

**SUPER NEIGHBORHOOD 22 COUNCIL AGENDA JULY 13, 2009 MEETING  
MINUTES**

- I. Meeting Called to Order at 6:40 pm**
- II. Consider and Approve Minutes from May 11, 2009, and June 8, 2009 Meetings (5 minutes)**
- III. Presentation by Houston Police Department Regarding W/Ave Enforcement Effort Followed by Q&A**  
(Captain Mark Holloway, Reader, 15 minutes) Dedicated email address [centralpatrol2district@cityofhouston.net](mailto:centralpatrol2district@cityofhouston.net) allows community members to reach out to police officers to communicate issues of neighborhood concern. This is not an in progress call or a crime report, that number is 713-884-3131. This communication device allows us to check facts and distinguish facts from fiction. If you want to let HPD know that you think a particular house or location is dealing drugs or harboring a prostitute you can send this type of information and better communicate with HPD.

In general overview of crime statistics for SN 22: as of Jan. 1- July 6 crime has increased 3%. Central Patrol includes two patrol districts. Over the last year we've had an overall reduction in crime across the city of 12-15% but in SN 22 there has been "push back." He often hears complaints that city departments don't work well together. In a city without zoning the department's hands are often tied. New legislation requires research. HPD can't infringe on rights of anyone: businesses and residents both have rights. He explained that HPD only enforces the rules; HPD doesn't make the rules, and HPD must maintain a non-biased approach. Most of the quality of life issues about which community residents are often concerned are issues that HPD officers must witness before they are able to take enforcement action, e.g., absent a complaining witness who is willing to sign an affidavit and testify in court these issues are typically Class C misdemeanor offenses. Captain Holloway explained that in his experience most citizens don't want to become personally involved because they're too busy or afraid of retaliation. Examples are such offenses include public urination, yelling and rowdy conduct, and littering. He explained that homeowners have no authority to post no parking signs in their yards. Posting signs that are too similar to official signs constitute a violation. When asked how HPD enforces the noise ordinance, Captain Holloway stated that the ordinance does not require use of a sound meter. However, In Central Patrol, there is a policy directive pursuant to which noise citations will not be written to a business establishment unless a duty sergeant has been to the scene with a sound meter to verify the validity of the complaint. This is a policy directive issued by Captain Holloway to the officers under his command. He does not allow his officers to get involved in this type of civil litigation. He stated that the city threshold for a noise violation is 59 decibels, and explained that many street noises can exceed that level. There are legal requirements about where the measurements need to support a noise citation must be made. If someone blocks a private driveway, the property owner can have the car towed. However, a property owners must call HPD to have a car towed that is parked on public property. Until Sept. 1<sup>st</sup> a police officer is the only person who can authorize a tow on public property. Sept. 1<sup>st</sup> a new law will take effect that will allow the City of Houston (or any other city with a population of 1.5M or more) to authorize civilian employees to tow vehicles. In lower Westheimer area there is also a number of parking issues. In the last 90 days Central Patrol has received over 3,200 calls for service regarding illegal parking in District 1 and 2 for which they've towed cars. These calls require police officers to be dispatched to an illegally parked car and can take on average an hour to an hour and a half to get the tow done and the call cleared. Wrecker drivers cannot tow an illegally parked car on their own even after Sept. 1<sup>st</sup>. The Parking Management Division of the General Services Department will coordinate this once its employees are properly trained and given an expanded role. Mobility officers who work for HPD will be able to write parking tickets if appropriately trained. They may eventually also be able to tow so that HPD officers will be free to respond to other calls such as assaults etc. HPD has to prioritize what they do and parking complaints take a lot of time. When asked how to differentiate between a legal and an illegal sign, Captain Holloway stated that city signs all have bar codes on the back. When asked if homeowners can legally place big rocks on property next to the ROW, Captain Holloway responded that he didn't know for sure but cautioned against doing so due to the potential liability for accidents. When asked about cars parked three across blocking the street, he responded that any officer is authorized to take corrective action but explained that not all officers would, especially if they were assigned to a special task force. Captain Holloway stated expressly that **parking in the W/Ave Corridor** is out of control, but that absent proper signage and ordinances HPD's hands are tied. Captain Holloway stated that HPD enforcement efforts cannot alone be expected to resolve all the issues.

When asked to discuss why HPD officers instead of other city employees have been seen writing "report cards" for vehicle drivers, Captain Holloway explained that his officers are trained on what to look for. For example, he explained

that cases that could hold notebook computers are particularly attractive to would-be burglars. Burglars will break car windows to get a case that could hold a laptop computer. He explained that HPD is “killing two birds with one stone,” because the report card writing activity not only alters drivers to risky conduct but also creates a visible deterrent to crime by having HPD officers present in a parking lot. He explained that HPD is investing resources in the report card writing activity because burglaries of motor vehicles (BMVs) are skyrocketing throughout our area. He explained twenty- nine vehicles in the parking lot passed and seventeen failed the report card test. Processing a BMV scene takes three hours. When he says three hours he says from the time they get the calls, lift prints, etc. it sometimes take up to three hours. Captain Holloway declined to discuss manpower issue. When asked, he explained that bars have a mixture of security guards and off duty officers. As far as W/Ave area is concerned, it is has been saturated by HPD enforcement efforts as part of the Heights anti-crime campaign. Vagrants and street people are the main perpetrators of petty crime. When the numbers of such incidents and the level of public outcry justifies it, HPD moves manpower. Captain Holloway stated that SN 22 is not a bad place to live, especially compared to when he was a child 30 years ago. When asked how HPD tracks calls for noise and parking complaints, he said that each call is given a code and everything’s tracked through those codes. He explained discrepancies between calls for service and reported statistics are often attributable to miscoding by dispatchers. He tracked the calls from one of the area residents’ who had submitted questions for this evening’s event. That particular resident has made 14 calls this year and his check showed that the calls had been variously coded. When asked to state the comparative stats on DWI rates from last year to this year, Captain Holloway explained that W/Ave has been a main corridor to jail for the intoxicated and class B and above male prisoners. He explained that the DWI task force goes up and down W/Ave at all times of day and night so they do stop a lot more people in this general area than in other area. When asked if there were any statistics available for the parking problem and if those numbers were being passed onto someone else to alleviate the problem, Captain Holloway and Council member Ed Gonzalez stated that they met with several bar owners in late June, and the bar owners stated that they want this situation resolved because their livelihoods depend on resolving it. They explained that a problem is that the area is landlocked, and the only way to resolve it is to go vertical. That creates a separate issue. Statistics are available through various city departments, including Parking Management, that all show there is no quick solution, and that it will take time and a multi-faceted multi-stakeholder approach to resolve. As an example of a multi-faceted approach Captain Holloway described an acoustical redesign effort as a possible way for resolving noise ordinance complaints. Captain Holloway explained that Walters on Washington kept getting complaints from a neighbor who had his own sound meter. HPD kept going over there and recommended that they get an acoustical engineer to evaluate what to do. Suggestions included the construction of an 8-foot sound fence, and relocation of the sound speakers. Another example was Pearl Bar where noise was coming from the frequent opening and closing of the door. HPD recommended a second set of doors. That recommendation not only helped decrease the noise violation calls, but also helped keep the heating and cooling bills down. Captain Holloway explained that homeowners will need to spend a little money to improve the situation as well, for example by installing double glazed windows. He explained that these types of improvements not only improve the quality of life for neighborhood residents but also conserve HPD resources by cutting down and/or eliminating the numbers of calls which patrol officers must respond. Finally, Captain Holloway explained that when business owners hire off site officers to be a block away from their establishments, that the officers must receive permission to work such side jobs an the permission must be granted by the Chief of Police. He also explained that while working side jobs HPD officers are still required to enforce all state and local laws although they’re ability to enforce those law is subject to limitations. For example, public intoxication is a violation that off-duty officers should enforce. Do they? Not every time. If an off-duty officer makes an arrest he or she is not allowed to transport the arrested person to jail. Instead, the off-duty officer must call a marked unit to pick up the arrested person. “Wagon calls” for transport can take up to 2-3 hours for HPD to dispatch. A patrol car can only transport 2 prisoners. Vans can transport more. HPD has a van that runs W/Ave and Shepherd to pick up arrested people and write parking tickets.

- IV. Presentation Regarding Play “Zoot Suit Boogey” to be Presented at West End Multi-Service Center** (Lidia Porto, 10 minutes). Baylor College of Medicine is reaching out to the community to educate about cures and health risks via a play written by Richard Reyes, also known as Pancho Claus. Subject of the play is colo-rectal cancer screening, and the need to get the word out about it significance. The play is intended to to make it easier for people to bring up the subject in a humorous way. The play will be presented at the West End Multi-Service Center on Monday, July 17th at 10:00 am The neighborhood seniors group is sponsoring the play and there’s room for others to come to learn how to bring up the subject in a fun way. A doctor will be on site to answer questions.

**V. Presentation Regarding COH's Street Tree Ordinance Followed by Q&A**  
(Victor Cordova and Dale Temple, 15 minutes)

City of Houston Urban Forester, Victor Cordova, explained that he is in his twentieth year with the COH and that his counterpart and chief assistant is Dale Temple. Who are they? They are part of a team that includes one office assistant and an analyst who works on the city's tree inventory. They and their crew engage in planting efforts, tree trimming, tree removal. They manage their crews and review the city's public works projects. Until recently there was no coordination between the urban forester's office and the public works dept. Now the urban forester signs the mylar copy of plans for public works projects, and oversees the 1% tree planting program. What is the 1% program? When public works expands a street, the urban forester gets 1% of the budget to plant trees. Lots of trees are being planted. Prior to the initiation of this program, mowers were asked to negotiate obstacle courses. Now tree planting can be planned. The urban forester's office not only plants trees, but also inventories trees by counting and measuring. This is done with machine to collect information species, diameter, condition, management recommendations. The city wants to get trees in bad condition and take them out before they fall and hurt something. The urban forester recommends a variety of trees so that disease and bugs can't decimate the tree population, i.e., there's strength in diversity. Mr. Cordova explained that when he started working for the city, the public works department did not have a good relationship with the urban forester's office, but that situation has changed for the better in recent years. Nevertheless, he stated that the city is still "light years" away from having a computer data base for all the trees. It takes time to change things in the city. His office has two tree removal crews: one crew south of I-10 and one crew north of I-10. Crews are 20-people strong. They don't enter private property. Period. His office manages six tree trimming crews: each crews that have altogether about about 25 people. The urban forester is responsible for finding the city Christmas Tree. Last year he went to Denver to look for it. They decided not to sell the tree he had planned to purchase. He had to go to tree B and then found that tree was not available either. He had to go to NY to get a tree. During Hurricane Ike, the urban forester and his crews were essential personnel who had to stay in the city. He had 30 people sleeping over. Sixty-eight trees fell and destroyed houses. He showed pictures of fallen trees and examples of trees going through houses. Mr. Temple works with ordinance enforcement that includes landscaping new trees in the city right of way and in some cases in the city set back. The street tree protection ordinance first passed in 1992 and was recently amended to increase the penalties. The urban forester's office did not get everything wanted in the ordinance. Commercial trees are protected from the setback line. Residential trees are trees within the property line. Street trees covered by the ordinance are any trees in the city right of way that are more than 1.5 inch in diameter. Mitigation is a feature of the ordinance. The ordinance allows planting of new trees or paying into tree fund. The city is divided into sectors. New developers have to pay into a fund to provide open green space or to set aside a certain amount of land for green space or park space and the tree mitigation funds must be spent to plant trees in the area from which the funds came. Residents who cut down trees on their own property are not subject to the ordinance. Citations. They wrote some about four months ago. First step was to send homeowners to arraignment before a judge. Civil actions follow. Highest mitigation is \$500/inch; thus a ten inch tree is worth from \$5,000-\$15,000. Civil enforcement takes time. The urban forester deals mostly with developers so he has not experienced any serious behavior problems because the developers all want to stay in business. The best enforcement tool is a hold on a project. He doesn't take holds off unless the issue is resolved. The advantages of this program are that the enforcement efforts send a message, the ability to seek full value, money collected goes into the tree fund. The disadvantages of this program is that the enforcement process takes too long. An example is Sagemont Park at Beltway 8 where an area developer cleared a portion of land that was his and a portion of land that was parkland. Collection efforts for the first citation took two years. When asked about the post oak tree recently cut down on Knox Street, Mr. Cordova explained that the tree was sensitive and had been badly damaged by the developer. He explained that there is no law that outlaws planting under power lines, but noted that Chapter 33 has some amendments with small trees. The hurricane brought that to a head. They have to make call about what will be a dangerous tree. They can't take any action on private property. What can neighborhoods do to plant trees to replace lost trees? If there's an organized planting plan in place, the urban forester's office will help neighborhoods plant trees. Right now watering is the key. Trees planted as part of that program must go in the public right of way. His office also offers advice. His office will supply trees and advice and foresters will help train community members on the job of planting. Rule for tree planting related to new development is one tree per single family residence. Must parking lot trees are to be planted in the right of way or in the parking lot. There are a lot of parking lots with palm trees that are non specified trees. Parking lot trees, take square footage and must planted within 120 feet of a parking space. Although developers are supposed to plant trees on the parking lot tree list, palm trees may be planted on private property even though they're not on the parking lot tree list.

**VI. Old Business (30 minutes)**

**A. Recycling Drop Off Facility: (J. West and P.McIlvain, 5 minutes)**

CM Gonzalez provided up date on this issue. He explained that the project was rushed forward without community consensus while there was no District H councilmember in office. CM Gonzalez explained that the issue is on hold and expected to be referred back to the administration.

**B. Spec's Controversy: R. Landa (State Senator M. Gallegos), and T. Brookover (CM S. Lovell, 5 Minutes)**

Ruben Landa reported that since the last SN 22 meeting, Councilmember Sue Lovell has conducted a meeting on the Spec's controversy at which seven civic clubs and SN 22 were represented. Other attendees included City of Houston City Attorney, Arturo Michel and Ruben Landa, State Senator Mario Gallegos' office, Claudia Vasquez, Director of the Mayor's Citizens Assistance Office, and Spec's owner, John Rydman and one of his attorneys. The goal of the meeting was to reach an agreement pursuant to which Spec's could come into compliance with the City of Houston's alcohol-free school zone ordinance. Various opinions on when and how were expressed. CM Lovell suggested that the City of Houston might consider amending the alcohol free school zone ordinance to exempt package stores such as Spec's, and agreed to present the idea to Mayor White. Two days later CM Gonzalez was elected and CM Lovell has now deferred to him on that issue. Since then, Spec's owner has filed federal lawsuits against both the City of Houston and Harris County in an effort to prevent them from enforcing the alcohol free school zone ordinance against the Spec's store on W/Ave. State Senator Gallegos has decided to allow the lawsuits to take their course.

CM Gonzalez stated that he has talked to representatives from the county, the city and HISD and gotten as much information as he can about the alcohol free school zone law that exists to protect the community. He has heard different stories about how and why Spec's received a temporary permit for its W/Ave store, and stated that if the city issues a variance then Spec's could continue operating as is. CM Gonzalez explained that at this point he is still looking for a way to work with Spec's to resolve the issue and talk to the surrounding neighborhoods because some folks want Spec's. Nevertheless, no one other than Spec's sees any overwhelming need for a variance. CM Gonzalez responded to the following question: Why would the license have been issued in the first place? Answer: The issue appears to have turned on what that particular Spec's store was going to offer. An assumption was made that the sales at that store would be more than 50% food or non-alcohol. But the store is not operating anywhere near that threshold. The problem has arisen because more than 50% of the sales made at Spec's W/Ave store is from alcohol. When asked if the city was still looking at the legality of the variance or the possibility of amending the ordinance to exempt package stores like Spec's as suggested by CM Lovell, CM Gonzalez answered that such a change to the ordinance is not a viable option.

Ella Tyler from the county attorney's office stated that the state court lawsuit which county attorney filed on behalf of the TABC has been removed to federal court but that the county attorney is seeking to have it remanded to state court.

**C. Safety Zone/Quiet Zone (R. Taylor, 5 minutes) Update on progress since Public Hearing held on**

Wednesday, May 27, 2009; Additional Information available at [www.washingtonquietzone.com](http://www.washingtonquietzone.com)

Rich Taylor reported that there has been no movement on First Ward Safety Zone but that the proposal is with the Union Pacific Railroad. The public comment period for the proposed Quiet Zone has ended and the City of Houston's Public Works and Engineering Department is planning to meet with CM Gonzalez on Thursday, August 16<sup>th</sup> to discuss plans for moving forward.

**D. Planning Department's Matrix: (N. Kraus, 5 minutes)**

Post on planning dept's website late this afternoon.

**E. Fashion and Car Museum Proposals of Joanne King Herring and Posey Parker (J. West, 5 minutes)**

**No update.**

**F. Proposed Amendments to Chapter 42 (T. Dornbusch, 5 minutes) Report on Public Hearing and action**

taken by the COH Planning Commission on Thursday, June 11<sup>th</sup>, and future consideration by City Council's Regulation, Development, and Neighborhood Protection Committee on Thursday, July 23, 2009, at 10:00 a.m.

Densification without adequate infrastructure has not been good for SN 22 neighborhoods. Councilmembers supporting the proposed amendments say that neighborhoods outside Loop 610 that don't have deed restrictions would like the ability to petition for minimum lot size and set backs. Many neighborhoods outside Loop 610 have deed restrictions that are on the brink of expiring. Minimum lot sizes under the proposed amendments would be only 15-ft. wide as long as the average lot size on the block is not less than 18 ft wide. Guest parking proposal calls for one guest parking space for every six newly developed units if six or more units are constructed at one time. Under the existing regulations, two spaces are provided inside the garage and two spaces are provided outside the garage with the idea that the two outside spaces serve as guest parking. However, when residences are built on shared driveways there is no guest parking. Developers want to culvert the open swales for use as parking spaces. Since the open swales are the only green space left in some areas, using them for parking promises to further reduce the green space in redeveloped neighborhoods. Since most redevelopment is done as infill on single lots, very few developments are expected to require guest parking.

**VII. New Business (10 minutes)**

- A. **W/Ave Residential Parking Permit Initiative** (J. West and P. Thomason, 5 minutes)  
No update.
- B. **W/Ave TABC Liaison Initiative** (J. West and A. Woods, 5 minutes)  
No update.

**VIII. On Going Project Updates (30 minutes)**

- A. **Area Business Owners Committee** (P. Nicosia, D. Van Delden, and R. Zamore, 5 minutes)  
Next event to be a meet and greet at the Corkscrew planned for July 29<sup>th</sup> from 5:00 to 7:00 p.m.
- B. **Olivewood Cemetery Report on Stakeholders Meeting June 27th: (M. Williams, 5 minutes)**  
City of Houston's Public Works & Engineering Department has agreed to complete boundary survey by the end of the year.
- C. **Social Networking for Super Neighborhoods Report on Training Session Held June 27th:** (P. McIlvain and Mary Jane Buschlen, 5 minutes) SN 22 has newly established FACEBOOK presence.
- D. **Candidate Forums:** (15 minutes) The following people will establish committees to get the candidate forums planned and scheduled.
  - 1. **Mayor:** (J. West)
  - 2. **At-Large:** (T. Dornbusch)
  - 3. **Districts G and H:** (P. Thomason and P. McIlvain)
- E. **Catch the W/Ave 2009:** Recap and Strategy Sessions continue.

**IX. Announcements, Community Reports, and Open Comments (5 minutes)**

- A. **CM Peter Brown Hosts Presentation by Stella Chao, Director, Seattle, Washington's Department of Neighborhoods**, Monday, July 20, 2009, 6:30-8:00 p.m. West End Multi-Service Center, 170 Heights Blvd.
- B. **Development Forum:** Saturday, July 25<sup>th</sup> 9:00 am - noon at Dow School, 1900 Kane Street.
- C. **Transportation Committee Meeting:** Monday, July 27<sup>th</sup> 6:30 p.m. at Dow School, 1900 Kane Street.
- D. **W/Ave Business Owners Meet and Greet**, Wed., July 29<sup>th</sup> 5-7 pm, Corkscrew, 1919 Washington Avenue.
- E. **SAVE THE DATES: Blue Print Houston Leaders Workshop, September 12<sup>th</sup> and Citizens Congress 3, October 3<sup>rd</sup>.**

**X. Adjournment**