

City Council Chamber, City Hall, Tuesday, August 15, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 15, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Sue Lovell, Shelley Sekula-Gibbs, M.D.; Ronald C. Green and Michael Berry; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Mr. Xavier Herrera, Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present. Council Member Peter Brown absent on vacation.

At 2:11 p.m. Acting Mayor Pro Tem Berry called the meeting to order and called on Council Member Edwards who stated that the joy of being a Council Member for District D was the youth who came out of it and today she was talking about a son of the district Juan Diaz who was a very special young man and invited him to the podium; Council Member Edwards further stated that he was a fighter who said he wanted to be an attorney, but she spoke to people who said he would be Mayor of the City of Houston; that he won the World Boxing Association Championship at the age of 20 in 2004 and was the youngest champion in his Lightweight Division and tied with Mike Tyson as one of the World's youngest World Boxing Champions; that he contributed to society and the reputation of Houston through his professional success and he continually provided inspirational presentations to the community, especially to youth about the importance of education; that he represented his family and community in a way all could be proud; and presented him a Proclamation saluting him and wishing him continued success; and proclaimed August 15, 2006, as "Juan Diaz Day" in Houston, Texas. Mr. Diaz stated that he thanked the great City of Houston for giving him this gift he would take with him for the rest of his life; that it was as beautiful as when he became champion because the city treated him and his family so well and he thanked all for what they did and he would continue to be a great role model for the generation and future Mayor and Council Member's; and presented Council Member Edwards with the boxing gloves he wore when he won his Championship. Council Member Johnson, Sekula-Gibbs and Green absent.

Council Members congratulated Mr. Diaz on his success and complimented him on his role in encouraging others to continue education; that all needed a role model and it meant a lot to the Latino community, Houston community and Texas, he made all proud; and Mr. Diaz thanked all and stated that he went throughout the city to schools and correctional facilities and spoke to students and troubled youth and tried to motivate them; and Council Members urged him to keep up the good works. Council Members Sekula-Gibbs and Green absent.

At 2:22 p.m. Mayor White called the meeting to order and called on Council Member Lovell who invited Reverend Lisa Hunt with St. Stephens Episcopal Church to lead all in the prayer Council Member Lovell led all in the pledge. Council Member Green absent.

At 2:23 p.m. the City Secretary called the roll. Council Member Brown absent on vacation. Council Member Green absent.

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

Council Member Garcia moved that the rules be suspended for the purpose of substituting Ms. Nene Foxhall for Mr. Holden Shannon on the list for three minute Agenda speakers and move Mr. Hans Marticiuc to the top of the list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown absent on vacation. Council Members Holm and Green absent. MOTION 2006-0716 ADOPTED

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

Mr. Hans Marticiuc, 1600 State, Houston, Texas 77007 (281-924-3001) appeared and stated that he wanted to lend support from a police perspective on the proposed referendum regarding revenue caps, to ask that Council allow voters to reconsider what they considered to be an ill-advised proposition 2 of 2004; that he did not think it took into account the harmful impact and at a time when serious crime had increased with an understaffed police department it was imperative elected officials not have their hands tied with spending and tax restrictions; that they were elected to make decisions and public safety was in jeopardy and should be first priority. Council Members Khan, Holm, Garcia, Alvarado and Green absent.

Mayor White thanked Mr. Marticiuc for coming and speaking his mind; and upon questions, Mr. Marticiuc stated that there was no question more people were in Houston since Katrina with more calls for service; and Mayor White stated that bothered him and he took some responsibility because he had a population index for ad valorem taxes but he did not want to do anything to jeopardize public safety. Council Members Khan, Holm, Garcia and Green absent.

Mr. Robert Lemer, 13603 Apple Tree Road, Houston, Texas 77079 (713-465-2004) appeared and stated that he was the one who wrote Proposition 2 and there was no secret why he was talking of the Mayor's proposition; that the Mayor was beaten three times in the courts and now was asking Council to help and put it on the ballot to do away with Proposition 2 and leave Proposition 1 standing; that Proposition 2 was good and Proposition 1 was bad; that in 2001 they presented Prop. 2 and Mayor Brown did a lot of sidestepping and stonewalling and kept it off the ballot, then it was passed in 2004 and the first year it actually went into effect was fiscal 2006 and the Controller said they were in compliance and Mayor White said no city services were cut so what was the problem; that what if they went past a certain point the people had to vote and nothing stopped and he could not see why they could not let the city vote; that Prop 1 was a hoax because no where in the campaign did the Mayor or anyone say if they went over the Prop. 1 cap on property tax revenues or water and sewer rates they could keep the money, but it was wrong. Council Member Green absent.

Council Member Lawrence stated that there was a group called Let The People Vote and that was what they were voting on tomorrow, not the issue, but to let the people vote on what they wanted; and Mr. Lemer stated that Council passed an ordinance, but it was only as good as the next Council and Prop. 2 was putting it into a permanent place and gave them a right to vote and now they want the people to take the right away from themselves. Council Member Green absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Lemer stated that they had received 30,000 plus signatures to put the item on the ballot; and Council Member Sekula-Gibbs stated that took a lot of money and work, but the Mayor could put it on the ballot by just signing and getting 7 Council Members to go along; and Mr. Lemer stated that the bottom-line was it was taking away the people's right to vote. Council Member Green absent.

Mr. Bob Hux, 1210 Nantucket, Houston, Texas 77057 (713-201-6500) appeared and stated that he voted for Prop. 2 and it seemed there would be a conflict with what the Mayor wanted to do; that it seemed about \$8 million was owed to the taxpayers under Prop. 1 and he would like it given back if they were going to live under that proposition and it was frustrating to see something so overwhelmingly voted for and then have attempts to overturn it; that Proposition 2 won 3 times in court and at some point it seemed they would just go on with it. Council Member Green absent.

Upon questions by Council Member Wiseman, Mr. Hux stated that he thought the voters had the right to vote on whether or not to exceed the cap and not something Council should be voting on or discussing as it was a part of Proposition 2; that they fought it but it still passed and he wanted that right. Council Members Green and Berry absent.

Upon questions by Council Member Edwards, Mr. Hux stated that Proposition 1 received more votes than Proposition 2; and Council Member Edwards stated that it was not a question of Proposition 1 or Proposition 2 winning, but she thought the issue was could voters vote and that was what she thought they were voting on tomorrow; and she thought it was misleading to say they were trying to take away something won at the polls; and Mr. Hux stated that he thought it easy for someone on Council to make statements she made and with lawyers you could get about any opinion you wanted on any issue no matter what, but as he understood it was debated legally in court 3 times and if it was true what she said there would have been no reason to go to court on Proposition 2. Council Members Sekula-Gibbs, Green and Berry absent.

Council Member Wiseman stated that she wanted to raise a point of order regarding Council rules with respect to time limitations of Council Members questioning speakers; that it had not been consistent and she would request showing no preferential treatment to any member whether it be a member of Council or member of the public by not adhering very consistent to the rule. Council Members Green and Berry absent.

Mr. Bruce Hotze, 5219 Shady River, Houston, Texas 77056 (713-663-1831) appeared and stated that he led the efforts for Proposition 2 and found it perplexing that the Mayor was trying to amend Proposition 2 at the same time he was in court saying it was illegal; that Houston taxpayers Bill of Rights Prop. 2 received over 242,000 votes and it was 57% of the vote and now the Controller said they complied with it for fiscal year 2006 and would for 2007 so why was Mayor White in such a hurry to change it and when the court ruled it was the law. Council Members Lovell, Green and Berry absent.

Council Member Holm stated that she supported the concept of Proposition 2 but had concerns about the enterprise funds; and upon questions, Mr. Hotze stated that what Council was to vote on he thought would take off the table about more than two-thirds of city spending from revenue caps and the only thing there would be revenue caps on would be library and zoo fees and such as anything could be under public safety even band uniforms as they were keeping kids off the street; that they could not make their own rules to interpret; that they would be in favor of an Aviation Fund and completely split the city out just like in Dallas, but Ms. Foxhall was not in favor of that, but if they did want to take more money they could always go to the people and vote; and that Proposition 2 called for specific language and how to go back to the voters to raise and spend more revenues, it was all clear, but Council did not want to abide by that because they wanted to decide themselves; that the government belonged to the people and good fences were set to control it. Council Members Lovell, Green and Berry absent.

Mr. Holden Shannon, 2012 Sunset Blvd., Houston, Texas 77005 (713-324-2245) had reserved time to speak and Motion 2006-0716 allowed Ms. Nene Foxhall to speak in his place. Council Members Lovell, Green and Berry absent.

Ms. Nene Foxhall, 1600 Smith, Houston, Texas 77002 (713-324-5140) appeared, invited her Continental co-workers to stand to be recognized and stated that Ms. Allison Hawkins, a Houston based Southwest Airlines employee was also present and represented Southwest who supported their position on the matter and hopefully the Mayor and Council had received letters from both Southwest and Continental Airlines reiterating their positions which was that the Aviation Enterprise Fund collection should never have been included in collections used to determine the revenue cap established by Proposition 2; that the sources for the aviation

Enterprise Funds was airlines and customers, many of whom did not live here or pay taxes here, and from other tenants and federal grants and not property tax revenue. Council Members Lovell, Green and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Foxhall stated that Continental was just named this year as "The World's Most Admired Airline in the U. S. and the World" and they worked hard to make it a world class facility and wanted to see it that way and they did hope Council would vote for the Mayor's proposition tomorrow; that she was not an expert on Proposition 1 but was here to make the case that the enterprise fund should not have been included in Proposition 2, it was a terrible mistake and they appreciated the Mayor and Council wanting to ask voters if they wanted to change it. Council Member Lovell absent.

Council Member Garcia stated that Mr. Hotze was concerned with Council wanting to put this item on the ballot as he thought it would circumvent the spirit of Proposition 2, but Proposition 2 gave voters opportunity to decide if changes should be made; and upon questions, Ms. Foxhall stated that she did agree by tomorrow's actions to put this on the ballot in November they would still be putting power in the hands of the voters. Council Member Lovell absent.

Upon questions by Council Member Holm, Ms. Foxhall stated that if enterprise funds were not removed what would happen was what they were already seeing, the Mayor and Council were having to make a choice between airport development and public safety and essential services and their position was they should not have to make that choice; and from the planning perspective of an airline at an airport they did not have the luxury of waiting a lengthy time period for a voter decision on their projects and they did not think it should be. Council Member Lovell absent.

Mr. Roland Chavez, 1907 Freeman, Houston, Texas 77009 (713-223-9166) appeared and stated that as president of the Firefighters Union, they as Houston firefighters, supported the Charter amendment for public safety and the Fire Department and they ask the City Council be given the flexibility for changes within public safety and for long-term changes and plans; that they supported it and encouraged Council to take a proactive vote supporting it. Council Member Lovell absent.

Council Member Edwards stated that she knew Mr. Chavez worked for the city a longtime and currently served as president of their union; and upon questions, Mr. Chavez stated that he absolutely never knew of band uniforms being included in public safety. Council Members Lovell and Sekula-Gibbs absent.

Upon questions by Council Member Garcia, Mr. Chavez stated that in his opinion if voters voted against the Mayor they would be the ones suffering with less services and if they were to jeopardize the financial viability of the Aviation Department then the citizens and Fire Department budget would have to incur the cost and their budget would have to be cut. Council Members Lovell and Sekula-Gibbs absent.

Upon questions by Council Member Wiseman, Mr. Chavez stated that they were overwhelmingly successful in getting the public to vote for their right of collective bargaining, but when people said public safety went into band uniforms he felt they could mislead the public to believe things; and Council Member Wiseman stated that she was hearing from the folks today that if the city felt there was a need then based on what they approved 2 years ago in changes to the Charter it was their decision to make and approve and if they were able to successfully make the case when it came to the pension issue and collective bargaining then she thought they were being hard on the public and not giving them credit. Council Members Lovell and Sekula-Gibbs absent.

Ms. Christina Lindsay, 2150 W. 18th, Houston, Texas 77008 (713-426-0800) appeared and stated that she was executive director of the Houston Council of Engineering Companies, a nonprofit business association in Houston representing over 105 engineering firms and today was present supporting the charter amendment; that the city had major capital infrastructure projects which must be done to continue providing health, welfare and safety to Houston citizens and one consequence she believed they were trying to correct by putting the choice to the voters and removing enterprise funds from being counted against revenue caps was very important because now what happened was the bond rating companies got nervous when they heard of caps and restrictions that may not allow the city to repay the bonds in a timely manner and then the bonds became more costly so they supported putting the vote to the voters. Council Members Garcia, Lovell and Sekula-Gibbs absent.

Council Member Lawrence stated that both propositions passed two years ago and in her mind people voted for both because they wanted a cap put on expenditure with population inflation in mind, but when asking people most did not understand what an enterprise fund was; and upon questions, Ms. Lindsay stated that she thought the majority of citizens were concerned about their own pocket books and what did affect that was the tax rate, but enterprise funds did not come from taxes they came from user fees and she did not think you should count in those kind of revenues in a tax measure cap. Council Members Garcia, Alvarado, Lovell and Sekula-Gibbs absent.

Council Member Edwards stated one thing which was bothersome to her was people did not realize how this would affect them; that there were so many unfunded mandates coming to airports and that industry; and enterprise funds were restricted and could not be spent outside their specific area; and upon questions, Ms. Lindsay stated that was how she understood it also, you could not use airport funds for HIV or health issues you had to use general funds which came from property and sales tax, etc., so it was actually not counting apples and oranges correctly; and Council Member Edwards further stated to Mayor White that she would like someone to say what would happen to jobs at Continental Airlines and Southwest if this went the wrong way; that people needed to understand there was a bottom-line issue for working people in what this vote meant; that she agreed people did not understand what an enterprise fund was and she would like someone to speak to what this could cost in the realm of employment, real jobs for real people; and Mayor White stated that he would do that in the Mayor's Report; and Council Member Edwards stated that this issue was critical and she was not afraid of the people's vote if they had understanding of what was happening. Council Members Alvarado, Lovell and Sekula-Gibbs absent.

Mr. Jeff Ross, 13333 NW Freeway, Houston, Texas 77040 (713-462-3178) appeared and stated that he thought it important to clear up confusion between Proposition 1 and Proposition 2 as it led to problems and confusion on how city resources were managed; that he was a proponent of using enterprise funds solely for their designated purposes as they were earmarked funds and he would suggest those who supported Proposition 2 would have come back had they lost and so he did not know why they would question the coming back they were talking of today in giving voters a chance to give clarity on the issue; and he did support them putting the item on the ballot and doing an educational program so voters would understand what they were voting on and what it meant to the city. Council Members Wiseman, Alvarado, Lovell and Sekula-Gibbs absent.

Council Member Khan stated that assuming both Propositions 1 and 2 were in effect and that the amendment was put on the ballot and passed then what happened if revenues, other than the enterprise fund, exceeded population and inflation growth or if it did not and they wanted to do projects would they not have to get approval from voters anyway; and Mayor White stated that he would discuss facts and merits on the issue tomorrow, but the intention

was not to repeal Proposition 2 limits on the general fund but there was one category of expenditure an increase in the amount spent for public safety that could be exempt from the cap on the general fund, but it could not come from increased property taxes so they would need tax revenues to pay it and any other increase or if there was no increase in public safety, if population went down and you just wanted to maintain public safety you would have to go back to the voters; and if population increased to the point where ambulance runs went up by 10% and police needs went up rather than going through a lengthily process through state law then they would have flexibility to respond quickly; and the airport fund's principal restrictions were very tight under federal law and the principal restrictions under the water/sewer fund were something Council Members voted on to put into the debt covenants which was harder to change than the Charter amendment and principal restrictions on the convention and entertainment fund was under state law with hot tax and in addition there were ordinances and accounting principles which restricted the ability and could not be spent on band uniforms, etc. Council Members Wiseman, Alvarado and Lovell absent.

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, Alvarado and Lovell absent.

Mr. Wayne Banks, Jr., 4514 Lyons, Houston, Texas 77020 (713-331-2547) appeared and stated that his concern was benches on Main Street as they were facing the buildings and not the street and an oncoming vehicle could run into the bench and the person would not see it coming; that also a criminal could walk up; and he supported the people in Houston and would request the benches be turned. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Sammy Pena, 7134 Myrtle, Houston, Texas 77087 (713-704-3135) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Phyllis Ivy, 10900 North Freeway #220, Houston, Texas 77092 (713-263-1700) appeared, presented information and stated that her business was Environmental Fire Solutions here in Houston and she wanted the Mayor and Council aware of them as they had a patented firefighting new technology; that the Mayor in 2004 came up with a new fund for firefighting and citizens could help raise funds for new technology for the firefighters and their nozzles would put out a fire in less than 10 seconds and there was no back pressure; that they were making progress across the country and even the military was looking at their technology which put less stress on firemen and they were wanting to help the Mayor get demonstrations out to help raise funds and get the nozzles at a discounted price to firemen; and they had received an award from Keeping America Strong from William Shatner's Group out of California. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Phi Cao, 9303 Town Park Drive #111, Houston, Texas 77036 (832-367-2363) appeared and stated that he needed help as he was being bullied too much; that his last three apartments had managers which cheated the Section 8 tenants and his last apartment leaked and he got water one inch and he reported to the manager and they said he had to move. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Cao stated that the Hamilton were apartments he had lived in but now he lived in the Huntington Apartments; and Council Member

Khan stated that he saw information on this already and his staff was working on it and before he left a staff person would come and speak with him and see if he was satisfied with efforts they were making. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that Council Member Khan was his District Council Member and a representative from Housing would also speak with him at this time. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Patrick Van Pelt, 1218 Webster, Houston, Texas 77002 (713-249-9463) appeared and stated that he was a business owner in Midtown and wanted to speak on homelessness; that he had restored a 1920's building the city designated historic and he had many experiences walking there where there was an ever steady experience of homelessness; that he and his family were involved with affordable housing in Sunnyside, Midtown and Settegast and his appeal was whether the city was doing as much as it could and were they creating a business concept, a brand they wanted to create, it was his contention they should recognize a hierarchy of space in the city and a neighborhood like Midtown was on an important access and he felt they could do a better job; that he was not criticizing, but he was a strong participant in the city's civic life and would encourage all to see how they could do things better. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Alvarado stated that tomorrow during the Mayor's report there would be findings and solutions dealing with homeless problems, it was a very comprehensive plan and would not be addressed overnight, but there was an ongoing coalition which had met for several months; and suggested he come and listen or he could watch it on television and she would be happy to send him information. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that there was a commission which had been under the leadership of Council Member Quan and it had been working a number of years with Coalition for the Homeless and other agencies who worked with the homeless community and they were putting together a 10 year plan to end chronic homelessness, though it would always be here, it led to the question when did they stop having people who were just called hobos to now having homeless families, what benchmark marked that; and encouraged him to work with that, it was a question of how to help people who at one time were productive citizens in society, how would they regain them and get them back; that Midtown was an awesome community, but most all communities had homeless. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Pelt stated that he was aware of the ordinance banning homeless persons from downtown; that he was in favor, he had signed the petition; and Council Member Khan stated that when they left downtown they had to go somewhere; that he thought the 10 year plan was important and he hoped they would be a part of it. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Thomas Hadnott, 8004 Homestead, Houston, Texas 77028 (713-291-9130) appeared and stated that Saturday there was a dead dog on the street and he called 311 but no one came; that he had pictures of the dog and wanted Council to look at them as the dog was about to burst; that 311 said someone would be out that evening but no one showed; that he called again Sunday and again told someone would be there but there was no response; that the stink

was so bad they had to stay indoors and when it was picked up Monday they did not clean anything up; that it was a private contractor; and he had 5 properties he paid taxes on and did not know why it could not have been picked up. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that the report he saw from Solid Waste said the dog was picked up Monday, but on weekends the contractor who worked the area did not work and all he could say was he would request Solid Waste to figure what would be needed to have them on call weekends and he would think his colleagues would join him; that he was absolutely right there should be no dead dog left out front and if they were not being picked up on weekends it was not a good thing; and he would ask Solid Waste to see what it would take to contract with Republic for 24/7, no one should have to deal with that; and he would make sure Council Member Johnson was also aware of it. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Lyle Johnson, 3535 White Oak Drive, Houston, Texas 77007 (713-528-1104) appeared and stated that he was representing Heights Electric, Inc., that their business problem was they had not been paid some \$81,000 for work completed on Fire Station #86; that they entered into a City of Houston project with a subcontract agreement and they had contacted an affirmative action group to try and resolve the problem and now litigation had been brought against them and the City of Houston; that they performed their work in good faith and should be paid; that R. Hassell had to sign a release that all subcontractors were paid to receive their project funding from the City of Houston and they felt that obligation of the contract should be met and would appreciate any city assistance. Mayor White, Council Members Lawrence, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Green, Mr. Johnson stated that Hassell Construction was the contractor and they would get paid for their completion of contract and he felt the subcontractor should be paid; and Council Member Green stated that Acting Mayor Pro Tem Berry would direct him to the appropriate department. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that if he would wait someone would be coming to meet with him and try to get resolution. Mayor White, Council Members Lawrence, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Dr. Louis C. Smith, 2339 South Boulevard, Houston, Texas 77098 (713-528-1104) appeared, presented information and stated that he was chair of the Houston Climate Protection Alliance and they promoted energy efficiency as it was good for all and for the climate; that their website was [www.HoustonClimateProtection.org](http://www.HoustonClimateProtection.org) and he was present bringing this to Council's awareness; that his information had six reasons as to why it was good for all; that they were in the midst of a climate change and the global community had to rise to the challenge; that he wanted to tell his grandchildren he did what he could to leave them in a good place to live and this was a serious challenge and they asked all to become aware and take responsibility. Mayor White, Council Members Lawrence, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Council Member Clutterbuck stated that it was a very important matter and she appreciated his advocacy on this; and Dr. Smith stated that his plea was for all to act collectively so government people in the state and in Washington would understand and make policy challenges so the challenges could be met. Mayor White, Council Members Lawrence, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Dr. Smith stated that the University of Texas was doing work on this and they were finding that the ice cap in Greenland was melting about three times faster than thought; and Council Member Edwards stated that about nine cities in Texas were part of a group working on climate situations; and Dr. Smith stated that he was aware of it and they were looking for ways Houston could lead the way; and Council Member Edwards stated that she thanked him for leading the way and she would like to speak with him on how Council Members could be a part of the challenge. Council Members Wiseman, Holm, Garcia and Berry absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the official U. S. President and continued expressing his personal opinions until his time expired. Council Members Wiseman, Holm, Garcia and Berry absent.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was the most powerful around the world; and continued expressing his personal opinions until his time expired. Council Members Wiseman, Holm, Garcia and Berry absent.

At 3:56 p.m. City Council recessed until 9:00 a.m., Wednesday, August 16, 2006. Council Member Brown absent on vacation. Council Members Wiseman, Holm, Garcia and Berry absent.

City Council Chamber, City Hall, Wednesday, August 16, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 16, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, 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 Peter Brown absent on vacation.

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. Council Members Garcia, Alvarado, Sekula-Gibbs and Berry absent.

#### **MAYOR'S REPORT** - Initiatives to reduce street solicitation and homelessness

Mayor White stated that there were a couple of important topics on the Mayor's Report, one that dealt with various issues involving the Charter, but the first issue had to do with one part of an issue involving homelessness, it also involved people who were not homeless and that was an item that many of them had discussed around the Council table effectively and humanly dealing with the issue of street solicitation, that there would be three brief parts to the presentation by him, Mr. Anthony Love and Judge Berta Mejia, that he would tell them what they were not dealing with, and which they would schedule another meeting on when Mr. Love and a committee working on it were prepared, and that was dealing with the report on chronic homelessness that was done last May, which was a very important and significant step for the City, the recommendations in that report and the census of the homeless did involve some more homework as they were developing a plan, although that set them of course in a direction for trying to end chronic homelessness in their community, they were not talking about that issue and all the parts of that issue today, that this was going to be a discussion and how they prepared the report to deal with the issue of street solicitation, that he would begin and then

hand it off to Mr. Love and Judge Mejia, that he invited the people around the Council table to help him communicate with the citizens of Houston in a campaign they were beginning on Monday telling Houstonians to help those with real needs but do not do it by giving the people who were begging or panhandling in the streets, instead to donate to the Coalition for the Homeless, [www.HomelessHouston.org](http://www.HomelessHouston.org) and they would also have a number that people could call in order to make their donation, that he would be telling people, in a privately funded campaign, that many of the homeless had mental health and alcohol and drug dependency issues and they should help them get real change, not give spare change, in this way they could show their kids that begging was wrong but smart generosity was right in Houston, by cutting the flow of dollars to people who solicited in the streets, often illegally, many of which may not need the assistance, he was not saying they were all homeless, they knew of some who absolutely were not, people could help clean up the streets on a much more cost effective manner than simply deploying all of their undercover agents to sit on key intersections, they wanted people to say no to people who solicited in the streets and yes to the Coalition for the Homeless and he welcomed the ideas of the people around the Council table of how they could intensively communicate with the citizens of this community that they needed to take the flow of dollars on the streets and put that flow dollars that could have real change and not just give somebody spare change to perpetuate a problem and interfere with the civility on the streets, so it would kickoff on Monday and the best way for them to communicate it was the more people out there talking about it the better, that somebody had mentioned to him that maybe they ought to, at their civic clubs, tell people if there was a number where they could report the license plate numbers of people who they saw giving to street solicitors, that they could receive a little note that there was a better way to deal with the problem, if there was no money given on the streets did they think there would be a lot of street solicitation, that was what they were about, that there people in that population who had some chronic needs and he would turn to Mr. Love who would talk about an approach that they had been undertaking for some time to deal with those who had chronic needs, and Judge Mejia would talk about a creative new adaptation of the Municipal Court System. Council Members Garcia and Sekula-Gibbs absent.

Mr. Love stated that the campaign that they were undertaking not only acknowledged and applauded the generosity of Houstonians but invited them to channel that generosity in a way that began to address the underlying problems that may contribute to why a person begged for money in the first place, that the campaign, Real Change Not Spare Change, encouraged individuals to give money to organizations that helped those in need instead of giving it to the person soliciting money on the street corner, the campaign did not stop at just asking people to redirect their giving but included homeless service providers, SEARCH specifically, who over the last few weeks had gone out and talked to those individuals who were signing or panhandling and letting them know that only was the campaign about to take place but that some other options were available and would soon become available, as the Mayor indicated by going to [www.HomelessHouston.org](http://www.HomelessHouston.org) individuals would have the opportunity to effect real change in the lives of Houstonians who needed comprehensive assistance, the Coalition for the Homeless of Houston Harris County would serve as the conduit for those funds that would help individuals leave the streets, they also educate and advocate for the needs of persons who were homeless through support and coordination of services, one of their major tasks was to identify gaps in homeless services and develop solutions to meet those needs, that was done through the coordination of public and private resources and the organizing of community priorities that facilitated the flow of federal funding to homeless service agencies, part of their makeup was a 120 member services coordinating council, the council was comprised of agencies such as the aforementioned SEARCH, Star of Hope, Salvation Army, Aids Foundation Houston, Career and Recovery Resources and many others, these agencies on a daily basis provided food, housing, clothing, job training and job placement to the 14,000 homeless men, women and children in Houston Harris County on any given night, on an annual basis 50,000 in Houston Harris County would have some form of contact with the homeless services system, although the agencies did a heroic job of providing the necessary services to address

homelessness, the system with the current set of resources alone, could do little to prevent people from becoming homeless or change the overall availability of housing, income and services that would truly end homelessness, the Coalition for the Homeless, in conjunction with the Blue Ribbon Commission to end homelessness had drafted a 10 year plan to address homelessness and he along with Blue Ribbon Chairman and former Council Member Gordon Quan and Downtown District Executive Director and Blue Ribbon member Bob Eury, hoped to come back in the near future to lay out the plan and ask for their leadership and support in implementing the strategy, the plan would call for additional units of truly affordable housing, additional treatment beds for those individuals who were struggling with substance abuse and/or mental illness, and continued support to service providers who helped people that were homeless to exit this condition and to close the front door for those individuals who were at risk, the funds from this campaign, they hoped, would go towards supporting the strategies impeded in the plan, studies from across the Country had demonstrated that millions of dollars were given on the streets to individuals holding signs and actively asking for money, there was no way of knowing how the money was being used and based on the fact that they saw the same faces day by day, the reality was that it was not helping that person to address the issues that would give them a better quality of life, by going to HomelessHouston.org citizens would have a vehicle to redirect their giving and an opportunity to help people address their deep seated issues and not support their life defeating habits, lastly, to please note that there were a number of initiatives underway to help people who were homeless to overcome barriers that tended to keep them in a state of homelessness, one of the initiatives was Homeless Court, under the leadership of Judge Mejia, Homeless Court provided a way for a person who had lost hope to regain that hope, that Judge Mejia would further explain how Homeless Court worked for those men and women who were trapped in hopelessness and homelessness. Council Member Garcia absent.

Judge Mejia stated that they had been meeting with the Coalition for the Homeless in developing the special docket, it was true that sometimes people felt that they were in a state that they could not move forward, they wanted to provide a special docket specifically to help in an effort to reduce homelessness, but it would also reduce the cases that were outstanding in their courts, it was to remove the legal barriers because when a person had outstanding tickets they were reported to the Texas Department of Public Safety and were not able to renew their drivers license or were not able to obtain or renew their Texas Identification Card and as they knew a person needed a drivers license or a Texas Identification card to obtain housing or obtain employment, so they came up with a criteria and meeting with the Coalition for the Homeless the purpose of course was to remove legal barriers for defendants who were homeless and had delinquent matters before the court that would allow them to exit homelessness, as she stated earlier it would allow them to obtain identification cards and/or drivers license, the criteria that was agreed upon was that they must be homeless, they must be referred by the Coalition for the Homeless Harris County and must agree to participate in rehabilitative programs set up by the Coalition for the Homeless and in lieu of paying a fine they must perform community service hours at an agency that served the homeless population, it was a one time opportunity, that meant the defendants that were referred to their courts participated in the program but if they did not comply with the terms of the community service it was not come back the next time and get another opportunity, they hold the docket once a month, every fourth Wednesday of the month at 4:00 p.m. in Court 16 at 1400 Lubbock, they had a liaison to the Courts, Mr. Scott Moore, who was a community resource manager that worked with the Houston Coalition for the Homeless. Council Member Garcia absent.

After further discussion Mayor White stated that how they dealt with homeless was not just a humanitarian issue but a big issue of dollars and cents in the community, that they were paying for it at Ben Taub, in the jail and police time, and it could be far cheaper for those people with some assistance get back on their feet, lick some problems they had and with medication deal with it in a treatment manner rather than in a penal manner.

Members of Council thanked Mayor White, Mr. Love and Judge Mejia for their work in the homeless project. Council Members Holm and Green absent.

Mayor White stated that the second element of the Mayor's Report dealt with a number of questions which were posed by Council Members concerning Charter amendments, that there was some factual background that he would provide mainly in response to questions that he had received, two years ago Proposition 1 was a proposition that imposed a ceiling on the growth in property taxes and water and sewer rates, that Proposition 2 imposed other limits on City Charter revenues or proposed to, the proponents of each proposition argued for their proposition and against the other, the City Charter some 90 years ago provided a mechanism for considering alternatives on the same ballot the City Attorney opined that they would be considered as alternatives and the one that received the most votes would win, all that was on the record, that a district court had ruled that both propositions became part of the Charter and that decision was on appeal, the reason they were addressing the issue was that the administration believed it was necessary to deal with the issue because appeals may take years to conclude and there were concrete decisions that they needed to make in the meantime that dealt with items such as whether they could continue to fund the drainage program, whether they could do airport projects, whether they could fund public safety in a manner to get the number of police officers up and honor the contractual obligations to the firefighters, he was going to deal with three particular issues, that his purpose was not to gut the propositions but to come up with something that they could live with until any issue was decided by the court, that he was going to deal with Enterprise Funds, TIRZ and the public safety issues, that Enterprise Funds were self sufficient funds which were not funded by property taxes and were restricted in use, the revenues of the water sewer system were dedicated to the use of the combined utility by not only ordinance but debt covenants which were harder to change than the City Charter was, it was an action that was taken by the Council to deal with some concerns that those funds could be diverted for General Fund purposes, the HOT taxes, hotel occupancy taxes, were restricted in use by the State law, the Airport Revenues were restricted by Federal Law and by Debt Covenants to the airport purposes, the water and sewer rates were limited by Proposition 1 as well as by any vote that the Council would take, that they were facing some real issues in dealing with rating agencies on the water and sewer debt as a result of the uncertainty of the litigation; that tax increment reinvestment zones, again a fairly broad consensus, both Proposition 1 and 2 exempted from the caps revenues from tax increment reinvestment zones as they should, those funds were not available for the City purposes to spend as they would other revenues, that Proposition 1 and 2 failed to provide a mechanism by which the TIRZ revenues could be counted, recaptured or if there were changes in the TIRZ they would be comparing apples to apples in the budget from year to year, that it was not a threat to a TIRZ, that both Proposition 1 and 2 had a means of doing the same thing with respect to annexation both of them say that if some areas were annexed then they added that tax base to the ceiling so they could provide services to the annexed area; that the issue of public safety, one important feature of both propositions was the limitation of certain revenues to inflation plus population growth but the official population numbers, relied on by both propositions, were old and did not reflect the growth in the community that had occurred in the last 12 to 18 months or certainly the course of a fiscal year, or moreover neither of the propositions addressed emergency or extraordinary public safety needs in their community, they needed to be able to pay for the public safety needs in response to a larger population or to an increase in some criminal activity and those types of adjustments they might need to make in a matter of months or years when they decided to do an overtime program, that there were two different ways of dealing with that, one was to amend the Charter to give the City Council the ability to make the elected representatives of the people to decide and made accountable for the decisions, that would be the effect of Proposition G as drafted to allow them to exempt from the cap on anything but property taxes, increased public safety expenditures, that he did hear speakers talk about another approach, that was both Proposition 1 and 2 said that they could just put it to a

vote to increase the cap by a certain amount and dedicate those funds to public safety and both of them contemplated that it was something that they could do, whether or not the cost and frequency of elections to determine public safety budget was a good idea, he did not know, people could debate, it was a fair point, that those were two approaches of dealing with the same issue, that he believed there would be an amendment offered at Council that would allow them to debate and chose which of the two approaches to that particular issue they may have, that a bunch of people had asked specific questions on numbers, which he or Ms. Johnson would be happy to answer, that he would commend to them the charts that were at their desks and wanted to summarize several charts and then highlight one for them, both Proposition 1 and 2, if enacted a dozen years ago, would have significantly changed City revenues, for those who thought it was a bad idea and they should have offered more and not less services and that spending was out of control or not out of control and that sort of thing then vote against Proposition 1 or 2, that both propositions would have significantly reduced the City revenues, and that concluded the Mayor's Report. Council Member Wiseman absent.

Council Member Green moved to suspend the rules to consider Item No. 47 out of order, seconded by Council Member Alvarado. Council Member Holm asked if Council Member Green would accept a friendly amendment to add Item Numbers 10, 27, 28 and 29, and Mayor White stated that if there was no objection it was so ordered.

A vote was called on the motion to consider Item Numbers 47, 10, 27, 28 and 29 out of order. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Berry absent. MOTION 2006-0717 ADOPTED.

47. ORDINANCE ordering a Regular Election to be held on November 7, 2006, for the purpose of submitting to the qualified electors of the City of Houston, Texas, a proposition amending the City Charter retaining certain limitations on property taxes and water and sewer rates, and making certain changes applicable to city revenues – **(This was Item 15 on Agenda of August 9, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN, HOLM, SEKULA-GIBBS and KHAN)** – was presented.

Council Member Holm stated that she supported the concept of caps and controls, she thought it was fiscal responsibility, but from the beginning she was concerned about the Enterprise Funds, capping those, because she had a very clear understanding about why because basically it was in conflict with what they wanted to do to promote the economy and to provide services, it puts them in conflict, that the Airport, she thought everybody really understood, what they needed to explain was that the Airport was really no different from any other Enterprise Fund, the Water and Sewer was the one she really wanted to hone in on because she thought that was the one that really had a lot of questions, philosophically, that she could understand that some peoples concerns with the Water and Sewer was twofold, one was that it was a way to hold elected officials accountable, but they had to be careful that they did not do the wrong things trying to address an issue, that on the Water and Sewer, it was her understanding and she really would like some clarification, not with the numbers of what would happen if they did or did not cap it, but what that did and with the covenants that were put on that bond, it was not a simple vote one day that came before Council that says they really did not want the Enterprise Fund to be spent on Water and Sewer they wanted to create, for instance, another ALP Fund, they had bonds covenants that prohibited that, that Enterprise Fund was as restrictive as the Airport or the C&E.

Mayor White stated probably more restrictive because they had \$3 billion worth of bonds that they had to get issuers to do it, it was about as hard wired as they could possibly get, that in private financial practice an issuer never asks for additional restrictions, that some Council Members said that the lay of the land was that there were some people who thought that the City may be able to raid the Water Sewer System and they needed to eliminate that as a need

for a revenue cap under Proposition 2, so they imposed restrictions that issuers rarely imposed for the very purpose of making it so they had a restriction so somebody could not divert those funds, they did it and voted on it. Council Member Alvarado absent.

Council Member Holm stated that the other issue that she knew was of some concern and to address clearly was that some people viewed the intent of this was to cut the propositions and she needed some confirmation, that the changes that came forward was basically removing the Enterprise Funds and to some degree it consolidated the perspective of Proposition 1 and 2, she wanted to know the real impact, did it gut Proposition 2, and Mayor White stated no, the principle effects if they handled the public safety as a separate ballot proposition, not as a Charter change, would be to remove the Enterprise Funds and to make sure they treated TIRZ so that it was apples to apples, and then they would have a revenue cap on General Funds and a revenue cap on the Water Sewer rates and a revenue cap on the property taxes, and Council Member Holm stated that basically by having the public safety stand alone it was more in compliance with what the original Charter amendment called for, was that should they want to make any changes and have anything stand and be exempt then the people would be voting, so basically what they were doing was having the people vote to amend the proposition and were having the people vote as to whether or not they wanted public safety to be an exception to the Charter amendment, and Mayor White stated that was correct and the downside of that would be that if there were other people seated around the Council table at another time and they had a crime wave or had something they could not respond quickly to the public safety needs they would have to schedule an election, that would be the principal downside, but the upside was to let the people vote. Council Member Alvarado absent.

Council Member Green stated that he had proposed an amendment that had been passed out as follows:

"I move that the ordinance posted as Item 47 on the City Council Agenda for August 16, 2006, be amended as follows:

(1) Amend the caption of the ordinance to add the words "AND A PROPOSITION SUPPORTING PUBLIC SAFETY AND A LIMITATION ON REVENUES;" before the words "CONTAINING FINDINGS AND OTHER PROVISIONS".

(2) Delete the second and third sentences of the first paragraph of subsection (a) of the proposed Section 21 in Section 2 of the ordinance and delete the first sentence of the second paragraph of subsection (a) of the proposed Section 21 in Section 2 of the ordinance.

(3) Amend the Proposition G ballot language in the current Section 5 of the ordinance to delete the phrase "to allow revenues related to increased public safety expenditures (e.g., police, fire, EMS),"

(4) Add a new Section 3 to read as follows:

**"Section 3.** That a regular election (the "Election") shall be held in the City of Houston (the "City") on Tuesday, November 7, 2006, between the hours of seven o'clock a.m. and seven o'clock p.m. at which election the following proposition shall be submitted to the qualified voters of the City:

## **PROPOSITION H**

### **[Related to Supporting Public Safety and a Limitation on Revenues]**

To pay for the public safety needs of an increased population, the City of Houston may collect revenues of \$90 million for police, fire and emergency medical services and related

communications and dispatch costs, so long as the Fiscal Year 2007 (Tax Year 2006) combined property tax rate is at or below the combined property tax rate in Fiscal Year 2006 (Tax Year 2005), notwithstanding any applicable revenue limitations in the Charter. Any amount collected under this authority must be spent on police, fire and emergency medical services and related communications and dispatch costs. This amount shall be added to any applicable revenue limitations in Fiscal Year 2007 (Tax Year 2006) and any base used to calculate revenue limitations in following budget years.

(5) Re-number the existing Section 3 and all subsequent sections;

(6) Add the following language at the end of the re-numbered Section 6 of the ordinance:

On such ballots shall appear a proposition corresponding to the proposed proposition set forth above in Section 3 of this Ordinance ("Proposition H"), with provision on such ballots to vote "For" or "Against" the proposition as follows:

### **PROPOSITION H**

#### **[Related to Supporting Public Safety and a Limitation on Revenues]**

*Shall the City of Houston be authorized to collect and spend \$90 million for increased police, fire and emergency medical services, without raising the property tax rate?"*

(7) Insert in the first line of the re-numbered Section 14 after the words 'the Proposition' the words 'or Proposition H'.', tagged by Council Members Wiseman, Sekula-Gibbs, Green and Holm.

Council Member Green moved to postpone Item No. 47 for one week, seconded by Council Member Alvarado.

Council Member Sekula-Gibbs stated that if under Proposition 1 there was truly an \$8 million surplus that should be identified and then acted on she thought it was appropriate for them to get that in writing from the Finance and Administration Office or the Controller to say yes indeed they were over the Proposition 1 limit and this is what it should trigger, that if there was nothing in that proposition that said they had to refund it the way Proposition 2 did, there was nothing there that said they had to refund it to the citizens, but it should adjust the tax rate going forward. Council Members Edwards, Alvarado and Berry absent.

Council Member Wiseman stated that she had some concerns on several levels and wanted to see continued dialog on this for the next week and wanted to visit in depth with representatives of the administration on all of the areas of concern that she had to make sure she was comfortable with the decision that they were being asked to make, that she wanted to be assured that there was a good faith effort to work with all interested parties to at the very least communicate with all interested parties on what was being proposed so that no one could say they were not lending anyone an ear, that they were not taking into consideration any concerns that anyone had with respect to the changes being made, that she had questions and would like to discuss at length with their counsel and outside counsel, if possible, with respect to the pending litigation, that Mayor White held the belief all along and his counsel had argued that because Proposition 1 passed by a greater margin than Proposition 2, Proposition 2 was not valid, that if Proposition 2 did not hold at all then why were they putting forth a Charter amendment to amend what was not there, to do that the concern she had was if they did that while it was being appealed she felt that they would be handing over the argument to the other side and they had already spent a great deal of the public's money in litigating it, so she would like some discussion and reassurances as to how in depth their counsel had looked at it, what

the ramifications were should they move forward with it and put it forth, that she was concerned that saying something did not exist and now they were changing it, she understood the Mayor's concern over the length of time that the lawsuit could go on but she wanted to hear from their counsel what the ramifications were, that two, they were being asked to change something that according to the ordinance was in the Charter but she printed out the Charter that was on the website right now and it was not in there, so they were being asked to change something that was not in print and she had concerns about that as well and would like some answers as to why it was not in there, that she wanted to discuss those issues and wanted to discuss the amendment that had been put forth by Council Member Green, that if it could be proven that it was in their best interest and it was something that perhaps the public, at that time two years ago was not aware that there was an issue with the Enterprise Funds, if it were the case she was interested in talking about tweaking but she did have some concerns about addressing it as an overall that they were going to take it to the public and ask them to just go ahead and amend it because two years ago they spoke up as to what they wanted. Council Member Edwards absent.

Council Member Lawrence stated that yesterday a number of \$8 million was thrown out and today the copycatted number was used and she was wondering if that was a fantasy number or had somebody done some research, where were they getting that number, she wanted to know where that number originated.

Mayor White stated that the way Proposition 1 worked was that the City Council sets a budget which had a cap on the property tax revenues budgeted that was based on the numbers given by the Harris County Appraisal District, they did that every year with those numbers and estimates that were available at that time, that last year in significant part because of an increase in delinquent accounts they collected more revenues than the Harris County Appraisal District numbers, it estimated at the beginning of the year, the mechanism that Proposition 1 had in dealing with that was to reduce the amount by which the property taxes could increase by population and inflation the following year, so instead of sending out 700,000 checks of \$10 each they reduce the amount by which property taxes could increase the subsequent year and that was what it was, and where it was going would be determined by the budget that Council Members adopt, and if people wanted he could tell them exactly how many academy classes they would have to cut from the budget or how many libraries and in which districts that they would have to close if they decided to cut the budget by \$8 million, one had a mechanism that was an audit and mail back checks mechanism and the other had a mechanism that the amount by which they could increase revenues in the following year and in fact they submitted a budget that was based on an increase in property tax revenues that took into account that they could not increase year to year their revenues as much as population and inflation growth.

A vote was called on the motion to postpone Item No. 47 for one week. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Johnson absent. MOTION 2006-0718 ADOPTED.

10. ORDINANCE amending the City of Houston Construction Code, the City of Houston Fire Code, and the Local Amendments to the International Residential Code for One- and Two-Family Dwellings; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause - was presented, and tagged by Council Members Wiseman and Garcia.
27. ORDINANCE establishing the north side of the 600 and 700 blocks of East 19th 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 Brown absent on vacation. ORDINANCE 2006-0830 ADOPTED.

28. ORDINANCE establishing the north and south sides of the 300 block of East 24th 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 Brown absent on vacation. ORDINANCE 2006-0831 ADOPTED.
29. ORDINANCE establishing the north side of the 700 block of East 26th Street and the north and south sides of the 800 block of East 26th 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 Brown absent on vacation. ORDINANCE 2006-0832 ADOPTED.

### **CONSENT AGENDA NUMBERS 1 through 45**

#### **ACCEPT WORK** - NUMBER 2

2. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$520,608.00 and acceptance of work on contract with **ROYAL AMERICAN SERVICES, INC** for Roof Replacement for La Nueva Casa de Amigos and Sunnyside Health Center, GFS H-0018-03-3 - 00.20% over the original contract amount - **DISTRICTS D - EDWARDS and H – GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. MOTION 2006-0719 ADOPTED.

#### **PROPERTY** - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of motion declining, the acceptance of, rejecting, and refusing the dedication of a 15-foot-wide alley, between Stassen Street and DeBois Avenue, within Block 81, Sunnyside Place Addition, Parcel SY6-123 - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. MOTION 2006-0720 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBER 4

4. **TEXAS YAMAHA SOUTH** for Personal Rescue Watercraft for Houston Fire Department \$58,614.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. MOTION 2006-0721 ADOPTED.

#### **ORDINANCES** - NUMBERS 16 through 45

16. ORDINANCE consenting to the addition of 15.2657 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0833 ADOPTED.
17. ORDINANCE consenting to the addition of 19.639 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 64**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0834 ADOPTED.

18. ORDINANCE consenting to the addition of 0.926 acre of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 185**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0835 ADOPTED.
19. ORDINANCE consenting to the addition of 7.89246 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0836 ADOPTED.
20. ORDINANCE consenting to the addition of 1.0130 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 233**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0837 ADOPTED.
21. ORDINANCE consenting to the addition of 99.80 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 238**, for inclusion in its district; containing findings and other provisions relating to the foregoing subject; repealing City of Houston, Texas, Ordinance No. 2004-1253 – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0838 ADOPTED.
23. ORDINANCE consenting to the addition of 0.9787 acre of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 60 OF MONTGOMERY COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0839 ADOPTED.
24. ORDINANCE consenting to the addition of 23.532 acres of land to **PARKWAY UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0840 ADOPTED.
25. ORDINANCE consenting to the addition of 228.101 acres of land to **PORTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0841 ADOPTED.
26. ORDINANCE establishing the north and south sides of the 2300 block of Addison Road 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 C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0842 ADOPTED.
30. ORDINANCE establishing the north and south sides of the 4400 block of McKinney 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 Brown absent on vacation. ORDINANCE 2006-0843 ADOPTED.
39. ORDINANCE approving and authorizing agreement between the City of Houston and **COMMUNITY FAMILY CENTERS/CENTROS FAMILIARES DE LA COMUNIDAD**, to provide \$500,000.00. in Community Development Block Grant Funds for partial funding of the construction of a gymnasium to be located at 7318 Avenue F, Houston, Texas - **DISTRICT I – ALVARADO** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

45. ORDINANCE appropriating \$100,000.00 out of Parks Special Fund and approving and authorizing second amendment to construction contract between City of Houston and **CARRERA CONSTRUCTION, INC** for Parks Master Plan - Sylvester Turner Park (passed by Ordinance No. 05-911), GFS F-504B-02-3 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0844 ADOPTED.

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

**ACCEPT WORK**

1. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$431,960.09 and acceptance of work on contract with **JERDON ENTERPRISE, L.P.** for Sylvan Rodriguez Park, GFS F-504B-05-3 - 02.38% over the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Wiseman, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown absent on vacation. MOTION 2006-0722 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

5. ORDINANCE appropriating an additional \$500,000.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund and authorizing spending authority to use the TIRZ Funds to continue to Repair Homes as mandated by the U. S. Department of Housing & Urban Development (HUD), through the Texas Local Government Purchasing Cooperative, for the Housing & Community Development Department – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0845 ADOPTED.
- 5a. **JAMAIL CONSTRUCTION** for Home Repairs for the Housing Program in the HOME Program through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for Housing & Community Development Department – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. MOTION 2006-0723 ADOPTED.
6. **ORACLE USA, INC** for Software License and Support Service through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Information Technology Department - \$389,075.58 - Central Service Revolving Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. MOTION 2006-0724 ADOPTED.
7. **AMEND MOTION #2005-358, 4/20/05**, for Change Order in an amount not to exceed \$130,424.00 for Purchase of a Four-Person Turbine Helicopter for Police Department, awarded to **MD HELICOPTERS, INC** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Berry stated that it looked like they were entitled to liquidated damages and for some reason they were forgoing those liquidated damages in exchange for sort of a payment in kind product and would like to know what those liquidated damages were, if the City Attorney knew that, and Mr. Michel stated that he did not know but would make a call, and Council Member Berry stated that he would tag the item, that his concern was that he did not want people to have the impression that they could non deliver to the City of Houston and that

they would not enforce the liquidated damages clauses because obviously it was an important part of the contract, and Mayor White stated that they would try to get that information to the Council Member. (Note: Council Member Berry released his tag later in the meeting.)

8. **MAGNA FLOW ENVIRONMENTAL** for spending authority to address Emergency Removal of Sludge at the Southeast Water Production Plant for Department of Public Works & Engineering \$391,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. MOTION 2006-0725 ADOPTED.
9. ORDINANCE appropriating \$4,800,490.00 out of Equipment Acquisition Consolidated Fund for the Purchase of Equipment for the Solid Waste Management Department – was presented.

Council Member Berry stated that he wanted to tag the item, that he understood that they were trying to take over for the Republic Waste customer by internalizing those services with Solid Waste and that had not been a trend at the City over the last 10 years, that they had made it a practice to outsource, particularly Solid Waste functions and wanted to know why it was that they could achieve a better economy of scale internally than the private sector, and Mayor White stated that they would get Council Member Berry that information in some detail, that they tried to have a fair and competitive process. (Note: Council Member Berry released his tag later in the meeting.)

- 9a. **HOUSTON FREIGHTLINER, INC** - \$2,228,847.00 and **MCNEILUS TRUCK AND MANUFACTURING COMPANY** - \$1,360,108.00 for Cabs & Chassis and Refuse Collection Bodies through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Solid Waste Management Department – was presented, and tagged by Council Member Berry. (Note: Council Member Berry released his tag later in the meeting.)

## **ORDINANCES**

11. ORDINANCE consenting to the creation of the **BAYBROOK MANAGEMENT DISTRICT** and inclusion of certain land within the district - **DISTRICT E – WISEMAN** – was presented.

After discussion by Council Members, a vote was called on Item No. 11. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0846 ADOPTED.

12. ORDINANCE consenting to the creation of the **SPRING BRANCH AREA COMMUNITY IMPROVEMENT DISTRICT** and inclusion of certain land within the district - **DISTRICT A – LAWRENCE** - was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0847 ADOPTED.
13. ORDINANCE consenting to the creation of the **GREATER SHARPSTOWN MANAGEMENT DISTRICT** and inclusion of certain land within the district - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0848 ADOPTED.
14. ORDINANCE consenting to the creation of the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 5** and inclusion of certain land within the district - **DISTRICT C - CLUTTERBUCK** - was presented.

Council Member Clutterbuck stated that she wanted to congratulate Mr. Jim Meyers, the Executive Director of the new management district, and also Mr. Aton Muriss.

A vote was called on Item No. 14. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0849 ADOPTED.

15. ORDINANCE relating to **HARRIS COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 1**; consenting to the inclusion of certain land within the district; providing conditions for consent of the city to the creation of, and inclusion of land within, the district - **DISTRICT G – HOLM** – was presented, and tagged by Council Member Holm.
22. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 465** - was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0850 ADOPTED.
31. ORDINANCE approving and authorizing acceptance of Buffer Zone Protection Program Funding from the U. S. Department of Homeland Security, as subawarded to the City of Houston through the Governor’s Division of Emergency Management – was presented, and tagged by Council Members Wiseman and Sekula-Gibbs. (Note: Council Members Wiseman and Sekula-Gibbs released their tags later in the meeting.)
32. ORDINANCE approving and authorizing the Mayor to act as the City’s Representative to approve and accept funding from the United States Department of Homeland Security, Transportation Security Administration in the amount of \$16,400,000.00, if awarded, for the In-Line Baggage System, utilizing Explosive Detection Systems at George Bush Intercontinental Airport/Houston (“Project”); declaring the City’s eligibility for such funding; and further authorizing the Mayor to apply for and accept all subsequent awards of funding, if any, pertaining to the project - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0851 ADOPTED.
33. ORDINANCE approving and authorizing amendment to Municipal Maintenance Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the furnishing, installing, operation and maintenance of cameras on State Highway rights-of-way to monitor compliance with traffic-control signals – was presented, and tagged by Council Members Wiseman and Sekula-Gibbs.
34. ORDINANCE approving and authorizing Grant Agreement between the City of Houston and the **FEDERAL HIGHWAY ADMINISTRATION** to receive and utilize funds from the Transportation, Community, and System Preservation Program (TCSP) for Houston Computerized Traffic Signal System - was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0852 ADOPTED.
35. ORDINANCE approving and authorizing Interlocal Cooperation Contract between the City of Houston and the **TEXAS DEPARTMENT OF CRIMINAL JUSTICE** for the provision of Death Certificates for people who have died while on parole in Houston - was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0853 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City and the Texas Commission on Environmental Quality for an Air Monitoring System related to Biowatch Activities - \$906,000.00 Grant Fund - was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0854 ADOPTED.

37. ORDINANCE approving and authorizing contract between the City and the Texas Commission on Environmental Quality for an PM2.5 Air Monitoring System - \$68,000.00 - Grant Fund - was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0855 ADOPTED.
38. ORDINANCE approving and authorizing International Facilities Agreements between the City of Houston and **CHINA AIRLINES LTD** and **KLM ROYAL DUTCH AIRLINES** at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0856 ADOPTED.
40. ORDINANCE appropriating \$303,201.91 out of Water & Sewer Consolidated Construction Fund and \$210,000.00 out of Affordable Housing Uptown Series 2004D Fund and approving and authorizing Developer Participation Contract between the City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Umland Park Subdivision, WBS S-000800-00H3 & R-000800-00H3 **DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Edwards.
41. ORDINANCE appropriating \$189,194.47 out of Water & Sewer Consolidated Construction Fund and \$106,740.96 out of TIRZ Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Umland Park Subdivision, WBS S-000800-00H9 & R-000800-00H9 - **DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Edwards.
42. ORDINANCE approving and authorizing contract between the City of Houston and **AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC**, for Charge Card Processing Services for Various Departments – was presented.

After discussion by Council Member Garcia a vote was called on Item No. 42. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Berry absent. ORDINANCE 2006-0857 ADOPTED.

43. ORDINANCE approving and authorizing contract between the City of Houston and **DISCOVER FINANCIAL SERVICES LLC** for Charge Card Processing Services For Various Departments - was presented. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Berry absent. ORDINANCE 2006-0858 ADOPTED.
44. ORDINANCE amending Ordinance No. 97-1476 which authorized legal services contract between the City and **ZUMMO, SCHIRRMEISTER & AJAMIE, L.L.P., now known as ZUMMO & MIDKIFF, L.L.P.**, by amending Section 4 of such ordinance relating to the maximum contract amount - \$17,000.00 - Property and Casualty Fund - was presented. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Berry absent. ORDINANCE 2006-0859 ADOPTED.

**MATTERS HELD** - NUMBERS 46 through 49

46. RECOMMENDATION from Director Department Public Works & Engineering to accept the July 2006 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest

generated by the Water and Wastewater Impact Fees in the amount of \$9,188,163.69 to Revenue Bond Debt Service as recommended in the Report – **(This was Item 3 on Agenda of August 9, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. MOTION 2006-0726 ADOPTED.

48. ORDINANCE approving and authorizing contract between the City of Houston and **AKIN GUMP STRAUSS HAUER & FELD, LLP**, for Professional Legal Services; providing a maximum contract amount - \$200,000.00 - Property and Casualty Fund – **(This was Item 21 on Agenda of August 9, 2006, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** - was presented.

After discussion a vote was called on Item No. 48. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Berry absent. ORDINANCE 2006-0860 ADOPTED.

49. RECOMMENDATION from Director Department of Public Works & Engineering that City Council declare surplus and authorize the sealed bid sale of the following properties:  
Parcel SY6-107 - Oak Meadows at Howard - **DISTRICT E - WISEMAN**  
Parcel SY6-111 - 12949 Westella - **DISTRICT G - HOLM**  
and authorize the City Secretary to advertise the properties for sealed bid sale to the highest bidder at the minimum appraised bid amount - **APPOINT TWO INDEPENDENT APPRAISERS and ONE ALTERNATE APPRAISER – (This was a portion of Item 29 on Agenda of August 9, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and HOLM)** – was presented.

Council Member Wiseman moved to refer Parcel SY6-107 back to the administration, seconded by Council Member Alvarado.

Council Member Holm stated that she wanted to add a friendly amendment and would also like to refer Parcel SY6-111 back to the administration, and Mayor White stated if there was no objection by consent the amendment was so ordered, and a vote was called. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Garcia absent. MOTION 2006-0727 ADOPTED.

Council Member Berry stated that he wanted to release his tag on Item No. 7. Council Member Garcia absent.

7. **AMEND MOTION #2005-358, 4/20/05**, for Change Order in an amount not to exceed \$130,424.00 for Purchase of a Four-Person Turbine Helicopter for Police Department, awarded to **MD HELICOPTERS, INC** – was again before Council.

After discussion by Council Member Berry a vote was called on Item No. 7. All voting aye. Nays none. Council Member Brown absent on vacation. Council Members Lawrence and Garcia absent. MOTION 2006-0728 ADOPTED.

Council Member Berry stated that he wanted to release his tag on Item Numbers 9 and 9A. Council Members Lawrence and Garcia absent.

9. ORDINANCE appropriating \$4,800,490.00 out of Equipment Acquisition Consolidated Fund for the Purchase of Equipment for the Solid Waste Management Department – was again before Council. Council Members Lawrence and Garcia absent.

After discussion by Council Member Berry a vote was called on Item No. 9. All voting aye. Nays none. Council Member Brown absent on vacation. Council Members Lawrence and Garcia absent. ORDINANCE 2006-0861 ADOPTED.

- 9a. **HOUSTON FREIGHTLINER, INC** - \$2,228,847.00 and **MCNEILUS TRUCK AND MANUFACTURING COMPANY** - \$1,360,108.00 for Cabs & Chassis and Refuse Collection Bodies through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Solid Waste Management Department – was again before Council. All voting aye. Nays none. Council Member Brown absent on vacation. Council Members Lawrence and Garcia absent. MOTION 2006-0729 ADOPTED.

Council Member Wiseman stated that she wanted to release her tag on Item No. 31 and Mayor White stated if they were able to get information to Council Member Sekula-Gibbs perhaps during the pop off session her tag could be removed. Council Members Lawrence and Garcia absent.

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

Council Member Wiseman stated that Ms. Holly Anawatti, Governmental Relations Representative for Lockwood, Andrews and Newnam passed away on Thursday morning and requested a moment of silence for Ms. Anawatti. Mayor White and Council Members Lawrence, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Sekula-Gibbs stated that she too wanted to extend her condolences to the Anawatti Family. Mayor White and Council Members Lawrence, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Sekula-Gibbs stated that Mayor Michael Bloomberg, New York City, had dedicated \$125 million towards creating a smoke free world, that she wanted to acknowledge that commitment and thank him for his vision, that on the local level the Chairman of the Health and Environment Committee would be calling a meeting on August 24, 2006 at 2:00 p.m. in the Council Chamber and they would be discussing their local Smoke Free Workplace Ordinance, that a couple of weeks ago she passed out a model smoking ordinance and asked that all Council Members take a look at it. Mayor White and Council Members Lawrence, Holm, Garcia, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Sekula-Gibbs stated that there was a meeting being held at the Harris County Civil Courthouse at 201 Caroline that was addressing an issue that impacted not only the local, State and federal level, but people personally in their homes, a panel was convened through the Committee of Homeland Security, which was headed up by Congressman Michael McCall and they were taking testimony about the cost and consequences of illegal immigration on the criminal justice system, that she had a conversation with Chief Hurtt and asked for data on the numbers of illegal immigrants that were stopped by the police and those numbers as well who were illegal immigrants and then arrested with Class B and Class A misdemeanors as well as felonies. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that they had received an email from a constituent, Mr. Donald Benjamin, about the Deerfield Apartments, at 10001 Club Creek Drive, that he was awakened on Monday morning at 3:34 a.m. by six rounds of automatic gunfire from the rear of the Deerfield Apartments at 1001 Club Creek Drive, that he immediately got out of bed along with his wife and called 9-1-1, after two hours 32 more gunshots and nine calls he was informed by dispatch that there were not any police to respond, that he was sure most of them did not sleep on the floor of their homes last night dodging bullets, that previously it had gone on for

years, that the piece of rear parking area was no more than 200 feet by 30 feet, it could be rectified by one security guard patrolling at night or the owner making it off limits for use, that building 13 on the property had virtually been turned over to the gangs and was totally out of control, he was sending a request to Channels 13, 2 and 11 to try and focus on the problem and would be holding an urgent meeting of the Westwood South Homeowners Association to discuss the seemingly disinterest of their elected officials to the problem, that he thought they had been patient enough and it seemed the only way something would be done was when 10 homeowners were shot and killed, that they met with the owner and manager and Captain Bonds from Westside to help resolve the issues last October, that Neighborhood Protection was also out there and reported several code violations in that area and complexes, that as of yet the owner had failed to comply, failed to provide security for his property and residences or visitors who engaged in illegal activity which affected the Westwood South Homeowners Association and Mr. Benjamin and other neighbors directly, nor has the owner replaced the fence that had been torn down time and again by the criminals in his apartment complex, at their meeting in October 2005 they asked the owner, Mr. Gary Gaits, Gaits Management Group to review his leases and renters and check criminal backgrounds in an effort to lesson the chances of criminal activities or objection of criminals to enter the property, they also requested that he hire private security to patrol the complex and help deter or arrest those who were engaged in that behavior, that request was shut down with a request for HPD patrol instead of spending his own dollars, the request was received by Captain Bonds and was not feasible at that time, that other attempts to contact Mr. Gaits for assistance had been unanswered, their office had been contacted again by Mr. Benjamin to report several rounds of gunshots coming from the complex and had failed attempts with 9-1-1, the Chief's office had been contacted and had forwarded the case to Patrol Operations for investigations, they would be contacting the constituents, including Mr. Benjamin, and provide their office with an update to the investigation, that Chief Lumpkin's office had been helpful also by sending an inspector out to the property and looking into ongoing violations for citations and was also requesting assistance from the FAST units, his purpose was just to bring attention to the matter and hoped that with all the discussions going on and people talking about the Charter amendments and also those things they should not forget that crime was the number one issue and public safety was the number one priority for every Houstonian, that they should not compromise on providing the necessary resources to fight crime in the City. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Mayor White stated that what they heard and what he talked to officers in that district and division was that the eleven new folks they assigned to West Side had helped and so had their deployment of the tactical operations, that the tact guys were incredible and they could see the change of what was happening at the apartment complexes, if they looked at the volume of what had been occurring in the last week, some of the units had zero tolerance, a strategy they deployed in District 17, they were seeing some good results, they hear what the individual was saying and Council Members Khan and Holm and others needed to be able to highlight and let people know that some things were happening in the City of Houston where they were responding and the officers were working very hard, and to the people in Tactical Operations and people under cover in the Vice Squad he wanted to say they were his heroes. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado and Green absent.

Council Member Khan stated that the Indonesian Independence Day would be celebrated on Thursday, it was the 61<sup>st</sup> Anniversary and the Consul General was holding a reception at the Westin Galleria. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado and Green absent.

Council Member Sekula-Gibbs stated that she would release her tag on Item No. 31. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado and Green absent.

31. ORDINANCE approving and authorizing acceptance of Buffer Zone Protection Program Funding from the U. S. Department of Homeland Security, as subawarded to the City of Houston through the Governor's Division of Emergency Management – was again before Council. All voting aye. Nays none. Council Member Brown absent on vacation. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado and Green absent. ORDINANCE 2006-0862 ADOPTED.

Council Member Berry stated that he had a concern on Item No. 44 that some of what they appropriated had already been incurred, that he did not tag the item but wanted to reiterate that it concerned him when they were spending money that had not yet been appropriated because he thought the Council had deferred to departments that their expenditures would be wise and that they wanted to be oversight without micromanaging, so if he could just get some response from the Legal Department as to why that occurred. Council Members Lawrence, Holm, Garcia, Garcia and Green absent.

Council Member Berry stated that he had heard some accounts in the media that recent discussions of redistricting were dead for now but he had received some calls and would appreciate an update on that. Council Members Lawrence, Holm, Garcia, Garcia and Green absent.

Council Member Berry stated that on the issue of the Veterans Day Parade, it concerned him a great deal that there was discussion of shutting down the parade in favor of a ceremony, that he thought Mayor White had received some unfair criticism on that, that he had been to some of those parades as had Mayor White and his colleagues and the unfortunate thing was to have a large number of veterans at an event and fewer people there clapping for them, that was an unfortunate situation, that he had talked about it to quite a few people and had gotten quite a few emails, that he wanted to say that Susan Christian was always very responsive and open to ideas and assistance and made very clear to him that if they could get the support for a parade, if they could get the people sitting on the sidewalk, that they would be more than happy, through the Mayor's office, to coordinate a parade, so with that in mind they had begun a brief exploration to see what kind of support there would be. Council Members Lawrence, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated that they wanted to support the decisions made by the veterans organizations, that it was news to him when he heard that the City of Houston had made some decision and when he poked around the truth came out. Council Members Lawrence, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent.

Council Member Berry stated that he had received a number of emails and calls from constituents concerned if they were hit by someone who did not have insurance, that he had done some anecdotal statistical analysis based on conversations he had with other individuals and it was not necessarily an illegal alien problem, it was not necessarily a problem related to people's income level, that some people believed they could drive on the streets of Houston without insurance and that it was a perfectly legal or acceptable way to do business and it was not because they were passing off the cost of a potential accident to other people, so he had begun, in his office, to pursue some way to deal with the problem that prevented people from continuing to do that the thought being the law says they had to have insurance and it was a reasonable law so that other individual who were also struggling and did pay for insurance, should they be hit by them, would have an opportunity to move forward, he would say to his colleague, Council Member Edwards, who had a concern earlier, that it was his intention that no one be picked on based on a profile, an income level or anything else, but the law was very clear and the victims who were hit hardest were often those who were low income and did not have uninsured motorists insurance, that he intended to move forward with that and have

discussions with his colleagues. Council Members Lawrence, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent.

Council Member Berry stated that sometimes conflict could be healthy in the process and he would like to say to the Chief of Police's office that he had seen what he considered to be considerable progress in communications, certainly with their office and other individuals, he did not know how the discussions were going that were being moderated by Mike Nichols and would like to be updated on that if there was progress, he hoped there was for the public's sake, but he received, as he was sure his colleagues had, a several page memo from the Chief's office and he got into things that he suspected no Chief of Police wanted to get into, his beard and tattoo policy and vest policy and overtime being a bigger issue, but that was an issue and it had been articulated, he dealt with it and provided information, that to him was a step in the right direction and they had communicated that to his office, he had also opened himself up to discussions with Council Members one on one and at a time when the department's leadership was being questioned, specifically his leadership, he thought that was a positive step in the right direction, it not only opens communications but it showed humility and a willingness to work toward a solution, that he did not know that they were there yet but wanted to say to the Chief of Police that like his colleagues and like he hoped HPOU and the general public, they all wanted to see him succeed and they all had their two bits to say in how he could do that and he saw some positive steps in the right direction and he wanted that noted publicly. Council Members Lawrence, Johnson, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that the Indian American Community of Houston would be celebrating India's Independence Day on Saturday at the George Brown Convention Center; that the Bangladesh Society of Greater Houston was honoring the high school and college graduates on Sunday at the Sargarland Community Center in Sugarland, Texas; that last Saturday the Pakistani Community under the banner of Pakistani American Association of Texas celebrated the 59<sup>th</sup> Independence Day of Pakistan at Sam Houston Race Park, that the program was shown live on international television in 130 plus countries, that they showed a 10 minute documentary on Houston including comments from Mayor White and what Houston went through last year, that the Greater Houston Partnership provided him with a CD highlighting Houston and Council Member Lovell addressed the audience and was seen live all over the world. Council Members Lawrence, Johnson, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that there were two storefronts finally getting underway in District C and wanted to thank Mr. Dadoush in Building Services for helping to dislodge them, the first was the Westbury Storefront, which was something that had been long in the making for that community and the Richmond Storefront, which would serve the Richmond area just west of the 610 Loop and areas such as Lagemont and west of the Galleria, that both of the projects were items that were requested and needed by the community and would provide a tremendous increase in police presence, that she also wanted to give kudos to Mr. Michel who also helped dislodge some of the items and Tracy Whitehead in Building Services. Council Members Lawrence, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that there was another challenge that she knew Mayor White had given to Mr. Dadoush and that was to help resolve the problems of the under market leases that the City happened to own and she would urge Mr. Dadoush and the Mayor's office to consider the value of the community service that many of the projects had been providing over the years, one of which was the Westbury Little League that had been leasing the property and improving it since the mid 1960s when they won the Little League Championship as well as the Willow Pool which was on City owned property and they provided an invaluable public

service by providing low cost membership for pool service, which otherwise would not be offered in that part of District C and also a school and a Jewish Home, so they urged to consider the value that the community was receiving when they evaluated those leases and she looked forward to working with the Mayor's office in dealing with the community on it. Council Members Lawrence, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated that Michael Moore was familiar with it and he gave him some direction that there could be good reasons for some market value leases where non profits were providing something that was a core City function, such as parks, pools and things like that and usually there was story behind some of those leases, that there were some form letters sent out and one thing he wanted to make sure was to both deal with these effectively on time tables he had indicated when they were brought to his attention, but also show some judgment on how they dealt with the individual submarket leases and probably the humility to understand that somebody was occupying those facilities because somebody in City government at some time thought it was a good idea, that they may change their policy but good governance meant that they work with people to adjust their expectations and do not change the rules in the middle of the game abruptly. Council Members Lawrence, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent.

Council Member Wiseman stated that she wanted to thank Council Member Berry for bringing up the issue of the Veterans Day Parade and appreciated the clarification that had been made at the Council table. Council Members Lawrence, Clutterbuck, Edwards, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she had a need for assistance, clarification and understanding with respect to concession permits, the school year had started and they had various campuses and organizations and youth groups that were having their sporting events, a campus in Kingwood had a group of booster parents that were trying to sell at the games on the grass with a popup tent and fold up table packages of chips and canned soft drinks to the spectators at the sporting events but because there was no concession stand or permanent structure the parents were not allowed to sell their packaged chips and soft drinks, that it was discouraging to try to get clarification from the department on what options they had, they had been told they could get a permit where they would have to show access to restroom facilities and a janitorial closet so they could mop up, she was not sure how they were going to mop grass, it did not make sense and she would like to see if they could find out exactly what it was they could do and how they could get the process user friendly for all of the booster parents throughout the City. Council Members Lawrence, Clutterbuck, Edwards, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he would like to ask Mr. Williams and Mr. Turner to get together and talk through this and see if there was some common ground, that it was the kind of thing that involved some discretion. Council Members Lawrence, Clutterbuck, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that they had the same problem in little league, that everything was packaged and the Cokes were not open and were not in open cups and they could not sell but yet the Girl Scouts were allowed to sell cookies without any sort of permits so it really was not a level playing field for booster clubs and little leagues. Council Members Lawrence, Clutterbuck, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he echoed the sentiments of his colleagues, the fact that their communities had been requesting for a long time the opportunity of becoming more self sufficient and encouraged their communities to go out there and try to raise their own

money and be more self sufficient. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that on September 16, 2006 he, along with Representative Sylvester Turner, would be having a golf tournament benefiting Inner City Action Network and the Harris County Youth Advocate Program, that it would be at Brock Park at 8201 John Ralston Drive; that on August 19, 2006 at the Northeast YMCA at Tidwell and North Wayside Drive the Omega Sci Phi Fraternity would be having their back to school drive and he and Council Member Green and State Representatives Senfronia Thompson and Harold Dutton were the sponsors for the event, it was the fourth annual, that they were giving great entertainment and getting children prepared and ready to go back to school and making sure they had a solid foundation to go back to school, that it would be working with students only from the North Forest Independent School District, that it was very important, that obviously North Forest had come under fire for eight of its eleven schools had been poor performing and they wanted to make sure they helped in any way they possibly could and he supported the community, that it would be from 10:00 a.m. to 2:00 p.m. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to thank Mr. Lester Howard of the Neighborhood Protection Special Projects Program, in light of school starting this week he had been calling on Mr. Howard to make sure the lots around the schools were being cut and de-littered so the children who walked to school would not be impeded by the heavy weeds and trash, that Mr. Howard had been doing a phenomenal job, especially in the Acres Homes Community, which was the area where they found six dead bodies of women and two of those bodies were found by children. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he had a chance to go out to Candlelight Oaks Civic Club on Monday and it was a great meeting and he wanted to thank Inspector McQueen who came out and was a part of the meeting to talk about the parking situations, that many of their communities were impeded by severe parking situations and people parking across the sidewalks or on the grass and they found out that citizens could write tickets for violations and he thought it was a great idea and concept through Parking Management, they take a four hour class and from there they could go into their neighborhood and help the patrol team to eradicate the community of those types of violators and he thought it was a great program, that he looked forward to seeing that program in Neighborhood Protection for weeded lots and also for abandoned buildings, that it was a program that they certainly needed to implement. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that they had talked quite a bit at the directors meeting of getting the training so that City employees in certain categories could write citations and they had done something with the Handicap Permits but he would like to get more information on what Council Member Johnson was talking about. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to wish one of her children, who turned 16 this week, a Happy Birthday. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that on Item No. 32, which authorized Mayor White to accept \$16 million in Homeland Security money, which were a lot of jobs, was in an area in their district where unemployment was high and she would hope they could duplicate what they saw

yesterday at the George R. Brown where there was a great job fair, that as they expand some of their services at the airport and the jobs available that they reach out to that district so they could also benefit in the economic development in that area. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that they ought to consider doing something like that every three months and if Council Member Lovell could help them think what they could do to be a catalyst for that and obviously they had the facility. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate the Trinidad and Tobago Community who would be celebrating 44 years of independence of their home country on August 31, 2006, that this weekend in the community in Houston they would be celebrating that particular occasion. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that in response to Council Member Berry's remarks about the auto insurance, she could not imagine what she had said to influence him but her concern on that issue was confiscation of taking people's cars because they did not have insurance, if they were going to do that she thought they could take people who had multiple drunk driving charges, that she did not think people who did not have insurance should be the ones who they took their cars from, they should take them from everybody who had wrecks and red lights and all that. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they had a situation that hopefully they would get some resolution today, but it still spoke to the issue of parking in inner city communities, on Lexington on Shephard there was a facility that had valet parking and that would not be necessary a bad thing except Lexington Street was half the width of a regular street and was a residential area and when they had people that lived in the community and parked on both sides of the street there was really no room for valet parking and for them to cone off parts of the street for valet parking was a problem, especially when they just applied for a permit on Friday and they had been doing it for a long time, they had been cited four times for valet parking without a permit and one of the drivers was even cited for driving without a license, that as of Monday the tickets were still outstanding, her problem with it was that they were issued a permit on Friday by the department and she thought that when they knew the situation and that somebody was being irresponsible she had a problem with their being given a permit to do something that they had been doing in a irresponsible manner and breaking the law and then still not even having paid the tickets, the community was very upset about their being given a permit and being allowed to continue to just park and be cited and continue to park, that Ms. Rambo was working with them on it, but she thought it was time for communities to stop being held hostage by irresponsible businesses and neighbors, that hopefully they would put a stop to it and use it as a model for how they dealt with businesses that were operating in residential areas, that she did not know that anybody could use the City streets for valet parking and make money off of City streets. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mayor White stated that there ought to be a law that addressed the obstruction to traffic and would have Mr. Michel and Ms. Rambo take a look at the issue. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had come to appreciate a group called The U. S. Mayor's Climate Protection Agreement Association and there was a group of nine Mayors of Texas who had signed on to work policy and Legislation wise on how they protect and improve their climate and she noticed that the City was not a member and knew Mayor White was a member of a lot of groups and wondered if Mayor White would consider becoming a member of that particular organization, if not she would like the District D office become a member if they could. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was not clear if they still had a Legislative Committee and if they were going to meet before the session started. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the Comets were the only professional team in Houston that had four back to back championships and thought it really said something to that professional group, that they really needed the City of Houston to be behind them on Thursday night at the game. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:25 p.m. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Garcia, Sekula-Gibbs and Green 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