

City Council Chamber, City Hall, Tuesday, August 22, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 22, 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; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Ms. Debra Dillard, Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present. Council Member Peter Brown absent on vacation.

At 2:07 p.m. Mayor White called the meeting to order and called on Council Member Edwards who stated that a very committed group resided in the Sunnyside area; that they worked long and hard to improve the quality of life in their area, particularly dealing with air pollution and today they would be represented by Ms. Swindell and Dr. Clark and invited them to the podium. Council Member Edwards further stated that Citizens against Southern Crushed Concrete collectively traveled to Austin two times during the summer to speak to the Texas Commission on Environmental Control and were successful in getting the permit for the concrete company detained and the permit was denied indefinitely with the matter still pending, but the victory was theirs as a community and to them District D was saying thank you; and Certificates of recognition were presented to them with the entire group being asked to come to the front; and Ms. Swindell stated that on behalf of the Sunnyside Community she thanked all who were a part of it. Council Members Johnson, Wiseman, Alvarado, Green and Berry absent.

Council Member Sekula-Gibbs stated that today she was recognizing a wonderful organization, the Boy Scouts of America; with school starting it was time to replenish the ranks of the scouts and recruit and invited representatives and scouts to the podium. Council Member Sekula-Gibbs further stated that the evening of September 7th was a school night to join scouting and they would be at almost every school in a 16 county region; and presented a Proclamation to the group for their dedicated program to train boys character and prepare them to be leaders of tomorrow; and proclaimed August 22, 2006, as "Houston Join Scouting Day", in Houston, Texas Mr. Maxey stated that they were honored the City of Houston allowed September 7th to be the day Houston would join scouting; that each year they looked forward to serving over 10,000 new scouts in their character building program and were happy the City of Houston recognized them; and they thanked them. Council Member Johnson absent.

Council Member Garcia stated that it was his honor to be a part of this wonderful presentation; that Houston was a great city because many people came together to make it so and it was people who brought a wonderful spotlight to Houston; that this young lady was one of those people and invited Miss Magen Ellis and her family to the podium. Council Member Garcia further stated that Magen was one of the youngest winners to capture the Miss Texas USA crown and she attended the U of H and worked hard daily in making a difference lending support to numerous community and charitable organizations; and presented her a Proclamation proclaiming August 22, 2006, as "Magen Ellis Day", in Houston, Texas. Miss Ellis thanked Council Member Garcia and Mayor White for making this possible; and congratulated Mayor White on trying to get Houston off the fattest city list, she was dedicating her year as Miss Texas to two primary health issues which was breast and ovarian cancer and childhood obesity; and that she was very proud to be from Houston. Council Member Wiseman absent.

At 2:31 Council Member Edwards invited Mr. Marcus Davis minister at the Awakenings to lead all in prayer and Council Member Edwards led all in the pledge.

At 2:32 p.m. the City Secretary called the roll. Council Member Brown absent on vacation. Council Member Berry absent.

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

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of moving the seven speakers on the FAST Ordinance to the top of the list of Non-Agenda speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Berry absent. MOTION 2006-0730 ADOPTED

The City Secretary began calling the public speakers. Council Member Berry absent.

Ms. Illya Wynne-Davis, 3410 Elegia, Houston, Texas 77080 (713-618-1482) had reserved time to speak but was not present when her name was called. Council Members Wiseman and Berry absent.

Mr. Reuben Shandy, 20930 Deauville Drive, Spring, Texas 77388 (713-817-1206) appeared and stated that he had worked with Continental Airlines 14 1/2 years and was present with coworkers, who he ask to stand to be recognized. Mr. Shandy further stated that he was present as he felt it important to let voters have the opportunity to take the airport fund out of Proposition 2; that they all worked hard to make Houston proud in making Continental a world class international gateway and were upset the airport would not be able to grow while airports in other areas would; urged support of Council and thanked them for considering their point of view. Council Members Wiseman and Berry absent.

Upon questions by Council Member Edwards, Mr. Shandy stated that he was for taking the enterprise fund out of Proposition 2; that he was a customer service agent and had been there 14 1/2 years; and Council Member Edwards thanked him for coming and urged he and his colleagues be registered to vote. Council Members Wiseman and Berry absent.

Mr. Larry Hill, 3839 N. Sam Houston #290, Houston, Texas 77032 (281-449-0909) appeared, presented information and stated that he was present on the FAST ordinance and wanted Council to delay it; that they all understood the goal, a crime free city, but the city continued to grow and officers were reduced, then in September 2005 120,000 evacuees moved in from New Orleans and apartment owners were not allowed to do credit checks, got no security deposits and no ability for criminal checks and though apartment owners should be responsible for what they could control they could not control all crime; and the ordinance should assist in eliminating slum properties but not shift the responsibility of public safety from the city to apartment owners. Council Members Wiseman, Holm and Berry absent.

Council Member Garcia stated that Monday at 10:00 a.m. he and Council Member Lawrence, would be holding a joint public safety and regulatory affairs committee meeting on the issue; and encouraged him and others to come; that it had been a work in progress prior to Hurricane Katrina and it was not being done to penalize apartment owners in general, but to get attention of a few who did not want to be good neighbors. Council Members Wiseman, Holm, Lovell and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Hill stated that he agreed this was not just a Katrina problem and normally a credit check would be done and a security deposit would be taken so people would have a commitment to where they lived; that also normally a criminal check would be done, but the problem was they were not able to get to security information out of New Orleans because apparently it was under water; that to help do away with crime more officers were needed and his problem with the ordinance was it was saying

they were responsible for safety of the people and that opened many doors of liability. Council Members Wiseman, Khan, Holm, Lovell and Berry absent.

Council Member Lawrence stated that she hoped to see him at the hearing and him provide criticism on how the ordinance could be better as Council did want to have a good ordinance. Council Members Wiseman, Khan, Holm, Lovell and Sekula-Gibbs absent.

Mr. Joseph Colangelo, 8311 Cheshire Vale, Houston, Texas 77024 (713-412-1875) appeared, presented information and stated that he was owner of the Glendale Park Apartments at Braeswood and Gessner for 20 years and present on the FAST Ordinance; that he hoped Council would allow apartment owners to advise them as to the proper uses of their power as they felt the path being taken had many unintended consequences which would severely damage Houston and urged them to slow down the process and get the facts. Council Members Wiseman, Holm, Lovell, Sekula-Gibbs and Green absent.

Council Member Johnson stated that he wanted to provide the best ordinance they could to provide support to apartment owners and citizens; and upon questions, Mr. Colangelo stated that for 20 years they had programs and they gave 8 of their units toward teaching others to be good Americans and had spent over one million seven in the last 10 years with HPD and almost seven hundred thousand in the last 4 years; that they did 10 times more than requested and now were lobbying the Mayor to get them a real police station for southwest Houston; and L. A. put in a garbage usage fee which funded 1,000 plus officers; that their programs had helped to alleviate the crime element, but the ordinance they wanted for slum landlords was going to destroy many. Council Members Lawrence, Wiseman, Holm, Lovell and Sekula-Gibbs absent.

Ms. Brenda Boyd, 3839 N. Sam Houston #290, Houston, Texas 77032 (281-449-0909) appeared, presented information and stated that she worked for Sumar Realty Corporation and supervised Glendale Park, one of the properties talked about, and in the last 5 years noticed a tremendous rise in crime while police presence decreased and response times were slower; that Glendale Park did not knowingly tolerate activities such as discharge of firearms, murder, etc., and yet they were sent an abatement letter from the FAST team instructing them to attend a FAST meeting and requesting them to sign a nuisance abatement plan; and they had spent much money securing the property. Council Members Wiseman and Sekula-Gibbs absent.

Upon questions by Council Member Edwards, Ms. Boyd stated that maintenance fees varied, but recently with the turn of Katrina units they had gone from \$1,500 to \$5,000 and \$6,000 a unit, many units were destroyed, carpet destroyed, appliances taken even kitchen islands taken. Council Members Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Berry absent.

Mayor White stated that he wanted citizens to have input in the process and this began about April 2005 with meetings and the question was how to allocate cost and do preventive measures so it would not just be officers responding to Code A calls and the more specific people would be the more helpful; that they were for multifamily and would do things to encourage multifamily and they wanted to be sure responsible owners had a level playing field and they wanted rules enforced and not rules which were one size fit all and those reasons were why it was taking time to distinguish between categories of property; that Districts 17 and 18 were some of the busiest, the highest crime, but people wanted good security gates, lighting, etc., and some apartments did not have that; and many apartment owners did want something like what was being considered so those who made investments in their properties were not victimized by those who did not; that no one here was anti apartment, but they were trying to figure a commonsense way to avoid raising property taxes for everyone including apartment owners. Council Members Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Berry absent.

Ms. Stephanie Richardo, 8801 Gustine, Houston, Texas 77031 (713-777-2062) appeared and stated that she had been in the apartment business over 20 years and was present supporting what was said on both parts; that she had been with Glendale since December 1st and they had a unique program as they housed refugees from all over the world and now housed Katrina evacuees and they would be glad to address problems if they were told about them. Council Members Clutterbuck, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she could tell she cared and should let the committee hear from her. Council Members Clutterbuck, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Elena Gomez, 8801 Gustine, Houston, Texas 77031 (713-777-2062) appeared, presented a petition and stated that she was the leasing coordinator at Glendale Park and was there 7 years; that they had over 1,000 refugees there and housed 98 Katrina evacuees and long-term residents were concerned about the property and her petition had over 200 signatures as they were concerned. NOTE: The petitions were presented for the record. Council Members Clutterbuck, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Gomez stated that she worked for the Glendale Park Apartments and they had 4 agencies who worked with them and a locator who called, when a refugee was brought in an agency paid up to 5 months for them and after that they were on their own, they had a job and paid their rent. Council Members Clutterbuck, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that there was federal funding available and they had case workers for international refugees; and Council Member Edwards stated that sounded incredible to be new in a country and on your own in 5 months. Council Members Clutterbuck, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan thanked all who came today and stated that they were some of the good guys in the apartment business and Council considered them an asset; that the ordinance being worked on was geared towards owners who were more like slum lords so this would not affect good people like them and he hoped they knew the Mayor and Council were doing all they could to fight crime in Houston and he thought the primary responsibility of the safety and security of the citizen was with the government and he would close everything and take care of the problem if that was what was needed; he would call the governor for National Guard, they could not afford to not address the crime problem and though they were doing all they could it was not enough and going from bad to worse and out of the box thinking was needed if they did not want national media to focus on Houston as the crime city of the nation, he did not want that reputation; and Mayor White stated that he just mentioned something very important, no crime was acceptable, but he wanted people to help him accomplish his purpose and gave the following crime statistics for Districts 17 and 18 from January through July:

	<u>2001</u>	<u>2006</u>
Murder	35	34
Rape	103	103
Robbery	1,298	1,186
Aggravated Assault	1,027	995

Mayor White further stated that police have had a lot of overtime, no crime was acceptable and some crime was moving, but he did want to say this, in 2004 numbers were lower with fewer officers and no overtime; that was before the evacuation, but all had a responsibility to respond

aggressively to crime and to be familiar with statistics; and he wanted to share that information so people would not work themselves up into a frenzy and create an image problem. Council Members Clutterbuck, Holm, Alvarado, Lovell and Sekula-Gibbs absent.

The City Secretary called Ms. Anetta Jackson 8801 Gustine, Houston, Texas 77031 (713-777-2062) and Mr. Hill advised there would be no more speakers on the FAST ordinance and Mr. Peter Longorria, 8801 Gustine, Houston, Texas 77031 (713-777-2062), the next speaker on FAST was not called. Council Members Clutterbuck, Holm, Alvarado, Lovell and Sekula-Gibbs 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 Clutterbuck, Holm, Alvarado, Lovell and Sekula-Gibbs absent.

Mr. William Barker, 9966 Kirkdale, Houston, Texas 77087 (832-519-6260) appeared and stated that he was present to say there were sanctuary houses in Houston, he had lived in L. A. and knew what a sanctuary house looked like; that the government said it was illegal to transport, harbor or hire illegal aliens and he did landscaping and knew of companies who laid off good people to hire them; and it was time citizens take back their cities. Mayor White, Council Members Clutterbuck, Holm, Alvarado, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Mr. Barker stated that a sanctuary house had slits in windows so people could see; that he would get her addresses if she wanted but it was not going to help; and Council Member Edwards stated that if he gave her addresses she would be glad to give them to immigration. Mayor White, Council Members Clutterbuck, Holm, Alvarado, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lawrence stated that she wished his subject was why there were sanctuary houses and not that we were a sanctuary city because she did not think we were and she also wanted the addresses and if he knew companies hiring then he should give that information. Mayor White, Council Members Clutterbuck, Edwards, Holm, Alvarado, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Garcia, Mr. Barker stated that he would support the federal government reimbursing the city for their expenditures if they were arresting people and cooperating with the government. Mayor White, Council Members Edwards, Wiseman, Holm, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Ms. Laqweda Holman, 6323 Harcourt, Houston, Texas 77016 (281-594-0306) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Edwards, Wiseman, Holm, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Ms. Sabrina Pierre, 2300 Briarwest #4101, Houston, Texas 77077 (832-563-8335) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Edwards, Wiseman, Holm, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. Ira McBride, 3255 Elgin, Houston, Texas 77004 (832-633-7708) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Edwards, Wiseman, Holm, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. David Thorne, 12180 Greenspoint Drive #157, Houston, Texas 77060 (832-286-5925) appeared, presented information and stated that he was president of the Urban Mass Transit Union, a new union was voted in at the Metropolitan Transit Authority in October 2004, for such matters of contract negotiations, labor relations and grievances, but also in October a memo was sent by the senior director for labor relations at METRO stating they would only recognize TWU Local 260 as exclusive representative for employees and no other organization and that was violation of state law and how was it that five board members appointed by the City of Houston insisted on not following the law, in August 2005 City of Houston's appointee Frank J. Wilson, president and CEO and Yvonne Ogden and the four remaining city appointees knowingly violated the federal Voting Right Act of 1971 by not doing all to make results of the Metro Union vote effective. Mayor White, Council Members Holm, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry thanked Mr. Thorne for coming and providing his comments in writing. Mayor White, Council Members Holm, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she wanted clarification on appointment of Frank Wilson, she thought he was hired by the board and the city did not appoint him; and Mr. Thorne stated that it was through Mayor White's recommendation; and Council Member Edwards stated that she did not think so he was hired through the METRO board; and Mr. Thorne stated the City of Houston appointed five members and he did not see how they could not do what was best in the interest of public service, because of them not following the law the city received no federal grants; and Council Member Edwards stated that she was not sure of questions he was asking, but the city did not hire Mr. Wilson and appointees by the city still worked on their own volition and were not running dogs of Council and that was the issue she wanted known. Mayor White, Council Members Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Moses Villapondo, 314 Lindale, Houston, Texas 77022 (281-236-1808) appeared and stated that tomorrow METRO planned to announce their preferred route for the North Corridor and the voters gave them the preferred route when they voted in 2003 and they voted for North Hardy and not for the North Corridor of which they knew nothing of, it would be going in front of five elementary schools in their area and going no where close to North Hardy, not one street they would be announcing was on the 2003 ballot; that they were supposed to have politicians who supported the people and for two years where were they; that Congressman Green last week stated if they were not getting what they voted for they needed to go to court, but why could they not count on their Council Members At-Large and their district Council Member, Council Member Garcia or Mayor White; that METRO lied to all and they chose to support those lies and they would not forget where they stood when voting in the future. Mayor White, Council Members Wiseman, Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Garcia thanked Mr. Villapondo for coming and stated that he never made a comment about which alignment he wanted or did not want and he left it to engineers to bring recommendations which he had not seen as yet; that he respected him and would greatly appreciate him not putting words in his mouth. Council Members Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Mayor White stated that in response to comments along the lines of some issues on the north side the Planning Department allocated the budget authority to have specific corridor studies, they were looking at each corridor and the impacts on adjacent neighborhoods and the

first meeting to introduce people active in the communities to this process would be at the George R. Brown and people would share information on this, on what happened in virtually every major city where there was always this issue of what came first and what route did it go down; that he did not try and convert people with their minds made up, but he did hope they would get his and others input and realize it was a journey with multiple interests which needed to be thought of, most people wanted to be close to a line, but few wanted it on their street; that he was listening while he was in conference in back; and also Council Member Garcia made a comment to him four weeks ago and they were backing it up through Planning and that was why they were reaching out and it would be a significant effort through the Planning Department; and Council Member Garcia stated that yesterday he spent a good deal of time speaking with a business owner along the route and their questions were...; that he heard there would be some financial support for businesses most impacted by construction, but no one had seen qualifying criteria and he would appreciate the information because that was concerns of the people; and Mayor White stated that Council Member Clutterbuck was trying to help build rail and listening to all points of views and whenever they were going to have construction they were going to have to think of businesses being interrupted as he wanted similarly situated people treated the same regardless of where their location was and regardless if it was rail or a street project and he wanted many to participate in the decision with him; and Council Member Garcia stated that with the amount of construction which would occur there was a great deal of access to his district from the southern border, North Main from U of H which would be cut off for a significant time and those businesses would feel a serious impact because there would be no other access point to the businesses, probably those south of Patton; and Mayor White stated that he did not want to keep delaying the next speaker, but he would like him to help him with the sequence of events. Council Members Johnson, Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that one thing she found in the METRO situation was the issue on the ballot was not as complete as the attachment and it was a problem for ballots as people thought that was what they were voting for and there were other streets included and the average voter did not read it, they had no access to it and that problem needed to be addressed in balloting; and Mayor White stated that when on the ballot they spoke of corridors, but on maps there were no corridors and he strenuously objected but was told he was not Mayor, but it would have solved problems. Council Members Johnson, Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Heather Burns, 14235 Nimitz, Houston, Texas 77015 (713-451-5868) had reserved time to speak but was not present when her name was called. Council Members Johnson, Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson, Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Johnson, Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Paula Harrison, 8000 W. Tidwell #920, Houston, Texas 77040 appeared and stated that she was present to speak on the gang problem in Houston; that members drove gray cars and she and her son were attacked by them for refusing to help them recruit members; that she contacted Office of the Gang Division in HPD and someone at the Northwest District but

received no response; and she wanted Council to advise the Gang Division to speak to Tim Williams and J. D. Harrison about her allegations, once they check their bookkeeping they would find Tim Williams and Jill Hunt guilty of again misusing school monies and gang activities; that J. D. Harrison was their bully enforcer of the North Houston Charter School for Business. Council Members Johnson, Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia suggested Ms. Harrison visit with the Police Lieutenant in the Chamber at this time. Council Members Johnson, Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Tony Jones, 1950 Spenwick #318, Houston, Texas 77055 (713-935-0011) had reserved time to speak but was not present when his name was called. Council Members Johnson, Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was he was wealthiest and most powerful; and continued expressing his personal opinions until his time expired. Council Members Johnson, Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that Horton was not a Senator but he was the official U. S. President; and continued expressing his personal opinions until his time expired. Council Members Johnson, Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

At 3:54 p.m. City Council recessed until 9:00 a.m., Wednesday, August 23, 2006. Council Member Brown absent on vacation. Council Members Johnson, Wiseman, Khan, Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 23, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 23, 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. Susan Taylor, Deputy Chief, Legal Department; 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 9:19 a.m. Acting Mayor Pro Tem Berry called the meeting to order. Mayor White and Council Members Wiseman, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lawrence moved to suspend the rules to consider the Mayor's Report out of order, seconded by Council Member Green. All voting aye. Nays none. Council Member Brown absent on vacation. Mayor White and Council Members Wiseman, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. MOTION 2006-0731 ADOPTED.

MAYOR'S REPORT - United States Conference of Mayors 2006 Livability Awards

Acting Mayor Pro Tem Berry invited Mr. Tom McClimon, Managing Director of the U. S. Conference of Mayor's and Mr. Bo Egbert, Municipal Marketing Director of Waste Management of Texas, to the podium.

Mr. McClimon stated that it was a pleasure to be in the City of Houston and wanted to thank Mayor White and the Members of the City Council for allowing them to be present today to present a Livability Award to the City of Houston for their program Expectation Graduation, that he had been with the Conference of Mayors for almost 20 years and 20 years ago if he was presenting a City Livability Award to a city most likely it would not have been for an education program, they never talked about education at the Conference of Mayors 20 years ago, it was only about 10 years ago when Mayor Rich Daily from Chicago became their president that he brought the issue of education to the Mayors and said that no matter what they did in their communities in regards to economic development, livability and trash pickup it made little difference if they were not focusing on education and he stressed to the mayors that the education of the young people, young students, was probably one of the most important things that the Mayor and City Council could focus on and ever since that period of time, at least at the U. S. Conference of Mayors, they had focused a great deal on the issue of education and the program that they had in Houston, that they were recognizing today, Expectation Graduation, was really an example of what a city could do in that effort and they were to be commended for being in the forefront of it, he wanted to recognize and thank their partner, Waste Management, for cosponsoring the Livability Award Program with them, they had been their partner for 20 years, that Houston competed with over 100 other cities for the award and won the award for their outstanding leadership on the effort and also for how it could be replicable and provide an example to other cities, that again he wanted to extend their congratulations to the Mayor, Members of the City Council, Members of the Houston Independent School District and members of other organizations involved in the program. Council Members Wiseman, Holm, Garcia and Alvarado absent.

Mr. Egbert stated that on behalf of Waste Management they were excited about presenting the award in their hometown, that any program that encouraged youth to stay in school, get an education, better themselves and create better opportunities and a better future for themselves certainly improved their lives and the lives of their communities and they were excited to be present today. Council Members Wiseman, Holm, Garcia and Alvarado absent.

Mayor White stated that he wanted to thank Mr. McClimon and Mr. Egbert, that it was big news for the City of Houston, that he wanted to thank them for the good work from the Conference of Mayors, that the organization worked hard every day to promote best practices and government bench marketing and to fight for the right of local governments, that Waste Management had done so much for the community, whether it be neighborhood cleanups or just supporting good government as it did nationally, that they would accept the award as a team, that everybody who was part of the effort was part of that team, the team was reassembling on Saturday morning and going out to reach out to dropouts as part of an overall program that they called Expectation Graduation, that he wanted to recognize members of the team who were present in the audience and ask that they stand and be recognized, that in the overall Expectation Graduation effort to reach out to people who dropped out of school throughout last year, 1,300 people were brought back into that one school district, over 200 graduated and of that 1,300 there were 706 of those 1,300 which were contacted a year ago Saturday for the walk, so he wanted to encourage everybody to show up for the walk, it was going to be conducted at some 20 different HISD schools, plus all Aldine High Schools, beginning Saturday at 8:00 a.m., that the program was frankly not all about the volunteers and the educators that worked hard everyday in the classroom doing the most important job that any society every day in a classroom doing the most important job than any society ever had, it was about the

students, and they were blessed to have one participating student, Mr. Emmanuel Miranda, with them today and he invited Mr. Miranda to say a few words. Council Members Edwards, Holm, Garcia and Alvarado absent.

Mr. Miranda stated that he was a student who dropped out from Milby High School because of his family's financial situation, he had to start working, but thanks to Mr. Armando Alejandro, who gave him a chance to go back to Milby High School to get his education, that he graduated Milby in 2005 and was now a student at the University of Houston Downtown, by next year he would be transferring to the Central Campus and was studying forensics. Council Members Garcia and Alvarado absent.

Council Members Lawrence and Alvarado congratulated Mr. Miranda and thanked him for being present today. Council Member Garcia absent.

Mayor White recognized Mr. Abe Saavedra, Superintendent, Houston Independent School District. Council Member Garcia absent.

Mr. Saavedra stated that he wanted to thank the U. S. Conference of Mayors for the award and thank Mayor White and Mrs. White for their participation in the walk, that of the 1,300 that Mayor White stated that they recaptured last year, 200 graduated, but of the remaining students only 13 dropped back out, so they had a great retention going on the students that they recaptured, that they had hired 10 dropout specialists and worked on the Expectation Graduation on a year round basis. Council Member Garcia absent.

Members of Council thanked Mayor White and thanked Superintendent Saavedra for his leadership and HISD's partnership with the City of Houston. Council Member Garcia absent.

At 9:37 Mayor White stated that they would move to the public hearings and would start with Assistant Chief Dorothy Edwards. Council Members Garcia, Alvarado, Sekula-Gibbs and Green absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** to consider an extension on the requirements of Article XVI of Chapter 40 of the Code of Ordinances, pertaining to the lying and sitting on public sidewalks, to a designated area within the City other than the Central Business District and the Midtown Area. The area affected by this hearing is within the area generally known as Old Sixth Ward. The petition of residents of Old Sixth Ward is available for viewing in the Office of the City Secretary, 900 Bagby, City Hall Annex, Public Level - **DISTRICT H – GARCIA** – was called. Council Members Garcia, Alvarado, Sekula-Gibbs and Green absent.

Assistant Chief Edwards stated that with the Mayor's and Council's permission her statement would refer to all three areas because it would be identical for all three, that the proper petition's were circulated, sufficient signatures were gathered and presented to the City Secretary and the Central Division was responsible for conducting an investigation to verify the information contained in the petitions, that investigation was conducted and written up by Lieutenant J. D. Waltman from Central Division, who was present with her and the investigation verified the information contained in the petitions in essence substantiated that panhandling and loitering, sleeping and sitting on the sidewalks and all of the issues related were indeed occurring in the three areas, the Old Sixth Ward, Avondale and Hyde Park. Council Members Garcia and Sekula-Gibbs absent.

Mayor White requested the City Secretary to call the public speakers. Council Members Holm, Garcia, Sekula-Gibbs and Berry absent.

Mr. Randall Kallinen, 1406 Castle Court, Houston, Texas 77006 (713-320-3785) appeared and stated that he was President of the Houston Chapter of the American Civil Liberties Union, the American Civil Liberties Union in the Houston area had over 4,700 dues paying members and all of them were concerned about civil liberties and civil rights, including the civil rights of the homeless, the new expansion of the Civility Ordinance into the Old Sixth Ward, Avondale and Hyde Park would do nothing to help the homeless, the homeless had no place to be but the public spaces, a survey was done last year that showed there were double the amount of homeless than beds available at all of the different areas in town to house them, their local Houston membership was very concerned about the continuing attack by the City on the rights of the homeless to be free in the public spaces, to be free to assemble and free to express themselves, many of the homeless suffer from mental illness, whether there was a law out there, whether their behavior was illegal, such as setting their belongings down on the sidewalk, they were probably not very conscious of this and what the homeless needed were places to live and mental health care, that putting police officers in the position of enforcing unconstitutional statutes, putting the rank police officers between a rock and a hard place, that the Houston ACLU had formed a Homeless Defense Program and they had decided that the City of Houston, in their constant behavior over the last few years, had really pushed them into doing this and the Houston ACLU was determined to use the court system to address the matters and that would include any homeless person whose rights had been violated by the uncivil ordinance and unfortunately when a city enacts unconstitutional laws against a segment of its population the police officers, unfortunately, were put in the position of enforcing it, that what they would be doing at the Houston ACLU would be collecting information from all the affected individuals and he wanted to point out that it did not matter if they actually gave a homeless person a ticket for it or just tell them they had to move along, because it violated their rights if they had to move along based upon the Civility Ordinance so the lack of finding any tickets under the law would not deter them from legal action, that they had many lawyers who could handle those type of matters, the homeless had no lawyers and they needed representation, they hoped that the City would not extend the ordinance to any other new areas. Council Members Clutterbuck, Sekula-Gibbs and Berry absent.

Ms. Shelly Lemelle, 2205 Decatur, Houston, Texas 77007 (713-204-2520) appeared and stated that she was present speaking on behalf of the Sixth Ward because she coordinated the petition process for their neighborhood at the request of a substantial group of residents, some of who were present in the audience and Ms. Lemelle asked that they stand so that the Council could see them present today, that the Old Sixth Ward was adjacent to the downtown theatre districts and was very close to the downtown area and whenever there was activity that pushed people that lived on the streets, whether homeless or not, whenever they were pushed out of downtown or Midtown or other neighborhoods adjacent to them they always saw an influx in the Old Sixth Ward and the reason people wanted to sign the petition was to send a signal to the City Council that it was an issue they were faced with every day that they could not address on their own, as individuals they could not walk up to someone on their streets who they knew may be mentally ill or clearly may have a substance abuse problem, if they saw people sitting or laying down on the sidewalks that had alcohol with them or had something in a brown paper bag they knew there was a potential issue there that they could not just address on their own, there was also the potential for drug abuse as well, they had some particular incidences in their neighborhoods, they had someone who was living on their streets and known within the neighborhood who passed away in front of one of the grocery stores that sold alcohol, a five year old was walking with her mother and saw the incident occur, they had people knock on their doors after 10:00 p.m. requesting food or money, so if they thought panhandling was bad, imagine someone knocking on your door with essentially panhandling activity, so that was why

the residents within the Old Sixth Ward had requested their attention to the matter, that she did not personally take the issue lightly, she very much care about the issue of homelessness and would like to see Houston look at some real solutions that did give people who were living on the streets, whether they were mentally ill or had a substance abuse problem and as a result had been tossed out of other homes, she would like to see Houston come to some real solutions for those people but in the short term they were still dealing with the issue on a daily basis and they needed the City of Houston's help to deal with that as did the other neighborhoods, Avondale and Hyde Park, she would also note that sidewalks were for transit they were not intended for sleeping or laying down, they were for moving along. Council Members Clutterbuck, Sekula-Gibbs and Berry absent.

Council Member Garcia asked Ms. Lemelle if she would support an ordinance prohibiting urban camping, where people would set up camp in areas not designated for outdoor camping, and Ms. Lemelle stated that she thought they would support that, they had people beyond just sitting and lounging and drinking, they had people who were actually camping out in some of their areas, that the Old Sixth Ward was committed for the long term and wanted to work with the City on the other initiatives. Council Members Clutterbuck, Holm and Sekula-Gibbs absent.

The City Secretary stated that there was another speaker who did not get on the list and would call her next, Ms. Maria Isabel. Council Members Clutterbuck, Holm and Sekula-Gibbs absent.

Ms. Leigh Hollins, 2009 Kane, Houston, Texas 77007 (713-861-4337) appeared and stated that she was from the Old Sixth Ward, that as they had heard the Old Sixth Ward had satisfied the petition requirements, the Police Department had documented the existence of targeted contact within the Old Sixth Ward and the Old Sixth Ward Community was working with social service agencies, like Anthony Love's Coalition for the Homeless to provide services for people in need, that it was now up to City Council to consider whether extension of the ordinance to the Old Sixth Ward would promote health, safety and welfare of the citizens, she urged them to grant the Old Six Ward's request covered by the Civility Ordinance because it was needed to improve the welfare of the Old Sixth Ward Community for two primary reasons, one, the Old Sixth Ward was a National Register municipally designated Historic District, that most if not all of them knew the community was struggling mightily to maintain it's historic character and to persuade newcomers and City administration alike that their historic character was worth preserving and their historic architecture was worth saving, the congregation of unproductive individuals, often engaging in criminal activity, including but not limited to drug dealing, prostitution on the sidewalks and in front of the historic structures awaiting renovation and create a perception of blight that provides a platform for the Police Department and anti preservationists alike to argue that the only good old building was a demolished old building, since these folks tended to congregate along Washington Avenue the presence also impeded the community's efforts to promote the economic redevelopment of the Washington Avenue corridor and two, the community petitions represented a substantial amount of time volunteered by neighborhood residents to improve the quality of life in their communities, denial of the Old Sixth Ward petition was sure to chill the spirit of community pride, cooperation and volunteerism that led the Old Sixth Ward and its sister communities to embark on the effort that had culminated into today's hearing, if the City's provision of tools for neighborhoods to access in order to improve quality of life to have any meaning or future efficacy the petition before them today should receive unanimous vote and the communities that had brought them to the Council should be applauded for their commitment to making the City of Houston the best that it could be. Council Members Holm and Sekula-Gibbs absent.

Council Member Garcia asked Ms. Hollins if she would also support an ordinance that would prohibit urban camping and Ms. Hollins stated of course. Council Members Holm and Sekula-Gibbs absent.

Ms. Maria Isabel appeared and stated that she did not know what the answer was to the problem, it was a very sensitive area in her heart but she was present to speak for the neighborhood, that she and her husband purchased a property in the neighborhood last year and they bought it for lot value only, there was a building on the property that was definitely being used for the homeless, that people lived underneath the house and she and her husband chose to remove the building in order to help the situation, that she did support the ordinance and thought it was important and thought it would help, that it potentially helped deter the illegal activity in their neighborhood and thought it would be another tool for the police officers to help with the situation. Council Member Sekula-Gibbs absent.

Council Member Garcia asked Ms. Isabel if she would support an ordinance that would prohibit urban camping, and Ms. Isabel stated that she had been involved in different projects like that in other cities and would be very interested in speaking with him about it. Council Member Sekula-Gibbs absent.

Council Member Lawrence stated if they put it citywide then they would have something substantial for those people to realize they needed help, and Chief Edwards stated that when she met with the Public Safety Committee on the same issue, she believed Council Member Edwards brought up that very point and the decision at that time was made to take that issue to the full Council for consideration, at the moment she could not speak to extending the Civility Ordinance citywide would be a constitutional issue and thought it would be a matter for the City Attorney to research and look at, but she was right that the problem would probably move from one area to another and believed as the others speakers indicated, everybody was sensitive to the issue, they understood what homelessness was and that some people were just in a situation where they had no where to go, there were organizations in place to try to assist those folks and she did not think anybody in the Police Department intended to use this as a roundup of the homeless, it was simply a tool to try to assist the residents and businesses in the area where mobility became an issue where people could not traverse the sidewalks because people were laying there and sleeping on the sidewalks, they had all their belongings gathered around them and certainly the service providers were aware of the issue and were willing to try to work with the homeless to correct it, but regarding extending it citywide that would be an issue to take to City Legal for research. Council Members Sekula-Gibbs and Berry absent.

Mayor White stated that there were some people who were collecting funds to exercise their right to sue the City so they needed to make sure and try to be careful to craft it in a way that complied with any applicable law. Council Member Sekula-Gibbs and Berry absent.

Upon questions by Council Member Edwards, Captain Edwards stated that a police officer would have the obligation to give a warning and simply say that they could not occupy the sidewalk for an extended period of time or sleep on the sidewalk, that she did not think a police officer would approach a person who was simply sitting there for a short period of time, they would not issue a ticket immediately, they would give a warning and say they needed to move on and find another place to congregate, that if the person was occupying the space and clearly with the intention of remaining there for a lengthy period of time then she thought they would be asked to move on, and Council Member Edwards stated that her concern was that the ones that probably would be affected by it were the veterans and asked if there had been any reaching out by the Veterans Administration to help these people who had gone to war for them and were now in some kind of disarray, to get them off of the streets, and Captain Edwards stated that she knew the Veterans Administration did have some programs in place and there were certain

organizations, that in her understanding dealt specifically with veterans but she could not tell her in great detail what was available, and Council Member Edwards stated that she would like for someone to find out how the Veterans Administration could probably reach out and help the veterans. Council Member Sekula-Gibbs and Berry absent.

Mayor White stated that they would be scheduling a full Mayor's Report on efforts to address the causes and not just the symptoms in about four to six weeks when Mr. Love and members of the coalition task force had done a little bit more work. Council Member Sekula-Gibbs and Berry absent.

Council Member Khan stated that he was in full support of the initiative where the Coalition for the Homeless and former Council Member Gordon Quan worked very hard to find some real solutions to this, that they had laws on the books, if someone was dealing drugs on the streets there were laws to protect them against that, if someone was littering the sidewalks there were laws against, that this law did nothing but criminalize a situation where people could not help themselves, that some of them were veterans, that if this was protection that they needed did the neighbors on other streets or other subdivisions need the same protection, that he did not understand why they had those kind of ordinances and as much as he agreed with the Mayor this issue he disagreed with. Council Member Berry absent.

Council Member Alvarado stated that she wanted to lend her support to the people of the Old Sixth Ward and to Council Member Garcia, the District Council Member for that community, that it took a lot of work to go out and get petitions signed and organize themselves, that the issue of homelessness did not happen overnight, it was an issue that had prevailed in their City for quite some time so the way to fix it was not going to happen overnight. Council Members Edwards and Berry absent.

After further discussion by Council Members, Council Member Alvarado moved to close the public hearing, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown absent on vacation. MOTION 2006-0732 ADOPTED.

2. **PUBLIC HEARING** to consider an extension on the requirements of Article XVI of Chapter 40 of the Code of Ordinances, pertaining to the lying and sitting on public sidewalks, to a designated area within the City other than the Central Business District and the Midtown Area. The area affected by this hearing is within the area generally known as Avondale. The petition of residents of Avondale is available for viewing in the Office of the City Secretary, 900 Bagby, City Hall Annex, Public Level - **DISTRICT D – EDWARDS** – was called. Council Members Wiseman and Holm absent.

Mayor White stated that for the record Chief Edwards had made a previous statement and it was incorporated in all three hearings. Council Members Wiseman and Holm absent.

Mr. Dale Harger, 603 Hyde Park, Houston, Texas 77006 (713-204-0131) appeared and stated that he was the President of the Avondale Association and was also the Treasurer of the Near Town Association and represented a large crowd and over 700 signatures that the Avondale Association garnered for the petition, that was 700 signatures of land owners and non gentrified residents, they were present as a result of those petitions and the requirements that they had met that Section 40-353 laid out, they would find that they followed the process to the letter that was laid out in the City Code and had satisfied the three statutory requirements, the Houston Police Department, Chief of Police report, supported the extension into the designated areas and the Public Safety and Homeland Security Committee had returned the proposal to the City Council with a recommendation to pass it and to adopt it, that twice before the City Council had voted in the affirm to designate such areas, that he had seen, heard and read during the

Mayor's administration his continued call for the citizenship of the City to become engaged, he called for Adopt a Park, helped the evacuees, support the City team and reach out to drop outs, that one characteristic of his administration was the rejuvenation of the people are the city, that he asked them to become a utensil in the improvement of the City, that for the past 15 months the three civic clubs represented today had expanded untold man hours in the effort, they could have spent the effort on a beautification committee, business development committee, school committees and a mired of other things, however this was one of the few tools the City of Houston gave neighborhoods to improve themselves, and the method was explicit and arduous, the bar was set high and they jumped twice that high, essentially they asked for the witch's broom and they brought it and put it on the floor, he would also like to add that he was speaking for Hyde Park United to but did not sign up for theirs but that was his statement for them, that he had a statement from a member that could not be present and would like to submit a written testimony for the record. Council Members Wiseman and Holm absent.

Mayor White thanked Mr. Harger for being present and for all the citizens present in all the neighborhoods, there were some people around the Council table who had expressed reservations about it and Council Members Khan and Edwards were two of the most neighborhood oriented people that he knew and anything they expressed was based on deeply felt personal principle. Council Member Holm absent.

Council Member Edwards stated that she wanted to thank Mr. Harger for the work he had done in he Montrose taskforce area and the work in trying to get some kind of solution to the problem for the community, she was just sorry that this was the only remedy that the City could afford them, that she knew he was not anti homeless people, that she appreciated what he had done and the work that they had tried to do over the last year and a half to avoid coming to this point, that she applauded his work and wanted to thank him for his leadership in the community. Council Member Holm absent.

Council Member Garcia asked Mr. Harger if he would support an ordinance that would address urban camping, and Mr. Harger stated that he wanted to clarify something, the Avondale petition and initiative was not based on a homeless issue, their problem was not the homeless in their neighborhood, the problem in their neighborhood were not homeless, they had homes and cell phones and went home every morning at 6:00 a.m. after a 48 hour whacked out ordering event in their neighborhood, it was a separate issue and he thought the urban camping issue was a good thing to discuss and they would like to participate in it. Council Members Lawrence, Holm and Green absent.

Council Member Berry stated that of every public policy issue they dealt with he found the issue of homeless to be the most complicated and intractable of anything they did, there was just no simple solution, that he appreciated the fact that the tone of his group was always very thoughtful, very deliberate and not hurtful or hateful and thought it was important the public understand that they were dealing with a tough issue but in the right way and showing compassion yet tackling a tough problem. Council Members Lawrence, Johnson, Khan and Green absent.

Council Member Edwards asked that when Mr. Hager made the statement that it was not about homeless, what was it about and Mr. Hager stated routinely when he came home most any hour of the day it was not uncommon for him to have to wade through a group of five or six ordering on corner, serving johns and drug takers who came into the neighborhood and they were just standing there and loitering and the police, if they could catch them in the act, was fifteen seconds out of every two hours, if they could disburse the group it reduces the number, that it was for 48 hours, that the 11:00 p.m. to 6:00 a.m. crowd would not be affected by the ordinance, that they knew it was a big problem and touched on the homeless and drug issue

and the crime and drop out issue, and touched every issue in society, that it was not an Avondale issue. Council Members Lawrence, Johnson and Green absent.

Mr. Allen Ueckert, 1920 W. Lamar, Houston, Texas 77019 (713-594-9764) appeared and stated that he was President of Near Town Association and the Super Neighborhood, that Near Town represented approximately 20 different civic associations in the Montrose area, including Avondale and Hyde Park, he was present on behalf of Near Town to express Near Town's support of the two petitions, that Hyde Park and Avondale were submitting, these neighborhoods had gone through a tremendous amount of work to garner the support of the community and the signatures and they had worked tirelessly, as Council Member Edwards knew, over the past year with HPD and the service providers in their neighborhood to come together to try to figure out some sort of solution to the problem, he would echo Mr. Harger's comments, it was not about the homeless in Montrose, it was not about people who were down on their luck and looking for a helping hand, that he did not think they were going to find any place in the City that was more compassionate to those needs than Montrose was, it was about people who were on their sidewalks and were there for no other reason than to cause trouble, that the last time he looked the homeless did not have cell phones or blackberry's or were not standing out there admiring their latest tattoos or piercing, it was a public safety issue and this was a tool that was on the books that the City of Houston had given their citizens to utilize to try to mitigate those public safety concerns, they felt as if it was a preventative tool that they could provide HPD to try and go bust up those groups, move people along so they would not see them in the back of a police car that same evening or the following day, that it was not about attacking the homeless or people who were down on their luck, it was about moving people along in their neighborhood who were there to do nothing more than to cause trouble, they knew it was not the cure all solution to all of their problems, it was nothing more than a band-aid or a baby step forward, but it was a step forward, so again it was a public safety issue and thought they needed to address it and right now it was the only tool that their citizens knew or believed would be effective in addressing the issue, so he did ask Council to approve the petitions that had been set forth by Avondale and Hyde Park. Council Members Lawrence, Johnson, Sekula-Gibbs, Green and Berry absent.

Council Member Lovell stated that she wanted to thank Mr. Ueckert for his work and leadership, that he was right, she lived in Montrose and did not think there was any other part of the City that was more compassionate and it was a huge problem, that it was about crime on the street, that they did have homeless people in the Montrose area and it was a teaching lesson for their children because it did affect the kids in the neighborhood to, that it was very difficult for them to be on the streets and to be compassionate towards people who were homeless, to explain to them that most of the people who were homeless had mental problems, not to be afraid when they were riding their bikes and somebody jumps out at them or scares them, that she did not think it was against the law to jump out and scare somebody, but what do they do, do they tell their children to just ignore them, that she did not want to teach her children to just ignore people that needed some compassion and help, but how does she tell her children how to help them, who do they call to say those people need help and to please can they come out and help them, it was a very difficult issue in their neighborhood, that she was going to support the work they had done, but she did not live in Hyde Park or Avondale, where she lived in Montrose they were now going to have to be even more compassionate because as they were moved out of the neighborhoods in east Montrose they were going to be moved over to the neighborhoods in west Montrose, and Mr. Ueckert stated that it was sort of a nimby (not in my back yard) ordinance as it was written, but Council did have the discretion to extend it at it's discretion, and Council Member Lovell stated that she hoped they did, so that maybe instead of doing a patchwork to figure an overall strategy in the City as to how they address crime on the street and hopefully with new officers on the street they could do that, but also how do they address the problem of homeless people in their City and at the same time how do they say

they had rights also as homeowners and parents that were raising their children for them to feel safe when they were in the neighborhood, how do they balance that, that she hoped that by going to a citywide ordinance they would finally address it as a city and not neighborhood by neighborhood, and Mr. Ueckert stated that he did not think that anyone had any expectations that it was a cure all solution again, he thought it was one tool they had been given that they wanted to utilize to try to improve the safety of their neighborhood, and Council Member Lovell stated that she would hope that in the next legislative session they would ask Ann Travis to go and lobby the Legislature for more funding so that they in the cities could address the issue of mental illness in people who did need help so they could have more facilities and more funding where they could help people of the streets and give them the help that they needed. Council Members Lawrence, Johnson, Holm, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that they made Council Members look good, they did hard and good work and as Dale was saying the issues they were talking about already had laws that should be able to help them and relive what was going on without pulling in the whole thing and making them look like they were against homeless people. Council Members Lawrence, Johnson, Sekula-Gibbs, Green and Berry absent.

Ms. Amita Shahda, 610 Hyde Park, Houston, Texas 77006 (713-521-9030) appeared and stated that she would defer her time to Mr. George Blouin. Council Members Lawrence, Johnson, Sekula-Gibbs, Green and Berry absent.

Council Member Khan moved to suspend the rules to allow Ms. Shahda to defer her time to Mr. George Blouin, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Members Lawrence, Johnson, Garcia, Sekula-Gibbs, Green and Berry absent. MOTION 2006-0733 ADOPTED.

Mr. George Blouin stated that he would briefly give Council an idea of what he had observed as a resident of Avondale that had led them to file the petition under consideration, when he moved to his apartment on Avondale three years ago the streets were peaceful and safe, since then land development in the Fourth Ward had displaced the drug dealers that were entrenched there to come to Avondale, as the drug dealers moved in they began taking advantage of the young homeless in the area, selling them drugs and conscripting them to start pushing drugs to, if those youths were already prostituting themselves they were bullied until they accepted the new thugs as their pimps, the situation had now gotten very bad, the organized crime that had come to Avondale was responsible for the shootings of two undercover police officers, one by drug dealers, who essentially ambushed two officers with a drive by and one by a 15 year old pimp who thought the undercover officers were moving in on his territory, starting in the early evening there were typically 15 to 20 people milling around a two block radius near his apartment, selling drugs, sex or supporting those activities, needless to say he no longer felt safe, that he was present to speak in favor of their granting the no loitering ordinance to Avondale, if the tool would provide help to the police to fight against organized crime in their area, which they were told it would, it was worth passage, that members of their neighborhood went to great lengths to meet the petition requirements, that he knew that some people saw their petition as targeting the homeless but they did all the work not to pick on the weak but to target the thugs who had targeted their neighborhood, they needed the Council's help with the petition and hoped they would continue to help them in the future to make their neighborhood safe again. Council Members Lawrence, Johnson, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she wanted to thank him for his comments and agreed that they had a problem in those areas, they had been to get people to address it in a more serious way, that she did not think he civility ordinance was the correct tool but it seemed

that was what they had left. Council Members Lawrence, Johnson, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards moved to suspend the rules to Mr. Anthony Love to the speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown absent on vacation. Council Members Lawrence, Johnson, Garcia, Sekula-Gibbs, Green and Berry absent. MOTION 2006-0734 ADOPTED.

Mayor White stated that he would never forget the day that he visited an officer who took a bullet from drug dealers, it was the second time he had been shot within 24 months and he was in good spirits but his wife and daughter had better days, the first time he was shot the bullet lodged in the middle of his cranium, but they had people working really hard to protect their neighborhoods and they were fighting hard against those elements who undermined their laws and destroyed their neighborhood lives, that he wanted the residents of Avondale to know that there were some people out there who really cared. Council Members Johnson, Garcia, Sekula-Gibbs, Green and Berry absent.

Mr. Anthony Love appeared and stated that each of the communities that had come to speak he had the opportunity to participate in meetings with them and talk about some real solutions to the problem and by and large the common denominator that came out of those meetings was that the problem they were having was more of a criminal and public safety problem or criminal justice problem and the civility ordinances, from his experience, did not necessarily address those issues, to be honest with them, to say if a person was on a sidewalk for an extended period of time did not put a specific criteria on how long that was, was it 5 or 10 or 20 minutes, if he was on the sidewalk, dressed like he was talking to some friends would he be asked to move along, or if he was dressed with the only clothing that he had and had all of his possessions on his back and was on the sidewalk for 5 seconds would he be asked to move along, the idea of expanding or creating civility ordinances seemed to support the notion that the laws would make life difficult for people who already had a difficult life, he did not think they were going to stop prostitution, they were not going to stop drug dealing, those were already illegal and what the communities needed was more of a police presence to stop that activity, one of the things that he applauded the City on was its support of a strategic plan to address homelessness which they hoped to bring to them within the next couple of weeks, the Mayor's office had worked diligently to make sure that they had the plan in place to provide the resources necessary to those people who lived on the streets so that they had the means to get off of the streets, the civility ordinance which was called the tool to help the neighborhoods, but was the equivalent of using a butter knife to build a house, it was one tool that was not necessarily effective and was not getting people off of the streets, it was more or less moving them around to other areas and asking communities to deal with them, so if they were supporting laws to make it for the most part illegal to be on the sidewalk or other public spaces, would they begin to support housing and programs in the very neighborhoods that would be able to house those individuals or would they protest that housing or protest against those services, that they could not have it both ways, if they made it illegal to be out in a public space then support housing and services within those same neighborhoods to help people not be in those public spaces, they would ask Council to reconsider passing the ordinance and go and convene and come up with better resources and more creative ways and give the neighborhoods better tools to deal with those issues. Council Members Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Khan, Mr. Love stated that he was with the Coalition for the Homeless, that they already had laws on the books to deal with what the communities were frustrated with, that when people were pushed out of certain neighborhoods they went somewhere else, they were not going to disappear or evaporate, they were going to move, that

it was uncivil to ask a person to move along when they had no place to go. Council Members Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado moved to close the public hearing, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown absent on vacation. Council Members Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. MOTION 2006-0735 ADOPTED.

3. **PUBLIC HEARING** to consider an extension on the requirements of Article XVI of Chapter 40 of the Code of Ordinances, pertaining to the lying and sitting on public sidewalks, to a designated area within the City other than the Central Business District and the Midtown Area. The area affected by this hearing is within the area generally known as Greater Hyde Park. The petition of residents of Greater Hyde Park is available for viewing in the Office of the City Secretary, 900 Bagby, City Hall Annex, Public Level - **DISTRICT D – EDWARDS** – was called.

The City Secretary stated that no one had reserved time to appear, however asked if there was anybody present who wished to speak at the hearing listed as Item No. 3. Council Members Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

Mr. Dale Harger, 603 Hyde Park, Houston, Texas 77006 (713-204-0131) indicated that he wished to appear at the public hearing. Council Members Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

Mayor White asked Chief Edwards if in this hearing her testimony would be the same as she set forth at the beginning that she said was with respect to all three hearings and Chief Edwards stated that was correct. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Mr. Harger stated that he would do the same as Chief Edwards and submit his previous testimony for the record. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated that Mr. Harger wished the record to reflect that some of the concerns he expressed with respect to Avondale would be applicable in this case, and Mr. Harger stated that they were neighbors and contiguous to them so he was familiar with the issues in that neighborhood. Council Members Holm, Garcia and Green absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Members Holm, Garcia and Green absent. MOTION 2006-0736 ADOPTED.

CONSENT AGENDA NUMBERS 4 through 56

MISCELLANEOUS - NUMBERS 4 and 5

4. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Southwest Multi-Service Center, GFS D-0072-02-3 - **DISTRICT F – KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. MOTION 2006-0737 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering to approve refund to **LUEL P/S**, 4802 Meyer Park Dr. B and E for Water & Sewer Account -

\$238,036.40 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. Council Member Holm absent. MOTION 2006-0738 ADOPTED.

ACCEPT WORK - NUMBERS 6 through 8

6. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$127,269.00 and acceptance of work on contract with **C. F. MCDONALD ELECTRIC, INC** for HPD Radio Tower Emergency Generator Installation, GFS G-0097-02-3 - Police Consolidated Construction Fund - **DISTRICT 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. Council Member Holm absent. MOTION 2006-0739 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,619,984.95 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Construction of 66-Inch Water Line along Greens Road from Greenspoint to West Hardy Road, GFS S-0900-A3-3 (WBS S-000900-00A3-4) (WA10448-06) - 02.90% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. MOTION 2006-0740 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$13,515,302.52 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Construction of 66-Inch Water Line along World Houston, Vickery, Embassy Plaza, Export Plaza, Shirley, Kurt, Albert across US-59 and Beltway 8, along Vera, Eddie, and proposed easements from World Houston to existing 84-inch HAWC line at Smith, GFS S-0900-99-3 (WBS S-000900-0099-4) (WA10448-03) - 01.19% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. MOTION 2006-0741 ADOPTED.

PROPERTY - NUMBER 9

9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY3-588, located at 3130 McKinney Street, owned by Harry Pepper (50% interest), Sheryl Ann Tapper-Smith (16 2/3% interest), Phyllis Jean Tapper-Frank (16 2/3% interest) and Steven Soffer, Trustee (16 2/3% interest), for **COLUMBIA TAP UNION STATION HIKE AND BIKE TRAIL PROJECT**, CIP N-0420-37-2 (N-000420-0002-2) - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. MOTION 2006-0742 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 23

11. **TYLER MOTOR COMPANY, INC, D.B.A. HALL BUICK PONTIAC GMC** for Hazardous Materials Vehicle through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Fire Department - \$545,335.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member

Brown absent on vacation. Council Member Holm absent. MOTION 2006-0743 ADOPTED.

14. **SHI GOVERNMENT SOLUTIONS, INC** for McAfee Virus Check Software 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 - \$153,853.36 - 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. Council Member Holm absent. MOTION 2006-0744 ADOPTED.
16. **AKANDA SOLUTIONS, LLC** for Software Maintenance Agreement and Integration Service for DRC Software for the Planning & Development Department - \$34,050.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. MOTION 2006-0745 ADOPTED.
18. **R7 HOLDING, INC d/b/a R7 SOLUTIONS** for Software License for a Web Based Mapping Application for Department of Public Works & Engineering - \$48,750.00 - Building Inspection Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. MOTION 2006-0746 ADOPTED.
19. **SOUTHERN IONICS INCORPORATED** for Chemical, Liquid Sodium Bisulfite for Department of Public Works & Engineering - \$5,728,500.00 - 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. Council Member Holm absent. MOTION 2006-0747 ADOPTED.
20. **COMPUTEC TRAFFIC SYSTEMS** (Bid No. 9) for Cabinets, Traffic Controller and Adapter Bases for Department of Public Works & Engineering - \$437,400.00 minus a commission fee for Internet-based reverse auction services for a net award not to exceed \$428,652.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. MOTION 2006-0748 ADOPTED.
21. **TEXAS TIMBERJACK, INC** for Equipment, Prentice Loader Replacement Parts and Repair Service for the Solid Waste Management Department - \$614,043.11 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. MOTION 2006-0749 ADOPTED.
22. **ACADEMY AWARDS** - \$209,540.13 and **OUTDOOR OUTFITS** - \$862,460.00 for Special Purpose Clothing for Various Departments - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. MOTION 2006-0750 ADOPTED.
23. **UNITED AIR CONDITIONING SUPPLY** for HVAC Replacement Parts for Various Departments \$102,817.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. MOTION 2006-0751 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 29 through 56

29. ORDINANCE **AMENDING SECTION 312.3.3 OF THE CITY OF HOUSTON BUILDING CODE** and **SECTION 28-10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Electric Fences - had been pulled from the Agenda by the Administration, and was not considered.
30. ORDINANCE approving and authorizing a Special Warranty Deed conveying to **CARLOS MARQUEZ**, a married man, a parcel of land containing 26,373 square feet (0.6054 acre), more or less, being out Lot 16, known as "Reserve for Utilities" Block 2, Binglewood Addition, Section 1, William C. Wallace Survey, A-848 Harris County, Texas (Former Binglewood #1 Water Plant Site located in the 3200 block of Soway Street, Parcel S84-085); and in consideration of Carlos Marquez's payment of \$85,555.00, and other consideration to the City - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0863 ADOPTED.
31. ORDINANCE approving and authorizing a Special Warranty Deed conveying to **CAPITAL REAL ESTATE INVESTMENT, LLC**, a parcel of land containing 143,123 square feet (3.286 acre), more or less, being out of a 8.65 acre tract, William C. Wallace Survey, A-848 Harris County, Texas (Excess Hollister Road right of way located at 4400 block of Clark Road, Parcel S97-032); in consideration of Capital Real Estate Investment, LLC's payment of \$221,501.50, and other consideration to the City - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0864 ADOPTED.
32. ORDINANCE approving and authorizing a Special Warranty Deed conveying to **KAMFAN J. LI**, a married man, a parcel of land containing 14,400 square feet (0.3305 acre), more or less, being all of Reserve "C", Crown Colony, Section 2, H.T. and B.R.R. Survey, A-405, Harris County, Texas (Former Harris County Water Control and Improvement District No. 104 and Crown Colony Water Plant Site located at 7599 Crownwest Drive, Parcel S95-046); in consideration of Kamfan J. Li's payment of \$43,210.00, and other consideration to the City - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0865 ADOPTED.
33. ORDINANCE approving and authorizing a Special Warranty Deed conveying to **PAULA TUYET NGUYEN**, a married woman, a parcel of land containing 101,881 square feet (2.339 acres), more or less, located in Briar Village, Section 4, Joel Wheaton Survey, A-80, Harris County, Texas (Former Westheimer Road Municipal Utility District and City's former Wastewater Treatment Site located at 13900 Briarworth Drive, Parcel SY5-037); and in consideration of Paula Tuyet Nguyen's payment of \$225,000.00, and other consideration to the City - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0866 ADOPTED.
37. ORDINANCE consenting to the addition of 3.091 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0867 ADOPTED.
39. ORDINANCE consenting to the addition of 6.5955 acres of land to **KLEINWOOD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0868 ADOPTED.

40. ORDINANCE consenting to the addition of 11.481 acres of land to **NORTHAMPTON MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0869 ADOPTED.
41. ORDINANCE establishing the north and south sides of the 400 block of Aurora 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 2006-0870 ADOPTED.
42. ORDINANCE establishing the north and south sides of the 4100 through the 4300 blocks of Clay 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 2006-0871 ADOPTED.
43. ORDINANCE establishing the north and south sides of the 500 block of East 25th Street and the north side of the 500 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 2006-0872 ADOPTED.
44. ORDINANCE establishing the north and south sides of the 4500 block of Park Drive 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 2006-0873 ADOPTED.
45. ORDINANCE establishing the south side of the 2200 block of South Boulevard 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 2006-0874 ADOPTED.
54. ORDINANCE approving and authorizing Professional Landscape Architectural and Engineering Services Contract between the City of Houston and **LAUREN GRIFFITH, INC** for Hermann Park Trail Improvements, WBS F000550-0001-3-01-01 - \$274,677.67 - Grant Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0875 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PURCHASING AND TABULATION OF BIDS

10. **AMEND MOTION #2003-1302, 11/5/03, as amended by Motion #2005-0982, #2006-45 and #2006-341, TO EXTEND** expiration date from August 31, 2006 to October 31, 2006 and **TO INCREASE** spending authority from \$2,150,000.00 to \$2,350,000.00 on award to **VOYAGER FLEET SYSTEMS, INC**, for Purchase of Retail Fuel Card Services from the State of Texas Building and Procurement Commission's Contract through the State of

Texas Cooperative Purchasing Program for Finance & Administration Department - \$200,000.00 - Central Service Revolving Fund - was presented. Mayor White and Council Members Clutterbuck and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell moved to amend Item No. 10 to extend the expiration date until October 31, 2006 with no additional spending authority, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown absent on vacation. Mayor White and Council Members Clutterbuck and Alvarado absent. Acting Mayor Pro Tem Berry presiding. MOTION 2006-0752 ADOPTED.

12. **THERMO ENVIRONMENTAL INSTRUMENTS, INC** for Analyzers, Nitrogen Oxide and Sulfur Dioxide Air Monitors for Health & Human Services Department - \$49,065.00 - Grant Fund – was presented, moved by Council Member Wiseman, seconded by Council Member Green. All voting aye. Nays none. Council Member Brown absent on vacation. Council Members Clutterbuck and Alvarado absent. MOTION 2006-0753 ADOPTED.

13. **ASD SPECIALTY HEALTHCARE, INC** for Influenza Vaccine from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Health & Human Services Department - \$62,400.00 - General Fund – was presented, moved by Council Member Wiseman, seconded by Council Member Green.

After discussion by Council Member Sekula-Gibbs a vote was called on Item No. 13. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. MOTION 2006-0754 ADOPTED.

15. **JOHN DEERE COMPANY** for Grounds Keeping Equipment through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for Parks & Recreation and Public Works & Engineering Departments - \$347,473.34 - Enterprise, Equipment Acquisition Consolidated and Park Revenue Special Revenue Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Johnson. Council Member Holm absent.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item Numbers 62 and 62a out of order, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Brown absent on vacation. MOTION 2006-0755 ADOPTED.

62. WRITTEN Motion by Council Member Green that Item 62A below 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.** - was presented.

Council Member Berry stated that he was passing around a written motion and moved to amend Item 62 to add a new Item (8) to read as follows:

"(8) Insert at the end of subsection (a) of the proposed Section 21 in Section 2 of the ordinance the following language:

To maintain the self-sufficiency of the Water and Sewer System, the revenues of that System can only be used for the purposes of that System, and limited drainage purposes, as set forth in the existing debt covenants of that System, Those revenues cannot be used for any other purpose".

After a lengthy discussion by Council Members, Council Member Lawrence asked what the Charter amendment did to affect Convention and Entertainment or did it do anything, and Mayor White stated that the Charter amendment, even after Council Member Green's amendment would exclude from any limitation on revenues Enterprise Funds, the self sufficient funds, using some of the terms that were used in accounting principles that were financed by user fees not by property taxes so that the limitations, which would be imposed by Prop 1 and Prop 2, if Prop 2 was upheld by the court Prop 2 would apply if that were to prevail in court, to the stream of general revenues of the City, it still would be intact but simply would not be saying if they got a super bowl and the revenues went up then they would have to cut police, it would prevent that.

After further discussion a vote was called on Council Member Berry's motion to amend Item No. 62. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Brown absent on vacation. MOTION 2006-0756 ADOPTED.

Council Member Sekula-Gibbs moved to amend Item No. 62 and offered a written amendment as follows:

“To insert into the first sentence of the first paragraph of the proposed Section 21 (a) the words “excluding the Water and Sewer Combined Utility” following the words “enterprise funds” in proposed Section 21 (a).” - Tagged by Council Member Khan.

Council Member Wiseman moved to override the tag on the written motion to amend Item No. 62, seconded by Council Member Sekula-Gibbs, and a roll call vote was called.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Johnson voting no	Council Member Brown absent on vacation.
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting no	MOTION 2006-0757 FAILED

After discussion by Council Members, a roll call vote was called on Item No. 62 as amended, and Mayor White stated that it was Council Member Green's motion to amend Item No. 62a, which puts public safety as a separate ballot proposition not altering any Charter limitation that may affect public safety and had the effect of having the Charter amendment limited to the exclusion of Enterprise Funds and the technical adjustment concerning TIRZ.

After further discussion by Council Members, a roll call vote was called on Item No. 62 as amended.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Johnson voting aye	Council Member Brown absent on vacation
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting aye	MOTION 2006-0758 ADOPTED.

62A. 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 and a proposition supporting public safety and a limitation on revenues – **(This was Item 47 on Agenda of August 16, 2006, POSTPONED BY MOTION #2006-718)** – presented.

After discussion by Council Members, Council Member Sekula-Gibbs stated that she had submitted a written amendment as follows:

“To exclude the removal of the Water and Sewer Combined Utility Fund from the requirements of the 2004 Proposition 2, the Houston Taxpayers Bill of Rights.”

Council Member Alvarado asked for a point of order and stated that the item had already been taken up previously and they had already voted on it, and Mayor White stated that the point of order was sustained, that it was taken up as part of Council Member Green's

amendment which substituted relevant portions of it, that it would have been appropriate as an amendment to Council Member Green's amendment so the point of order was sustained.

Council Member Wiseman moved to overrule the Chair's decision, seconded by Council Member Sekula-Gibbs.

Mayor White stated that it was a motion to overrule the parliamentary ruling that a matter, that could be found in Roberts Rules of Order, once they considered a matter they did not take up the same matter again, that he sustained the point of order on that particular basis, that prevented matters from being reconsidered by the same body, that there was a motion to override the Chair's ruling.

A roll call vote was called on the motion to override the Chair's ruling.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Johnson voting no	Council Member Brown absent on vacation.
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting no	MOTION 2006-0759 FAILED

Council Member Berry moved to postpone Item No. 62a to the end of the agenda and to recess after pop-off until 4:00 p.m. to day, seconded by Council Member Lawrence.

Mayor White stated that the administration supported the motion.

After discussion by Council Members, Council Member Edwards moved to call the question on Council Member Berry's motion to postpone Item 62A to 4:00 p.m., seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown absent on vacation. MOTION 2006-0760 ADOPTED.

After further discussion a vote was called on Council Member Berry's motion to postpone Item 62A to 4:00 p.m. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. MOTION 2006-0761 ADOPTED.

17. **FORAY, LLC d/b/a FORAY TECHNOLOGIES** for Authenticated Digital Asset Management System for Houston Police Department - \$51,500.00 - Grant Fund – was presented, and tagged by Council Member Wiseman. Council Member Holm absent.
24. **RCC CONSULTANTS, INC** for Purchase of Consulting Services through the Houston-Galveston Area Council in the amount of \$398,926.00 - Grant Fund – was presented, and tagged by Council Member Wiseman. Council Member Holm absent.

RESOLUTIONS AND ORDINANCES

25. RESOLUTION of the City Council of the City of Houston, Texas in support of the establishment of the Buffalo Bayou National Heritage Area - **DISTRICTS B - JOHNSON; D - EDWARDS; E - WISEMAN; H - GARCIA and I - ALVARADO** – was presented. All

voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. RESOLUTION 2006-0011 ADOPTED.

26. RESOLUTION designating a certain property within the City of Houston as protected landmark (William L. Connelly House - 218 Avondale Boulevard) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. RESOLUTION 2006-0012 ADOPTED.
27. ORDINANCE **READOPTING ARTICLE XII OF CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, regarding standards of care for Houston Youth Recreation Programs; containing findings and other provisions related to the subject; providing an effective date; providing for severability – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. ORDINANCE 2006-0875 ADOPTED.
28. ORDINANCE **AMENDING ARTICLE XII OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Storm Water Sewer System; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented, and tagged by Council Member Wiseman.
34. ORDINANCE approving and authorizing Supplemental Agreement No. 1 to Lease Agreement DTFA 07-03-L-00900 between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, for Air Route Traffic Control Center at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. ORDINANCE 2006-0876 ADOPTED.
35. ORDINANCE approving and authorizing Lease Agreement with an option to purchase between the **BOEING COMPANY, a Delaware corporation**, as lessee, and the City of Houston, Texas, as owner, for a 3.5 acre tract of land out of the Sylvester Murphy Survey, A-53, Houston, Harris County, Texas - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. ORDINANCE 2006-0877 ADOPTED.
36. ORDINANCE approving and authorizing a Communication Equipment License between the City of Houston and **METROCALL, INC** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Holm absent. ORDINANCE 2006-0878 ADOPTED.
38. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 415 - DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Wiseman.
46. ORDINANCE approving and authorizing a Reinstatement, Modification and Extension Agreement between the City of Houston and **APTFD, LTD.**, to provide for the Reinstatement of the Note and Security Instruments, Modification of the loan agreement, and extension of the term of the loan **DISTRICT F – KHAN** – was presented.

Council Member Khan stated that he appreciated what Director Milton Wilson and his team was doing in protecting the City and making sure they did not have to pay back any money

from the General Fund to HUD, that it was the same project that he discussed last week in his pop off where there had been many incidences of criminal activities, gunshot violations and the RCA was from the property owner or manager, that he had not heard anything as to what they were going to do to address some of the public safety issues which were so prevalent on that property, that he would tag the item and hoped he would get some commitment from the management to address the public safety issues for the property, that he was not satisfied with what the owner was going to do to address the public safety concerns. Council Member Berry absent.

47. ORDINANCE approving and authorizing contract between the City of Houston and **NEW HOPE COUNSELING CENTER, INC**, providing up to \$138,971.00 in Housing Opportunities For Persons with AIDS (“HOPWA”) for the Administration of a Short-term Rent, Mortgage, and Utility Assistance Program, along with Supportive Services – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Wiseman absent. ORDINANCE 2006-0879 ADOPTED.
48. 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** – was presented. Council Member Wiseman absent.

Council Member Alvarado stated that she wanted to thank Mr. Wilson and his staff for working with her office, they had been trying to get the funding for a couple of years, that it was unfortunate that the Director of the organization, Ms. Elenena Vergada, passed away a couple of weeks ago and she was sorry that she was not here to see it happen, that she wanted to recognize her work. Council Member Wiseman absent.

A vote was called on Item No. 48. – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Wiseman absent. ORDINANCE 2006-0880 ADOPTED.

49. ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES**, providing up to \$745,790.00 in Housing Opportunities For Persons with AIDS (“HOPWA”) Program Funds for the Administration of a Tenant Based Rental Assistance and Short-term Rent, Mortgage, and Utility Assistance Program, along with Supportive Services - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. Council Member Wiseman absent. ORDINANCE 2006-0881 ADOPTED.
50. ORDINANCE approving and authorizing fourth amendment to contract #C25836 between the City of Houston and **WALTON GOLF MANAGEMENT** for the Operation of Melrose Golf Course **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0882 ADOPTED.
51. ORDINANCE approving and authorizing a Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the STEP Comprehensive Commercial Motor Vehicle Grant; declaring the City’s eligibility for such grant; authorizing the Mayor to act as the City’s representative in the application process; authorizing the Chief of the Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0883 ADOPTED.

52. ORDINANCE approving and authorizing a Grant Agreement between the City of Houston and **THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the STEP Comprehensive Grant; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0884 ADOPTED.
53. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SECURITAS SERVICES USA, INC** for Security Guard Services for Various Departments – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0885 ADOPTED.
55. ORDINANCE appropriating \$278,130.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SWA GROUP** for Design of Allen's Landing Phase II Improvements, N-000669-0003-3 (GFS N-0669-03) (SB9171); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0886 ADOPTED.
56. ORDINANCE appropriating \$4,679,540.00 out of Airport System Consolidated 2004AMT Construction Fund, and approving and authorizing contract between the City of Houston and **TJ&T ENTERPRISES, INC** for Access Control and Telecom Duct Bank at William P. Hobby Airport (CIP A-0439 and AIP 3-48-0110-XX, Project 576A); providing funding for engineering testing services, and for contingencies relating to construction of facilities financed by such funds **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0887 ADOPTED.

MATTERS HELD - NUMBERS 57 through 62A

57. 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 – (**This was Item 10 on Agenda of August 16, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and GARCIA**) – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0888 ADOPTED.
58. 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** – (**This was Item 15 on Agenda of August 16, 2006, TAGGED BY COUNCIL MEMBER HOLM**) – was presented.

Council Member Holm moved to postpone Item No. 58 for two weeks, seconded by Council Member Alvarado. All voting aye. nays none. Council Member Brown absent on vacation. MOTION 2006-0762 ADOPTED.

59. 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 – **(This was Item 33 on Agenda of August 16, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Brown absent on vacation. ORDINANCE 2006-0889 ADOPTED.
60. 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** – **(This was Item 40 on Agenda of August 16, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented.

After discussion by Council Member Edwards a vote was called on Item No. 60. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0890 ADOPTED.

61. 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** – **(This was Item 41 on Agenda of August 16, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Brown absent on vacation. ORDINANCE 2006-0891 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Khan stated that he wanted to congratulate Houston on the 178th birthday of the City, that this evening there would be a fantastic celebration and wished all Houstonians congratulations on the birthday. Council Member Lovell absent.

Council Member Sekula-Gibbs stated that she wanted to thank Mayor White for his fine leadership as well as the leadership of many of their elected officials including Senator Hutchinson, Senator Cornyn, Congressman Brady, Congressman Poe and Judge Eckels, that Mayor White's efforts as well as others paid off in a big way last week when Secretary Alphonso Jackson from Housing and Urban Development came to town and brought with him a \$428 million relief, that they appreciated that very much from HUD and the recognition that the federal government had given that Rita was not just a mild event for the Texas coast, that there was Katrina money in there, that the event happened at the El Centro de Corazon Eastwood Clinic. Council Members Lawrence, Holm, Garcia and Lovell.

Council Member Sekula-Gibbs stated that on Thursday there would be a public health meeting that would take up the matter of smoking in the workplace, that it was at 2:00 p.m. and she would encourage everyone to come who had an interest in the Workplace Smoking Ordinance and participate and share their views, that it was on Thursday, August 24, 2006. Council Members Lawrence, Holm, Garcia and Lovell.

Council Member Green stated that SEARCH was having a school supply drive going on now, that often people forget that there were homeless children in the City, if they would like to make a donation or sponsor children in the way of school supplies or school clothing they could contact SEARCH at 713-739-7752 or www.searchproject.org. Council Members Lawrence, Wiseman, Holm, Garcia and Lovell.

Council Member Green stated that the September Budget and Fiscal Affairs Committee meeting would take place on August 29, 2006 in Council Chamber at 10:00 a.m. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia and Lovell.

Council Member Green stated that the Excel Team was sponsoring their second biannual small business conference on Thursday, August 31, 2006 from 8:30 a.m. to 3:00 p.m. at Houston Community College Administration Building at 3100 Main, they could reach the team at www.THEEXCELTEAM.org. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia and Lovell. (NO QUORUM PRESENT)

Council Member Berry stated that he wanted to thank his colleagues, several of them had spoken to him about the Veterans Day Parade and he wanted to thank Susan Christian in the Mayor's office and the veterans groups who were moving forward on a Veterans Day Parade with the intention of having a fantastic parade that the veterans could be proud of, that he would say to anyone out there, whether they supported the troops currently in Iraq or not, everyone could support the troops without prejudging their politics with regard to that effort or any other past military effort, a lot of their troops, through the course of history, had been conscripted, they were serving their Country, many times even without enlisting and it was just as noble if they did enlist and he thought this was an opportunity for them to let the troops know they appreciated them, that there was some debate as to whether the Veterans Day Parade should be held downtown and Ms. Christian was able to allay those concerns but he thought they needed some help for the parade in getting them some parking so he was going to request from Ms. Ullrich free parking for a half day. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Berry stated that he found out yesterday, by way of the media, which was an unfortunate thing, the police chase policy had been a relatively controversial issue not only in the City but across the Country and there were those who adamantly believed they should chase every single person no matter what and there were those who followed a movement that says they should not chase anybody any time because they further endanger the lives of citizens, regardless of where they fell on that spectrum it was the role of City Council to be consulted and give advice to the departmental directors, that they had a case that he found troubling as a potential precedent setter, where a General Order was given out by the Police Chief that changes their chase policy, when individuals had the bad sense to run from the officers, that the Police Chief had every ability to do that but it was a terrible precedent and to him a bit insulting to the Houston City Council that he did not ask for their advice on whether or not that policy should be changed and that they had to find out by the media, it was a trend he did not support and a trend that he thought would make the Chief a unpopular individual and given the communication problems in the Police Department today he wondered if they were getting the message that the City Council was not trying to micro manage the Police Department but they did expect and deserved to be consulted on major policy changes and he did think the public intended for that process to work, so without regard to just this policy he hoped the Police Department would be better advised with regard to the people from whom they sought input, that he asked the Houston Police Officers Union if they were consulted, they only represented the 5,000 rank and file members from patrol officer all the way up to executive chief who made up the department and they were not consulted, he had yet to find one of his

colleagues who was consulted and he had even spoken to some relatively high ranking HPD officers who were not consulted so he was just curious who was minding the shop over there and worse whether communications with elected officials at the City were being taken seriously by the leadership of the Houston Police Department, that he thought their public deserved better. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Alvarado stated that she agreed with what Council Member Berry stated and she had a lot of respect for Chief Hurtt and she too was alarmed yesterday when she was asked about the policy and was caught off guard and then read it in the newspaper, that she would hope that a policy such as that would come before the Public Safety Committee at the very least and allow time for discussion and debate because as Council Member Berry stated it had been a very controversial policy and there were people on different sides of the issue, and that would be her request to the administration that policies of that magnitude come before the Public Safety Committee. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she too would like to reflect on comments that colleagues Council Members Berry and Alvarado had made, she too was caught of guard and it was embarrassing to learn about it on the radio or in the newspaper, that she knew the Chief had a very tough job, all of their police officers did and she was of the belief that if somebody ran from the police they were running for a reason and if they were willing to run from a police officer there were willing to do just about anything and the good men and women who served them every single day on the line were probably best to judge when it was appropriate to follow and to instigate a chase, so she would hope that the Chief would continue to, at the least at a minimum, apprise them of the major changes and to take the good advice of the Council Member Alvarado and come to the City Council for major policy decisions like these that should receive a public airing. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that in relation to the administration's effort to tighten up the below market leases that they had throughout the City and there were a number that needed to be tightened up but there were also a number of outstanding non profit institutions that provided a service to the community that otherwise would not be provided such as the Willow Pool in District C and the Westbury Little League that were leasing properties and had made significant improvements to properties and she thanked Mayor White for the good work of Issa Dadoush, the head of Building Services who was working diligently to see that the interests of the community and the taxpayer were taken care of in negotiating and reissuing the leases or in possibly in certain cases the sale of property. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to applaud Mayor White and thank him for his good work in constantly fighting the federal level to try to get the reimbursement for their tax dollars that were paid in support of the Katrina evacuees as well as their own difficulties with the Rita evacuation, as they did get the money reimbursed if the administration could provide them with a list of where those funds were going, specifically she thought it would be great to be able to reimburse Fund 405 the \$10 million that was spent to pay police overtime, that they authorized in January 2006 and to be able to know where the money was going. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank Council Member Berry for his hard work in making sure they had a Veterans Day Parade this year, that she looked forward to

participating in it also and if there was anything she could do to help with that she hoped he would let her know. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Edwards stated the issue regarding the police notification, the policy change, she was not sure how they would deal with that because she had the same concerns about the airport, so she would like to have some direction, that her concern was what was happening at the airport now, she knew they had to make some changes but wanted to know who decides, did somebody from Washington call their airport people and tell them what they were going to be doing, she did not know what the process was, was TSA a federal organization or a private organization contracted by the federal government, so if somebody could give her some information regarding how it was done, that she appreciated the quickness and flexibility of Mr. Vacar and Mr. Mancuso, that she knew they were called in the middle of the night and it happened but once again it was something as a City Council she saw on television. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Edwards stated that Houston Hope was going well but she would ask that they have a report to bring people up to date as to where they were on that, what was happening in various communities and the successes and victories, that she would like to talk about what was happening with Houston Hope and the partnerships that were being developed with the new communities that were being brought into the whole process of building affordable housing. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Lovell, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Edwards stated that they had passed out a briefing on Camp Logan, that today was the anniversary of Camp Logan, August 23, the reason why they wanted to pass out the briefing was because their office along with Senator Rodney Ellis's and working with some of the survivor's on both sides of the issue were looking to see how they could get some closure and reassessment of the case, the issue of Camp Logan so they could put it to rest and so those people who were soldiers could be given a fair hearing and even the police of the City of Houston could put the issue to rest and people could be aware that they had a lot of people who were hanged and there was very little court that went on, that they were looking at the possibilities of reopening the case and they would like to have as many Council Members and civilians who would like to be involved, but as they were talking about historic preservation, part of the historic preservation was the truth being told and they were very interested in finding the truth, there were too many parts that were not told or looked at, so they appreciated Senator Ellis's help, with his staff, on the particular issue. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Lovell, Sekula-Gibbs and Green. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to let folks know that in order to vote on the issue in November that they had to be registered to vote and she would encourage the citizens in the community if they had moved or had any doubt about whether or not they were a registered voter that they register to vote, if there was anyone out there who was homeless be it known that they could register to vote and they could have a vote and they had the right to have a voice in City matters, that the last day to register would probably be the first week in October, if they called her office they could get them that information. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

At 12:12 p.m. Acting Mayor Pro Tem Berry stated that the City Council would recess until 4:00 p.m. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Wiseman,

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

At 4:19 Mayor White reconvened the meeting of the City Council. Council Members Garcia and Sekula-Gibbs absent.

Council Member Wiseman stated that she would release her tag on Item No. 28. Council Members Garcia and Sekula-Gibbs absent.

28. **ORDINANCE AMENDING ARTICLE XII OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Storm Water Sewer System; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was again before Council. All voting aye. Nays none. Council Member Brown absent on vacation. Council Members Garcia and Sekula-Gibbs absent. ORDINANCE 2006-0891 ADOPTED.

62a. 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 47 on Agenda of August 16, 2006, POSTPONED BY MOTION #2006-718)** – was again before Council. Council Members Garcia and Sekula-Gibbs absent.

Upon questions by Council Member Holm, Mayor White stated that what they had been trying to do was to try and find as much common ground as they could to provide for the integrity and self sufficiency of their Enterprise Funds and not compromise their credit and allow the voters to vote on flexibility to allow increased public expenditures on public safety with no increase in property taxes, that he wanted to thank the various Members of Council who joined with him in engaging in what could be hundreds of hours of conversations with various people who were supportive of Proposition 2 to find common ground on both of the propositions, that he thought that the one they were going to vote on this afternoon reflected a number of that input from people who were for Prop 2 and for Prop 1 for one or both of them, including the public speakers that they heard the other day when they addressed it and who advocated putting the vote on public safety to the public and not doing it as a Charter amendment, the goal that he had in mind, which they were working for and he was optimistic that they would get was a situation in which there was a wide spread acknowledgement incorporating within law, which was not currently the case, concerning the effectiveness of both of the two propositions, but which allowed them to proceed with some of the correct technical area in both propositions related to TIRZ and allow the Enterprise Funds to act with discipline and autonomy, that just to share with them and those on the public record the nature of the type of discussions that had resulted in extraordinary recess, there were people, citizens, who wanted to understand what water was sold outside the City limits and the principles of rate making that they use under State law to set those rates and adjust the reasonable rates, some people may want to charge more for water outside the City, but usually they find out when they talk through these things that they come to some consensus as they had on most of the remaining features, there were a couple of the items that at least one or two of the principle proponents of Proposition 2 had questions about, one of those was the mechanism under Prop 1 for limiting rate increases to cost of living and population growth and whether or not that was superseded by the requirements of debt service or not, where there was still going to be an exchange of information and he would say for one that if some lawyer said it did not do what they thought they were doing, and he was all for trying to find a way to fix that, and also how they could move towards the objective, which he was still fairly optimistic about coming up with something that would resolve all legal issues outstanding between the parts concerning the Prop 1 and Prop 2 lawsuits, that they would try

their best to accommodate every specific suggestion that was made and there still remained at least one or maybe two that they needed to track down, that he did not think that was a reason for delaying this particular vote, it would be his intention, should it pass, for precautionary purposes if nothing else, to give notice of a special meeting for Monday, if somebody was afraid that some language did not accomplish what it said it accomplishes, so that somebody could have access to their counsel who was in trial, he would go ahead and notice that meeting, but he thought it was important for them as a deliberative body and as duly elected representatives of the people to get on with the business on a timely basis and therefore he would urge people to vote yes on the amendment as amended and he would say to those Members of Council who signed a Prop 2 petition he was going to continue to work in good faith in order to try to find common ground as it concerned both the lawsuit and if there was any language that may need to be clarified between now and Monday, that he was not aware of any at this time, but he wanted to make sure they were open minded, that he again thanked the numerous Members of Council who worked diligently so that they find common ground and did the responsible thing for public safety and the Enterprise Funds of the City.

Council Member Sekula-Gibbs stated that she would like to offer an amendment to the main item that essentially "does not remove the Water Sewer Combined Utility Fund and allows the voters to maintain the integrity of Proposition 2 as it relates to water and sewer but does allow the removal of the Aviation Fund", tagged by Council Members Garcia and Lovell.

A vote was called on Item No. 62a as amended. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Brown absent on vacation. ORDINANCE 2006-0892 ADOPTED.

After discussion by Council Members, Mayor White stated that the reason for the Special meeting on Monday was that a question was raised on the formula.

There being no further business before Council, the City Council adjourned at 4:30 p.m. Council Member Wiseman absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary