publication; that the backbone of a publication was distribution and they were asking Council to come up with a multi rack option or to postpone the decision to implement the ordinance. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Lovell and Noriega absent. (NO QUORUM PRESENT)

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

Mr. Albert Brewer, 7723 Willow, Houston, Texas 77099 (281-447-6125) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Lovell and Noriega absent. (NO QUORUM PRESENT)

Mr. Ed Browne, 41 Rolling Wood, Houston, Texas 77080 (713-365-9902) appeared and stated that he represented a neighborhood adjacent to the Memorial City TIRZ, TIRZ 17, he wanted to make it clear they recognized development was not necessarily a bad thing, but it should not occur at the expense of the adjacent neighborhoods; that State Representative Dwayne Bohac wrote a letter of support for their neighborhood last year and the civic association voted to rally behind his plan, the plan specified Bunker Hill north of Briar Branch Creek was residential and should be preserved by limiting traffic flow and called for constructing the three lane roadway 33 feet wide with preservation of as many trees as possible; that at the last CIP meeting Council Member Lawrence stated she had gotten an agreement between the principles of Fidales and Trammel Crow Residential to allow connection of the Trammel Crow Apartments to Fidales's road on the most northern part of their property, south of Briar Branch Creek, and they all supported it and it would have reduced the traffic in school zones and removed much danger to the children; that they also supported saving tree canopies along Bunker Hill, Westview and Long Point and they supported limiting the amount and velocity of cut through traffic in the neighborhood, but they were told at the last TIRZ meeting they would not honor the agreement made with Council Member Lawrence and the announcement came one month before the contract to build the road; that they also found TIRZ 17 would be building the road and not the city and they felt the TIRZ and their Council Member had not operated in a manner consistent with the desires of their neighborhood and were requesting a private meeting with the Mayor to discuss concerns in more detail; and asked those present with him to stand to be recognized. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Lovell and Noriega absent. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he would assure him his request would be passed along to the Mayor and his top officials. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Lovell and Noriega absent. (NO QUORUM PRESENT)

Ms. Virginia Gregory, 9806 Westview Drive, Houston, Texas 77055 (713-465-5814) appeared and stated that she was resident and on the board for the Spring Branch Civic Association and today speaking on their behalf about the widening of Bunker Hill, why did TIRZ 17 and the City of Houston consider Bunker Hill north of Briar Branch Creek to be a major thoroughfare when in fact there was Woodview

Elementary in the middle and the road then made a dead end into Long Point, the total length of the road from I-10 to Long Point was only seven tenths of a mile; that their agreement with Council Member Lawrence and the TIRZ was for a three lane road north of Briar Branch Creek, one lane north, one lane south and a middle lane to turn, but they have been given a four lane road; that plans she saw showed a 44 foot road base with an 80 foot right of way and their plan took down many trees, some old and historical; that the TIRZ had no jurisdiction north of the creek except to Pine Lake on the west side and only one block north of the creek, how could they dictate to the homeowners that their old fashion greenery was out of date and big business was in; why should the TIRZ have total control; that they would like to be treated like the Ashby High Rise and have protection; that bids went out December 7th, expected to be turned in on the 21st and bonds would be on the market January 8th and construction was expected to start at the end of February or first of March. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Lovell and Noriega absent. (NO QUORUM PRESENT)

Ms. Donna Freedman, 9729 Pine Lake, Houston, Texas 77055 (713-461-1830) appeared, presented information and stated that she was thoroughly embarrassed she had her two sons present, college and older, to experience Council's empty chairs, it was government at its worst; that the chairs represented the help they received; that Pam Holm and Toni Lawrence were absent and that was how they felt; that their trees were on the Harris County Tree Registry and they wanted to keep them, they were magnificent trees over 150 years old; and today they were present to insist the Bunker Hill widening process be halted and another public hearing held. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Noriega absent. (NO QUORUM PRESENT)

Council Member Brown thanked all for coming and stated that he understood their issues, it was late in the game to deal with Bunker Hill, however, one reason they had this and similar problems was the Public Works Department in his view had antiquated and old fashioned standards for street cross sections; they poured too much concrete, cars drove too fast, the accident rate was up and too much pollution was spit out; that they needed a different set of street standards and if they would lobby for that it would help him as he lobbied for it; and a distinction needed to be made between an urban, semi urban and suburban context, if Houston had such standards they would not have this; and Ms. Freedman stated that they did not feel it was too late and she felt it should be mandatory for Council Members to be in their seats. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia and Alvarado absent. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated if it was all right with the Council he would by consensus call Mr. Jack Michael out of order. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia and Alvarado absent. (NO QUORUM PRESENT)

Mr. Jack Michael 2016 Main, Houston, Texas 77002 (713-305-2991) appeared and stated that he represented 2016 Main High Rise Condominiums and through the efforts of Lilliana Rambo and Paul Dugas, who had done an excellent job in cleaning and fencing the area under the Pierce, they had created a more safe environment for the condos he represented; that he also thanked the Mayor for his direction on more emphasis and vigilance on the situation across from the bus depot and it was evident to

the residents; and he wanted to know if there was any future effort on the removal of the bus station. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that he would be in good hands after she left and she hoped he would continue to work hard; that they were able to get a lot of things there accomplished but there was more they could do; that she was not sure where the plans were on removal of the bus station and he should check with the new Council Member after the first of the year. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Judith Johnson, 9756 Westview Drive, Houston, Texas 77055 (713-467-6987) appeared and stated that she was disappointed someone would say it was too late to do anything, that was why they were present to get Council to come to the rescue of a neighborhood, to refer the Bunker Hill matter back as it needed to be; that it was also extremely disappointing for so many Council Members to leave before they were heard; that Council Member Lawrence worked below the radar to get a large 300 plus apartment complex in their area where it made no sense and then supported the TIRZ plan to unnecessarily widen the road and today they were present urging all Council Members to look at this again, the same as they looked at other neighborhoods; that no one listened to them and they never considered the compromise put forward by Representative Bohac; that those with driveways put their lives on the line when leaving and she was present because of the safety of her children and others, they were real people with real concerns and wanted someone to do something which was not out of their power; that this plan would cause a child to be hurt. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Noriega stated that she did appreciate her coming to Council with her two children, they were beautiful and she was proud they were present and a part of this; and Ms. Johnson stated that she wanted her children to learn you could make a difference by trying. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT)

Mr. Jeffrey Johnson, 9756 Westview Drive, Houston, Texas 77055 (713-467-6987) appeared and stated that Council had already heard the residents but he would reiterate they had no real voice or real representation throughout the process and it was disheartening to hear Council Member Brown's comments when for months they were begging for someone to help and had been placated at every meeting; that at meetings the developers were never present as they had been duly represented, they were told this was progress, but this was a ten block four lane highway through their little residential neighborhood and there was the killing of their 150 year old trees and endangerment to their children; and they were told this would take 3 years to build the 10 block road and they built the Empire State Building in 14 months and 24 miles of I-10 in 6 years; and again they would reiterate their request to speak with the Mayor. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Ruth Schexnider, 9670 Westview Drive, Houston, Texas 77055 (713-932-0327) appeared and stated that she was familiar with the area living there 31 years and today she was present supporting the Bohac plan which was from Briar Creek

north to Long Point being reduced to a 33 foot width of roadway; that the city's final plan was 44 feet in that area and that was too extreme and invaded the school and preservation of trees; that if it were 33 feet it would save money and preserve the integrity of the neighborhood, it also gave three lanes in the residential and four lanes in the business area and it was a win/win situation. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Lovell thanked all for coming and stated that Council Members At-Large usually did not get involved in Districts and she was not familiar with this but she would look into this; that she owned a business at the corner of Long Point and Bunker Hill for six years in the '70s and was familiar with the area; that she was sure Council Member Noriega would take a look also, she did not believe there was nothing they could do and would check, but if there was nothing they could do they would convey it back to them. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Noriega stated that maybe they could both head over and see what they could do. Acting Mayor Pro Tem Berry and Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Ms. Charlotte Peel, 52 Rollingwood Drive, Houston, Texas 77080 (713-858-0948) appeared and stated that she was outraged Council Members were not required to be in their seats or to listen; that they were on the phone and talking to one another and she wanted to express how rude she thought it was when they had all taken time to come down here before them; that she did not know of anyone in the neighborhood who wanted Bunker Hill to be widened and she had gone to meetings for two years trying to prevent this, but for some reason their neighborhood seemed to be ignored by Council; that an apartment complex was allowed to be put up directly across from the school and she could not image going into other area near them and cutting down such large trees to enlarge such a small road, they did not want it and there was no reason to not compromise, did they want to leave the children less green space, less trees, less safety and more traffic and more pollution, it appeared the City of Houston did in their community and she would like to know who stood to make the most monetarily from the widening and why the apartments were allowed to go in where they did, how did that benefit their neighborhood. Acting Mayor Pro Tem Berry and Council Members Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. James Wright, P. O. Box 1972, New Caney, Texas 77357 (281-354-8033) appeared, presented information and stated that he was a democratic candidate for the presidency of the United States and he put together a platform called the Citizens Bill of Rights to restore and protect the Constitution and call for responsibility of elected officials and he was asking Council to stand up for citizens; that this country was where it was because of failure of leadership; that last year a Bill was passed and removed the city's right of habeas corpus; that he knew the difference between right and wrong. Acting Mayor Pro Tem Berry and Council Members Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Ms. Sherrie Alex-Butler, 1066 South Lane, Houston, Texas 77088 (281-448-3946) had reserved time to speak but was not present when her name was called. Acting Mayor Pro Tem Berry and Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Samuel Hutto, 1404 Indiana #3, Houston, Texas 77006 (281-386-7052) appeared, presented information and stated that as interim mayor of the city of Montrose he had come to present a formal declaration of secession from Houston proper; having lost all affinity, identification and kinship with the larger Houston area the Montrose duly declared independence; and continued to express his personal opinions until his time expired. Acting Mayor Pro Tem Berry and Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Ms. Roberta Prazak, 606 Attingham, Houston, Texas 77024 (713-461-2860) appeared and stated that she had plans for Bunker Hill, it was what the group before her had talked about and she had the plans because there had been two public hearings where they were given misinformation, information that did not allow them to come before Council to work out compromises so when she found the project was put out for bid she went and bought the city plans for \$75.00 and actually spent \$145.00 as she also bought plans for Kingsride which they were not calling a widening, but saying it was 400 feet of right turn addition; that TIRZ 17 had been secretive about what was going on and disregarding their children's safety and tearing out trees and taking away their community; that Council talked about the Heights and Wards and how they needed to be kept communities, how they were historic area, but what was the Memorial area but historic and they were known for their trees, schools, community support and it was all being torn apart; and she did appreciate all Council Members who had stayed to listen. Acting Mayor Pro Tem Berry and Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia and Brown absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Ms. Sharon Lauder, 373 1/2 W. 19th, Houston, Texas 77008 (713-206-0953) appeared and stated that she was publisher of the Houston and Heights Tribune and requesting the newsrack ordinance be rescinded; that freedom to distribute information was as essential as the freedom to publish it and an ordinance which targeted a narrow segment of the media and was constitutionally invalid; that the ordinance was a threat to the independent publishers and free speech and if the city wanted to squash the voice of the independent press this was a surefire way to do it; that citizens were not served with this; and urged Mayor White to rescind the ordinance. Acting Mayor Pro Tem Berry and Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia and Brown absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that she appreciated Ms. Lauder coming and she was a fan of the newspaper; that she wanted her to know they were listening; and Ms. Lauder stated the ordinance started January 1st and she hoped Council would come to grips and extend it and decide on clear places for newsracks to be. Acting Mayor Pro Tem Berry and Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia and Brown absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

At 4:11 p.m. City Council recessed until 9:00 a.m., Wednesday, December 19, 2007. Mayor White and Council Member Khan out of the city on personal business. Acting Mayor Pro Tem Berry and Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia and Brown absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, December 19, 2007 with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director, present. Council Member M. J. Khan, P. E. out of the city on personal business.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:29 a.m. Mayor White called the meeting to order. Council Member Khan out of the city on personal business. Council Members Edwards, Wiseman and Green absent.

MAYOR'S REPORT

Council Member Garcia moved to suspend the rules to consider Item No. 22 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Wiseman and Green absent. MOTION 2007-1237 ADOPTED.

22. ORDINANCE approving and authorizing Grant Agreement between the City of Houston and **W. LEO DANIELS TOWERS, INC**, to provide \$886,000.00 (\$538,185.60 - Community Development Block Grant Funds/\$347,814.40 - Home Investment Partnerships Funds) for the rehabilitation of a 100 unit apartment building for the elderly and disabled located at 8826 Harrell Street - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Wiseman and Green absent. ORDINANCE 2007-1461 ADOPTED.

Council Member Clutterbuck moved to suspend the rules to consider Item No. 23 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1238 ADOPTED.

23. ORDINANCE approving and authorizing agreement between the City of Houston and **10700, LLC** to provide a \$9,850,000.00 Performance-based Loan of Federal Community Development Block Grant ("CDBG") Funds for costs to acquire and rehab an apartment complex in the 10700 and 10800 blocks of Fondren Road, Houston, Texas, to house qualified low income residents **DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Wiseman and Berry absent. ORDINANCE 2007-1462 ADOPTED.

Council Member Lovell moved to suspend the rules to consider Item No. 39 out of order and to refer it back to the Administration, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1239 ADOPTED.

39. RESOLUTION designating a certain property within the City of Houston as a landmark and a protected landmark - **DISTRICT I - ALVARADO**
First Evangelical Lutheran Church at 1311 Holman Rd – **(This was Item 24 on Agenda of December 12, 2007, TAGGED BY COUNCIL MEMBER LOVELL)** – was presented and referred back to the Administration by MOTION 2007-1239 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 36

MISCELLANEOUS - NUMBERS 1 through 5

1. REQUEST from Mayor for confirmation of the appointment of **MS. DIANA DÁVILA MARTINEZ**, to Position Fourteen, of the **HOUSTON READ COMMISSION**, for an unexpired term ending January 1, 2010 – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1240 ADOPTED.
2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2008 Operations and Maintenance Budget for the **TRINITY RIVER WATER CONVEYANCE PROJECT** operated by the **COASTAL WATER AUTHORITY** - \$17,650,247.00 - Enterprise Fund – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1241 ADOPTED.
3. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$93,144.34 to **LONE STAR GROUNDWATER CONSERVATION DISTRICT** for water user fees for calendar year 2008 - Enterprise Fund – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1242 ADOPTED.
4. RECOMMENDATION for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2008 - January 1, 2008 through December 31, 2008 – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1243 ADOPTED.

ACCEPT WORK - NUMBERS 6 through 8

6. RECOMMENDATION from Director General Services Department for approval of final contract amount of 1,903,309.00 and acceptance of work on contract with **DIVISION ONE CONSTRUCTION LLC** for Wortham Center Orchestra Pit Enhancement, WBS B-000078-0001-4 1.97% over the original contract amount - **DISTRICT I – ALVARADO** – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All

voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1244 ADOPTED.

7. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$853,680.36 and acceptance of work on contract with **EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, L.P.** for Leaking Petroleum Storage Tank Remediation and Underground Storage Tank Replacement Southeast Service Center, WBS L-000052-0001-4 4.20% over the original contract amount - **DISTRICT I – ALVARADO** – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1245 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$384,429.90 and acceptance of work on contract with **INFRASTRUCTURE SERVICES, INC** for Construction and Installation of Speed Humps, GFS N-0660-06-3 (SB9130) - 2.56% over the original contract amount – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1246 ADOPTED.

PROPERTY - NUMBERS 9 through 11

10. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and withdraw objections to the award in connection with eminent domain proceeding styled City of Houston v. WirtLongPoint, L.P. a Texas limited partnership, et al., Cause No. 890,960; for acquisition of Parcel AY6-088; for the **LONG POINT @ WIRT INTERSECTION IMPROVEMENTS PROJECT (Pine Chase - Johanna)**, WBS/CIP N-000674-0001-2 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1247 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 and 13

12. **SHI GOVERNMENT SOLUTIONS, INC** for Maintenance and Support Agreement for Novell Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Police Department - \$388,081.10 - General Fund – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1248 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 14 through 36

14. RESOLUTION designating **HOUSTON HEIGHTS HISTORIC DISTRICT WEST** as an historic district - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. RESOLUTION 2007-48 ADOPTED.

15. ORDINANCE consenting to the addition of 12.1351 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 18**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1463 ADOPTED.
16. ORDINANCE consenting to the addition of 18.33 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1464 ADOPTED.
18. Omitted
19. ORDINANCE approving and authorizing Lease Agreement between, **TELTSCHIK ACADEMY, INC, A Texas Corporation**, as tenant, and the City of Houston, Texas, as landlord, for 1.0066 acres of land (Parcel LE94-4), more or less, and a one-story building located at 10500 Cliffwood, Houston, Harris County, Texas, the Former Willow Bend Water and Sewer Plant Site, for the continued operation of a school for preparatory education d/b/a Trafton Academy **DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1465 ADOPTED.
20. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **PCAA SP, LLC** for certain premises at William P. Hobby Airport - **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1466 ADOPTED.
21. ORDINANCE canvassing the returns of the City of Houston Run-Off Election held on December 8, 2007; making various findings and provisions related to the subject; declaring the official results of the Run-Off Election – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1467 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City of Houston and **BRENTWOOD COMMUNITY FOUNDATION** to provide \$444,050.00 in Housing Opportunities for Persons With AIDS (HOPWA) Funds for the operation of a community residence, administration of a short-term rent, mortgage and utility assistance program, and provision of other supportive services **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1468 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City of Houston and **VOLUNTEERS OF AMERICA TEXAS, INC** to provide \$485,000.00 in Housing Opportunities for Persons With AIDS (HOPWA) Funds for the operation of two community residences, administration of a short-term rent, mortgage and utility assistance program, along with other supportive services – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1469 ADOPTED.
28. ORDINANCE amending Ordinance Number 2004-0525 to increase the maximum contract amount by \$750,000.00 for contract between the City and **INNOVATIVE INTERFACES**,

INC for Integrated Library System Services for the Houston Public Library - HALAN Fund – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1470 ADOPTED.

30. ORDINANCE approving and authorizing contracts between the City of Houston and **TERRACON CONSULTANTS, INC** and **WESTON SOLUTIONS, INC** for Environmental Assessments in support of the Brownsfields Redevelopment Program - \$400,000.00 - Grant Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Khan out of the city on personal business. Council Member Wiseman absent.
31. ORDINANCE appropriating \$314,800.00 out of Library Capital Project Fund; awarding Construction Manager At Risk Contract to **SPAW MAXWELL COMPANY, L.P.** for Julia Ideson Building - Restoration and addition, WBS E-000155-0001-4 - **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1471 ADOPTED.
32. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for the Construction of Boone Road from Westpark Drive to the Westpark Toll Road, WBS N-000521-0001-3 - **DISTRICTS F - KHAN and G – HOLM** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1472 ADOPTED.
33. ORDINANCE appropriating \$440,171.00 out of Fire Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **ENGLISH + ASSOCIATES ARCHITECTS, INC** for Design of New Fire Station No. 90, WBS C-000065-0002-3; providing funding for the Civic Art Program - **DISTRICT A – LAWRENCE** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1473 ADOPTED.
35. ORDINANCE appropriating \$200,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CHARLES D. GOODEN CONSULTING ENGINEERS, INC** for Neighborhood Street Reconstruction Project No. 448 (NSR448) (approved by Ordinance No. 05-0677), WBS N-000380-0001-3 - **DISTRICTS D - EDWARDS and E – WISEMAN** – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1474 ADOPTED.
36. ORDINANCE appropriating \$1,018,350.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **COLLINS CONSTRUCTION, L.L.C.** for Waterline Replacement in Eastway Plaza, WBS S-000035-00G3-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays

none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1475 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS - NUMBERS 1 through 5

5. RECOMMENDATION from Director Convention & Entertainment Facilities Department to revise the schedule of rental fees for Miller Outdoor Theatre - **DISTRICT D – EDWARDS** – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1249 ADOPTED.

PROPERTY - NUMBERS 9 through 11

9. RECOMMENDATION from Director Parks & Recreation Department for authority to communicate to the Trust for Public Land's board of directors that the City is committed to completing the land acquisition transaction to purchase 2.84 acres of undeveloped property from the Trust for Public Land - **DISTRICT H – GARCIA** – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1250 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Bruce W. Derrick, declining the acceptance of, rejecting, and refusing the dedication of Argonne Street, from Branard Street ±82.50 feet to its terminus, located in the Dozier Addition, Parcel SY7-062 - **DISTRICT C – CLUTTERBUCK** – was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. MOTION 2007-1251 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 and 13

13. **CEMEX, INC** for Ready Mix Concrete for Various Departments - \$7,413,738.75 - General, Storm Water and Enterprise Funds – was presented and was tagged by Council Members Holm and Garcia. Council Member Khan out of the city on personal business. Council Member Wiseman absent.

Council Member Garcia stated that during his discussions on the oversized and overweight truck ordinance he was concerned with this item as the folks representing Cemex talked about how it was a matter of doing business to run overweight and he was concerned about how they did business and that was why he was tagging it and he was reluctant to see the item comeback, they said how they had to be accepted running overweight or they would put more trucks on the roads and that was a point of reference for the deliberation; and Mayor White stated that he would ask Mr. Wells one question and he hoped someone would take note and also pose this to Mr. Moran as well, he had a similar question where there were three industrial gas suppliers, he understood there were two bids on it and he wanted to know if it was because there were only two cement suppliers or was it because the city was not an attractive customer and if so why; and he would like someone to let him know the answer to

the question as well as what had been done to generate additional interests in bidders as generally the more interested bidders the better, so his question was what specific actions were taken to generate more bidding interests and to determine if there were other qualified bidders, it could be that this was a good price. Council Member Wiseman absent.

Council Member Clutterbuck stated that she too had a question and while others tagged it she would like to add her questions; that first would be a clarification from the city Purchasing Agent about what the purpose of the cement would be, if it was for repairing roads and those type of things; that she was concerned about using cement for storm water because it was her understanding Public Works recently approved the use of plastic, for lack of a better word, a resin piping which was stackable and never exceeded load limits and it was approved by Public Works for sewer and drainage and storm water piping and it was much cheaper, more durable and less heavy and she wondered if the Purchasing Agent considered that for the storm water aspects of this particular contract; and Mayor White stated that would also be a report back on it from Public Works and those providing specifications. Council Member Wiseman absent.

RESOLUTIONS AND ORDINANCES - NUMBERS 14 through 36

17. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 504** - was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1476 ADOPTED.

40. ORDINANCE approving and authorizing contract between the City of Houston and **BONITA STREET HOUSE OF HOPE** providing up to \$350,000.00 in Housing Opportunities for Persons With AIDS (HOPWA) Funds for the operation of a community residence and the provision of child care and other supportive services - **DISTRICT H – GARCIA** – was presented.

Council Member Brown stated that if anyone wanted to know how they were dealing with critically social issues for abused women and children they needed to go to Bonita House on Parker Road, it was a marvelous facility and he was very happy the city was supporting them. Council Members Wiseman and Berry absent.

A vote was called on Item 24. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Wiseman absent. ORDINANCE 2007-1477 ADOPTED.

27. ORDINANCE amending Ordinance No. 2006-320 to increase the maximum contract amount by \$850,000.00 for contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.** for Legal Services – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Wiseman and Berry absent. ORDINANCE 2007-1478 ADOPTED.

29. ORDINANCE approving and authorizing the submission of an application for grant assistance to the U. S. Department of Transportation for the Federal Motor Carrier Safety Assistance Program (MCSAP) 2008 High Priority Grant; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any,

pertaining to the program – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Wiseman and Berry absent. ORDINANCE 2007-1479 ADOPTED.

34. ORDINANCE approving and authorizing second amendment to Professional Environmental Consulting Services Contract between the City of Houston and **QUANTUM ENVIRONMENTAL CONSULTANTS, INC** (approved by Ordinance No. 2003-1249), WBS R-000019-0007-3 – was presented. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Members Wiseman and Berry absent. ORDINANCE 2007-1480 ADOPTED.

NON CONSENT AGENDA - NUMBER 37

MISCELLANEOUS

37. RECEIVE nominations for Positions One, Two and Two Alternate At-Large Positions of the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2008 – was before Council.

Council Member Lovell nominated Council Member Ann Clutterbuck for Position One and Council Member Pam Holm for Alternate; and Council Member Lawrence nominated Council Member Adrian Garcia for Position Two and Council Member Sue Lovell for Alternate. Council Member Alvarado moved to close nominations, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2007-1252 ADOPTED.

MATTERS HELD - NUMBERS 38 through 40A

38. RECOMMENDATION from Director Finance & Administration Department for the transfer of \$25 million from the General Fund balance as follows:
\$5 million to the Police budget for additional overtime cost
\$500,000 to the Fire Department for “Ask A Nurse Program”
\$6 million to the Internal Service Fund for Public Safety Equipment
\$13.5 million to Debt Service Fund

(This was Item 3 on Agenda of December 12, 2007, TAGGED BY COUNCIL MEMBER GARCIA) - was presented, moved by Council Member Garcia, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on personal business. MOTION 2007-1253 ADOPTED.

40. ORDINANCE approving and authorizing a Compromise and Settlement Agreement between the City of Houston and **CLEAR CHANNEL OUTDOOR, INC.** to settle outstanding disputes and controversies; making various findings and provisions relating to the subject – **(This was Item 46 on Agenda of December 12, 2007, TAGGED BY COUNCIL MEMBERS HOLM, LAWRENCE, GREEN, EDWARDS, CLUTTERBUCK and BROWN)** – was presented.

Council Member Holm moved to postpone Item 40 until January 9, 2007, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Berry absent. MOTION 2007-1254 ADOPTED.

40a.ORDINANCE amending the City of Houston Sign Code (Chapter 46 of the Building Code, Houston, Texas) relating to reduction of the number of Off-Premise Signs; containing other provisions relating to the foregoing subject; providing for severability; providing a penalty; providing for enforcement; providing an effective date - **(This was Item 46A on Agenda of December 12, 2007, TAGGED BY COUNCIL MEMBERS HOLM, LAWRENCE, GREEN, EDWARDS, CLUTTERBUCK and BROWN)** – was presented.

Council Member Holm moved to postpone Item 40a until January 9, 2007, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan out of the city on personal business. Council Member Berry absent. MOTION 2007-1255 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that it had been a real pleasure to serve on Council for the last six years and she was excited to see it being handed to younger and hopefully better people in the community. Council Member Wiseman absent.

Council Member Edwards stated that she was very proud of her District D staff, her Mighty D Team, they all had a role to play and knew they could be no stronger than the community they were hired to represent; and gave a briefing on what they had accomplished in her district and a briefing of accomplishments from her staff. Council Members Johnson and Berry absent.

Council Member Lawrence stated that she expressed last week how much they would be missing the outgoing Council Members and each of their separate personalities. Council Member Berry absent.

Council Member Lawrence stated that she thanked Mayor White for the handout just passed out, for those not able to catch up on their mail through the holidays there was a (HERO) Houston Employment Relief Organization created and it was a 501c3; that they had one meeting before Harold Norward was killed on the side of the road and they had visited his family and the funeral was being set for Saturday; that she hoped her colleagues would join her in making a donation and they had the sheet in front of them, it was being set up like the 100 Club and firefighters, when tragedy happened people needed help and she could not think of a better way than to look at this as a charity and make that donation. Council Members Clutterbuck, Noriega, Green and Berry absent.

Mayor White stated that this started last time someone was hurt protecting the public in the right of way and he was glad they now had this vehicle to recognize public heroes who were out there incurring great risks on behalf of citizens. Council Members Clutterbuck, Noriega, Green and Berry absent.

Council Member Garcia stated that he thanked the Mayor for his leadership and for making sure municipal employees were treated with dignity and respect much like firefighters and police officers were treated. Council Members Clutterbuck, Edwards, Noriega, Green and Berry absent.

Council Member Garcia stated that he wanted to say goodbye to all the outgoing Council Members and that those coming in behind them would have either big seats or big shoes to fill; that it had been a pleasure and honor to serve with each and he appreciated their leadership. Council Members Clutterbuck, Edwards, Noriega, Green and Berry absent.

Council Member Garcia stated that along the lines of giving he just visited Israel Gomez with Natividad Navarro and he wanted to tell all it was still not too late to look for a charity, to make a child who may not realize how poor they may be a great Christmas, to make a difference in a child's life. Council Members Clutterbuck, Edwards, Noriega, Green and Berry absent.

Council Member Garcia stated that Jay Hamburger in his district, the Old Sixth Ward, had a nice write up, whether he was called the Egg Man or other wonderful term, he fed the homeless and turned it into a tremendous charity and he did it weekly; and with that he would say happy holidays, prosperous new year to all and best wishes to the outgoing Council Members. Council Members Clutterbuck, Edwards, Noriega, Green and Berry absent.

Council Member Holm stated that one of the greatest things the city had going for it was the body who sat around the Council table and what they learned from each other and she too wished all outgoing Council Members the very best and thanked them for the leadership and wisdom they brought. Council Members Clutterbuck, Edwards, Noriega, Green and Berry absent.

Council Member Holm stated that on the HERO fund she would suggest that the community could be made aware of it through Christmas greetings they sent out; and encouraged Council Members to reach out and say where the money could be spent and how the fund was established and for what reasons. Council Members Clutterbuck, Edwards, Noriega, Green and Berry absent.

Council Member Alvarado stated that something was out of kilter when the leadership of the most important entity in the region had to be constrained by term limits and she believed the term limit experiment had run its course, she believed the community was shortchanged by it and today she was calling on people around the table and former Council Members to join her; that certain projects she had not been able to finish, though she felt it would be in good hands with James Rodriguez; that many things had happened of which she was a part of and discussed her accomplishments. Council Members Clutterbuck and Noriega absent.

Council Member Alvarado stated that she was pleased to come in with a great group of folks and gave kudos and goodbyes to all Council Members; and thanked directors and her staff for being a part of it all.

Council Member Green stated that he would enjoy his last term; and gave kudos and goodbyes to all outgoing Council Members.

Council Member Berry stated that Mr. Joe Weikert who had been interim director of Personnel, chief of staff of Mayors from Louie Welch through Lee Brown said one thing he needed to get done was naming a building for Anna Russell and if there was one thing he regretted not getting done was that, she had put in so many more years of service that Ms. Westerman who had a city hall building named for her, it was long overdo.

Council Member Berry stated that he had learned something from each Council Member which he would take with him and gave his kudos and goodbyes to all Council Members.

Council Member Brown remarked on what he would miss and remember and gave kudos and goodbyes to all outgoing Council Members.

Council Member Clutterbuck stated that she too wanted to add her heartfelt appreciation to all departing colleagues and that she was proud to have served with them; gave kudos and goodbyes to all outgoing Council Members and her list of "their most likely to".

Council Member Noriega stated that serving with this Council had been her great privilege; and gave kudos and goodbyes to all outgoing Council Members.

Council Member Wiseman gave kudos and goodbyes to Mayor White and Council Members and thanked the City Secretary Anna Russell and Marty Stein Agenda Director and Mr. Arturo Michel City Attorney and Mr. Anthony Hall and directors for all their help and support; and stated that what they did was with wonderful staff and thanked all those past and present staff members for all their work; and thanked those in the City Secretary's Office who took the time to record what they said, who actually listened to them, wrote it down, kept the time and rang the bell, it was a pleasure sitting next to them; and thanked all constituents which was why she was present and some were no longer present but she held them dear in her heart.

Council Member Johnson stated that it was great to listen to all accolades for outgoing Council Members and gave kudos and goodbyes to those that were outgoing; and stated Council would continue to work but it would miss the great champions that were leaving.

Council Member Johnson stated that he had a Winter Wonderland coming up Saturday, December 22nd, 10:00 a.m. at the Acres Homes Multi Service Center, they would bring in 400 children across the district and give them presents and have a great dinner and dinner theater; that he appreciated all the work his office had done and he was looking for volunteers. Council Member Berry absent.

Council Member Johnson stated that Friday, December 21st he was having a Christmas Party at the Cotton Exchange and he hoped all would come out, there would be free food and free drinks and they should come out and help in enjoying the holiday season. Council Member Berry absent.

Council Member Johnson stated that the battle of the choirs were going on right now and St. Johns, downtown, had some members in the choir that Kelly Roland was coordinating and if they won competitors would get \$250,000 she had committed to give back to St. Johns Church for the Bread of Life and she encouraged all to look at it tonight and call in on 1-877-624-6472 and vote and allow them to come back victorious. Council Member Berry absent.

Council Member Johnson yielded to Council Member Wiseman who stated that tomorrow there would be a grand opening for fire station 105 on West Lake Houston Parkway at 6:30 p.m. and all were invited to come out. Council Member Berry absent.

Council Member Lovell gave kudos and goodbyes to all outgoing Council Members and wished all the best. Council Members Garcia and Berry absent.

Council Member Lovell stated that while all were out donating during the holidays they should remember the teens; that many donated toys, but teens could not use toys and they were in need also; that possible some could carry a gift card, etc., for them, but they should not be forgotten. Council Members Garcia and Berry absent.

There being no further business before Council, the City Council adjourned at 11:20 a.m. Council Member Khan out of the city on personal business. Council Members Garcia and Berry absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary