

City Council Chamber, City Hall, Tuesday, July 25, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 25, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Ms. Deborah Dillard, Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present. Council Member Jarvis Johnson out of the city on city business. Council Member Anne Clutterbuck absent on personal business.

At 2:05 p.m. Mayor White called the meeting to order and called on Council Member Sekula-Gibbs to begin presentations. Council Member Sekula-Gibbs stated that it was her pleasure to welcome and honor the Gulf Coast Sound, Drum and Bugle Corps.; that this weekend they would be performing at the St. Pius High School and Council Members would be given tickets; and invited representatives of the Gulf Coast Sound, Drum and Bugle Corps. to the podium and presented them a Proclamation proclaiming July 29, 2006, as "Gulf Coast Sound, Drum and Bugle Corps. Day" in Houston, Texas; and their spokesperson thanked Council for the Proclamation and stated that they represented Houston in other states and on Labor Day weekend they would perform in the finals competition for DCA in Rochester, New York. Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, and Berry absent.

Council Member Khan stated that today Council was honored to have present Ms. Eleanor Enegeh Bate who was being recognized for her achievement in graduating from St. Agnes Academy; that she was the first Cameroonian American graduate of the academy and was also admitted to the U of H where she would major in biology and pursue a medical career and many had come from Cameroon for this great achievement; and presented her a Certificate of Recognition commending her dedication to educational excellence and moral integrity. Council Members Lawrence, Holm and Garcia absent.

Council Member Alvarado stated that she was pleased to recognize a distinguished group of women; that for the last 25 years the Women of Rotary had partnered with the City of Houston Health Department to provide basic dental necessities for Houston's underprivileged youth and invited the group to the podium. Council Member Alvarado stated that the City of Houston thanked them for their partnership and for recognizing the needs of the underprivileged community and presented the group with a Proclamation proclaiming July 25, 2006, as "Women of Rotary Day" in Houston, Texas. Council Members Holm and Garcia absent.

Council Member Edwards stated that today was a great day as she was recognizing one of the strongest institutions in the community and that was Radio One Broadcasting who was celebrating 25 years and opening a new station; that the station was very instrumental in lifting HIV/AIDS awareness in several ways and today they were recognizing Ms. Kathy Hughes, the chairperson and founder of the African American radio network Radio One and invited the representatives to the podium and presented them a Proclamation recognizing Radio One and Ms. Kathy Hughes and proclaimed July 25, 2005 as "Radio One Day" in Houston, Texas; and their representative thanked Council for the recognition. Council Member Garcia absent.

At 2:22 p.m. Council Member Green led all in prayer and in the pledge. Council Member Garcia absent.

At 2:23 p.m. the City Secretary called the roll. Council Member Johnson out of the city on city business. Council Member Clutterbuck absent on personal business. Council Member Garcia absent.

Council Members Khan and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Johnson out of the city on city business.

Council Member Clutterbuck absent on personal business. Council Member Garcia absent.  
MOTION ADOPTED

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing from Mr. Tony Jones and Mr. Felix Rodriguez at the top of the three minute Non-Agenda list of speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Clutterbuck absent on personal business. Council Member Garcia absent. MOTION 2006-0643 ADOPTED

Council Member Brown moved that the rules be suspended for the purpose of adding Mr. Robert McClain and Ms. Daphene Scarbrough to the list of speakers after Mr. Chris Seger, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Clutterbuck absent on personal business. Council Member Garcia absent. MOTION 2006-0644 ADOPTED

Council Member Berry moved that the rules be suspended for the purpose of hearing from Mr. Hans Marticiuc after Mr. Felix Rodriguez, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Clutterbuck absent on personal business. Council Member Garcia absent. MOTION 2006-0645 ADOPTED

Council Member Wiseman moved that the rules be suspended for the purpose of hearing from Ms. Bessie Swindle after Ms. Virginia Hewett, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Clutterbuck absent on personal business. Council Members Garcia and Berry absent. MOTION 2006-0646 ADOPTED

At 2:27 p.m. the City Secretary began calling the public speakers. Council Members Garcia and Berry absent.

Ms. Nichole Ridgway, 306 E. 25th, Houston, Texas 77008 (713-864-1912) appeared and stated that she and her husband were asking Council to approve Agenda Item 32, the prevailing lot size on their street; and they thanked Council Member Garcia and Mayor White for all their support. Council Members Garcia and Berry absent.

Mr. Randall Kallinen, 1406 Castle Court, Houston, Texas 77006 (713-320-3785) appeared, presented information to Council Members and stated that he was present representing the Houston Chapter of the American Civil Liberties Union (ACLU) with over 4,700 members in this area; that they were concerned with juvenile curfews as it did nothing to reduce crime of youth or crime victimization; that the only study done of this was in California with the conclusion that it did not reduce youth crime or youth victimization of crime and the ACLU promoted parents instructing their children.

Council Member Sekula-Gibbs stated that she agreed parents should be responsible and officers were short staffed and to implement law selectively bothered her; that she felt a commonsense approach should be to leave it as it was; and Mr. Kallinen stated that youth crime in the U. S. had decreased for the last 14 years and in schools had decreased by 40%.

Upon questions by Council Member Khan, Mr. Kallinen stated that three fourths of all major cities over 100,000 populations in the U. S. had some curfew but none as strict as Houston and studies showed no decrease in youth crime or youth victimization of crime.

Council Member Garcia stated that 75% of youth who received a ticket for curfew were not assessed a fine and the other 25% paid because they did not want to do anything else or were noncompliant on any redirection initiative attempted and was generally court cost anyone would pay going through the Municipal Courts; that it was not a revenue vehicle.

Council Member Edwards stated that there was already a curfew and it did not stop crime and she wondered what was magic about making it two hours earlier; and upon questions, Mr. Kallinen stated that the City of Houston did have a curfew at the time and studies showed it did not stop it; and Council Member Edwards stated that the problem they were trying to address was very real, but was not sure a two hour switch would be the salvation.

Council Member Holm stated that numbers she saw on juvenile crime showed the rate from noon to 6:00 p.m. was the same between 10:00 p.m. and 12:00 p.m.; and upon questions, Mr. Kallinen stated that in his opinion the purpose of the ordinance was to respond to the peoples fear of crime and it sounded good but statistics did not bear it out, this was not the right tool; and Council Member Holm stated that there were ordinances Council wanted enforced rigidly and others gave tools to enforce other laws and that was something she was wrestling with.

Mr. Ted Weisgal, 12014 Chimney Rock, Houston, Texas 77035 (281-546-6793) had reserved time to speak but was not present when his name was called.

Mr. Robert Kimball, 32918 Willenhall Ct., Fulshear, Texas 77441 (281-533-9441) had reserved time to speak but was not present when his name was called.

Mr. Tony Jones, 1950 Spendwick #318, Houston, Texas 77055 (713-935-0011) appeared, presented information for Council Members and stated that he was having problems with the EMS billing department as he had Medicare and Medicaid but he received bills and a message he was reported to the Credit Bureau; that he was told when calling he had a zero balance but now he received this letter and he, Mr. Padida, Ms. Gill and Mr. Hall did not know what else to do. Council Members Khan and Garcia absent.

Council Member Lawrence stated that she wanted to assure him his credit was not being damaged in any way, it was recorded he was paid in full; that he received something because it was a billing cycle and he had not been taken out of the computer, but it was rechecked and he did not owe. Council Members Edwards, Khan and Garcia absent.

Council Member Sekula-Gibbs stated that it was a surprise he was getting a bill with a Medicaid and Medicare card because by definition it was taken care of and that was the beginning fundamental flaw; that they should pursue those with no insurance and not those who had not one but two insurances; and she was assured by Mr. Gary Gray at the financing department which handled that this would be forwarded out; and Mr. Jones stated that he did appreciate what they did. Council Members Edwards and Garcia absent.

Mr. Felix Rodriguez, 7407 Rinerer, Houston, Texas 77077 (832-608-7096) appeared with Mr. Ben Solis, his interpreter, and stated that he was representing an organization of Mexico who lived in Mexico's exterior and those from Mexico living here in Houston with two request, first, in front of the Mexican Consulate off Caroline they wanted an area for handicapped people and there was an area beneath the bridge for parking where they wanted security as people lined up around midnight and not only from Houston but from surrounding areas and they hoped for Council's favor on those requests. Council Members Edwards, Wiseman and Garcia absent.

Council Member Alvarado stated that she would suggest Ms. Lilliana Rambo meet with him as she was familiar with what he spoke of at the consulate office, but regarding the parking under the freeway it was state and it was trashy, but she thought Lilliana could help get to the bottom of it; and Mayor White asked Paul Dugas to stand; and stated that he could help address concerns of the people in line, if it was the responsibility of the consulate to do off duty or if it would be the city as there was a precedence which applied to organizations. Council Members Lawrence, Edwards and Wiseman absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Rodriguez stated that people lined up as service at the consulate were limited and the first few were given a card; that he did not work for the consulate, but was director for two organizations in Houston; and Council Member Sekula-Gibbs stated that she thought efforts needed to be made on the part of the Consul General for those he was servicing to see they were protected; that the city wanted them protected, but did not provide private security on private property. Council Members Edwards and Wiseman absent.

Upon questions by Council Member Berry, Mr. Solis stated that Mr. Rodriguez had two issues, first to have handicapped parking in front of the Mexican Consulate and second was the parking area across the street from them, people lined up at midnight as services were limited at the consulate and security was needed; and Council Member Berry stated that there were routine patrols and if it needed to be stepped up then it was needed, but they should be aware that they might need to hire officers, etc., for security as did the Rockets or any other private organization. Council Members Lawrence, Edwards, Wiseman and Alvarado absent.

Council Member Berry moved that the rules be suspended for the purpose of allowing Mr. Hans Marticiuc to speak for seven minutes, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Clutterbuck absent on personal business. Council Members Lawrence, Edwards and Alvarado absent. MOTION 2006-0647 ADOPTED

Mr. Hans Marticiuc, 1600 State, Houston, Texas 77007 (281-924-3001) appeared, presented information to Council Members and stated that the Mayor and Council had been great allies to police officers in their shared determination to keep the city safe and united as a community which benefited all; that in elections they had supported the Mayor and his candidacies with money and defended against unfair attacks; that their positive experience with the city and HPD officials ran deep and they had a strong relationship with Mayor Brown and Chief Bradford and though they may not always have agreed with Chief Bradford they did have mutual respect and respected Mayor Brown's commitment to public safety; that Mayor White had a commitment for public safety also, but regretfully concluded Chief Hurtt worked in a way to undercut and countermanded the policies and promises of the Mayor and they were disappointed a Chief so new to Houston would disregard the chain of command and effectively break promises of the Mayor and Council, he acted as though he had all the answers, he broke promises and turned a deaf ear to 4,700 police officers; that their survey was completed and ready to go December 2, 2005, but he (Mr. Marticiuc) had met with the Mayor and they stopped their plans and attempted to resolve differences, they talked with Chief Hurtt and warned the support he had received upon his arrival was being quickly eroded by meaningless policies and questionable direction; that this fight should have stayed behind closed doors, but Chief Hurtt liked to say the fuss was about change and legitimate change could be dealt with but change for the sake of change was nothing but a disruption and it was no surprise his policies were driving officers away and that the vast majority reluctantly concluded Chief Hurtt was not up to the job, instead of him trying to fix the problem regarding the survey and viewing it as a wakeup call he tried to kill the messenger and argue against the validity of it and he attempted to play the race

card to serve as a distraction when in actuality the legitimate issue was the question of competence.

Mr. Marticiuc reviewed the survey which he stated that 2,199 officers responded including 18 captains, 95 lieutenants, 417 sergeants and the remainder being officers and the response rate was unprecedented as it represented almost 50% of all officers of all ranks, all backgrounds, all districts and all experience levels and it was a strong survey and very telling in result. Council Members Lawrence, Edwards and Alvarado absent.

Upon questions by Council Members, Mr. Marticiuc stated that he did not like the term looking for a win, he was looking for a resolution and would welcome any input from Council and would like to meet on a one to one level and raise concerns and get back on track; that any day they could go to uniform and supply and see equipment belonging to 4 or 5 officers heading out the door; that the Fondren Southwest area did have a problem and 4 or 5 apartment complexes had been the focus of 50 or 60 officers at a time in some type of overtime program and if there were not enough, if there were not enough volunteers then they pulled resources from other areas which left those areas more understaffed and it was trying and they would like that changed; that the problem was communication, they spoke with the Mayor and with the Chief on numerous occasions and it was falling on deaf ears and the outcry from the officers was so loud he could not ignore it any longer; that he hoped Council could get them in a room along with a few Council Members for guidance and they could come to a resolution putting the department back on track; that they were not asking for civilian oversight and they would follow orders and do whatever the law allowed, but with so much disruption and uncertainty it impacted the way services were provided and they were now doing more work than they ever had; that they met with Chief Hurtt over and over advising of officers concerns and problems with policies and morale and how it impacted their job but were told that was not what he heard and now with the survey the proof was in the pudding, traditionally this had never been done before and they were only trying to get the problems addressed, there was a better way than what they had seen coming out of the 1200 Travis 16th floor, citizens were not getting the bang for their dollar the way it was being spent today; that they were the union and not present to run the police department, but they could be a mouthpiece for concerns of those on the ground doing the job; that he prepared the questions of the survey and as far as they knew such a survey had not been done in a major city; that he never said Chief Hurtt should resign, the survey showed a critical problem within the management structure of the department and that needed to be addressed, when results of management looked the same and mirrored accurately the same as the officers in totality it was overwhelming evidence there was a problem; that command staff were political appointments and there were fine folks there who did a good job under difficult circumstances but you also had to remember they were political appointments with a new chief in town who had to rely on the command staff for direction and if you had a chief with a strong personality like Chief Hurtt who said this was his way then someone may keep their mouth shut, but there was probably a myriad of problems which needed to be addressed; that the Mayor and Council were the decision makers for the city and he would ask they decide who needed to be in the room and see if the problems could be worked out.

Council Member Lovell stated that she would now ask the Mayor for the meeting in the interest of the city, the force and the Chief, would he set the meeting and see if they could mediate and work them out as she felt all would appreciate it; and Mayor White stated that he certainly would set the meeting; that he was assessable to Hans and spoke with the Chief each week and sometimes his chief of staff was in meetings; that there were very specific issues involving the department and work practices that HPOU, who he respected, and the Chief sometimes disagreed on; that so far he would say he did not dictate policy or operational procedures to department heads and he had done employee surveys within the city by firms as employee attitudes were important and Chief Hurtt suggested he do that by a firm they used

and maybe that was not a bad idea; that he did think they were about safety and he had a lot of respect for union members and he thought they had a Chief with good judgment and experience and brought something to the table; that he thought this to be a reasonable request and would ask both the union and the Chief to report back to him and get on with the business with what they heard unanimously in Council to be public safety and to deal with these issues in a management labor form.

Mr. Doug Childers, 1617 Bonnie Brae, Houston, Texas 77006 (832-524-3355) appeared, presented information to Ms. Dillard and stated that they needed transit and rail where the people were and as chair of richmondtrail.org he was representing hundreds of businesses, residents and organizations who did want friendly light rail on Richmond; that last week they presented nearly 1,000 petition signatures to the METRO Board in support and today handed in a copy of that petition; and today supporters were present to ask that rail be put where the people are. Council Members Wiseman, Garcia, Alvarado, Green and Berry absent.

Council Member Lovell thanked Mr. Childers for taking time to organize and in making sure there was a good debate. Council Members Wiseman, Holm, Garcia, Alvarado, Green and Berry absent.

Council Member Edwards stated that she was proud to represent the areas and the work they had done was amazing; that her recent trip to China showed the power of having transportation where the people were and she felt METRO was very open to hearing and listening to what constituents had to say and she appreciated the way he did it in a constructive manner. Council Members Wiseman, Holm, Garcia, Alvarado, Green and Berry absent.

Mr. Johathan Paul, 1641 Milford, Houston, Texas 77006 (713-201-3005) appeared and stated that he was present voicing support for light rail on Richmond; that he, like over 1,000 others, had signed a petition wanting a vibrant connected and safe Houston instead of more pollution and sprawl; that they had received in the last four weeks almost the same number of petition signers favoring rail on Richmond as opponents had in the last four months; that Houston was behind almost everyone in regards to its mobility and Westpark was a smoke screen, it did not meet the federal density requirements needed for funding of a light rail line and to argue for Westpark rail was to argue for no rail at all. Council Members Wiseman, Garcia, Alvarado, Green and Berry absent.

Mr. Gary Baumgartner, 5343 Hidalgo, Houston, Texas 77056 (713-459-5959) appeared and stated that he was president of St. George Place Civic Association and their neighborhood fronted Richmond in the Galleria area and they were nearly twice as large as Afton Oaks and they wanted it; that if it went onto Westpark Houston would not make the most of the new amenity and directly connect top 4 employment areas and that would be a travesty; that City Council gave METRO criteria and they believed it was met. Mayor White, Council Members Lawrence, Wiseman, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Brown Mr. Baumgartner stated that METRO had absolutely listened to not only their concerns but to Council's concerns and criteria and they arrived at a Richmond plan which would not take any private land or car lane or median trees, all fears were addressed, a positive plan was in place and he hoped they would listen; that 30 years from now they would not be having this debate they would be stuck with a line that either worked or did not work and the bottom-line was many people did want this. Mayor White, Council Members Lawrence, Wiseman, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that all points raised about rail not going on Richmond have been addressed by METRO and especially ones about businesses being adversely affected; that there would not be 100% majority and always a consequence to progress, but they could minimize greatly what happened on Main Street, it would be done piece by piece and not all torn up at once and she hoped 30 years from now they could appreciate it; and Mr. Baumgartner stated that all was heard and they could stop fighting, they had won. Mayor White, Council Members Wiseman, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that the City did help appoint board members to METRO but he wanted all to know that if they were coming here they were also sharing an opinion with METRO. Mayor White, Council Members Wiseman, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Holm stated that she too like others wanted to know in 50 years this was the right answer and on a comment made "We were all heard and we won", anytime there was a winner and loser with something so significant the entire city lost; and Mr. Baumgartner stated that by we he meant everyone, no one lost. Mayor White, Council Members Wiseman, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Raju Adwaney, 4010 Stanford, Houston, Texas 77006 (713-837-0855) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Wiseman, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Chris Seger, 4522 Ivanhow, Houston, Texas 77027 (713-850-7892) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Wiseman, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Bill Ware, 685 North Post Oak Lane, Houston, Texas 77024 (713-680-2500) appeared, presented information to Council and stated that he was present regarding highway noise along 610 next to Memorial Park; that he was involved in a lawsuit against TXDOT and FHWA but was not present on that case, he was not an attorney and was talking today exclusively about noises and the arboretum; that after 610 was completed the noise levels in the arboretum would be 400% above the federal standards, as measured by TXDOT in a study of 1992 was the noise level would be 75 decibels as far as 50 feet into the arboretum and that was based on 1992 traffic data and no projections of growth in traffic in the future and no change in configuration such as what they had now built so if you adjust that the noise level would be 77 conservatively and that would be 20 decibels above standard. Council Members Wiseman, Alvarado and Green absent.

Ms. Carol Caul, 685 North Post Oak Lane, Houston, Texas 77024 (713-680-2500) appeared and stated that she was an attorney and business economist and would be addressing legal issues relating to Mr. Ware's comments; that noise levels created by the direct impacts from federally funded 610 interchange reconstruction presented material violations of two statutory bodies of law, first provided all such highway projects contain adequate measures to fall within federally specified noise standards which were a rule of law and specified noise abatement criteria for different land uses public and private; that secondly when park lands were impacted by a federal highway project all possible planning must take place to avoid a use of the park lands and the terms specifically include constructive uses caused by noise impacts; and although it did use federal dollars for the project TXDOT did not conduct a proper noise analyses for the park and arboretum and there had not been a proper noise mitigation budget for the interchange stake holders; that TXDOT concealed the noise impacts from park officials and did not advise them of alternate mitigation strategies and because of the clear failures to

comply with federal law she urged the City to withdraw its decision to forgo noise mitigation measures, a decision made in the face of false or incomplete data, it was not too late to protect the City's valuable assets. Council Members Wiseman, Alvarado and Green absent.

Upon questions by Council Member Brown, Ms. Caul stated that there were a number of common law and statutorily based cases making noise a community nuisance and also pertaining to park land; that the city did have a noise ordinance but saw no reason why they would deviate from the federally set standards which applied nationwide which were 67dba for residences and common purpose parklands and the 57 dba for sanctuaries such as the arboretum and 72 dba for commercial. Council Members Wiseman, Alvarado and Green absent.

Mr. Stephen A. Hester, Jr., 7000 Regency Square #160, Houston, Texas 77036 (713-974-4621) appeared and stated that he worked for the Houston Center for Independent Living; that Houston needed an affordable and accessible housing plan and it was paramount because of lack of planning of quality of life within the City of Houston and location did effect the transportation system, family stability and employment opportunities; that the social fabric of the city was held together by its neighborhoods and families and without a housing plan and without such plan the city was disoriented and would not reach its promise to citizens; that the Houston Planning Commission voted to not allow a certain multi family structure to be constructed and if built it would have had 11 units accessible to those with disabilities and his difficulty with the decision was the absence of analysis of use of property as 11 units were desperately needed for those with disabilities; and the Houston Center for Independent Living would now urge the City of Houston to enact a housing plan with all deliberate speed; and he did want to thank Council Member Wiseman and her staff for assistance and advocacy on behalf of people with disabilities and residents of Paul Chase Commons regarding METRO services as individuals who lived there were disabled; and urged Council and Mayor to review this and if they agreed there was unnecessary danger to urge METRO to provide necessary services. Council Members Wiseman, Alvarado, Lovell and Green absent.

Ms. Virginia Hewett, 7667 Belgard, Houston Texas 77033 (713-734-8691) appeared and presented a letter in which stated that she was representing the Edgewood Park Community Center Park Advisory Council with the issue concerning the hiring of Mrs. Margaret Jenkins as they would like her for their recreation supervisor at Edgewood Park. Council Members Holm, Alvarado, Lovell and Green absent.

Council Member Brown stated that as for Ms. Jenkins he would nominate her to be his own mother; that she was a wonderful person and would support whatever they could do. Council Members Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Ms. Bessie Swindle, 4103 Madden Lane, Houston, Texas 77047 (713-208-0359) appeared and stated that she spoke with Mr. Fontaine and with the Mayor's permission she and Mr. Fontaine would meet with Mr. Joe Turner and Ms. Jenkins to find out what the problem was; that her good news was she met a lady who worked for the city, Ms. Veronica Hernandez, and with the laptop in her car they were able to update problems she had and stop signs were replaced and flower bed repaired and now the "No Through Truck Signs" were her only problem and she would be working with her to put them in the appropriate locations; and she and the community thanked all for their assistance. Council Members Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Council Member Edwards stated that regarding the meeting with Mr. Fontaine and Mr. Turner she would like her office notified so they too could be involved. Council Members Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Mr. Perry Radoff and Mr. Allen C. Goodlow, Sr. as the next speakers, seconded by Council Member Khan, but a vote was not recorded as a quorum was not present. Council Member Clutterbuck absent on personal business. Council Member Johnson out of the city on city business. Council Members Wiseman, Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mr. Perry Radoff, 3050 Post Oak Blvd. #1425, Houston, Texas 77056 (713-629-0670) appeared and stated that he had been chair of the Crime Prevention Committee of Southwest Houston 2000 for maybe 10 years and involved in the Braeburn Store Front in the Fondren Southwest area and was on the Apartment Task Force for the city and was director of Texans for Gun Safety and present to speak on good things the Chief had done; that the concern they had as citizens was neighborhood protection and safety and it was approached in a multifaceted way with enforcement being very important and supporting the Chief and brochure addressing the concern with the down percentage of officers, a reduced force and increased population had made a hard job for all more difficult; that Neighborhood Protection was shifted from a city department to Police Department and now very competent with Chief Lumpkin. Council Members Wiseman, Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that his opinion was valued and they appreciated him coming. Council Members Wiseman, Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he thanked him for his leadership and there would always be a difference of opinion but it seemed they were going in the right direction and he was an important gauge. Council Members Wiseman, Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mr. Allen C. Goodlow, Sr., 9611 Wickenburg Drive, Houston, Texas 77031 (281-564-9224) appeared, presented a letter to Ms. Dillard and stated that he was a board member for Southwest Houston 2000 along with Mr. Radoff and he wanted to present to the Mayor a letter approved by their board of directors and signed by their president; that it simply stated he was writing on behalf of those in the Fondren Southwest Area and appreciated the Mayor and Council's commitment for making the city a safer place to live and for programs and services which supported that; that they also supported Chief Hurtt who had taken extreme efforts in reducing crime in their area with additional officers and overtime officers; that the Fast Team was doubled and the Blue Star Program was reestablished. Council Members Wiseman, Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

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

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (832-882-7716) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman, Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mr. William (Beal) Reagan, 6230 Symare Avenue, Van Nuys, California 91401 (no phone) appeared and stated that he had a letter for the current President Bush; wanted his Bat Mobile returned; and continued expressing his personal opinions until his time expired. Council

Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mr. James Lopez, Jr., 6923 Avenue S Houston, Texas 77011 (713-923-2865) appeared and stated that he lived in the Eastend area and he mailed a memo regarding safe sidewalks connecting to handicapped ramps, particularly at a heavily used traffic light intersection and in and around Hidalgo Park, the Martinez Annex Building, but a mistake was made as to his requested location, it was originally for the 6900 block of J. W. Peavy and was roughly lacking 20 feet of sidewalk, it was not 7 miles of Macario Garcia and Council's attention to this was greatly needed. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she was sorry he had to come, but Mr. Gary Norman was present and could meet with him; that her understanding was whatever the confusion was had been reconciled with the Mayor's Office of Disabilities; and Mayor White stated that he did think it was straightened out now . Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Terry Thompson, P. O. Box 1735, Houston, Texas 77251-1735 (713-228-9727) appeared and stated that she thanked them for METRO and police officers, but more officers were needed and she felt funding could be cut in other areas for them; that she had been in shelters but was willing to do what it took for future generations and she was willing to walk with them and show them. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Linda Murray, 6207 Bending Oaks, Houston, Texas 77050 (281-449-5232) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Manuel Emilio Acuna, 5621 Cripple Brook, Houston, Texas 77017 (713-910-0682) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Lee L. Mercer, 4928 Winnetka, Houston, Texas 77021 (713-741-9656) appeared, presented information to Council Members and stated that he was a candidate for President of the United States of America, he filed for his candidacy and his flyers had been passed out; that today he was saying he was a Houstonian from East Texas and was now publicizing his intentions to run in 2008; and it would please him if they would read his flyer. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the actual U. S. President and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Rev. Emit Square, 5630 Lakefield Drive, Houston, Texas 77033 (713-734-0116) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Ed Crovo, 16440 Moon Rock Drive #105, Houston, Texas 77058 (281-486-5668) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Ray Garza, 633 Woolworth, Houston, Texas 77020 (713-674-3409) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Marvin Holmes, 3311 McIlhenny, Houston, Texas 77004 (832-398-9223) appeared and stated that he had issues still not being addressed with one being he tried to set a meeting with Council Member Alvarado but she was not doing what she should and it was making him mad; that another issue was garbage, after the garbage men picked up the can garbage was all over his yard and he had to go pick it up; that he called 311 and was told no one there could address his concerns. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that she believed he spoke with someone in her office earlier in the morning and in the past on the trash issue; that she thought he had agreed to come speak with them, but she would follow-up and make it happen. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that a representative from Solid Waste was present and he could visit with her at this time. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Mary Pruitt, no address (no phone) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Leatrice Watson, 3826 Ebbtide Drive, Houston, Texas 77045 (713-413-4840) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Sheri Alex Butler, 2901 Fulton #300, Houston, Texas 77009 (713-224-6206) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Leatrice Watson, 3826 Ebbtide Drive, Houston, Texas 77045 (713-413-4840) appeared and stated that she was present about parks; that Parks & Recreation sponsored a host of events and they kept Houston as a number one city, but what about residents; that recreation meant activities and in the parks nothing was going on and that could be a direct reason as to why crime increased with youth; and her second issue was she read the city would be putting in a wireless system for telephones and why would the city spend \$60 million when you could use a wire phone. Mayor White, Council Members Lawrence, Wiseman, Holm,

Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he appreciated her comments and on the wireless issue it was true \$63 million would be spent, but it was private sector funds, they were not tax dollars; that what the city was doing was effectively a franchise, to allow a private company to build the infrastructure and individuals could get a subscription to their service and the city was acting as coordinator; and actually it was the intranet, a high speed wireless. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Watson stated that there was a park across from Brentwood Church, she did not know the name of it, but just riding around daily you could see parks with no one in it; and Council Member Edwards stated that she did need a starting point and she had a list of activities in parks she would like to give her; and Ms. Watson stated that she understood parks had programs, but so many did not have any; and Council Member Edwards stated that one frustration was for every city dollar almost 80¢ went towards two departments and she could not do all parks, but if she would give her the name of the park where she lived they would try and get something going; and Ms. Watson stated that her concern was not just her park and she did have extra time and maybe could volunteer; and Council Member Edwards stated that they could use her time and agreed with her analysis. Mayor White, Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. William Thomas, 4933 E. Ridge Creek Drive, Houston, Texas 77053 (713-839-7000) appeared and stated that he was vice president of the Ridgemont Homeowners Association and was present with community concerns; that they were annexed by the City of Houston but no detail was given to the fact they had non dedicated streets and they had been trying to fix the problem of no trash pickup for years, ever since Mr. Hall was a Council Member, but still no resolution; that there were 288 single family dwellings and only 60 received city trash pickup and 85 homes paid for private pickup so only one-third of the homes had trash picked up and all others dumped it on the bayou, streets or any where else they could; that July 7th Allied Waste Services informed the community August 1st was the last day for pickup and come September 1st they would have a heck of a situation and he was repeatedly told nothing could be done about city pickup because of the non dedicated streets. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he understood his frustration and Mr. Buchanan was present to visit with him if he would like, but it seemed in looking at a letter he had property owners were unwilling to dedicate the portion of the front of their property to get city services; and Mr. Thomas stated that was true, as they wanted to take eight feet of the property and most properties only had about that for their whole yard and they had to have 100% sign and not all would cooperate; that residents frustration was when annexed this should have been thought of, if only 80 were trying to find someone to pickup garbage then what was happening with garbage from all the other homes; that they needed a real resolution; and Acting Mayor Pro Tem Berry stated that it seemed like a fair question and Mr. Fontaine and Mr. Buchanan were present to speak with him; and Mr. Thomas stated that in the 500 block of East Ridgescreek a structure was put up next to homes and no one knew anything about it and they would like to know who made the decision to place the structure there because it was the first thing anyone saw and many were upset as it was a blight on the community; that a home had burned down in that location previously and they demolished it because they wanted their community to have a presence.

Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she checked their records and they never had an appointment with him, but was more than happy to meet with him on the issue; that as she understood the streets had to be dedicated to receive city service and she would like a meeting to see if they could go around a requirement; and her office would be in contact with him as they would like to be included, they did want trash picked up but there was the dedication of streets and this went on all over the city, not just his area. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Terry Nelson, 1820 Longcreek, Grandbury, Texas 76049 (817-573-6927) appeared and stated that he retired last year from the Department of Homeland Security Border Protection after more than three decades of public service and many of those years were spent on the war on drugs, the current U. S. drug policy was a funded failure misdirecting assets and risking innocent lives; that they did so much harm they needed to be regulated and controlled; that they needed to stop prohibition and eliminate stress on all law enforcement assets, jails and courts and save lives and allow police to focus on crime against individuals or property; that FBI data indicated a loss of approximately 700 officers in the past 10 years and 36% were killed by people with past drug law convictions and those murdered by drug dealers did not have to die nor did the thousands of others deaths related to drugs have to happen; that he spoke for a group who supported drug regulation rather than prohibition, they wanted to legalize all drugs, tax, regulate and control distribution; that the drug trade would never be stopped and some were more potent now and cheaper than before and by the regulation and licensing and controlling they could greatly reduce the power of criminal gangs and their influence. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Juan Acosta, 19634 Moodhollow, Houston, Texas 77084 (281-657-5133) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. E. I. Smith, 5635 Kansas, Houston, Texas 77007 (713-862-6966) appeared and stated that he was president of the Cottage Grove Civic Club and was present hoping to get a noise ordinance which would standup; that I-10 was noisy and now they wanted to put two lanes on the shoulders on top and build a 35 feet bridge to tie 290 into it and that would bring another 150,000 vehicles or more and their noise; that I-10 was within one block of Robert Louis Stevenson Elementary School where they had 400 plus children and across the street was a daycare center with 200 children; that they also had two railroads connecting right above them and three major crossings where the train blew; and he needed help for the children. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he made a lot of valid points but the credibility his comments brought was that he had been there through many discussions and he appreciated when they met with TXDOT that he was able to set them straight on how I-10 and entrances and exits were established because he was part of that community and discussions which helped to negotiate them; and he thanked him for keeping up the fight and looked forward to working with them. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Frank Perkins, 774 Dillard, Houston, Texas 77091 (281-224-8586) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Daniel Bustamante, 4309 Leeland, Houston, Texas 77023 (713-921-0916) appeared, presented information and stated that today they were speaking on culture; that he was founder and producer of Festival Chicano and preparing for his 27th annual at Miller Outdoor Theatre, but today was expressing concerns about the theatre as last year they had in their policy to fund festivals and between 2005 and 2006 the policy changed and funding was eliminated from their language; that he thought his festival was safe but today was supporting the Asian American Festival who had theirs eliminated; that in the 1970s they told him his festival would not succeed because their music was not professional and the community would not attend; that essentially their culture was not valued and this was the same reasons he felt the Asian Festival was eliminated over the past year and he had concerns the City of Houston had nothing in place to oversee their appointed boards; that the venue needed to be kept diverse and free; and encouraged the Mayor and Council Members to look into the matter. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Bustamante stated that he had a three night event in October and was entering his 27th year and his application for the 28th year was already in; that in that time the only festival he had seen cancelled was the Asian Festival this year and they were given an award around Christmas last year and around the first of this year told they were cancelled; that he was not aware if there were any Asians on the board. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he felt Mr. Bustamante's point was fair. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Garcia thanked Mr. Bustamante for what he did to keep the music culture alive, especially the Chicano and Tejano music, and he also thanked him for communicating for a community which was not really his but was important in spirit and value; and upon questions, Mr. Bustamante stated that there had been a big battle in the community for generations between big arts organizations and small arts organizations and most minority groups were small; that he believed because the city property was such a valued commodity now that working people were having to move out of the inner city and live elsewhere and he felt there was an interest in privatizing Miller Theatre, but this was not meant to be profitable, he felt the values of the Miller Board were changing on what was culture and valuable, but culture was inherited and no one should tell groups what their culture was; that he felt the Miller Board was overstepping their bounds and should be managing the facility and not telling what culture was; and Council Member Garcia stated that he would ask him for help in letting him know how he could be of help; that mission statements might change but core values should not. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards thanked Mr. Bustamante for coming and for his work over the years and stated that who determined what was culturally correct should lie within the people of that culture and her biggest concern on this issue was she was being told the grant was already approved and then revoked and she did not understand a process for that and she did not think

the Miller Board was empowered to dictate the culture nuances of any group; that her primary concern was giving a grant and revoking it, she would like to know of the due process. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Acting Mayor Pro Tem Berry, Council Member Edwards stated that she thought it reasonable to ask the Miller Board about the process, and they could not get into what was culturally correct, she thought that to be inappropriate. Mayor White, Council Members Lawrence, Wiseman, Holm, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan stated that was an important question and in the history of Asian Festival's year after year you expected to do it and he thought their action was sending a message to the Asian community they were not wanted or respected; that generally the Asian community did not complain, but when treated with so much disrespect he thought it was concern for everyone. Mayor White, Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he thought his colleagues would join him in saying those present should be the police and Miller Outdoor could be the Police Chief and they would ask all to sit in one room and have it explained; that he was advised one concern was the amount spent on talent versus amount spent on administration; and he would like the Board to report back to Council their findings; and Council Member Edwards stated that she would ask Council Member Holm or herself be allowed to sit in as a third party; and Acting Mayor Pro Tem Berry stated that if Council Member Holm wanted to be there so be it, but she definitely should be it was her district and the Mayor's Office would also want a representative present. Mayor White, Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Dr. Daniel Watanabe, 7418 Aqua Lane, Houston, Texas 77072 (713-498-1727) appeared and stated that he was third generation Japanese American having lived in Houston 30 years and was first president of the Asian American Festival; that he was present to appeal to Council's basic fairness as already pointed out they lost the grant they were given and they noticed next year the Miller Advisory Board had eliminated cultural arts festivals and the children's performance from the theatre and he wondered if the Board had discussed it with the Mayor and Council or if they were even aware; that also the director worked secretly on behalf of another applicant for this year and secured entertainment for them and then recommended funding for the applicant to the program committee and that applicant obtained the grant. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Dr. Watanabe stated that it was the largest Asian American festival of its kind; the Boards strongest argument was that their mission was different from theirs; and Council Member Khan stated that Dr. Watanabe was one of the most respected members of the Houston community, not just Asian community and he thanked him for his services; and he would like them to sit together. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Yani Rose Keo, 1151 Greentrail, Houston, Texas 77038 (713-776-4700) appeared and stated that she was present for fairness for the Houston Asian American Festival; that she

was an American now but came here as a Cambodian refugee and she worked with refugees and had never heard of this being revoked before but it was done to them; that she was advisor for 27 years and their festival mission had always been to present, promote and preserve art of their homelands; that many who came as refugees struggled to pass on their heritage to their children; that her talent was the Cambodian classical dance and was crowned Ms. Senior Houston by Mayor White and when the Miller Board said their art was not good enough for their space it was a terrible insult for all their culture, unfair and it was also heartbreaking. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Keo stated that she was on the advisory board of the Asian Festival for 27 years and this was the first time she heard of the Board revoking a festival permit; that they trained children to dance and keep that part of their culture; and Council Member Khan stated that he wanted all to know she worked with refugees from all over the world and he was so proud of her and glad she was a part of the Houston community and activities such as theirs should be encouraged rather than discouraged. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Rathna Kumar, 8030 Oakington, Houston, Texas 77071 (713-774-6100) appeared and stated that she thanked all for staying to hear them; that she was a proud Houstonian, first generation Indian who came in 1975 and established the first Indian dance school in Texas; that she traveled the world performing but loved Miller Theatre most of all and had been a Mayoral appointee on the Miller Advisory Board ten years ago so she had been on both sides of the fence and for the 28 years of her 31 years in Houston she had been a participant in the Asian American Festival and very proud to be so and had see the audience grow from hundreds to thousands and from a few hours to two days and the Miller Outdoor Theatre attracted the most number of people because of the venue and the Asian Festival did not ask for freebies and paid participants much more than the Houston International Festival over the years; that the Asian Festival was the only one which showcased all Asian arts to the city and they had children and professionals and requested help from the Mayor and Council. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Kumar stated that the Anjali School of Dance was 31 years old this year and was the first in Texas; that there were many dance schools in Houston and they were good students and she received national endowment grants every year for folk and traditional arts and they were proud to be Indian Americans presenting their most talented. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Berry stated that a Council looked forward to hearing back from them after the meeting with the Miller Board and hopefully it could be resolved for all. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. James Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Sammy Jones, 1415 W. Gulfbank #211, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that officers threatened to shoot him; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

At 5:44 p.m. City Council recessed until 9:00 a.m., Wednesday, July 26, 2006. Council Member Johnson out of the city on city business. Council Member Clutterbuck absent on personal business. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, July 26, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, July 26, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Stella Ortega, Agenda Office, present. Council Member Jarvis Johnson out of the city on city business.

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

At 9:26 a.m. Mayor White called the Council meeting to order and stated that the first order of business was a public hearing and requested the City Secretary to call the first speaker. Council Members Wiseman, Garcia and Green absent.

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

1. City Council will conduct a hearing regarding the Juvenile Curfew Ordinance (Ch. 28, Art. V, City of Houston Code of Ordinances) to determine whether the Curfew Ordinance should be modified. Copies of the Curfew Ordinance and data provided by the Houston Police Department are available for inspection in the Office of the City Secretary. To reserve time to appear and testify call the Office of the City Secretary (713) 247-1840 prior to the commencement of the hearing. Alternatively written comments may be submitted to the Office of the City Secretary – was called.

Mr. Ted Weisgal, 12014 Chimney Rock, Houston, Texas 77035 (281-546-6793) (713-529-4414) appeared and stated that he was the Co-Director of Leisure Learning Unlimited, prior to that he was a campus activity advisor at the University of Houston but as an undergraduate and graduate at San Jose State University he wrote a thesis on how the San Jose California City Recreation Department met the needs of teenagers and thought the issue of curfew was obviously directly related to that, that he was glad that the discussion was beginning and that they were all concerned about their kids, that he hoped that the discussion of the curfew, if it was a catalyst to a broader discussion, was a good thing, yesterday he spoke with the Executive Director of Blue Print Houston, Heidi Sweetnum, and retired City and National leader, Lionnel Castillo, and both of them agreed that a broader discussion than the

discussion of a curfew was necessary, he believed that establishing an earlier curfew was a Band-Aid to a much larger problem and the wrong way to go, that larger problem was the absence of mentors and the lack of access to facilities like libraries and recreation centers that catered to the needs of teens, as a kid growing up in Los Angeles in the 1960's he had things like that in his high school and in his community, making the idea of facilities open late at night so kids were not violating curfew was what he thought needed to be discussed, he hoped this was not the end of that discussion and he hoped they would involve, if that discussion came to pass, people from the educational establishment, Parks and Recreation, YMCA and YWCA, Jewish Community Center, Police Athletic League and other youth sports organizations, scouting leaders and more, he also tried to involve, prior to this discussion, Rogene G. Calvert, who was not available but who had great expertise and was sure they were all aware of her, so he hoped they would have the larger discussion, they did not need to be giving kids citations, they needed to be giving kids a safe place where they could spend their evenings. Council Members Wiseman, Garcia and Green absent.

Mr. Randall Kallinen, 1406 Castle Court, Houston, Texas 77006 (713-320-3785) appeared and stated that he was present to speak on the important issue of youth curfews, that yesterday he was present at the public session and presented a comprehensive study, the only one that he could find on the statistical analysis, not anecdotal but statistical analysis of the effectiveness of curfew laws on youth crime and victimization of youth by criminals, that of course the study showed that there was no correlation between curfew laws and decreased crime or decreased victimization of youth, so the curfew law was not an effective tool to reduce crime, that Houston Chapter of the ACLU of Texas, of which he was the President, had been swelling in numbers and they now had 4,700 dues paying members in the area and the feedback he got was that the 4,700 plus members were against the curfew, they were for helping youth, psychological studies had shown that when children, or young adults, were told that they were criminals, if they were stopped they often identified with the criminal element, that sure people had free will including kids, but kids were impressionable and the more often they stopped them and say they were bad for just being in the public, but if they were under age drinking or doing drugs, if they were stealing, of course stop them, those were crimes, but being in the public spaces and being singled out for just being in the public spaces really sent a message to the kids that they were a problem, they were bad, that was not the message they needed to be sending their children, furthermore it should be the parents and the guardians of children who instructed them and tell them what to do, it was not the government's responsibility, a few years ago the City of Houston handed out 8,000 curfew tickets, it had no effect on the rate of the youth crime, he had heard the concept of the tool and that this was the tool, well the tool had no results so was it really a tool, it was not a good tool and it sends the wrong message to their youth, that Houston's youth was Houston's future, in twenty to forty years all the youngsters would be populating the benches behind them. Council Members Wiseman, Garcia, Alvarado and Green absent.

Mr. Robert Kimball, 32918 Willenhall Ct., Fulshear, Texas 77441 (281-533-9441) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Garcia, Alvarado and Green absent.

Ms. Sofie Smith, 309 Frawley, Houston, Texas 77009 (713-692-3977) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Garcia, Alvarado and Green absent.

Ms. Margarita Contreres, 2112 Gano St., Houston, Texas 77009 (713-228-3656) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Garcia, Alvarado and Green absent.

Ms. Lydia Perez, 911 April Lane, Houston, Texas 77092 (281-687-0048) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Garcia, Alvarado and Green absent.

Mr. Michael Hatley, 8019 Twin Hills, Houston, Texas 77071 (713-772-4613) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Garcia, Alvarado and Green absent.

Mr. Perry Radoff, 3050 Post Oak Blvd., No. 1425, Houston, Texas 77056 appeared and stated that he was present to speak in favor of the modifications of the ordinance, he thought some of the sections were long overdue particularly defining the juvenile as being someone under sixteen instead of seventeen, the hours that were proposed were reasonable for two basis, one was children at that age should not be out on the streets at that time of night, he raised his kids that way and he was raised that way, that it needed to address that, the other aspect of it was the serious incidence of criminal activity that occurred between the hours of 10:00 p.m. and 12:00 a.m., for their safety the children should not be on the street and unfortunately when the parents did not adopt responsibility for that it was left to City Council and HPD, that he was not aware of any scientific studies one way or another but he did agree with the first speaker in regards to other activities for children, they had been addressing that and would appreciate support of the Council and the Mayor for after school activities which they had been trying to get going in the Fondren southwest area and it should be citywide, that finally, children were not emotionally mature at sixteen and in fact some studies had said as late as twenty five before they reached their ultimate emotional maturity but they needed help and unfortunately when the parents did not provide that help the City needed to and that was why he supported the modification to the curfew part. Council Members Wiseman, Garcia, Alvarado and Green absent.

Upon questions by Council Member Berry, Mr. Radoff stated that when he looked at the crime statistics and the children that were murdered and assaulted there were two times of the day where they had problem with juveniles, one was after school until around supper time, and that needed to be addressed, that in looking through his analysis of the ordinance there were exceptions for children that were working and for organized activities so they could be doing these past 10:00 p.m. Council Members Garcia and Alvarado absent.

Pastor Boyd Harrell, Post Office Box 924135, Houston, Texas 77292 (281687-8366) appeared and stated that he was present to speak to them about this critical subject for the City and their youth, that he was the founder and president of COOL Ministries, Incorporated, that COOL was an acronym that stood for Christ Over Our Life and their goal was to put out the fire of addiction and start it on fire and desire to serve GOD, that they went to prisons and jails and drug treatment facilities and transitional living centers and helped a lot of people in society that were known as throw away or cast away, whatever the case may be, and when it came to youth their heart beat strong for youth in the City and they believed that the curfew had a criminalizing component to their youth because if the curfew was lowered a lot of the families and caretakers of the youth were going to be forced to pay those fines and then some of the kids would probably feel a sense of conviction about causing that to their caretaker, which would increase crime because they would be breaking into people's cars trying to get something to sell to raise the money, that he understood that they had some serious issues with it, but he was not the only kid on the block as far as ministry for outreach was concerned, in the City he was partnered up with the Community Partnership Council through the Restorative Justice Community and they were working every month, collaborating their efforts, drawing from one another the strengths and the gifts and the skills to mentor the youth and to give them different alternatives to running the streets at night and doing things, kids were going to stay up late, they did it when they were kids and they were going to continue to do it know so when they had young people

who were working late at night or maybe they were sent to the store or maybe another family member lived two blocks over and they were actually walking from one place to another, he believed it was going to put a strain on the Police Department, that most of the officers on the beat knew who the trouble kids were anyway, they were already kind of identified, it was their desire that they could bring to the Council today that alternatives be looked at to make a greater public awareness of the programs and the different ministries and outreach groups around town that were here to help the youth because the guys that would be considered the toughest cases those youths are what they targeted, they had 30 juvenile probationers at their ministry last night eating pizza and listening to holy hip hop music and powerful messages about change, about how they did not have to continue hurting like that. Council Members Garcia and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Pastor Harrell stated that they would never withdraw their services from any child or person and not only did they work with youth but they also offered family and marriage counseling, that there were many organizations such as theirs whose primary focus was to see families make whole. Council Members Edwards, Garcia and Lovell absent.

Ms. Olevia Randle, 6023 Beldart, Houston, Texas 77033 (713-733-2348) had reserved time to speak but was not present when her name was called. Council Members Edwards, Garcia and Lovell absent.

Ms. Wanda Malone, 12122 Fondren Bend, Houston, Texas 77071 (713-270-0996) appeared and stated that she was in opposition to the modification of the curfew, that as a parent to a teenage son it raised her concern immediately, that one of her first concerns would be that her law abiding son who had been taught and reared to respect authority would be thrust into perhaps frequent encounters with law enforcement simply because of the fact that he worked at night and perhaps he was on his way home or perhaps was beginning to drive, that it concerned her as a parent that lowering the curfew to 10:00 p.m. would perhaps open her teenage son to that, that she took parenting seriously and as a responsible parent she thought it was her role and their father's role to monitor their whereabouts and to even transport them to those locations, that 10:00 p.m. was unreasonable, she could live with the 12:00 a.m. that they had now, she looked at the statistics and was not convinced by looking at those statistics that the 10:00 p.m. to midnight was in fact where most of the crime took place based on the statistics that the Houston Police Department provided from 2005, she was not convinced that was the period where the most crime took place, but if that was proven she would still argue that there were enough laws for whatever the perpetrator's age was, there were enough laws on the books to govern the behavior of the perpetrator's without encompassing the good citizens into the 10:00 p.m. to midnight curfew, she was in total opposition of that, that resources had always been the concern and that had been stressed and discussed enough, the other was that as a parent she was concerned, and she understood there were exceptions and permits, but she was concerned that the burden of proof, for her to prove that her son was in route to work or in route to wherever he was in route to, would fall on her, she was not convinced that an officer was just going to take her son's explanation and not issue a citation which would thrust the burden of proof on her, to perhaps take off work and appear in court or in some way fight the imposition of the fine, so she totally opposed it. Council Members Garcia, Lovell and Sekula-Gibbs absent.

Council Member Khan requested that Mr. Michel, City Attorney, explain to them how would the exceptions to the curfew ordinance work, and Mayor White stated that they would get a memo out, and Council Member Berry requested that they also include the staffing that would be required to administer the exceptions, and Mayor White stated that the exceptions in the first instance would be administered by the officers, that was to say that the officers would be

expected to know what the law was but of course officers could make mistakes. Council Members Wiseman and Sekula-Gibbs absent.

Upon questions by Council Member Lawrence, Ms. Malone stated that as a parent her greatest concern was that the statistics clearly showed from 3:00 p.m. to 10:00 p.m. there were two murders and it would seem if their goal was to use a tool then the tool would be better effective from 3:00 p.m. to 10:00 p.m., that she was alarmed as a parent because it was after school, the other thing was their parks and isolated incidents, there were laws on the books that allowed them to effectively monitor those perpetrators and enforce punitive actions, that her son was the average kid on the block and now they were encompassing the average kid on the block in an attempt to effect a tool to fight crime and she says fight the criminals with the crimes they had on the books and with all due respect she was still in opposition, and Council Member Lawrence stated that if Ms. Malone had a problem with the ordinance if it was passed to please come back and let them know. Council Members Wiseman and Alvarado absent.

Mayor White thanked Ms. Malone for appearing before City Council, that she was one of the most articulate speakers he had heard at Council in two and a half years. Council Members Wiseman and Alvarado absent.

Ms. Bernice Rodriguez, 5401 Glenmont, Houston, Texas 77081 (713-224-5758) had reserved time to speak but was not present when her name was called. Council Members Wiseman and Alvarado absent.

Ms. Miriam Espinoza, 5401 Glenmont, Houston, Texas 77081 (713-224-5758) had reserved time to speak but was not present when her name was called. Council Members Wiseman and Alvarado absent.

Ms. Sandy Rodriguez, 5401 Glenmont, Houston, Texas 77081 (713-224-5758) had reserved time to speak but was not present when her name was called. Council Members Wiseman and Alvarado absent.

Ms. Anita Romero, 2302 Dover Glen, Missouri City, Texas 77489 (281-438-2037) appeared and stated that she was against the curfew ordinance because it was summer and a lot of teenagers and kids went out and she thought it was too early but she was not saying they should put it back to 12:00 a.m. but maybe 11:30 p.m. was good, so she was against the curfew. Council Members Wiseman, Alvarado and Sekula-Gibbs absent.

Council Member Holm stated that when they talked about enforcement of the ordinance, they had an ordinance in place now and the cry was that it was not enforced but the fact of the matter was that it was enforced exactly under the same terms and conditions they would be enforcing it in the future, the goal was not to send police out into the streets at 10:00 p.m. every night rounding up every 13, 14 or 15 year old they could find, the goal was to set some boundaries, to equip parents with some opportunities to protect their youth. Council Members Wiseman, Alvarado, Sekula-Gibbs and Green absent.

Ms. Katrina Acevedo, 2302 Dover Glen, Missouri City, Texas 77489 (281-438-2037) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Alvarado, Sekula-Gibbs and Green absent.

Council Member Garcia moved to suspend the rules to add Mr. Jose Romero to the speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Wiseman, Alvarado, Sekula-Gibbs and Green absent. MOTION 2006-0648 ADOPTED.

Mr. Jose Romero appeared and stated that he was in support of the curfew because he worked and came out of work very late and when driving home he would be driving home safely. Council Members Wiseman, Alvarado, Sekula-Gibbs and Green absent.

Council Member Edwards stated that she hoped that Mr. Romero got safely home from work also, that one of the things that she would challenge the Council to do was to talk with people who worked with young people all of the time, that she would like to have them join in the conversation, that Saint John's United Methodist Church, where she saw young people lined up to get into church like they were at a club, the Edge, another group that worked with young people, Fifth Ward Enrichment Center had worked with people in the Fifth Ward, young men especially, how to get them off the streets and more responsible, Higher Dimension in the southwest area, 97 The Box was a place they could use to try to get word to young people as to how they wanted them to behave and how they would like for them to be partners with them, the Boys and Girls Club, Shape Center, there was a mired of groups that worked with young people like Mr. Romero, young people who had to work to help their families, young people who had no other recourses who used the streets as their recreational activities, they had proven practices and ways, that she would like for them, before they voted on the ordinance, to get their input as to the problem that she thought they were all trying to solve, they were not trying to get young people arrested or cited, they were trying to provide a safer environment and she thought those young people needed to be a part of that process, and Council Member Edwards asked Mr. Romero if he would be willing to work with them to try to figure out how to help young people be safer out on the street and Mr. Romero stated yes. Council Member Alvarado absent.

Council Member Garcia stated that Mr. Romero's situation was one that he paid particular attention to because they had a lot of young people who were working and helping their families and being responsible folks, that he had been speaking to the school districts to make sure there could be some mechanism at the school that they could get on the school identification or something of that nature, that one of the things that motivated him to become a Houston Policeman was that he was seeing his friends either get hurt or get themselves in trouble, that he hoped that made Mr. Romero could relate to that and it would help them understand why he was motivated to make the changes to the current curfew. Council Member Alvarado absent.

Council Member Brown moved to suspend the rules to hear from Ms. Wanda Malone again, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Alvarado, Lovell and Berry absent. MOTION 2006-0649 ADOPTED.

Upon questions by Council Member Brown, Ms. Malone stated that it appeared to her, and she was strictly looking at the statistics provided, in terms of the time period of where the money could be spent it appeared that between 3:00 p.m. and after school which she still thought was quite alarming because they had some programs in place, but it still seemed that the focus of the resources or any modifications or any tools that they chose to use to fix it would be concentrated between 3:00 p.m. and 10:00 p.m., which by HPD statistics as recently as 2005 clearly showed that was where the problem lay, that she did not have the answer but would certainly say that whatever they did she would suggest that it was concentrated in that area where the statistics clearly showed that was the area where the highest rate of crime was, that she was a member of Higher Dimension and she happened to know that youth were just dear to their hearts and the area and that community if they were going to direct resources she would certainly say that beginning with the church would be a great start because of that shared interest in young people and the family structure and family values, that would be one of the greatest places to start, the churches in the communities, that it would seem to be a more effective tool. Council Member Holm, Alvarado and Lovell absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Members Holm, Alvarado and Lovell absent. MOTION 2006-0650 ADOPTED.

**MAYOR'S REPORT** - General Obligation Bond Authorization

Mayor White stated that he wanted to visit with them on the state of voter authorized debt in the City of Houston and what they had been working on and would propose beginning now and would ask Chairman Green and Members of Council to help shape, that the City of Houston finances those public improvements that were paid for with their property taxes through voter authorized debt and when they borrowed money as a city it was just like a household, they borrow money and then pay it down over time, and the theory behind both the federal tax law and some of the tax laws governing debt by municipalities was that from time to time they had to go back and get permission from the voters to issue new debt as they retire the old debt and replace that old debt, that was why every five years or so, for decades, the City of Houston had passed bond issues where the public had been asked to permit them to borrow money for those capital improvements, that was the source of funding for those things outside of the enterprise funds that were financed by property taxes in the City budget, that it was really about asking for public support for building their City, the parks, libraries, public safety facilities, the roads, the storm drainage in part and those facilities could encompass if the roof collapses in City Hall they had to replace the roof or another City building which was used for multiple uses, the voters in 1991, 1997, 2001 overwhelmingly supported their public investment in these type of activities, that Council Member Holm and others had asked the legitimate question that they have a five year CIP but if they were going to run this place in a business like manner then they were involved in a lot of things that lasted longer than five years, they wanted to be careful in not creating expectations because he did not think a lot of people on the Council were going to be voting in six or seven years and people may change their mind, but he thought it was a good idea to be able to plan out that far, that today in all of the funds they did not have voter authorization to do what they wanted to do in the General Fund category, parks, libraries, police stations, fire stations, jails, etc., after about 18 to 24 months after they did the CIP but they passed a five year CIP, and that was just the voter authorization that ran out, that he thought it was appropriate to ask the voters for additional authorizations and the plan that he was going to propose would require no increase in property taxes, so the basic assumption was no increase in the property tax rate that would be used for operation and maintenance and the property tax rate used to support the debt service, working with the City's Director of Finance and Administration and the City's financial advisors and taking into account the projects that had been in the CIP for some time they concluded late yesterday that the appropriate amount to recommend for a bond issuance was \$625 million, that would be an issuance that would provide for five years of debt capacity, approximately, at a spending rate for the General Fund of about \$125 million a year, that City's finances were pretty complex as they knew and he just wanted to remind folks that it did not encompass the water and sewer system expenditures which were financed by the water and sewer fees and those that they had dedicated, and hard wired through bond covenants, and storm drainage, not that they had done all of the storm drainage they needed and some of the money in Public Works out of the issue may be used for storm drainage, it did not include the debt of the Convention and Entertainment Department or the Aviation Department or the projects they would need because those were enterprise funds and were not using ad valorem taxes, property taxes, in order to support, there was other source of funding that they had for capital improvements, an example would be the General Mobility Funding that they got from the Metropolitan Transit Authority, which they had used for mobility projects and which had continued to assume a very significant role in the financing of street improvements in the City of Houston, that both by law and in the absence of law it was just plain

fair they needed to tell the voters the general categories in which this would be spent and they would be proposing the following categories, that he would give them the numbers and the criteria they used and would be happy to answer questions and there would be others and get the advice of Council Members at the Finance Committee hearing, one category was Public Safety, \$135 million, it concluded police and fire facilities, a commitment that they had made to the County and would be legally required to do by receivers looking at their jail system in any event, to get a new jail processing facility as part of the County's and in cooperation with the County jail, it included a significant down payment on Public Safety radio system, which was something that was long overdue, that it did not fund all and he could tell them that he had determined all of the sources of funding that they needed for public safety, that next would be \$37 million for the Library System, that would accommodate the needs of the libraries that were in the CIP and that was important to them, that \$55 million for the Park system which also would accommodate five years at the basic spending rate that they had experienced for their investments within the Park system, that \$18 million for Housing to be used for down payment assistance or some spurs that they had affordable housing closer to employment centers which was the most cost affective mobility program that existed, that \$320 million, by far and away the largest amount, encompassing over half in Public Works, it would be all sorts of Public Works that they were familiar with, street and bridge, storm drainage, it would not encompass improvements to the water sewer systems which were encompassed separately, and there was a final category which included a number of things including facilities with multiple use, including Solid Waste, Health, multi service centers, places like City Hall and City office buildings, some people refer to it as General Government, it was really all other important functions of government, which was \$60 million, for a total of \$625 million, that would allow them to plan to fund a CIP through Fiscal Year 2013, that in Fiscal Year 2007 and 2008 they had some carryover authority, although it started running out in 2008 for some folks, it would allow them to plan Fiscal Year 2009, 2010, 2011, 2012 and 2013, they would have five years of debt authority, to put it in a final historical perspective compared to the bond issues in 1997 and 2001, just as guides, not to say the very reason why there was not a pattern formula, there was more emphasis on public safety investments in part because there were major individual identified things that were necessary to support the infrastructure of public safety, the most important function, along with infrastructure, of local government, where they had deferred these investments for too long, that every year they deferred them they were going to cost them more and more, the radio system was an example of that and the jail system, the improvement of that, if they had a court order telling them that then it would be more expensive, the other point he would make on Public Works, there were some people who came to lobby him from time to time and say the City did not invest enough in infrastructure, they were usually outstanding citizens, by coincidence in the engineering profession, and he liked the point they make about long term planning and infrastructure, he would tell them that because of what many Members of Council had done in providing for a separate funding source for storm drainage, that they had not solved the problem of long term, but they had done it for 2005, 2006, 2007, 2008, and 2009 and they were looking to try to get 2010, 2011, 2012, they had not gotten there on the out years yet, but it did not include a substantial amount for drainage that used to be included in the CIPs under the Public Works because it was supported exclusively by ad valorem taxes, it did not include substantial amounts, which had increased in the allocation they had gotten of Metro General Mobility Funding, Metro was about mobility, the deal from the beginning, which he had supported adamantly, some hard fights several years ago that he personally participated in to preserve the amount that was set aside for the City of Houston and that was a growing revenue stream that they could invest in Public Works including the streets and roads and other things that made the streets and roads operable, so he was telling them that it was an amount that was less in that category than in 2001, finally there were consequences to budget discipline, they made choices and were the only Texas city that had made a choice in the last three years to decrease the ad valorem tax rate and they had made it in each of the last three years, in part it was because many of them knew that the taxes were both based on appraisal and the tax rate

and they wanted to make sure that they showed the citizens and themselves that they had some discipline, they raised the senior exemption significantly, that raising the senior exemption did result in less revenue than they otherwise would have, they had assumed that in the reasonable assumptions on revenue the limit on Proposition 1 on ad valorem taxes did have an impact on the City of Houston, it was not window dressing as some people say, it did have a limit, it limited their growth and when they considered that the limit applied both to new and old construction it was a very real limit and that was why they did not have a bond issue, that it was big as it was in 2001, the other reason for that was that many people around the Council table wanted to make sure that they spent enough to maintain and provide services from the facilities that they already had and that had been a constant thing in his meetings with Ms. Johnson and Mr. Dadoush and others, so for example, he had just gotten a letter where somebody said they could shrink the size of the bond issue from what it was and they did not want to raise property taxes, but spend more on Parks, that he wanted to tell them that he was all for that but thought they needed to make a deliberate decision about whether some of that was on operations and maintenance or capital improvements and the role of private sector donations in capital improvements and the public sector and making sure that what was acquired was maintained, so those were the various considerations, that the plan would be to have hearings before the Finance Committee and to ask for voter approval in November 2006. Council Member Garcia absent.

Upon questions by Council Members, Mayor White stated that one of the considerations in the amount, he gave them two, one was that they were not going to live beyond their means, number two was that they were not going to short operating and maintenance costs for capital improvements, but the third was that they had looked at the realistic amount of spending that they had been able to maintain over the last five years within their debt capacity maintaining fiscal discipline and in this administration they did slow down the rate of spending on certain capital improvements from what was envisioned in 2001 and that resulted in a significant amount, in 2007 and 2008 the estimated balance was about \$300 million of the amount that was authorized in 2001 was not appropriated before this fiscal year, so they did have the carryover authority, and they ask why make a decision now for a five year bond issue and that was how he began, that they did run out of money in some functions of some departments in the fiscal year after this, and they did want to be able to plan ahead so they might as well do it now; that the County in it's mid term review, that occurred in September, there would be a plan adopted by the Commissioner's for a new jail and a processing facility that had a lot of innovative features that really bared on some of the issues that they were dealing with earlier, where people instead of being incarcerated could be diverted to other providers so that it was not so one size fits all, and that would cost some money and they had worked on it long and hard with the County, that all of public safety would benefit if fire and police had radio interoperability with other law enforcement and that would require a significant investment in the 700 to 800 megahertz spectrum and they would be looking at that between now and year end to determine the direction that they would go, they would not be waiting another two years for some decision by the FCC, they would make proposals to try to share costs with other governmental entities, but if those negotiations looked like they would drag on as long as the jail then they would just do whatever they needed to do period because they needed a better radio system and it was very costly, as Council Member Lawrence had pointed out, to maintain the radios and they were not even being manufactured anymore, the public safety radio system was different than most all other telecommunications, he was one who did not think that this should be the highest priority, he thought compared to other things maybe they ought to put it at a lower priority, because they had cell phones, blackberry's, trios and radios, but public safety radios they had to have a system when a firefighter was in a building and was at the back of the building it ought to be able to penetrate that building, and same was true with police and the interoperability was very critically important, and finally they had maintained substantial investments in parks,

libraries, multi service centers and health clinics for the reasons articulated earlier all those related to public safety in their own way.

After further discussion by Council Members, Council Member Holm requested a written report of the breakdown of everything and where they were going, and Council Member Sekula-Gibbs requested a breakdown and what was the amount of money they were going to be spending on the jail and was that going to be a collaboration, she would like to get details on that and if there were details also on the planning of the jail, and Council Member Garcia requested a breakdown not only in terms of where it was going to be spent but also the \$300 million that had not been spent, he would like to understand why it had been slow, and also in terms of where it was going to be spent the question was what evaluation criteria are they going to be using in terms of the infrastructure.

After further discussion Mayor White stated that a bond authority was different than their spending capacity and if they would have spent at a faster rate then it would have meant that they would have had to spend at a significantly lower rate in the future or they would have had to raise taxes in some form or manner.

Mayor White stated that at the next Fiscal Affairs Committee meeting they would try to make sure that Ms. Johnson and their financial advisors and Mr. Dadoush were available, that they had a new and talented team on the CIP and there was a difference between Debt Capacity and CIP and voter authorization so they should have bond counsel there to and then legal authority was something where they needed a little leadership so that the right person asked the right question, that Mr. Dadoush did not know all the stuff concerning bond law and bonding authority and Ms. Johnson did not know all the stuff within the CIP. Council Members Wiseman and Berry absent.

**CONSENT AGENDA NUMBERS 2 through 46**

**MISCELLANEOUS** - NUMBERS 2 and 3

2. REQUEST from Mayor for confirmation of the appointment of the following to the **BUILDING AND STANDARDS COMMISSION:**

PANEL D:

- Position 3 - **MS. MARCIA A. PERRY**, for a term to expire December 31, 2006  
Position 4a - **MS. SUSANI N. H. CLAYTON**, for a term to expire December 31, 2007

- was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Berry absent. MOTION 2006-0651 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON COMMISSION ON DISABILITIES:**

- Position One - **MS. PAM MACKIE**, appointment, for an unexpired term ending July 26, 2007  
Position Two - **MS. ROBBIE MARIE ARRINGTON**, appointment, for a term to expire July 26, 2008  
Position Four - **MS. SOPHEAK PEN**, appointment, for a term to expire July 26, 2008  
Position Six - **MR. DAVID A. FOWLER**, reappointment, for a term to expire July 26, 2008  
Position Seven - **MS. TERI WATHEN**, appointment, for a term to expire July 26, 2007  
Position Eight - **MR. SCOTTY MACCLYMONDS**, appointment, for a term

- to expire July 26, 2008
- Position Ten - **MS. E. VERNELL JESSIE**, reappointment, for a term to expire July 26, 2008
- Position Twelve - **MS. EVE CUGINI**, appointment, for a term to expire July 26, 2008
- Alternate Position Two - **DR. STANLEY J. ZIMMERMAN**, appointment, for a term to expire July 26, 2008
- Alternate Position Four - **MR. DIEGO DEMAYA**, appointment, for a term to expire July 26, 2008

- was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Berry absent. MOTION 2006-0652 ADOPTED.

Mayor White recognized those present in the audience who were newly appointed to the Houston Commission on Disabilities and thanked them for their fantastic service. Council Member Berry absent.

#### **ACCEPT WORK** – NUMBER 6

6. RECOMMENDATION from Director Building Services Department for approval of final - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0653 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 13 and 16

13. **TOMMIE VAUGHN MOTORS, INC** - \$175,488.00 and **PHILPOTT MOTORS, LTD. d.b.a. PHILPOTT FORD** - \$35,593.00 for Aircraft Rescue & Firefighting Vehicles for Houston Airport System - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0654 ADOPTED.
16. **FERRARA FIRE APPARATUS, INC** for Ladder Truck Repair Service for Fire Department \$58,932.50 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0655 ADOPTED.

#### **ORDINANCES** - NUMBERS 25 through 46

25. Omitted
26. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (1) a portion of the street right-of-way of Hurley Street, from Shoreham Avenue East to its terminus, containing 4,012 square feet of land, more or less, Parcel SY5-059, vacating and abandoning said tract of land to Key West Interests, LLC, abutting owner, in consideration of said owner's dedication of Parcel VY5-013, a 5-foot utility easement containing 200 square feet of land, more or less, located on the plat of Shoreham Place Subdivision, Houston, Harris County, Texas, and payment of \$3,912.00, and (2) a portion of the street right-of-way of Hurley Street, from Shoreham Avenue East to its terminus, containing 4,012 square feet of land, more or less, Parcel SY5-062, vacating and abandoning said tract of land to Jose Raul Velazco, abutting owner, in

consideration of said owner's dedication of Parcel VY5-014, a 5-foot utility easement containing 200 square feet of land, more or less, located on the plat of Shoreham Place Subdivision, Houston, Harris County, Texas, and payment of \$3,912.00, and other consideration to the City - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0775 ADOPTED.

27. ORDINANCE approving and authorizing Special Warranty Deed conveying to Southern Stone Properties, Inc., a parcel of land containing 7,403 square feet, more or less, being out of Lot 2, Block 3, Settegast Gardens Subdivision, Section 1, located in J. L. Stanley Survey, A-700, Harris County, Texas (excess North Wayside Drive right-of-way located at North Wayside Drive at Saint Louis, Parcel S85-052); and in consideration of Southern Stone Properties, Inc's., payment of \$13,254.00, and other consideration to the City - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0776 ADOPTED.
28. ORDINANCE approving and authorizing Special Warranty Deed conveying to Southern Stone Properties, Inc., a parcel of land containing 15,807 square feet, more or less, being out of Lot 2 and Lot 4, Block 4, Settegast Gardens Addition Subdivision, located in J. L. Stanley Survey, A-700, Harris County, Texas (excess North Wayside Drive right-of-way located at North Wayside Drive at Howton Street, Parcel S85-074); and in consideration of Southern Stone Properties, Inc's., payment of \$25,000.00, and other consideration to the City - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0777 ADOPTED.
29. ORDINANCE repealing Ordinance Number 87-862, rescinding authority set out therein to sell a certain parcel to Frank J. Cade because bidder failed to consummate the purchase; declaring Parcel Number S84-072 to be surplus property, and approving authorizing the sale of said parcel by sealed bid sale, subject to the City's Billboard Restrictions, all easements, all public utilities, and the applicable covenants, conditions and restrictions - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0778 ADOPTED.
30. ORDINANCE consenting to the addition of 5.3888 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 48**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0779 ADOPTED.
31. ORDINANCE consenting to the addition of 158.36 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0780 ADOPTED.
33. ORDINANCE establishing the north and south sides of the 4400 and 4500 blocks of Walker Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0781 ADOPTED.
35. ORDINANCE issuing permit to **VALERO TERMINALING AND DISTRIBUTION COMPANY** to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS E - WISEMAN**

and I - ALVARADO - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0782 ADOPTED.

38. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** to receive and utilize funds from the Metropolitan Statistical Area Cities Readiness Initiative Grant - \$73,161.00 - Grant Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
44. ORDINANCE No. 2006-766, passed second reading July 12, 2006  
ORDINANCE granting to **UNITED WASTE SERVICES, INC, 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 - **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0766 ADOPTED FINAL READING IN FULL.
45. ORDINANCE No. 2006-755, passed second reading July 12, 2006  
ORDINANCE granting to **SURE DISPOSAL SERVICES, INC 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 - **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0755 ADOPTED FINAL READING IN FULL.
46. ORDINANCE No. 2006-756, passed second reading July 12, 2006  
ORDINANCE granting to **QUICK SILVER HAULING, LLC, 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 - **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0756 ADOPTED FINAL READING IN FULL.

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

**MISCELLANEOUS**

4. RECOMMENDATION from Director Department of Planning & Development for the designation of four residential parking permit areas and related parking regulations in the Super Neighborhoods of University Place, Neartown-Montrose, and Upper Kirby / Greenway Area and to amend Motion #2002-237 to extend parking regulations for an existing permit area - **DISTRICTS C - CLUTTERBUCK and D – EDWARDS** – was presented, and tagged by Council Member Edwards. (Note: Council Member Edwards released her tag later in the meeting.)

Council Member Edwards stated that she had requested several times whether or not they were changing the process of decal parking, residential parking, as to notification, who gets notified and so forth and had not received any clarification on that, she would like to have clarification on that, that it was a very contentious area in the Montrose area and she would like

to know what the process was and how people were notified and who participated in that notification.

### **ACCEPT WORK**

5. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$326,351.41 and acceptance of work on contract with **COLUMBIA ENVIRONMENTAL SERVICES, INC** for Downtown Fire Station No. 8, Pavement Removal, Soil Remediation and Disposal, GFS C-0149-03-5 - 52.90% over the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Brown absent. MOTION 2006-0656 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,642,039.75 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Neighborhood Street Reconstruction Project No. 432B, GFS N-0364-04-3 (SB9133) - 03.34% over the original contract amount - **DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Edwards. Council Member Brown absent.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,331,729.07 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-80-3 (4235-8) - 10.32% under the original contract amount – was presented, and tagged by Council Member Edwards. Council Member Brown absent.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$912,142.26 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement Project in Airport South Subdivision and Yale Street Bridge Crossing, GFS S-0035-A1-3 (WA10761) - 04.63% under the original contract amount - **DISTRICTS D - EDWARDS and H - GARCIA** – was presented, and tagged by Council Members Edwards and Green. Council Member Brown absent.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,103,037.99 and acceptance of work on contract with **R. K. WHEATON, INC** for Construction of Water Line Replacement in Sunbeam Area, GFS S-0035-A9-3 (WA10769) - 04.45% under the original contract amount - **DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Edwards. Council Member Brown absent.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,829,129.50 and acceptance of work on contract with **JALCO, INC** for Slipline of existing 42-inch water line with 36-inch HDPE from Holmes Road to Sims Bayou Pump Station, GFS S-0900-A8-3 (WA10448-10) - 04.19% under the original contract amount **DISTRICTS C - CLUTTERBUCK and D - EDWARDS** – was presented, and tagged by Council Member Edwards. Council Member Brown absent.

### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 12 through 23

12. **REPUBLIC WASTE SERVICES OF TEXAS, LTD.** for Two Self-Contained Compactors for Houston Airport System - \$43,094.00 - Enterprise Fund – was presented, and tagged by Council Member Wiseman. Council Member Brown absent.
14. **XEROX** for spending authority to lease a Wide-Format Scanner/Copier from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Building Services Department - \$55,256.40 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Brown absent. MOTION 2006-0657 ADOPTED.
15. **DUNCAN PARKING TECHNOLOGIES, INC** - \$305,000.00 and **POM INCORPORATED** \$95,000.00 for Parking Meter Parts for Convention & Entertainment Facilities Department General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0658 ADOPTED.
17. **VARIAN, INC** for One Spectrometer from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Health & Human Services Department - \$85,995.00 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Berry stated that they were told that Item Numbers 17 and 42 were non taggable and he knew they were out last week and that created situations but they knew those things in advance, he had no reason to tag the item but there was nothing more aggravating than to suggest that they had to hurry up and approve something, if there was a true emergency he could see emergency measures but it just seemed that people did not take seriously their need to dig deep into the items, he thought Council was very reasonable and wished the departments would understand that it was unacceptable to tell them that they had to vote on something this week.

Mayor White stated that was a good point and he agreed, that his message was heard very loud by some of the departments, he would not go into the various reasons and excuses, that he did not know why people waited until the last, if people did things quicker than none of this would occur.

A vote was called on Item No. 17. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0659 ADOPTED.

18. **Q-STAR TECHNOLOGY, LLC** for Cameras for Parks & Recreation Department - \$54,435.00 Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Sekula-Gibbs stated that she did not oppose the idea of putting more protective security into the Parks and Recreation Department, and would just like to ask for some sort of report and follow up on the efficacy and how it was actually working out, if they could get some sort of follow up on cameras they had placed already throughout the City, she was not talking about the red light cameras, she was talking about security cameras, how were they panning out, were they preventing crime and were they catching criminals, was it working and that sort of thing.

Mayor White stated that they would get that to her, a snapshot, he thought it was a very good question, it was pretty expensive on the illegal dumping in relation to the result, that

catching the trains blocking the tracks had improved the quality of life in many of the neighborhoods measurably because they had tapes and knew what was going on and they knew they were looking at them and the stuff that they used to deny the City could now prove, so it could be good or bad and depended on the results, that they would get a report back to her.

A vote was called on Item No. 17. Council Members Clutterbuck and Berry voting no, balance voting aye. Council Member Johnson out of the city on city business. MOTION 2006-0660 ADOPTED.

19. **CHOICEPOINT GOVERNMENT SERVICES, INC** for spending authority to purchase background retrieval database services from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Houston Police Department - \$144,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0661 ADOPTED.
20. **ADOBE EQUIPMENT** for spending authority to Address Emergency Retrofit of Fuel Transport Vehicles for Department of Public Works & Engineering - \$236,500.00 - Fleet Management Fund – was presented, and tagged by Council Member Lawrence.
21. **OIL PATCH-BRAZOS VALLEY, INC** for spending authority to Address Emergency Purchase of Fuel Transportation Services for Various Departments - \$124,775.00 - Central Service Revolving Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0662 ADOPTED.
22. **ADA RESOURCES, INC** for spending authority to Address Emergency Purchase of Texas Low Emission Diesel and Reformulated Unleaded Fuel for Various Departments - \$3,099,698.67 Central Service Revolving Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0663 ADOPTED.
23. **MOTIVA ENTERPRISES LLC** for spending authority to Address Emergency Purchase of Texas Low Emission Diesel and Reformulated Unleaded Fuel for Various Departments - \$11,937,957.00 Central Service Revolving Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0664 ADOPTED.

## **ORDINANCES**

24. **ORDINANCE AMENDING ARTICLE VII OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Historic Preservation – was presented.

After discussion by Council Members, Mayor White stated that the intent of Item No. 24 was to make it easier to shorten the process for designation of historical structures, that he needed some help from the Council Members on what was the next step on historical preservation, that he wanted to begin designating well in advance and come up with a process for trying to designate those things which were the most historically important structures in the community and figure out what to do with it, that he did not want it to be that somebody was

going to take a wrecker ball to some historic theater and then they start talking about it, they had to respect property rights, that it could involve some tax incentive issues, Jill Jewett had looked at those and he proposed additional, whether they had statutory authority to do more than what they did today, which required more than 50% of the total, and so long as they got stakeholder input he knew nothing would be easy but for the most critical historical structures in the City he would rather move sooner rather than later, that they had to be fair and they ought to take a look at it because he was afraid they may have a situation come up on their watch, that he needed their help.

After further discussion by Council Members, a vote was called on Item No. 24. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0783 ADOPTED.

32. ORDINANCE establishing the north and south sides of the 300 block of East 25th Street and the south side of the 400 block of East 25th Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0784 ADOPTED.
34. ORDINANCE issuing permit to **CHRISTUS ST. JOSEPH'S HEALTH SYSTEM, A Texas Nonprofit corporation**, for using, occupying, operating, maintaining and repairing a transformer vault, an overpass over LaBranch Street and subterranean tunnels under LaBranch and Crawford Streets, a utility tunnel under Calhoun Avenue, column footings in Calhoun Avenue right-of-way, and a four-inch steam supply line and one and one-half inch condensate return line under Jackson Street; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0785 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City and the **U. S. DEPARTMENT OF HEALTH & HUMAN RESOURCES, CENTERS FOR DISEASE CONTROL AND PREVENTION** for Participation in a National Network for Laboratory Surveillance known as Pulsenet USA Public Health Laboratories – was presented, and tagged by Council Member Wiseman.
37. ORDINANCE approving and authorizing first amendment to contract between the City and **SCIENTIFIC TECHNOLOGIES CORPORATION** for additional Technological Modifications to the Houston-Harris County Immunizations Registry - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0786 ADOPTED.
39. ORDINANCE approving and authorizing first amendment to contract between the City and **BAKER BOTTS L.L.P.** for Legal Services pertaining to Houston's SafeClear Program – was presented, and tagged by Council Member Wiseman.
40. ORDINANCE approving and authorizing contract between the City and **AMIGOS LIBRARY SERVICES** for Virtual Reference Services for the Houston Area Library System; providing a maximum contract amount - \$244,005.00 - Grant Fund - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0787 ADOPTED.

41. ORDINANCE amending Ordinance Number 2001-849 to increase the maximum contract amount of contract between the City of Houston and **STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES** for Telecommunications and Internet Services Citywide \$396,291.00 - Central Service Revolving Fund - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0788 ADOPTED.
42. ORDINANCE approving and authorizing grant agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Impaired Driving Mobilization Selective Traffic Enforcement Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0789 ADOPTED.
43. ORDINANCE awarding contract to **HOUCHEN BINDERY LTD. AND DIVISIONS** for Bookbinding, Rebinding and Repair Services for the Library Department; providing a maximum contract amount 3 Years with two one-year options - \$311,606.25 - General Fund - was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0790 ADOPTED.

**NON CONSENT AGENDA** - NUMBERS 47 and 48

**PROPERTY**

47. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from C. Fred Meyer of Luel Partnership. Ltd. [M. C. Interests, L. C. (C. Fred Meyer and Ellen C. King, Managers), General Partner], for abandonment and sale of Meyer Park Boulevard, from Meyer Forest Drive to its cul-de-sac terminus, in exchange for the conveyance to the City of a sanitary sewer easement, all located in Reserve A2, Meyer Park South Replat, Parcels SY6-092 and DY6-037 - **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT C – CLUTTERBUCK** – was presented.

Council Member Clutterbuck named Mr. Travis Cooper and Mr. Samuel Stewart as appraisers and Mr. Lee Burns as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0665 ADOPTED.

48. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Paul J. Coselli, on behalf of Schumacher Co., Inc., (Paul J. Coselli, President) and Admiral Glass, (Les Craft, Chief Executive Officer), for abandonment and sale of a portion of Clay Avenue, from Hughes Street east to its terminus, located in the Swope addition, out of the Luke Moore League, A-51, Parcels SY6-093 and SY6-122 - **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT I – ALVARADO** - was presented.

Council Member Alvarado named Mr. George Coleman, Jr. and Ms. Jasmine Quinerly as appraisers and Mr. Frank Flores as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0666 ADOPTED.

**MATTERS HELD** - NUMBERS 49 through 51

49. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,587,255.00 and acceptance of work on contract with **STEWART BUILDERS, LTD.**, for Parks Master Plan - Bid Package No. 5 Settegast Park and Swiney Park, GFS F-504B-13-3 and F-0507-00-3 - 04.98% over the original contract amount - **DISTRICTS B - JOHNSON and H – GARCIA – (This was Item 2 on Agenda of July 12, 2006, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0667 ADOPTED.
50. ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **TRAMMELL CROW COMPANY IAH INTERNATIONAL AIR CARGOCENTRE II, L.P.** for certain premises at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - JOHNSON – (This was Item 9 on Agenda of July 12, 2006, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Johnson out of the city on city business. ORDINANCE 2006-0791 ADOPTED.
51. ORDINANCE approving and authorizing compromise and settlement agreement with **ADVENTURES IN BIRDS & PETS, INC** and **BETTY JEAN JORDAN** to settle a lawsuit and appropriating \$65,000.00 out of Water & Sewer System Consolidated Construction Fund No. 755, which lawsuit arose out of activities financed by the Fund – (**This was Item 24 on Agenda of July 12, 2006, POSTPONED BY MOTION #2006-642)**) - was presented.

Council Member Lawrence moved to refer Item No. 51 back to the administration, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Johnson out of the city on city business. MOTION 2006-0668 ADOPTED.

Council Member Edwards stated that she would release her tag on Item No. 4.

4. RECOMMENDATION from Director Department of Planning & Development for the designation of four residential parking permit areas and related parking regulations in the Super Neighborhoods of University Place, Neartown-Montrose, and Upper Kirby / Greenway Area and to amend Motion #2002-237 to extend parking regulations for an existing permit area - **DISTRICTS C - CLUTTERBUCK and D – EDWARDS** – was again before Council.

Council Member Edwards moved to divide the question to separate items germane to District C and District D, seconded by Council Member Khan. Council Member Wiseman absent.

Council Member Clutterbuck stated that she wanted to express her thanks to Council Member Edwards for making the motion and providing the quicker relief to some of the residents in District C. Council Member Wiseman absent.

A vote was called on Council Member Edwards motion to divide the question. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Wiseman absent. MOTION 2006-0669 ADOPTED.

A vote was called on the designation of four residential parking permit areas and related parking regulations in the Super Neighborhoods of University Place, Neartown-Montrose, and

Upper Kirby / Greenway Area. All voting aye. Nays none. Council Member Johnson out of the city on city business. Council Member Wiseman absent. MOTION 2006-0670 ADOPTED

The motion to amend Motion #2002-237 to extend parking regulations for an existing permit area was presented and tagged by Council Member Edwards.

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

Council Member Garcia stated that they had the Minority Women Business Enterprise Committee scheduled for Monday, July 31, 2006 at 10:00 a.m. to be held in the Council Chamber, that he wanted to commend Ms. Velma Laws and Mr. Rick Garza who provided and assisted him with a very effective presentation to the Comerciantes Empressarios Latinos de Houston to help them understand the possibilities and opportunities that existed within the business of the City and the organization was very impressed with the information and very grateful to have Ms. Laws and Mr. Garza on hand to share information directly with the folks in attendance. Council Member Wiseman absent.

Council Member Garcia stated that last week there was a Ben and Jerry's, in partnership with Houston Works that opened up at the base of the Lofts, that it was an initiative and partnership with Houston Works that would allow for young people to receive some meaningful employment opportunities, that he wanted to thank Houston Works for their leadership in the initiative, that it was a great model to continue to pursue so there were continued opportunities for young people in the City. Council Members Wiseman, Khan and Berry absent.

Council Member Garcia stated that he was out on the corner of McKinney and Main with the Houston Texans cheerleaders and mascot, Toro, supporting the Houston Texans and encouraging folks to get behind the team, that the preseason for the Houston Texans starts on August 12, 2006 and the regular season would begin on September 10, 2006. Council Members Wiseman, Khan and Berry absent.

Council Member Garcia stated that he wanted to congratulate Council Member Alvarado for her leadership on the Protect Houston meeting that was held the other night and wanted to continue to sing the praises of the Greater Houston Partnership for their leadership and the position they had taken on the very sensitive, critical and important issue. Council Members Wiseman, Khan and Berry absent.

Council Member Holm stated that she wanted to thank Mr. Steven Williams, Director, Department of Health and Human Services and the Administrative Manager Ms. Kathy Barton, that they had an instance where some vultures were roosting on a private home and the birds generally were difficult to discourage to move on so they worked very hard to modify their behavior and the Department of Health and Human Services worked with them and basically provided them the resources and education of how they could work with the Texas Park and Wildlife and the National Parks and Wildlife Service in order to protect the birds and protect the sanctity of the private home, that she wanted to thank them for their work they were very diligent. Council Members Wiseman, Khan and Berry absent.

Council Member Holm stated that she wanted to applaud the work of Ms. Marlene Gafrick and Mr. Andy Eiken, the Legal Department, Public Works and Council Member Lawrence and all Council Members who were so committed and realized the importance and the need for comprehensive changes in planning, permitting and code enforcement, not only in the development issues but in all their livability and mobility issues, that one of the things that she knew was insignificant in the big picture but they needed to and she kept talking about the mobility issue of the off duty policemen, that it was inconsiderate to their citizens and in direct

conflict with their major goals when the off duty officers were inhibiting and prohibiting mobility to improve, so when they passed the ordinance about the special task force on traffic one of the things she asked for was could this be a part of the Police Department and she was disappointed with the questions she asked and the response from the Police Department of what they could and were doing in order to improve those standards, they passed an ordinance 18 months ago that she thought would address those issues and provide some opportunities, but time and time again, site after site, off duty officers continued to basically maintain gridlock on the streets, at this point and time if they could not come to a good resolution she really did not think it was wise use of their resources to have HPD officers who could be on the street working a desk when all they did was ask people to give them a permit and they might have a training session for them but they had no capacity to change or modify their behavior or their standards or anything they were doing, so she really hoped that they could look at this as an important issue that needed to be addressed and it was one more instance, that they needed to get control of their own destiny and it was time that they do that, it did not do them much good to continue to do ordinances that were not equipping them with opportunities to change. Council Members Wiseman, Khan and Berry absent.

Mayor White asked if she had one or two or three ideas that she had specifically about what action he should take or direct others to take, that he voted for it and passed it and did think there had to be some standards and training for that but he also had in the back of his mind that okay there were people trying to get out of the parking garage, they were on a busy street, so what was it they were going to tell the offices, and Council Member Holm stated that she did have some recommendations because right now the officers goal, no matter how much time it took, was to allow traffic from private properties to ingress and egress, illegally turning many times, into the intersection and she thought they could put some standards on how they moved that traffic out, and Mayor White stated that in the last three years he had learned that actually there was some substance to what was called traffic engineering, that it ought to be somebody who was trained in it who was making the rules and procedures and with due respect to the classified officers, if they were not trained, they were not trained, and sometimes people resisted civilians making rules but it had to be somebody who was trained to make the rules. Council Members Clutterbuck, Wiseman and Berry absent.

Council Member Garcia stated that on Sunday, August 6, 2006, from 1:00 p.m. to 8:00 p.m. at the Knights of Columbus Hall at 607 East Whitney, both Knights of Columbus Councils 2917 and 8404 would be holding the First Annual Fall Extravaganza, that it would be in honor of the brave men and women serving their Nation and the program will be broadcast over BNET Radio as well as the Armed Forces Radio and he encouraged all to be in attendance and help make the event successful. Council Members Clutterbuck, Wiseman and Berry absent.

Council Member Sekula-Gibbs stated that it was estimated that around 50,000 illegal immigrants crossed the Texas Mexico border each month and many of the immigrants were destined to come to Houston, it was important for people in the community to know that the situation in Houston was growing more serious all the time and they had a policy in place that was called by folks at home the Sanctuary City Policy, it was technically General Order 500-05, there was a community grassroots effort in place to reverse or rescind the Sanctuary City Policy, that she knew that not all at Council agreed with that but thought it was very important that the people at home understood that the policy had been in place for a number of years, it may have been started with good intentions but it had begun and become a very dysfunctional policy for the Houston Police Officers, what it essentially did was restrict police officers from inquiring about the immigration status of people who they stopped when those people broke the law, it was particularly tailored to stop any kind of inquiry when an individual broke the law that was a Class C Misdemeanor, it was time for the citizens of Houston to respond to it and there was an effort and they could go to [ProtectOurCitizens.com](http://ProtectOurCitizens.com) and learn about it and they could

sign a petition that would then put the item on the ballot at some point so they could vote on it, it had never come to City Council for a vote and it had been discussed perhaps quietly but it had never been at the table, so she would simply ask that the people of the City of Houston pay attention to the Sanctuary City Policy that did exist in the City and that they go to the website, ProtectOurCitizens.com, and study the issue and make a decision for themselves about whether they would like to have their police officers helping the immigration and customs enforcement in determining the immigration status of people who already did break the law, if they needed more information there were telephone numbers available on that website. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Green and Berry absent.

Council Member Khan stated that he wanted to remind everybody that National Night Out was on Tuesday, August 1, 2006 and hoped that everybody goes out and meet their neighbor, that they would have a National Night Out event at Shadow Carmel Apartments in the Gulfton area at 6140 Glenmont, in Braes Village at Bellaire and Hillcroft area, REPH at 7003 Block of Addicks Clodine at Bellaire and Braes Timber Subdivision. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia and Berry absent.

Council Member Khan stated that two weeks ago on July 16, 2006, the Sunday edition of the Houston Chronicle did a front page story on Hillcroft Avenue calling it Houston's Melting Pot, that it was a very detailed coverage and was a great story in the sense that the Houston Chronicle highlighted the various cultures coming together on that street, it went from District C to District F to District G and they highlighted many businesses and how people had made a commitment to that part of town and how great it was reflecting the City of Houston and what it would be like in the coming years, that he wanted to thank the Houston Chronicle for that report, that report also brought to their attention that some of the issues the businesses and their customers were facing and that was crime in that area, the Hillcroft and Harwin area, they had letters and phone calls from businesses, especially on Harwin, where they were complaining as to how terrible the crime situation was. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia and Berry absent.

Council Member Khan stated that last Saturday they had their District F, C-3 Cleanup and again he wanted to thank the over 300 people who came and volunteered and made a tremendous effort in keeping their neighborhood clean, that it was one of the better programs that the City of Houston had and conducted in every part of town and wanted to make sure that everybody recognized that. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia and Berry absent.

Council Member Green stated that the next Budget and Fiscal Affairs Committee meeting would take place on Tuesday, August 1, 2006 in the Council Chamber at 10:00 a.m., that they would discuss the upcoming bond authorization that they spoke about earlier. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia and Berry absent.

Council Member Green stated that the Houston International Jazz Festival would take place on August 5 and August 6, 2006 at the Verizon Wireless Theater, for more information they could go to [www.jazzeducation.com](http://www.jazzeducation.com). Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia and Berry absent.

Council Member Green stated that FUUSA, Families Under Urban and Social Attack were partnering with Almeda Mall to host the Sixth Annual Children's Health Day on Saturday, July 29, 2006, that it would take place from 10:00 a.m. to 2:00 p.m. at Almeda Mall at 555 Almeda Genoa Road. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia and Berry absent.

Council Member Brown stated that he wanted to read an excerpt from an email that he got from a constituent which he thought had something very much to do with the discussion today, that it had to do with the character of the physical environment where young people spent a lot of their time, that he had a very detailed and wonderful discussion with Chief Hurtt about how the configuration of their physical environment affected the ability of the Police Department to make neighborhoods safe, that he thought it was a very interesting one that they needed to be thinking about as the City developed, that the email was from Ms. Susan Bono and she expressed that she believed it was worth investing in Houston's future, young people today wanted a reason to get off of their cell phones, put down their blackberry's and rub elbows with their peers, that would not happen at a Starbuck's drive through, they needed to create more walking space and less strip malls, that she referred to the Rice Village as a place where the City had some character and soul, they had beautiful live oaks, friendly people, affordable housing, great running and walking paths, restaurants, boutiques and a great university all within a few miles of each other, that he thought it was very well said and believed passionately that they needed more places at every neighborhood and every district and the City deserved to have wonderful places where people could walk, and where particularly young people had a wholesome and invigorating place to be and interact with their peers and other adults, that was a long term program for them but thought they could really move forward on that. Council Members Lawrence, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Brown stated that he got some comments from folks about repainting the graffiti on the I-59 bridges, that they were not using the paint that matched the color and they were offended by that, that he did not know how they would solve that but as an architect he would say that they make the color match. Council Members Lawrence, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Brown stated that the other issue had to do with SafeClear and red light cameras, they had a terrible problem, they could not find a building because they could not see the street address anywhere from the street and if they were on the freeway and were trying to find the 12900 block of the Southwest Freeway what would they do, some cities and State transportation agencies had a sign system which stated that block of the freeway and he thought that would solve a lot of small incidental traffic problems that may actually cause safety hazards because people were looking for addresses and did not know where to get off and it overcrowded the service roads, whereas if people had better directions could continue on, he did not know how quite the City could move in that direction, other cities had, it was a small thing but thought it could get the traffic moving more safely and quickly. Council Members Lawrence, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Brown stated that he had the opportunity to work with the Houston Technology Center and Bio Houston in their initiatives and the new president of Bio Houston as Dr. Melcolm Gillis and he had some very cogent ideas and a message to the City related to their being competitive in the bio tech life sciences field, he would like to meet with Mayor White and urged him to do that, that he thought they were on a real short time fuse and was a bright guy and had a lot of experience in it, there were some initiatives that the City could take to make Houston much more competitive, and they were not very competitive at all in terms of the commercialization of life sciences and bio tech, that it was a concern and he thought they could make the City create more opportunities in that field, they would like to see, as a matter of fact, a public advisory committee that would involve the City and the County to work with Bio Houston, that he thought that was a good idea and would love to help out on that, that he had also been involving the Greater Houston Partnership, they had a sincere concern about it and Dr. Gillis had told him that he would be available at Mayor White's convenience if he was not in Singapore or somewhere else. Council Members Lawrence, Wiseman, Holm, Garcia, Green and Berry absent.

Mayor White stated that he had talked to him before and would have Mr. Richard Lapin follow up, briefings and emails on things to do, they would do what they could to support that and thought it was very important. Council Members Lawrence, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Clutterbuck stated that she was delighted to report that the property for the new Fire Station No. 37 had finally closed and the City owned it now, it was a long awaited project which many of the good residents of Braeswood Place had been anxiously awaiting, that the fire station would go into design in this fiscal year and then construction in Fiscal Year 2008. Council Members Lawrence, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Clutterbuck stated that they were coming up on National Night Out, Tuesday, August 1, 2006 and was sure that all of her colleagues had a very busy agenda of attending civic club meetings, that she was looking forward to going out into the community and if there were any civic clubs that had not yet contacted her office and were looking for police involvement or any other type of involvement to please feel free to contact her office and they would be happy to accommodate them. Council Members Lawrence, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Lovell stated that she would yield some of her time to Mayor White. Council Members Lawrence, Wiseman, Holm, Garcia, Green and Berry absent.

Mayor White stated that he was glad Ms. Malone was still present, that they had a lot of people come to the public hearing and express their views, sometimes when people were talking about that they needed to do something they did not always do a good job in the City of talking about what was done and at Council Member Edwards church, after he attended about five weeks ago and met with a number of the leaders of the church, then with Milton Wilson and Terrance Fontaine, to try to find out how they could make that a magnet for young people, they were devoting City resources and it was going to be in some plan with CDBG and people who wanted to create a new center which was like the Power Center, that was what they were talking about on the adjacent property, and he was thinking that unless they shared it with people they may think that their injunction had fallen on deaf ears, and nobody ever would view law enforcement as a substitute for a safe place for a kid, it was only recognizing the reality that there were some people out there usually with criminal records who the police needed to figure out how to deal with. Council Members Lawrence, Wiseman, Holm, Garcia, Green and Berry absent.

Council Member Lovell stated that she thought the discussion about the youth in the City was a very important discussion and did not know if a new curfew law would solve all the problems she was still confused about what to do on that herself, but she did know that there just had to be more programs for their youth in the City. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that along those lines she thought the immigration issue was a very important issue to be discussed in the city, so important that she thought it deserved the facts and not fiction or political rhetoric, that the fact was that the City of Houston was not a sanctuary city, it had not been voted on and was not so and was not true and she thought it really demeaned how serious the problem was and what kind of discussion they needed to have by putting out things that just were not true, so she wanted to make it real clear that it had never been voted on, they were not a sanctuary city and indeed the rules that they had with the Houston Police Department did not stop the Police Department from asking people about their immigration status, it was just that anything above a Class C misdemeanor they were allowed to

do so, so she wanted to be really clear about it, she thought it deserved a discussion, but a discussion based on facts and not fiction and not political rhetoric, in a discussion where all the players and stake holders and the people that it would impact were a part of the discussion and part of the discussion needed to be about the employers that continued to hire people when it was not legal, of which she heard none of that come up at all, focusing on them and a plan on what they were going to do if indeed they were going to be rounding up people, where were they going to put them and who was going to pay for it and what was the process and procedure and what was the budget and what was it going to cost, those were things that needed to be discussed but not where it was surrounded by things that were put out that were fiction and not fact. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that on Sunday he had talked to the head of Immigration Enforcement, they were both at home, and based on his work he knew of no reason to say that Houston was a sanctuary city, that he wanted to hear it from the Mayor's mouth that he had no intention of making Houston a sanctuary city, he thanked the City for the cooperation, especially the cooperation they had since Chief Hurtt met with him about nine months ago and there had been some back and forth about a couple of issues, that he (Mayor White) told Chief Hurtt that they were cooperating as a matter of city policy with their federal authorities, there was no question about that, and he said that everything that HPD had been asked to do by them, that was within the law, that they perceived to be within the law, they had done, there were certain things that HPD could not do within the law, they could not arrest somebody if they were not doing a criminal violation, that was their view under the law of the State of Texas, the peace officers, those were the facts. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that they had talked about historic preservation today and she wanted to thank Randy Pace and Marlene Gafrick for their work on it and Jill Jewett, it was encouraging to see finally in the City that they were having conversations about preserving buildings and historical districts and understanding that once they were gone they could never get them back and how valuable it was to the City. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she appreciated Mayor White having the discussion with the Director of Immigration and thought it was right on point, that it would simplify things greatly if they could bring up the General Order 500-05 and asked if Mayor White was going to rescind that order so that they could really say that the sanctuary city policy was no longer in place, because that would actually solve a lot of the situation they were dealing with here, and Mayor White stated that he really appreciated Council Member Sekula-Gibbs sincerity, but first, he was not going to rescind something that they did not do, the police chief in the city and in other major urban areas were going to have to run the Police Departments to keep the people safe so he was not going to start doing General Orders of the Police Department or rescinding other people's General Orders of the Police Department and that had nothing to do with the designation of a city as a sanctuary city, and as a matter of fact, with due respect, he had never heard a single individual say that the reason they came to Houston without documents was some General Order of the Police Department and would be very surprised if that existed, so no he was not going to rescind the Chief's order and had told people when he got into office that he would not put on the Council agenda a resolution making Houston a sanctuary city because he did not agree with it and did not think they ought to be a sanctuary city. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to talk about the 20 cool things about Houston that included River Oaks Theater and the Breakfast Klub and Lyle Lovett, that she thought it was very interesting and was a very good thing to read about the good things that were going on in their City. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the SAG meeting would be this evening at 6:30 p.m. and they would be continuing their discussion on Chapter 19 in the Council Chamber. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that her only comment on immigration was that she did not know that police officers determined who broke the law, she thought police officers arrested those people who might be accused and that courts and judges adjudicated people who broke the law and if that had changed she needed to know that, that as a citizen of this Country she was still trying to figure out how she would prove that she was a citizen, did she have to start carrying her birth certificate, what were they talking about. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was very concerned about the crime lab investigation and how it was proceeding and who was responsible for the oversight of the investigation, that Mr. Bromwich was at the Public Safety meeting talking about additional dollars to finish out the scope and the problem that she was hearing was that she did not know who was in charge of it, that he said he reported to HPD, that they knew about where he was going, that he reported to the stakeholders group and they knew where he was going, she had never seen an invoice and did not know what the role of the Public Safety Committee was, it sounded like they had no input into it and she had a problem with that because of accountability, that she did not know what the goal was, that she just wanted to know who was in charge and where was the investigation going and what was the role of Council and Public Safety Committee, and what was the scope of the contract, that she had an article that she would like for them to read and passed it out to each Council Member. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was overwhelmed when she was in China in looking at primarily the public transportation, how they moved a billion people in a systematic way and that everybody was moving, when they saw the bicycles, cars, electric trolleys, buses, the subway and the jet train that they rode backwards, that it gave her hope as to what a bureaucracy or government could do for its citizenry and she would hope as they moved forward in the Transportation Committee that they really look at the bike lanes for the massive number of bikes that they had in those cities, that it gave her hope of things that they could possibly do with a made up mind to deliver a service to their constituency. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:20 p.m. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary