

City Council Chamber, City Hall, Thursday, January 23, 2008

A Combined Meeting of the Houston City Council was held at 9:00 a.m. Thursday, January 3, 2008, with Mayor Bill White presiding and with Council Members Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Ms. Connie Acosta, Assistant City Attorney; Ms. Claudia Vasquez, Director, Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Toni Lawrence out of the city on city business.

At 9:30 a.m. Mayor White called the meeting to order and called on Council Member Jones for the prayer and pledge of allegiance, and Council Member Jones invited Ms. Ellen Junious for the prayer and Council Member Jones led all in the pledge of allegiance. Council Members Adams, Khan, Garcia and Green absent.

At 9:31 a.m. Mayor White requested the City Secretary to call the roll. Council Member Lawrence out of the city on city business. Council Members Khan and Green absent.

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

At 9:32 Mayor White stated that they would move to the public hearing. Council Members Adams and Khan absent.

### **HEARINGS - 9:00 A.M.**

1. **PUBLIC HEARING** relative to proposed amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone No. Sixteen (Uptown Zone) - **DISTRICT G - HOLM**

The City Secretary stated that no one had signed up to appear at the hearing. Council Members Adams and Khan absent.

Mayor White stated that few issues were more complex than the financing vehicle known as Tax Increment Reinvestment Zones, that perhaps except for Houston Hope or presiding at this meeting, no single issue had taken more time because of the complexity, that from time to time they may consider amendments to the boundary's of the TIRZs and he wanted to articulate for them a few principles so that they were familiar with some of the policies, at least, of the administration and then Mr. Fiederlein would address the application to this; that the principles were important because they did and would strive for some consistency and he would ask his colleagues to as well, that if something advocates something for one part of town, or one Council district, he thought all Council Members should treat all Council districts equally; that first, more often than not they had not expanded the TIRZ, there were many people who would prefer not to pay the same amount percentage of their taxes, everybody else did, to public safety, garbage collection, etc., have those services and have some part of town pay a lower percentage of appraised value for the services that they share in common, simply to capture more revenue within a particular area has not been a reason to expand a TIRZ and he could think of at least three Council Members who represent single member districts where he guessed he would say constituent groups had advocated that and that they had said no on that account; that second, that as they knew TIRZ represented an increasing percentage, or had taken away from the General Fund, an increasing percentage of the City's budget, that it had grown dramatically because of TIRZs that were created prior to this administration; that they did and had looked on a case by case basis about the investment in infrastructure or developments which otherwise would not occur, so for example, if somebody said they had a valuable tract of

land and get a rebate on their property taxes, he would do more on the land so rebate the taxes, that he was sure most every homeowner would be in that same situation, that they could do more home repairs if they got a rebate of their property taxes, or they could do what was done in the case of the Hardy Yard TIRZ which was that somebody got a tax abatement and then flipped the property, so it transferred money from the public to the private hands, that there had been at least one flip and the second one was shopping it again, so they focus on and use judgment about development and infrastructure that otherwise would not occur, that on occasion they did amend the boundaries as they did in the case of the Pavilions Project, that was one case that the administration had supported making an amendment to the TIRZ, that he would say that there was a dialog, that it was a matter for all Council Members, there was some special regard that was given to the views of the Council Member in whose district the TIRZ was located, so for example, there were current amendments to the boundaries of TIRZ which were being considered based on particular projects that would not otherwise occur in Council District B, where Council Member Johnson made a request on one, and in Council Member Rodriguez's district there was a particular project, and individual Council Members when they advocate and support the amendments to the TIRZ to give due regard to the strong views of their fellow Council Members if there was an amendment which was put on the agenda in the future; and Mayor White recognized Mr. Fiederlein. Council Member Khan absent.

Mr. Fiederlein stated that on December 14, 2007 the Board of Directors of the Uptown TIRZ approved the preparation of an amendment to the TIRZ's project and financing plan and subsequently forwarded it to the City for consideration, that this public hearing was a statutorily required part of the City's review process, that each Council's office had been given a copy of the proposed amendment and an official City statement had been distributed to each of them today; that in brief the administration requests that City Council approve the annexation of territory in the vicinity of North and South Winden in the Uptown Park area and approve a plan amendment to reconstruct these streets with appropriate drainage and to construct the eastbound segment of Huntley, that would connect Post Oak Lane and Uptown Boulevard, generally improve mobility in the area and specifically ameliorate against adverse impacts to local traffic due to redevelopment of several large tracts in the area, that the TIRZ anticipated entering into an agreement with the developer of the largest tract to find all of the upfront costs of the construction project and to reimburse the developer 50% of the cost from the tax increment revenue generated by the annexed properties; that the developer should be fully paid by 2017, the City's contribution would cease at that time, additionally the project plan amendment allowed for the TIRZ to also undertake a park project within the existing boundaries of the zone, that in closing, City staff had worked with the TRIZ on the proposed amendment and would at a subsequent Council meeting bring forth a recommendation for City Council to approve the planned amendment. Council Members Khan and Noriega absent.

Council Member Garcia moved to close the public hearing, seconded by Council Member Sullivan. All voting aye. Nays none. Council Member Lawrence out of the city on city business. Council Members Khan and Noriega absent. MOTION 2008-0059 ADOPTED.

At 9:37 Mayor White stated that they would move to the public session and requested the City Secretary to call the list of speakers. Council Members Khan and Noriega absent.

At 9:37 a.m. the City Secretary began calling the public speakers. Council Members Khan and Rodriguez absent.

Council Member Jones moved the rules be suspended for the purpose of hearing Ms. Ellen Junious at the top of the non-agenda speakers list, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Member Lawrence out of the city on city business. Council Member Khan absent. MOTION 2008-0060 ADOPTED.

Mr. Andy Teas, 4810 Westway Park Blvd., Houston, Texas 77041 (713-595-0300)

appeared and stated that he was present on behalf of the Houston Apartment Association, a nonprofit trade association, representing owners and managers of about 450,000 units and was asking for support of Agenda Item 14; that in extreme circumstances the city had authority and duty to order dangerous buildings to be closed and immediately vacated and when such a building was an occupied apartment property the ordinance would clarify the city had the right with or without the owner's consent to enter the property to contact residents of the building to be closed to counsel them and give alternatives, places they could move and ways to relocate; that the Houston Apartment Association looked forward to working with the city in such circumstances to provide safe, alternative, and affordable housing alternatives for those losing their homes in circumstances such as this. Council Members Khan and Rodriguez absent.

Mayor White stated he would like Mr. Teas to transmit to members of the HAA and to him personally, they were deeply appreciative to the apartment owners, the vast majority in the community, who understood and supported actions the city must take from time to time so a small group of owners did not give the whole industry a bad name; and Mr. Teas stated that they shared a common goal, members wanted to provide safe, affordable and quality housing and he felt they shared a low tolerance for members of the industry who did not. Council Members Khan, Rodriguez and Jones absent.

Mr. Paul Puente, 1475 North Loop West, Houston, Texas 77008 (832-473-2823) appeared and stated that he was present opposing Agenda Item 15; that he represented about 4,000 workers in the City of Houston and surrounding counties in the electrical industry; that he was with the international Brotherhood of Electrical Workers, Local 716; that he contacted the Fire Department or they contacted him for an insight and they did not feel electrifying fences was a good idea, it could kill innocent people, he was told it was no stronger than a taser, but that could harm a child; that the lock was to keep people out, but if someone wanted to break in they would and he did not think an electric fence was the answer. Council Members Khan, Rodriguez and Jones absent.

Council Member Garcia stated that to clarify his position, he was present because there was a governing body which oversaw devices which used electricity; and Mr. Puente stated that the Underwriters Laboratory did a UL listing for any electrical devices, they had to go through a registry and the registry was throughout the nation and protected property and persons from being electrocuted; that he believed tasers went through that but was under enforcement of a trained officer; that when he contacted the manufacturer of the fences who said they were not registered in this country but was in Sweden, Australia and other countries; and Council Member Garcia stated the analogy he used was when food products were consumed they came with the okay of the FDA and the underwriters listing was the FDA for electrical devices; and Mr. Puente stated that was correct. Council Members Khan, Holm, Rodriguez and Jones absent.

Upon questions by Council Member Noriega, Mr. Puente stated that he knew the fences were not safe for the fact when a fence was electrified you were putting people at harm and those first responders at harm and he would not like it any better if it were only for an industrial area. Council Members Khan, Rodriguez and Jones absent.

Upon questions by Council Member Johnson, Mr. Puente stated that he thought the electrical currents could be deadly; and Council Member Johnson stated that he was told the charge could not become deadly, it was only enough to shock; and upon further questions, Mr. Puente stated that it was two milliamps to stop a heart and about the same to start it and did not feel an electric fence should be used to keep people from vandalizing or stealing, he felt the solution was more officers.

Upon questions by Council Member Clutterbuck, Mr. Puente stated that the charge produced by a light socket would depend, there was a formula, it varied, but it was 120 volts and the current depended on wattage.

Upon questions by Council Member Khan, Mr. Puente stated this was a device to keep things from being stolen and electrifying fences would not do this; and Council Member Khan stated that the electric fence was inside a fence where outside people had no access; and Mr. Puente stated that if they stuck something through the fence that would be all it would take and if a firefighter jumped over the fence that would be a danger; and Council Member Khan stated that many businesses kept loose guard dogs and that was a danger; and Mr. Puente stated that there was no second chance with electrical, he saw people electrocuted though it was more voltage.

Council Member Lovell stated that she understood there was a non electrical fence with a space which was tested and no one's arm could get through and reach the electric fence so you would have to climb over one fence to get to the electric fence, it allowed someone who was really trying to get in and steal to get in, no one on a bicycle or animal could get to it; and upon questions Mr. Puente stated that he was still against it being used to protect property; that a guard dog would not kill you instantly; and Council Member Lovell stated that with dogs a child could put their arm in and it could get them or if you did not know a dog was there and you went over the fence and the dog was trained to attack you could be killed and she could not understand his difference, he was not opposed to the guard dogs; and Mr. Puente stated that a dog could be shot but a fence could kill you; and Council Member Lovell stated that a thief could go over the fence and shoot the dog and steal and that was all right; and Mr. Puente stated that a fence was not the answer.

Mr. Dale Wortham, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared and stated that he was also a member of the International Brotherhood of Electrical Workers with 30 years experience in his trade; that the AED depending on the manufacturer discharged between 1,500 and 2,000 volts and the AED would not say voltage it would be listed in joules and joules was a measurement of energy; that any time you had an electric shock you had a condition where cells in the membrane had an electric shock and they cooked, it caused tissue damage; that the ordinance allowed up to 8,000 volts on the fence and that was two to three times what was used to start a heart or stop a heart beating irregularly; that the ordinance said the fence would not be less than one foot, so you could have it up to a foot; that they did an outstanding job hiring citizens to help with traffic enforcement, SafeClear, etc., however, this device assumed every person a criminal.

Council Member Jones stated that she understood people wanted to protect their property, but theft was not a capital offense, if you stole something and was caught you would be charged with burglary or theft and the most would be up to 20 years; that she understood the western mentality but it was the equivalent of vigilantly justice.

Council Member Rodriguez thanked Council Member Lawrence for her work on the issue, but he had a question on training and cost associated with it and would officers and fire personnel have to go back for training; and Mayor White stated that they would get the answer to him. Council Member Brown absent.

Council Member Clutterbuck stated that for a little background she served on the Regulatory Affairs Committee and over a year ago they had discussions about the electrified fence ordinance and it came about because so many people in the City of Houston had electrified fences and they did not realize there was no ordinance addressing this, no standards were set; that a previous speaker said a fence would not deter anyone from stealing and actually evidence they received at the hearing was in direct contradiction to that, people who had electrified fences had crime decrease dramatically once the electrified fence went up because with adequate warnings no one wanted to go near it, no one was reported killed, and testimony from the latest meeting was that in fact people touched it as a part of the testing and the voltage specified in the ordinance addressed a situation where people currently had them in

place and it did not inflict a fatal injury; and as the Mayor had said in the past exaggeration was the lazy man's form of argument and all should be accurate as to what the ordinance should and should not do. Council Members Johnson and Garcia absent.

Mr. Wortham stated that he understood and was not trying to deter what they were trying to do in the sense they needed to do something, however, as an electrician he had seen people shocked and voltage would treat a child the same as a homeless person, etc., and they were subjecting the potential of someone getting severely hurt. Council Members Johnson and Lovell absent.

Council Member Noriega stated that there was a real difference of opinion around the table as to whether it was dangerous or a good idea and she would reiterate her concern that she saw this as a highly industrialized technique to protect property and not as appropriate in anything like a residential area and the problem in Houston was separating those and she felt there would be unanticipated consequences in areas with children, etc., and having fences in place and not regulated was a serious concern and she felt it needed to be addressed but wanted to be sure and her issues were with the science and location and did plan to tag the item. Council Members Lovell and Green absent.

Mr. Jack DeMao, 7608 Fairfield Road, Columbia, South Carolina, 29221 (704-578-2642) appeared and stated that he was CEO of Sentry Security and in the business since 1976 and the largest guard dog supplier in the U. S., but got out of the business because of the liabilities and problems and went into the electric fence business in 1996; that they had 2,000 installations across the U. S. and helped criminal activity; that they had testimonials from FedEx, Roadway, Southeastern Freight, Old Dominion, etc., which said the system was extremely effective and the most effective security device they could find and safe for them also; that he agreed capital punishment was not correct for breaking and entry, but electrical fences run off a 12 volt battery and were safe and should be allowed; that Dr. Webster head of the biomedical department at the University of Wisconsin, a specialist in post powered devices such as tasors, electrified fencing, etc., said the product with the correct stand, which was the international standard they cited, to control electrified fencing and by his standard he said they did meet the standard and in fact operated at about half the power allowed by that standard, so they did meet international standards and testing showed them to be safe; that of the customers cited, one had 120 locations across the U. S. and they used the fences since about 96; that the ordinance was also well worded and well drafted and did prohibit things that could be dangerous, such as connecting it to main power and it allowed products which meet the international safety standards and that was good; that it also provided for cooperation with the Fire Department and the fences would be registered with the Fire Department and also provide a Knox Box which was a device at the front gate which would allow firemen to instantly shut off the fence; and they committed to the Fire Department to provide Knox Box training though they were already familiar with Knox Boxes. Council Members Rodriguez, Lovell and Green absent.

Council Member Brown stated that he did not think this was the only city with concerns and regulations related to electric fences; that he went to Council Member Lawrence's meetings but did not remember best practice ordinances from other cities and he would like a copy of that and with other cities having this enforced it should put this to bed, so he would like an ordinance from a comparable city on the fencing; and Mayor White stated that they would get that to him. Council Members Rodriguez, Lovell and Green absent.

Council Member Sullivan stated that in Council Member Lawrence's absence he would say as vice chair of her committee they did look hard at this and were an inclusive as they could be with all stakeholders and all Council Offices, many were at the table and he did not want anyone to think this was not paid attention to or given proper time; and secondly, his question to Mayor White was what was his opinion on this matter and what they needed to do; and Mayor White stated that he would go through a decision process and then come to a conclusion, but

the conclusion did involve the views of the Council Members, but the first point was the Administration did tend to have an approach that they should be careful in restricting the ability of citizens to try and protect their personal property and with due respect this was not simply an issue of putting more officers on the street to catch every burglar, people needed to lock doors and place security devices in cars, alarm, etc., so the first thing was they should be careful passing a law saying to a citizen you can't protect yourself, however, secondly, a lot of issues raised around the table they should look at facts and he was asking Council Members to consider facts which sometimes came in conflict on issues such as what was the health risk, what was the risk to those not intending to do harm on property and what were norms of the community about allowing people to..., the reason the nervous system made some things unpleasant, that was called pain, was because the body did not like it; and in conclusion they should be careful before they deny citizens the ability to protect their property, police could not be in every warehouse, and as he told Council Member Lawrence he wanted a significant majority of Council to come together on a position. Council Member Lovell absent.

Council Member Garcia stated that he too wanted to commend Council Member Lawrence for her work on this issue, initially he was supportive of the ordinance until he understood his previously used analogy of the UL being the equivalent of the FDA on this product; and upon questions, Mr. DeMao stated the principal reason a battery powered energizer was not listed was because the market was so small the UL would probably not take a look at it, fence energizers connected to the mains with full power were listed as livestock fencing, so what he considered to be potentially a much more dangerous device was listed, but this market was small; and Council Member Garcia stated that if he would go to the UL and say they wanted it listed he felt all Council Members would be on board; and Mr. DeMao stated that the issue was the size of the company and size of market, if they were an Emerson or Honeywell then the UL would probably pay attention but this was a specialized small market; and the UL was just a private company which did testing when it wanted to, there was in fact a really good international standard and they more than complied with it and it was the best standard in the world to control electrified fencing and this was an extremely small pulse, it lasted .0003 seconds, an extremely short duration and that was another reason this was ruled as no danger. Council Members Lovell and Noriega absent.

Upon questions by Council Member Holm, Mr. DeMao stated that he was a national company and operated across the U. S. with fences as far away as Alaska and Hawaii, about 47 states and he could give statistics on how other cities operated and once most cities understood the issue they were dealing with they often would end up with no regulation unless maybe a permit and from the direction the ordinance was going it would be more similar to Charlotte; and Council Member Holm stated that she would like to know which cities they operated in, how long they had been operating, how many reported incidents they had of death or injury if it was a frequent occurrence and she would like a comparison as one gentleman said two amps could kill and she understood this was 7 millimeters of an amp and she would like comparisons of what they were talking about, how much power; and Mr. DeMao stated that the critical factor was how short the pulse was; and Council Member Holm stated that she agreed people had the right to protect themselves and was looking for reasonable ways and breaking and entering was risky business. Council Members Adams, Lovell and Noriega absent.

Upon questions by Council Member Johnson, Mr. DeMao stated that the international standard required a certain test of circuit diagram on resistance and they passed those standards; that they worked around them all day long and did touch them; and Council Member Johnson stated that he was a business owner and had been broken into and he was torn, while he wanted to protect his business there was unforeseen consequence with every day citizens coming into contact with the fences; and upon further questions, Mr. DeMao stated that he was advocating all fences comply with that standard as it was deemed safe; that the circuit diagram developed simulated a human being so it was designed to be safe for one and it was unpleasant to touch and you wanted to let go, but it would deter the criminal; that a determined

criminal would come through the fence and once they did they were detected and an alarm would go off so it was those three levels of defense which protected. Council Members Adams, Khan, Brown, Lovell and Noriega absent.

Mr. John Easton, 1475 North Loop West, Houston, Texas 77008 (281-924-5357) appeared and stated that he was business manager of International Brotherhood of Electrical Workers and present to oppose Agenda Item 15; that he had four years training and still had been shocked, there were still potentials for danger and safety problems; that it took .2 milliamps to kill a person and he understood these fences could do that, it was mentioned it was not UL listed and if it was an important product you would think they would get that listing; that criminals would do what was necessary to get around any deterrent; that he wondered if those installing the fences had electrical training and he understood it was run by a 12 volt battery but had a discharge between 3 to 6,000 volts depending on the manufacturer; and he would agree with looking at other city ordinances, but Houston was the greatest and should be the leader and research this and make sure there was no safety hazard. Council Members Johnson, Adams, Khan, Brown, Lovell and Noriega absent.

Council Member Jones stated this was directed to Mr. DeMao and she presumed he was working on the crafting of the ordinance, but it was just a presumption, but she did want to know if there were electrical and maintenance requirements in the ordinance for proper maintenance and her concern was going into residential areas and decreasing residential property value; that she also had problems that it had not been tested on humans, she believed the weakest citizens should be protected and what if there was someone with a weak heart, even if he was going to steal he should not face possibility of death; and he said he was a small company but he was in 47 states; that she was initially for the ordinance but now she was torn; that her house was broken into and she slept by the window and waited for someone to come in so she believed in protecting one's property but she did not think she had the right to kill anyone to protect her property. Council Members Johnson, Clutterbuck, Lovell and Noriega absent.

Council Member Adams stated that she had questions for the committee or Council Member Sullivan, if the ordinance passed who would enforce it to make sure there was proper signage and who would make sure the fence was connected to the proper battery power energizer and would there be any fines connected to this if they were not following the signage and proper power. Council Members Johnson, Lovell and Noriega absent.

Mayor White stated to Ms. Stein and members of the Legal Department one was enforcement and one was drafting the issue if they could get the answers to Council Member Adams and some questions from Council Members they learned something or if they omitted something or if Council Member Lawrence omitted something which needed to be addressed; and whether they passed this ordinance or not citizens did things all the time without ordinances and maybe someone in the Administration could get to him..., the question was whether there were requirements that did apply or should apply concerning someone who had the proper electrical certifications that was involved; that they did not want someone without certification working on something if they should; and he needed to make sure this was consistent with that. Council Members Johnson, Lovell, Noriega and Green absent.

Mr. Glenn Pankhurst, 9199 W. Hardy, Houston, Texas 77022 (713-695-0078) appeared and stated that he worked with Southeastern Freight Lines, a trucking company in Houston, and they had the product at their facility, they had the product at 41 of their terminals across the country and had used it roughly 15 years; that they had 7 terminals in Texas where they used the product and they made no money using it and it cost them about a quarter million dollars a year to use it, to keep products and associates safe; that it was frontline security for the trucking industry; that UPS also used this and that was because it worked; that the system was a 12 volt system which ran off a car battery and did not plug into the wall; that if you were ever shocked by a car battery it was unpleasant and you would not want to hold onto it, but it was not lethal,

he worked with it on a regular basis and was shocked numerous times by this and the system had stopped theft in their industry, in Houston they opened four years ago and started putting in the fence and the Fire Marshall said no and shut it down; that before they had perimeter fencing they had 3 to 4 cars stolen and numerous ones broke into, the rest of the property had the electric fence and no one had ever come onto that property. Council Members Johnson, Adams, Lovell, Noriega and Jones absent.

Upon questions by Mayor White, Mr. Pankhurst stated that they were located at Tidwell and the Hardy Toll Road and it was both industrial and residential, they backed to residential. Council Members Johnson, Adams, Lovell, Noriega and Jones absent.

Upon questions by Council Member Khan, Mr. Pankhurst stated that their property backed onto residential property; that they had a fence placed one foot inside their property line and then another foot inside they had the electrical fence; and Council Member Khan stated that he would like to discuss with Council Member Lawrence and his colleagues to see if there was a requirement of distance from a residential area and if it was not there he would propose to amend it for a distance; and Mr. Pankhurst stated that when they were on site the system was off and over the weekend when they were not there they had a guard and the system and it supplemented guard service, they had 24 acres, but again it was not lethal. Council Members Adams and Lovell absent.

Upon questions by Mayor White, Mr. Pankhurst stated that the outside perimeter fence was 8 foot with barbed wire at the top and he had never had one complaint or concern, not one word from the neighbors.

Ms. Laurie Rickaway, 1605 W. 34th, Houston, Texas 77018 (713-681-3600) had reserved time to speak but was not present when her name was called.

Mr. Augusto Serna, 19122 Moss Meadow Lane, Katy, Texas 77449 () had reserved time to speak but was not present when his name was called.

Ms. Aurora Aviles, 2210 Stevens, Houston, Texas 77026 (281-840-8068) had reserved time to speak but was not present when her name was called.

Ms. Corina Torres, 10803 Cora, Houston, Texas 77008 (832-594-6540) had reserved time to speak but was not present when her name was called.

Ms. Ellen Junious, 9100 Westheimer, Houston, Texas 77063 (832-309-2222) appeared and stated that she wanted to acknowledge the effort the city was doing in partnering with HISD in support of the education system and after school program and holding a spotlight in graduation rates being seen today; that she was a product of the Houston public school system and she faced many obstacles which could have caused her to give up on her dreams; that she ran the 800 meter run in track at high school and ranked in the top 5, but one runner beat her every time and that was Council Member Jones, but she always gave it her best because of encouragement from family, friends and teachers and they encouraged her to go to college and she was encouraging the city to keep the spotlight on education and support the program for students who did not intend to go to college so they would be prepared for sustainable work in the city, each student needed a message that everyone cared about them finishing their best race. Council Member Rodriguez absent.

Mr. Travis Alvarez, 5710 Schutz, Houston, Texas 77032 (281-987-0634) had reserved time to speak but was not present when his name was called. Council Member Rodriguez absent.

Mr. Charles Harrison, 3611 Parkwood, Houston, Texas 77031 (832-494-6042) had

reserved time to speak but was not present when his name was called. Council Member Rodriguez absent.

Ms. Irene Makris, 4628 Roseneath Drive, Houston, Texas 77021 (713-474-7292) had reserved time to speak but was not present when her name was called. Council Member Rodriguez absent.

Ms. Laverne Cavitt-White, 4558 Lazy Timbers Drive, Atascocita, Texas 832-364-5733) had reserved time to speak but was not present when her name was called. Council Member Rodriguez absent.

Ms. Venita Murdock, 320 Hamilton, Houston, Texas 77002 (314-750-8549) had reserved time to speak but was not present when her name was called. Council Member Rodriguez absent.

### **MAYOR'S REPORT**

Mayor White stated that he would have the shortest Mayor's Report, that it should properly be captioned "Mayor's Question", that on advice of City Council, the City Attorney and all of that, and he was not inviting people to respond at the Council table, because for the Mayor's Report they did caption a report which was some issue facing the City every week, but if they got into to much deliberation about something not specified, but the reason he was doing this was because he needed their input that could be appropriated through him, Ms. Stein, etc., and quickly; that in formulating next year's budget there was some significant support around the table for activities involving encouraging more trees to be planted in Houston, there were various reasons for that, it enhances the appearance of the City, absorbed greenhouse gases and they could do so with a challenge to other levels of government and private philanthropy, and what he was posing to them was if they had some allocation of or some year to year increase in their parks, rec, right-of-way what would they think of earmarking some significant amount of that for trees, that everything came with a cost, so usually in government a lot of cities set a tree goal and they had tree money and it was a good thing because everybody was for trees but of course money came from somewhere, that the administration was inclined to do it, particularly if done in a form of a challenge for others to more than match them but he wanted their feedback real quick.

Council Member Garcia moved to suspend the rules to consider Item Number 31 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0061 ADOPTED.

31. RECEIVE nominations for Positions 6 and 7 of the **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY** for terms to expire two years from appointment date – was presented.

Council Member Johnson stated that he wanted to nominate Dr. Steve W. Hall, Sr. for Position 6 of the Land Assemblage Redevelopment Authority and distributed his resume.

Council Member Garcia stated that he wanted to nominate Mr. Richard Lead for Position 7 of the Land Assemblage Redevelopment Authority and distributed his resume.

Council Member Garcia moved to close nominations, seconded by Council Member Khan.

After discussion by Council Members, a vote was called on the motion to close nominations for Positions 6 and 7 of the Land Assemblage Redevelopment Authority. All voting aye. Nays none. Council Member Lawrence out of the city on city business. Council Member

Adams absent. MOTION 2008-0062 ADOPTED.

Mayor White stated that they would move to the consent agenda.

**CONSENT AGENDA NUMBERS 2 through 30**

**ACCEPT WORK** - NUMBERS 2 through 8

2. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$4,806,863.12 and acceptance of work on contract with **W. W. WEBBER, LLC (formerly known as W. W. WEBBER, INC)** for Miscellaneous Pavement & Drainage Improvements at George Bush Intercontinental Airport/Houston, Project No. 598, WBS A-000063-0002-4-01, 3.43% under the original contract amount - **DISTRICT B – JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0063 ADOPTED.
3. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$7,425,023.46 and acceptance of work on contract with **VANDERLANDE INDUSTRIES, INC** for Explosive Detection System for In-Line Baggage Conveying Equipment at William P. Hobby Airport, Project No. 612A, WBS A-000486-0004-4-01 and A-000486-0004-02 - 4.43% over the original contract amount - **DISTRICT I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0064 ADOPTED.
4. RECOMMENDATION from Director General Services Department for approval of final contract of \$443,345.00 and acceptance of work on contract with **C. F. MCDONALD ELECTRIC, INC** for Solid Waste S. W. & S. E. Facility Backup Generators, WBS L-000070-0001-4 - 3.38% over the original contract amount - **DISTRICTS C - CLUTTERBUCK and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0065 ADOPTED.
5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$361,195.41 and acceptance of work on contract with **PARALLAX BUILDERS, INC** for Renovation of 100A Japhet Facility, WBS R-000268-0046-4 - 3.49% over the original contract amount - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0066 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$317,073.13 and acceptance of work on contract with **TJ&T ENTERPRISES, INC** for Safe Sidewalk Program F3 Project; WBS N-00610A-00F3-4 - 32.69% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0067 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,164,892.50 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Benson Street Reconstruction from Lyons Avenue to Noble Street, WBS N-000782-0001-4 - 0.26% over the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded

by Council Member Garcia. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0068 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 9 through 13

9. ORDINANCE appropriating \$938,297.98 out of Fire Consolidated Fund for Continuous Power Sources for the General Services Department, WBS C-000162-0002-4-01-01 – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. ORDINANCE 2008-0054 ADOPTED.
- 9a. **C. F. MCDONALD ELECTRIC, INC** for Continuous Power Sources for General Services Department - \$894,469.00 and contingencies for a total amount not to exceed \$938,297.98 – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0069 ADOPTED.
10. **COMMUNICATION SUPPLY CORP.** - \$758,160.00, **SPECTRAL MANAGEMENT, INC** - \$149,014.50 and **GRAYBAR ELECTRIC COMPANY** - \$69,770.00 for Communication Cables & Supplies for Information Technology Department - Central Revolving Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0070 ADOPTED.
11. **INLAND ENVIRONMENTS, LTD.** for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$116,674.00 and contingencies for a total amount not to exceed \$122,507.70 - Dangerous Building Consolidated Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0071 ADOPTED.
12. ORDINANCE appropriating \$203,087.60 out of Water & Sewer System Consolidated Construction Fund for Emergency Replacement of 3,025 linear feet of sewer line in the 4600 through 4900 blocks of Trail Lake Drive for the Public Works & Engineering Department, WBS R-000019-0044-4 - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. ORDINANCE 2008-0055 ADOPTED.
- 12a. **TROY CONSTRUCTION, L.L.P.** for Emergency Replacement of 3,025 Linear Feet of Sewer Line for Department of Public Works & Engineering – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0072 ADOPTED.
13. **OCE' NORTH AMERICA, INC** for Hardware and Software from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$210,074.20 - Building Inspection Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0073 ADOPTED.

**ORDINANCES** - NUMBERS 14 through 28

14. ORDINANCE amending the Building Code of the City of Houston and relating to orders to vacate and the City's assistance to residents of certain residential structures subject to such orders; containing findings and other provisions relating to the foregoing subject;

providing for severability; containing a savings clause – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. ORDINANCE 2008-0056 ADOPTED.

16. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide water line easement (Parcel SY7-092) from South Shepherd Drive to West Gray Avenue, out of the Obedience Smith Survey, A-696, Houston, Harris County, Texas; vacating and abandoning said easement to Weingarten Realty Investors, the abutting owner, in consideration of its payment of \$283,800.00 and other consideration to the City **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. ORDINANCE 2008-0057 ADOPTED.
17. ORDINANCE appropriating \$26,106.00 out of Reimbursement of Equipment / Projects Fund; and \$109,597.75 out of Equipment Acquisition Consolidated Fund for Purchase of Capital Equipment for Parks & Recreation and Public Works & Engineering Departments – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. ORDINANCE 2008-0058 ADOPTED.
19. ORDINANCE approving and authorizing Lease No. DTFASW-08-L-00080 between the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION** and the City of Houston for Outer Marker Facility Site at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. ORDINANCE 2008-0059 ADOPTED.
21. ORDINANCE approving and authorizing Amendment No. 4 to Professional Consulting Services Contract with **ROGER H. BATES** for Traffic and Earnings Reports and General Financial Advisory Services for the Houston Airport System - \$400,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. ORDINANCE 2008-0060 ADOPTED.
23. ORDINANCE appropriating \$440,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CHIANG, PATEL & YERBY, INC** for Design of On-Call Engineering for Water/Wastewater Utility Facilities Improvements (Approved by Ordinance No. 07-0216) WBS S-000019-0039-3/R-000019-0039-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. ORDINANCE 2008-0061 ADOPTED.
24. ORDINANCE appropriating \$5,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Various Neighborhood Street Reconstruction Projects, NSR 462, WBS N-000394-0001-4 – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. ORDINANCE 2008-0062 ADOPTED.
25. ORDINANCE appropriating \$1,154,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **AMANI ENGINEERING, INC** for Design of Water Line Replacement in Kashmere Gardens Area and Atherton Area, WBS S-000035-0101-3 and S-000035-0103-3; providing funding for 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

Lawrence out of the city on city business. ORDINANCE 2008-0063 ADOPTED.

26. ORDINANCE appropriating \$3,560,264.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000295-0014-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. ORDINANCE 2008-0064 ADOPTED.
27. ORDINANCE No. 2008-48, passed first reading January 16, 2008  
ORDINANCE granting to **CAPTAIN HOOK OF HOUSTON, LLC, a Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. ORDINANCE 2008-0048 PASSED SECOND READING IN FULL.
28. ORDINANCE No. 2008-49, passed first reading January 16, 2008  
ORDINANCE granting to **LEGACEE INTERNATIONAL ENVIRONMENTAL SERVICES, INC d/b/a TEXAS WASTE CARRIERS, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. ORDINANCE 2008-0049 PASSED SECOND READING IN FULL.

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

**ACCEPT WORK**

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,303,716.27 and acceptance of work on contract with **BOYER, INC** for Rehabilitation of Air Release Valves for approximately 47,800 linear feet of 60-inch water line along Steelman, Bayou, and Dixie from Clinton to Mykawa Road - Package 2, WBS S-000900-00A6-4 - 72.42% under the original contract amount - **DISTRICTS E - SULLIVAN and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Lawrence out of the city on city business. MOTION 2008-0074 ADOPTED.

**ORDINANCES**

15. ORDINANCE **AMENDING SECTION 312.3.3 OF THE CITY OF HOUSTON BUILDING CODE, CHAPTER 5 OF THE CITY OF HOUSTON ELECTRICAL CODE, and SECTION 28-10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Electric Fences - was presented, and tagged by Council Members Noriega, Brown, Khan, Garcia, Johnson, Rodriguez, Jones and Adams.
18. ORDINANCE approving and authorizing third amendment to contract (C51076) between

the City of Houston and **REPUBLIC WASTE SERVICES OF TEXAS, LTD.**, to increase recyclable waste by reducing city waste currently sent to landfills - 7 Years - \$56,000,000.00 - General Fund – was presented.

Council Members Clutterbuck stated that this was a \$56 million item that they just received today for increasing recyclable waste and reducing their landfill input, that all good well intentioned items but she was going to tag the item because they really needed a little more time to review items, especially of this magnitude, and Council Members Garcia, Khan and Green stated that they would tag Item No. 18; and Council Member Adams stated that she wanted to commend Director Harry Hayes for presenting to their committee last week and after the meeting she had asked Mr. Hayes to forward, to those Council Members who were not present, information about the purpose of Item No. 18, that all the information had been emailed about why they needed the item.

20. ORDINANCE appropriating \$7,000,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 5 to the contract for Professional Architectural/Engineering Services by and between the City of Houston and **LOCKWOOD, ANDREWS AND NEWNAM, INC** for Terminal Improvements at William P. Hobby Airport; Project 417E; WBS A-000141-0003-03-17 **DISTRICT I – RODRIGUEZ** – was presented, and tagged by Council Member Sullivan.
22. ORDINANCE appropriating \$193,352.41 out of Water & Sewer System Consolidated Construction Fund and \$222,000.00 out of Drainage Improvement CPaper Series F Fund; approving and authorizing an Interlocal Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 439** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Wayside Village Subdivision, WBS S-000800-0111-4, R-000800-0111-4, M-000800-0111-4 - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Noriega. (Note Council Member Noriega released her tag later in the meeting.)
29. ORDINANCE approving Amateur Sports Complex as a Public Works Project under the third amended and restated Series E Commercial Paper Ordinance and appropriating \$6,420,000.00 from Series E Commercial Paper Amateur Sports Complex Fund and approving, ratifying and authorizing the purchase and payment of land acquisition costs for the Real Estate Contract between Steven J. Gibson, Trustee, Seller (“Seller”), and the City of Houston, Texas, Purchaser (the “City”), for approximately 80 acres of unimproved land out of the James Hamilton Survey, Abstract 886 and J. W. Moody Survey, Abstract 548, Harris County, Texas, for a purchase price, with related expenses, of \$6,420,000.00 – was presented.

After discussion by Council Members, Council Member Clutterbuck stated that she would tag Item No. 29 for the same reasons as the other very well intended ordinance regarding recycling, that she thought it was important for them as Council Members to have the full RCA in front of them before they had an opportunity to vote on it, that they just received it today without adequate time to look it over; and Council Member Noriega stated that she wanted to be added to the tag on Item No. 29 and would release her tag on Item No. 22; and Council Member Holm stated that she was looking for three things, one, the financing, how it fits in, and second, to figure out their goals for acquisition and the funding and priorities; and third, to figure out what the process was so that they could get educated.

Mayor White stated to Ms. Stein to prompt him, that it would be he or Ms. Mitchell to respond to the first point and then they could get the information on the second.

30. ORDINANCE approving Parks and Health Care Facilities as Public Works Project under the third amended and restated Series E Commercial Paper Ordinance and appropriating

\$1,513,670.00 from Series E Commercial Paper Miscellaneous Land Fund and approving, ratifying and authorizing the purchase and payment of land acquisition costs for the Real Estate Contract between Maryfield, Ltd., a Texas limited partnership, seller (“Seller”), and the City of Houston, Texas, Purchaser (the “City”), for a portion of approximately 67.44 acres of unimproved land out of the James Hamilton Survey, Abstract 880, in the City of Houston, Harris County, Texas, the transfer of approximately 16 acres to the Veterans’ Land Board of the State of Texas and conveyance of approximately 44 acres to Wesley Chapel AME Church of Houston, Texas, a Texas non-profit corporation, for a total purchase price, with related expenses, of \$4,408,670.00 – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on city business. Council Member Garcia absent. ORDINANCE 2008-0064 ADOPTED.

**NON CONSENT AGENDA** - NUMBER 31

**MATTERS HELD** - NUMBERS 32 and 33

32. ORDINANCE finding and declaring public convenience and necessity for the acquisition of Fee Simple Title or easements for rights-of-way in connection with the public improvement project known as the Mercury Drive Paving Project, Segment 4 (from Herman Brown Park to Wallisville Road), authorizing the acquisition of certain real property interests within the right-of-way alignment 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 or easements in, over, upon, under, and across 14 parcels of land situated in the Reels and Trobough Survey, Abstract No. 59, Harris County, Texas, and being more specifically situated along and abutting the east or west lines of Oates Road between U.S. Highway 90 and Wallisville Road in Houston, Harris County, Texas - **DISTRICT I – RODRIGUEZ – (This was Item 26 on Agenda of January 16, 2008, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** – was presented. Council Member Garcia absent.

Council Member Rodriguez moved to postpone Item No. 32 for one week, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence out of the city on city business. Council Member Garcia absent. MOTION 2008-0075 ADOPTED.

33. ORDINANCE approving and authorizing amendment to Developer Participation Contract between the City of Houston and **4468 W. AIRPORT I LTD.**, for the construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section 1 of the Brentwood Village Subdivision - **DISTRICT D - ADAMS – (This was Item 30 on Agenda of January 16, 2008, TAGGED BY COUNCIL MEMBER BROWN)** - was presented. Council Member Garcia absent.

Council Member Brown stated that he wanted to make a comment on this and Item No. 22, which were both Developer Participation Contracts involving very ordinary subdivisions, that he had said it before and would say it again, he was very concerned about the poor quality of land development that was happening in the City of Houston, particularly related to lower cost housing, that these two developments were essentially homogeneous small lot subdivisions with houses that were generally in the lower price range, of which they had probably now a large over supply, that the other concern was that there were no amenities in these subdivisions that would make them into livable neighborhoods, there were no parks and not necessarily any public transit, churches, libraries, the things that made up authentic neighborhood life were missing, that he was hoping for the day they set some higher standards for the quality of development in their City because he thought it would sustain their tax base and make the City a much more sustainable City itself because this was not sustainable development, it was the antithesis of sustainable development, and the final thing was that these neighborhoods were not safe, they were not safe to get police cars in there, they were not safe to get fire vehicles in there, and they were more expensive areas of the City to deliver municipal

services because of the tortured street systems, the disconnected tortured street systems, so he just hoped that the Council could move forward as they had discussed with some better standards for DPCs, that of course he was going to vote for this, but they could do a lot better and could set a higher standard for how the City grows and changes. Council Member Garcia absent.

Council Member Adams stated that she wanted to go on record that Item No. 33, about the DPC, was more than just for affordable housing and would like to commend the builders that were in the District D area, they had the opportunity to visit the location on several occasions with her staff, they went out there and completed the site visit with the community, that she also had a conversation with the builder as well, but this particular item was requesting an extension for the builders to continue a sewer line, water sewer connection for the community so they could continue building the homes on that lot, so on behalf of District D and being the Council Member she would like to put on notice that they did support the DPCs and would have continuous communication with Council Member Peter Brown on these future issues concerning DPCs in District D. Council Member Garcia absent.

A vote was called on Item No. 33. All voting aye. Nays none. Council Member Lawrence out of the city on city business. Council Member Garcia absent. ORDINANCE 2008-0066 ADOPTED.

22. ORDINANCE appropriating \$193,352.41 out of Water & Sewer System Consolidated Construction Fund and \$222,000.00 out of Drainage Improvement CPaper Series F Fund; approving and authorizing an Interlocal Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 439** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Wayside Village Subdivision, WBS S-000800-0111-4, R-000800-0111-4, M-000800-0111-4 - **DISTRICT B – JOHNSON** – was again before City Council. Council Member Garcia absent.

Council Member Johnson stated that he was glad that they had gotten to this point with the item, that it was an item that he had much discussion about, that he thought they had gotten to the point where they were moving, that in working with the developers they had already talked about Sections 1 and 2, in which they had decided to allow to go, but he thought they had made in good faith an effort to work with the developer to build a standard of housing that he thought would get people to move back into their communities and certainly getting a housing stock that he thought would be more attractive for people to want to move back into their woods, instead of moving out to Kingwood they would move back to Scenic Wood, that he thought that was one thing they were desiring. Mayor White and Mayor Pro Tem Garcia absent. Vice Mayor Pro Tem Lovell presiding.

A vote was called on Item No. 22. All voting aye. Nays none. Council Member Lawrence out of the city on city business. Mayor White and Mayor Pro Tem Garcia absent. Vice Mayor Pro Tem Lovell presiding. ORDINANCE 2008-0067 ADOPTED.

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

Council Member Khan stated that this evening starting at 5:00 p.m. there would be a grand opening of the new office of the Asian Chamber of Commerce, located at 6833 West Sam Houston Parkway, Suite 206, in District F; that the District F annual CIP meeting would be on Monday, January 28, 2008, from 6:30 p.m. to 8:30 p.m. at the Southwest Multi Service Center, located at 6400 High Star. Mayor White, Mayor Pro Tem Garcia and Council Members Johnson and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan stated that the Houston Public Library was opening the first in the Country E Library, that it would be at the Southwest Multi Service Center, that it would be on Thursday, January 24, 2008 at 11:00 a.m. at 6400 High Stat, that it was called HPL Express. Mayor White, Mayor Pro Tem Garcia and Council Members Johnson and Jones absent. Vice

Mayor Pro Tem Lovell presiding.

Council Member Green stated that the Second Annual Empowerment Forum for People with Disabilities was going to be held on Thursday, January 24, 2008 from 2:00 p.m. to 4:00 p.m. at the Metropolitan Multi Service Center, that they would provide information on Income Tax preparation and housing as well; that the 2008 Clean Air Challenge 5K Walk and Run, hosted by the American Lung Association, would be on May 3, 2008, that it would begin at Sabine and go to the Bagby promenade along the Buffalo Bayou Trail, for more information they could contact Ms. Jessica Ortega at 713-629-5828. Mayor White, Mayor Pro Tem Garcia and Council Members Johnson and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Brown stated that Saturday, January 26, 2008 was Arbor Day and he encouraged every Houstonian to go out and plant 2 million trees, that the Parks and Recreation Department, in conjunction with the Texas Department of Transportation, the Apache Foundation and Trees for Houston would celebrate Arbor Day by planting more than 3,000 trees, that 500 volunteers were needed to plant the trees, that if they wanted to get involved they could call Ms. Vanessa Wade at 713-845-1117. Mayor White, Mayor Pro Tem Garcia and Council Members Johnson and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Brown stated that the Rocky Mountain Land Institute at the University of Denver Law School had recently published a Sustainable Development Code, that if Houston wanted to be on the cutting edge of innovative cities they needed to reshape the patchwork of reactive and sometimes watered down codes that they now had in the books into a cohesive outcome driven code with minimum standards to get maximum results, that he would be talking about it more later. Council Members Johnson, Garcia and Lovell absent.

Council Member Clutterbuck stated that the next meeting of the Budget and Fiscal Affairs Committee would be in the Council Chamber on Tuesday, January 29, 2008 at 10:00 a.m. Council Members Johnson, Garcia and Lovell absent.

Council Member Clutterbuck stated that they were now going to be having streaming video available as a feature on their HTV, the Municipal Channel, that the Mayor's office would be hosting a meeting to make them all familiar with the exciting technology and to pass along to the individual Council Members how to operate it, that it would be on Thursday, January 24, 2008 at 10:00 a.m. in the City Council room on the first floor, that it would be an opportunity, for example on the Electric Fence Ordinance, for them to be able to put in a few key words and pull up all of the committee meetings and testimony they had on the electric fence, or any other key words that were important to all of them; that it would be an opportunity, not just for Council Members or staff, but the general public to be able to have quick, real time access to all of the data on HTV. Council Members Johnson, Garcia and Lovell absent.

Mayor White stated that Houston should and would be a real innovator; that it was tough negotiations but the very most senior managers of Comcast agreed with some really path breaking things that they do that would allow the kind of investments and technology that would allow them to stream, not just on cable, but as they all knew more and more citizens were getting their information over the internet, that it was some credit for the folks at Comcast that they agreed to make some changes in their agreements that would allow them to move the services on HTV into new media and be a leader. Council Members Johnson, Garcia and Lovell absent.

Council Member Adams stated that the CIP meeting would be taking place on February 5, 2008 at the Houston Community College Willie Lee Gay Hall at Highway 288 and Airport; that on Saturday at 11:00 a.m. the Houston Asset Building Coalition and the Fountain and Praise would hold a press conference to highlight free tax preparation; that there would be a free public forum on Strokes scheduled for February 2, 2008, that the Harris County Hospital

District, Physical Medicine and Rehabilitation Program and the Good Hope Missionary Baptist Church would co-host a free public forum called "Take Action Against Stroke", that it would be from 7:30 a.m. to 12:30 p.m. on February 2, 2008 at the church located at 3015 North MacGregor Way. Council Members Johnson, Holm, Garcia and Lovell absent.

Council Member Adams stated that six troops from Troop 242 Scouts had earned their Eagle Scout status, they were from Wheeler Avenue Baptist Church, the new Eagle Scouts were Roger Bruce Barkins, Joseph Phillips, Brandon Wallace, Christopher Shackelford, Jared Joubert and Jonathon Howard, that they wanted to congratulate those individuals. Council Members Johnson, Holm, Garcia and Lovell absent.

Council Member Adams stated that she wanted to thank Mr. Gary Norman and Mr. Terance Fontaine, and the Public Works Department, that within the past several days the Roseneath and MacGregor area had been experiencing some tremendous flooding issues, but they found out that it was a water main underneath a vacant lot that crashed in, that they wanted to let the citizens know that they were working on it. Council Members Johnson, Holm, Garcia and Lovell absent.

Council Member Jones stated that she wanted to thank Mr. Horace Allison of the Houston Housing Authority for his willingness to meet her staff and address the problems of Ms. Ruby Bennett and Ms. Faye Webster, who if they recalled came to public session last week and had been complaining for over a year about damage, not only to their home and property, but to other properties in the neighborhood done by a contractor of the Houston Housing Authority, their name was Qualified Construction, that they brought some pictures and the construction materials were all over the house and car and inside their houses and they had been unwilling to do anything to remedy the problems, that Mr. Allison met with her staff member, Mr. Will Trevino last Thursday and went out and looked at the problems that Ms. Webster and Ms. Bennett said were caused by that contractor and determined that those damages were in fact caused by the contractor and had promised to work with the contractor to repair and clean any of the damaged property. Council Members Johnson, Holm, Garcia, Lovell and Noriega absent.

Council Member Jones stated that her office had a visit from a woman who came to Council last week complaining about working conditions and benefits offered by Aramark, that she did not know if it was a coincidence but she spoke on Tuesday and was suspended from her job on Wednesday, that her office had sent a letter to Aramark to try to figure out what was going on because she did not think that people should be penalized for exercising their First Amendment right of free speech, that she looked forward to that meeting, that she had spoken to a representative of Aramark and he told her that he would come to her office and speak about it, that she did not want anyone to be fearful to come speak before City Council to let them know what was going on. Council Members Johnson, Holm, Garcia, Lovell and Noriega absent.

Council Member Jones stated that she wanted to commend everyone who participated in the Martin Luther King festivities; that she just wanted to celebrate his life and what he had done to help them be better people. Council Members Johnson, Holm, Garcia, Lovell and Noriega absent.

Council Member Rodriguez stated that he wanted to remind Houstonians about the danger that every member of the Houston Fire Department was under every time they went out to work, that on January 21, 2008 firefighters from Station 18 in his district and Station 61 in Council Member Sullivan's district responded to a residential garage fire in southeast Houston, where part of the ceiling collapsed injuring three of their braver men, firefighters, that he wanted Brandon Everett, David Lee and Abdias Dorville to know how much the City Council and all Houstonians appreciated their service to the City, that Mr. Everett and Mr. Dorville were 5 year veterans of the department and Mr. Lee was a 25 year veteran, that their families also deserved credit for allowing these men to put their lives on the line for their great City, that special thanks

also go out to the firefighters and paramedics who went in to get the guys out of there, that like all members of the Houston Fire Department and HPD they were the City's heroes on a daily basis. Council Members Johnson, Holm, Garcia, Lovell, Noriega and Green absent.

Mayor White stated that he wanted them and the citizens to keep Mr. Everett and his family in particular in their prayers, that he was in ICU, critical but stable, that he was 26 years old, normally assigned to Station 18 but was working out of Station 61 at the time, that it was an important week for him and his family. Council Members Holm, Garcia, Noriega and Green absent.

Council Member Sullivan stated that if anybody had seen him with a newspaper at his desk he was not reading the newspaper, that it was good positive publicity for the City of Houston, that he wanted to let the Mayor and Council Members know that the headline in the Kingwood Observer this week was "Houston PD Adds Area Technical Unit" and read a few sentences from the article, and stated that he wanted to thank the Mayor for those resources and knew that it was in place before he got to office but was the beneficiary of it now and as a resident he also appreciated it, so hats of to the Mayor, the administration and also to the police officers and supervisors who were coming to their community. Council Members Holm, Garcia, Noriega and Green absent.

Council Member Sullivan stated that the Clear Lake garbage conversion program was going very well, that he rode with one of the Solid Waste employee's, Ms. Alice Coffee, who spent most of the day with him and they drove around and followed the trucks that were dropping of the garbage cans, that when they saw residents coming out of their homes to see what was going on they would stop and visit with those residents and answer their questions, that Ms. Coffee was a long time employee of Solid Waste and there was not a single question that she did not answer to the resident's satisfaction; that all the cans had been delivered and there were no problems, that actual garbage collection would begin on February 4, 2008 and he would be down there for that roll out. Council Members Holm, Garcia, Noriega and Green absent.

Council Member Sullivan stated that his first CIP meeting would be tonight in Kingwood and he wanted to thank the department directors who had helped him prepare for the CIP meeting, Ms. Vasquez, who was present earlier, employees from Public Works, Planning and the Library Department. Council Members Holm, Garcia, Noriega and Green absent.

Council Member Lovell stated that she wanted to extend their deepest sympathies to Ms. Kathy Lord, former Executive Director of Trees for Houston, whose son was killed putting up a curtain rod and the shelf broke and he fell out the window, that it was a tragic accident and she wanted to extend condolences to the whole family. Council Members Holm, Garcia, Noriega and Green absent.

Council Member Lovell stated that it was exciting today and was sure that next week they would pass the other part of the land deal out there, that they were really getting it about planning for future when they encouraged growth in neighborhoods and be a participant such as out Highway 288 where they could see the neighborhoods that were growing out there and the families that were moving out there and the fact that they would go out there and make an investment so that their youth would have somewhere to go out and play; that also part of the deal was that they were doing some historic preservation and would keep a landmark which would be an anchor in the redevelopment of the Third Ward, that she was very pleased to have that happen and the affordable housing that would go up around that, that she wanted to commend the Mayor and his staff for doing that. Council Members Holm, Garcia, Noriega and Green absent.

Mayor White stated that from time to time various Council Members tell him that

sometimes they could do a better job in helping people anticipate questions that may come up from the public so he was going to take a shot, if he did to much during the next year they could pass him a note that he did not need to talk, that he wanted to do the right mix and would do two things, that first, it was nothing bad just questions, that if they remembered at the inaugural he said some people were not happy unless they were angry about something and there was a giant conspiracy everywhere, according to some people, well there were no giant conspiracies here; that when they were looking for land they were always looking for partners because sometimes in land they could buy things in a volume discount and then if they were able to split it up with each party, not subsidizing anybody, but then there really could be a win win, because most people could buy land for a lower price per acre, that Michael Moore told him he should not analogize it to a single versus a six pack, so he would not, but they could buy more, and so there was one non profit institution that was looking for land in that area and they coordinated a little bit but there was no special deal, that everybody bears their own cost, pro rata share, if anybody else wanted to buy more land to they looked for other partners that they could do this that would be compatible with uses such as in one track the Veterans facility, park use, etc.; that the second issue that was discussed had to do with TIRZ and TIRZ funding, they considered an item at the beginning of the agenda that was really at the request of a particular Council Member and they were considering one in District B and District I, that they did use TIRZ from time to time for economic development purposes, that he was probably not as keen on TIRZ as maybe other Council Members or many prior administrations, that basically he did not think it was fair that some people got to pay or to put it bluntly there was about 15% of the City if they had a pay increase for their civilian employees they would pay zero out of their property taxes, was that fair, that it affected how much they could pay City employees when some people were not contributing and some people were out of property taxes, that he was not as big on TIRZ but they did have TIRZ and they decided that the best thing would be to go slow but they were not going to break their promise with the people that they had a project plan with a particular TIRZ, that was sort of the approach they had taken within the administration, and he mentioned it just because from time to time, he was not letting the cat out of the bag; that he forgot to mention that in Council Member Sullivan's district they were considering a TIRZ there and the use of TIRZ funds for a public project, so if they considered the use of TIRZ funds for a project it did not mean, to be blunt, that they were going to take money out of the Police Department and put it into professional stadiums or anything like that. Council Members Holm, Garcia and Green absent.

Council Member Lovell stated that she agreed with the Mayor and thought that today what they voted on was a maintenance issue in a TIRZ, that it was really more of maintenance issue and did not really help the growth of the area but the people there wanted it, that she really like when they use the TIRZ in which the money that people put there for economic development they get a much bigger return on it because as they developed the area more businesses move in which helped the City tax base, that it helped the whole area; that it was really for when a TIRZ was used as an economic development generator, that she was not opposed to it when it was just a maintenance issue or how to beautify an area or whatever, that was great, but when it started generating economic development in an area that really needed it then that was really the view that she saw that TIRZ was very beneficial to them and she was hoping that would happen when the Dynamo Stadium goes in and knew it would happen because it was proven all over the City that when they put in complexes it just generates economic development in the area. Council Members Holm, Garcia and Green absent.

Council Member Brown stated that he saw it as a very prudent transfer of assets where it actually would be a very good investment for the citizens of Houston, the taxpayers and in crease in value. Council Members Clutterbuck, Holm, Garcia, Rodriguez, Noriega and Green absent.

Mayor White stated could government waste money, absolutely, that could they make an investment that actually more than paid for itself, yes, and if anybody doubted that then he could

do some simple calculations for them about the effect of the public investment in Discovery Green and what that had specifically done to the increase in property values right around there and in taxes paid to the school, County and City; could they make a best investment, yes, but generally when they made a better public investment it entailed attracting investments that otherwise would not exist and something that really was of the nature where it could attract substantial private investment in the adjacent properties, and when they did parks and greenspace right, that could do, that if they doubted that then go to school on the golf course business because that was exactly how people financed golf courses. Council Members Clutterbuck, Holm, Garcia, Rodriguez, Noriega and Green absent.

Council Member Johnson stated that he and Council Member Brown had an opportunity to meet with some of the people from the Ford Foundation, that was one meeting that he was very excited about and thought that from that meeting there was a lot of great information that they were able to get, that he thought they had tremendous opportunity, that for the availability and the opportunity to bring together key stakeholders from around the Fifth Ward Community was most vital to him in respect to how do they start to look at the vibrancy of the Fifth Ward, that he believed that the Fifth Ward Community was certainly on an upswing when it came to development especially on the lower Fifth Ward side with much of the development going on, but one of the things that he was certainly very fearful of was the oversaturation, that he and the Mayor had talked a lot about development and how he thought development for community should go in; that for him as the district Council Member he wanted to leave the district in better condition than when he got it and hoped the person coming after him would do the same thing, that he thought from that vantage point District B would be a community of choice when people want to move into communities; that he wanted to thank him for coming into the meeting and offering his assessments and information, but to have the developers sit in the room with the CDCs, with the Council people and have a real dialog on how this community had the potential of looking, that he was very fearful if they did not have the dialog, and from the City's perspective that if they did not have input that potentially the lower Fifth Ward could become what many of the people in the Fourth Ward area had said they did not like; that when he was driving around the community with the people from the Ford Foundation several of the residents saw him and said quickly to him, do not let them come and steal their neighborhood, do not let them come into their neighborhood and they would have no place to live, and that struck a cord because it sent a message that they did not want to lose the cultural integrity of a neighborhood and did not want to lose the historic value of neighborhoods but at the same time they did want to improve the conditions and quality of life in which neighborhoods were currently existing; that he had said all along that the Fifth Ward desired to have great grocery stores and entertainment districts and as they looked along the Lyons corridor and the old Deluxe Theater there was a real opportunity of redoing and redeveloping that and then using that as the center base for other development to go around it; and then bringing in the Housing Authority and working with them to look at a Kennedy Place and a Kelly Village and how they might be able to build some scattered site housing in those communities. Council Members Holm, Garcia, Rodriguez, Noriega and Green absent.

Mayor White stated that he welcomed each person present as his partner in running the City and he would tell them how people could be more effective partners and frankly how they would tend to have more deference to preference of Council Members, if they were dealing with, whether it be a child or a partner or an employee, he had always found it critically important that they make clear the difference between an idea and a requirement, so it was a joke around his office, sometimes he says this was not a suggestion, by that he meant he was making a decision, or he would say that he was coaching but they do what they wanted to do, and in that connection he thought when they dealt with people who were wanting to invest within the City of Houston or had invested more than some of them who come and go within the City of Houston on a particular property that they distinguish as elected officials between ideas and things that they wanted to impose as requirements and that was a very important distinction, that sometimes there was a tendency among elected officials, that he was not saying here

necessarily, but in the United States of America, different levels of government, to not distinguish between those two things, that he thought there was nothing but good that happened when they had groups of adjacent property owners come together, that it was better to have discussion at the table, but when they got large landowners or interests together in the same room to share their plans, engage in dialog, good things could happen, but it could have an opposite effect if people thought that somebody was giving an idea, but if they did not take that idea it was going to become a requirement without open public discussion around the Council table like this and be in the form that supplied a non discriminatory basis, that he knew it was exactly in the spirit of his discussion and he was just sharing ideas on that particular thing. Council Members Holm, Garcia, Rodriguez, Noriega and Green absent.

There being no further business before Council, the City Council adjourned at 12:04 p.m. Council Member Lawrence out of the city on city business. Council Members Holm, Garcia, Rodriguez, Noriega and Green absent.

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