

City Council Chamber, City Hall, Tuesday, October 10, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 10, 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, Peter Brown, Sue Lovell, M.D.; Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance Office; and Ms. Marty Stein, Agenda Director; present. Council Member Shelley Sekula-Gibbs absent on personal business.

At 2:09 p.m. Acting Mayor Pro Tem Berry called the meeting to order and stated that he was recognizing Council Member Edwards for a point of personal privilege; and Council Member Edwards stated that as Chairperson of the Housing and Community Development Committee the City of Houston recognized homeownership was the key indicator of strong communities and economic well being and affordable homeownership was a cohesive social force; that the effort to help low to moderate income families achieve homeownership was a partnership between multiple government entities and made possible by cooperation of those institutions and the City of Houston saluted such organizations, extended best wishes for a successful and rewarding event; and invited Mr. John Palmer of the Housing Department and Mr. Bennie Rodriguez of the Southwest Texas Finance Corporation and Ms. Barbara Mancuso of the Housing Resource Center to the podium and presented Mr. Palmer a Proclamation proclaiming October 10, 2006, as "Homeownership Education Day" in Houston, Texas. Mayor White, Council Members Wiseman and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell invited Mr. Scott MacClymonds to the podium and stated that he was chosen as this years Mayor's Disability Advocate of the Year as he worked toward the removal of barriers to people with disabilities and had a can do spirit; and was proud to present the Mayor's Disability Advocate of the Year Award to Mr. Scott MacClymonds. Council Members Johnson, Wiseman and Holm absent.

At 2:20 p.m. Acting Mayor Pro Tem Berry called the meeting to order and called on Council Member Green for Prayer and pledge; and Council Member Edwards stated the person invited was not present and she would take their place and led all in the prayer and pledge. Council Members Johnson and Berry absent. Mayor White, Council Members Johnson, Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding.

At 2:21 p.m. the City Secretary called the roll. Council Member Sekula-Gibbs absent on personal business. Mayor White, Council Members Johnson, Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding.

Council Members Khan and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Sekula-Gibbs absent on personal business. Mayor White, Council Members Johnson, Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding. MOTION ADOPTED.

Council Member Garcia moved to hear the following speakers at the top of the speakers list, Ms. Leigh Hollins, Ms. Cynthia Card, Mr. James Schriver, Ms. Jane Cahill, Ms. Peggy Bittick, Mr. Brett Mize, Mr. Jerry Harper, Ms. Carol Woodriff, Mr. Lee Krause, Ms. Evie Browning-Krause, Mr. Jay Hamburger, Mr. Nathan Wilke and Ms. Marci Perry, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Sekula-Gibbs absent on personal business. Mayor White, Council Members Johnson, Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding. MOTION 2006-0884 ADOPTED

Council Member Alvarado moved to hear the following speakers relating to the smoking ordinance out of order, Ms. Sara Dreiling, Mr. Steve Greenberg, Ms. Dorothy Caram, Mr. Lewis Foxhall, Mr. Bill Baun and Ms. Maria Boyston, and add Rev. Leslie Smith and Mr. Brandt Manchenn to the list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Sekula-Gibbs absent on personal business. Mayor White, Council Members Johnson, Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding. MOTION 2006-0885 ADOPTED

Council Member Edwards moved to hear Ms. Joan Patrick, Mr. Timothy Young, Mr Duane Bradley and Mr. Robert Smith out of order at the top of the speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Sekula-Gibbs absent on personal business. Mayor White, Council Members Johnson, Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding. MOTION 2006-0886 ADOPTED

Acting Mayor Pro Tem Berry stated that he wanted to remind all of the Council rules if there were greater than 150 minutes it would be announced and each speakers time would be one minute and when the provisions of that subsection were invoked the question time accumulative for all City Council Members would be a total of one minute per speaker and if they were on the list they would be added to the next so each speaker would have one minute and there would be one minute cumulative per speaker for Council questions; and called on the City Secretary to call the first speaker. Mayor White, Council Members Johnson, Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding.

At 2:26 p.m. the City Secretary began calling the public speakers. Mayor White, Council Members Johnson, Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding.

Ms. Jane Cahill, 2112 Lubbock, Houston, Texas 77007 (832-721-9080) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding.

Ms. Leigh Hollins, 2009 Kane, Houston, Texas 77007 (713-861-4337) appeared, presented information and stated that she was from the Old Sixth Ward and they were seeking reasonable regulation; and urged the TIRZ 13 budget be placed on the next Council Agenda so they could move into the public hearings. Mayor White, Council Members Johnson, Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia allowed Ms. Hollins to continue; and Ms. Hollins stated that they would like to offer each a private Victorian home tour at any time; and asked all those who were in support with her to stand to be recognized. Mayor White, Council Members Lawrence, Johnson, Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding.

Ms. Cynthia Card, 2215 Decatur, Houston, Texas 77007 (713-869-4465) appeared and stated that she wanted to voice support of the TIRZ Agenda and would like the process moved forward; that Houston did not have many historic districts and the Old Sixth Ward was a jewel of a neighborhood. Mayor White, Council Members Lawrence, Johnson, Wiseman and Brown absent. Acting Mayor Pro Tem Berry presiding.

Mr. James Schriver, 1808 Lubbock, Houston, Texas 77007 (713-882-1831) appeared, presented information and stated that he lived in the Old Sixth Ward Historic District and was present to encourage Council to approve the budget for TIRZ 13; that he had restored homes there. Mayor White, Council Members Lawrence, Johnson, Wiseman, Khan, Holm and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Garcia allowed Mr. Schriver to continue; and Mr. Schriver stated that in 1991 he bought two homes valued at \$90,000 and the current value of the two homes was over half a million. Mayor White, Council Members Lawrence, Johnson, Wiseman, Khan, Holm and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

The City Secretary stated that Ms. Cahill was now present and would speak at this time. Mayor White, Council Members Lawrence, Johnson, Wiseman, Khan, Holm and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Jane Cahill, 2112 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and stated that she was former Chair of the Old Sixth Ward Tax Increment Reinvestment Zone and wanted to correct comments made last week; that as with all TIRZ the increment was intended to finance public improvements identified in a project plan as planned improvements provided incentive for new development and historic preservation and not one dime of TIRZ increment had been spent on any petition process. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Garcia allowed Ms. Cahill to continue; and Ms. Cahill stated that the plan stated land use regulations would be recommended by the TIRZ board to Council and the regulations envisioned were architectural performance standards to protect private investment in historic structures and public investment in compatible infrastructure and a super majority of the community repeatedly expressed support for adoption of reasonable performance standards; and urged Council approve the TIRZ budget and implement a moratorium against all projects that had not received a certificate of appropriateness by the Houston Archeological and Historical Commission until the public hearing process could be completed. Council Member Garcia stated that when the statement was made TIRZ money was being used for the petition he did not have a budget in front of him and could not dispute that point, but their petition was out and Planning had validated significant support for moving forward with the process and he asked them to do so and asked that she communicate that to their neighbors. Mayor White, Council Members Lawrence, Wiseman, Khan, Holm, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Peggy Bittick, 2018 Kane, Houston, Texas 77007 (713-301-3121) appeared, presented information and stated that she lived in the historic Sixth Ward in the most expensive home there with the name the Queen of the Sabine and they were very proud of their home and their neighborhood; that they would like to preserve its integrity and would appreciate any assistance from Council in that endeavor. Mayor White, Council Members Lawrence, Wiseman, Holm and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that he was supportive of the Sixth Ward neighborhood, he could not think of another in Houston that deserved historic preservation more than they. Mayor White, Council Members Lawrence, Wiseman, Holm and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Brett Mize, 2009 Kane, Houston, Texas 77007 (713-861-4337) appeared and stated that he lived in the Old Sixth Ward and was asking that the TIRZ 13 budget be placed on the Agenda for approval and then was asking that they also help expedite regulations to protect the historic district; that their opponents SWPO were anti zoning, anti regulation and anti preservation. Mayor White, Council Members Lawrence, Wiseman, Holm and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia allowed Mr. Mize to continue; and Mr. Mize stated that with all the money and time they spent collectively pulling the historic district out of the dirt they should have rights and they had a super majority of the vote verses SWPO's. Mayor White, Council Members Lawrence, Wiseman, Holm and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Jerry Harper, 2003 Decatur, Houston, Texas 77007 (713-880-5861) appeared and stated that his reference was to the same group Ms. Cahill identified; that he viewed a Council Meeting and realized there was a group of citizens, the Sixth Ward Property Owners (SWPO) who made an accusation that the Old Sixth Ward Neighborhood Association misused TIRZ funds and he knew Council was capable of pinpointing someone and asking they clarify their statements and he was concerned as Council should know the Old Sixth Ward Neighborhood Association had no TIRZ funds to use or abuse and yet did not question them. Mayor White, Council Members Lawrence, Wiseman, Holm and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia allowed Mr. Harper to continue; and Mr. Harper stated that he appreciated what he just heard said by his Council Member at Large and Council Member Garcia, but he did not think they realized that by their lack of visible actions and distortion of truth they may hear it placed a tremendous burden on 65% plus of neighbors who supported the claim their neighborhood earned the right to survive. Mayor White, Council Members Lawrence, Wiseman and Holm absent. Acting Mayor Pro Tem Berry presiding.

Ms. Carol Woodruff, 2115 Kane, Houston, Texas 77007 (713-446-5085) appeared and stated that her neighbors stated her position accurately so would just take time to invite anyone to come visit; that she was proud of her neighborhood and her house and would love anyone to take a tour. Mayor White, Council Members Lawrence, Wiseman and Holm absent. Acting Mayor Pro Tem Berry presiding.

Mr. Lee Krause, 1820 Decatur, Houston, Texas 77007 (713-861-1168) appeared and stated that he lived in the Old Sixth Ward Historic District and watched the Council Meeting last week and was appalled that they said what they did and wanted to set the record straight; that Mr. Norman said they owned property and lived in the neighborhood and it was not true, they tore property down and parked an RV on the lot; that Ms. Copeland read a list of people supporting them when those she read were not in the Sixth Ward. Mayor White, Council Members Lawrence and Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia allowed Mr. Krause to continue; and Mr. Krause stated that as a real estate agent he sold over 30 properties in the Sixth Ward and they were buyers who wanted to live there and restored property, what about their property rights, they should be protected. Mayor White, Council Members Lawrence and Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Ms. Evie Browning-Krause, 1820 Decatur, Houston, Texas 77007 (713-861-1168) appeared, presented information and stated that she and her husband were longtime residents and property owners in the Old Sixth Ward and were present asking for a moratorium on demolition of historic properties in the neighborhood until issues could be resolved and also to request approval of the TIRZ 13 budget which their neighborhood deserved. Mayor White, Council Members Lawrence and Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia allowed Ms. Krause to continue; and Ms. Krause stated that Mr. Norman and Ms. Isabel who appeared last week owned one property but did not reside there and became active in SWPO after their proposed modern construction was disqualified by the

Houston Archeological and Historic Commission, it had included a five car garage and an over 49 feet meditation tower. Mayor White, Council Members Lawrence and Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Mr. Jay Hamburger, 1817 State, Houston, Texas 77007 (713-869-0869) appeared and stated that he had been involved in the Sixth Ward about 50 years and owned three residences there; that people asked how did the Fourth Ward die or what happened to the Lowes, Majestic and Metropolitan theaters, but it was asked after the fact. Mayor White, Council Members Lawrence, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Paul Gainey, 2010 Decatur, Houston, Texas 77007 (713-527-8038) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Nathan Wilke, 2203 Kane, Houston, Texas 77007 (713-880-0321) appeared and stated that he was present along with others in the Sixth Ward to ask that the TIRZ 13 budget be placed on Council's Agenda and hopefully passed as soon as possible; that the Sixth Ward was about six by four blocks and a hidden jewel, the last intact 19th century neighborhood within the City of Houston. Mayor White, Council Members Lawrence, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Marci Perry, 1619 Webber, Houston, Texas 77007 (713-863-9773) appeared and stated that she was from First Ward and she wanted to know why people had to fight so hard to get anything done for their communities and why was the TIRZ 13 budget not already done, they needed it, TIRZ was created for blighted communities with no economic growth; that the Sixth Ward deserved Council's support. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Acting Mayor Pro Tem Berry stated that they did not know as yet when the TIRZ 13 would be on Council's Agenda. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Joan Patrick, 427 Lovett Blvd., Houston, Texas (713-526-1121) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Timothy Young, 327 Westheimer, Houston, Texas 77006 (713-523-0985) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Duane Bradley, 419 Lovett Blvd., Houston, Texas 77006 (713-526-4000) appeared and stated that he believed in preservation and was a member of the Norhill Historic Neighborhood and member of the Proctor Plaza Homeowners Association but was present to speak as general manager of KPFT Pacific Radio in Houston regarding parking on the north side of Lubbock which impaired their ability to function well as a community resource radio station, providing classes to the community, community meetings, etc., he thanked Mr. Paul Dugas of the Parking Management Division who went out of his way to call and give him good news that the regulation was changed last October and that was great for the next block over. Mayor White, Council Members Johnson, Wiseman, Garcia, Brown and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Mr. Bradley stated that it still did not help their situation and there was bad signage needing change and he would ask that the hours be changed for the restriction to 10:00 p.m. instead of 6:00 p.m. and that those who operated non profit businesses across the street be allowed to purchase the permits only available to residents and that they also ask Legal what other recourse may be available to them; and Council Member Edwards stated that was an ongoing dilemma in the Montrose, especially on Lubbock, some businesses were there 30 plus years and she had asked time and time again the decal parking be looked at again and it was falling on deaf ears; that people could not get off work in time to move cars and receiving tickets and she felt it had been done incorrectly and was an injustice to the whole community. Mayor White, Council Members Wiseman, Garcia, Brown and Green absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that Mr. Dugas was present and could speak with him at this time. Mayor White, Council Members Wiseman, Garcia, Brown and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Robert Smith, 427 1/2 Lubbock, Houston, Texas 77006 (713-526-1121) appeared and stated that the French Alliance was a non profit organization founded in Houston in 1923 to promote French language and culture and offered classes, concerts, etc., and all activities supported their scholarship program each year sending 5 students one from each university in Houston to study in France; that this year permit parking began on Lubbock and would be fine if it began after 9:00 p.m. but it began at 6:00 p.m. and the "No Parking" signs were small and hard to see and people were paying fines and having to retrieve their cars. Mayor White, Council Members Wiseman, Garcia, Brown and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards allowed Mr. Smith to continue; and Mr. Smith stated that the high incidents of tickets and towing had discouraged people from attending events and the economic effect was direct and people who were aware of no parking were having to hike for blocks when parking spaces were directly in front; that they would support the program with a slight change in hours, but if it was to continue signage must be visible. Mayor White, Council Members Wiseman, Garcia, Brown and Green absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that Council Member Edwards was his district Council Member and Mr. Dugas was present to meet with him and he felt with their District Council Member's lead this could get changed and he was familiar with the issue and thought it should change. Mayor White, Council Members Wiseman, Garcia, Brown and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Sara Dreiling, 8150 Brook River Road, Dallas Texas 74752 (214-631-5864) appeared and stated that she was the CEO for the American Lung Association of Central States and serving Houston residents to help prevent lung disease in the area and was present as it was important for Houston to go smoke free; that 12% of Harris County residents suffered from lung disease and to enter a smoke filled environment was a risk they could not take; that it was demonstrated businesses in smoke free cities were not hurt, health was protected, and healthcare cost went down; and urged Council Members to consider and implement a policy now. Mayor White, Council Members Wiseman, Garcia, Brown and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Steve Greenberg, 1510 W. Loop South, Houston, Texas 77027 (713-515-1409) appeared and stated that he was present to read a letter from Mr. Tilman Fretita, their chairman, president and CEO which stated Landry's Restaurants, Inc., supported the Mayor's proposed

changes to the smoking ordinance so long as bars were not exempted from the ordinance, neither did they believe cigar bars should be exempted and private dining rooms in restaurants should be treated the same as in hotels; that they were for the ordinance if applied equally across the board. Mayor White, Council Members Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Alvarado, Mr. Greenberg stated that bars were in their restaurants and they had Monday night football, Astros and Rockets games and to create an unlevelled playing field would be detrimental to their economics. Mayor White, Council Members Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Dr. Dorothy Caram, 2603 Glenhaven, Houston, Texas 77025 (713-665-5398) appeared and stated that she was present asking for a great environment for future leaders to grow up in; that secondhand smoke killed 6,500 children yearly and they were looking at exempting bars from the ordinance but the more they asked parents to quit smoking the better for the children. Mayor White, Council Members Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Brown, Dr. Caram stated that the firmer they were in encouraging people to quit smoking the better and if people were coming to conventions and told beforehand there was no smoking they would not smoke. Mayor White, Council Members Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Dr. Lewis Foxhall, 3706 Harper, Houston, Texas 77005 (713-792-2202) appeared and stated that he was with the M. D. Anderson Cancer Center and wanted to remind all scientific evidence on smoking was indisputable and it was time for action; that at least 11 states passed laws making them smoke free and it was time for Houston; that smoking caused nearly one third of all cancers and contributed to heart disease and bronchitis. Mayor White, Council Members Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Khan stated that in the ordinance religious groups could ask five times a year to hold events in community halls where smoking should be permitted; and upon questions, Dr. Foxhall stated that there was no same amount of secondhand smoke and no safe way to ventilate it; and Council Member Khan stated that was one exemption he had serious issues with. Mayor White, Council Members Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Bill Baun, 2340 University Blvd., Houston, Texas 77005 (713-526-6862) appeared and stated that he also worked at the M. D. Anderson Cancer Center and they treated 21,000 people last year for cancer and nicotine was an addiction; that last year there were 11,000 DWI's in and near Houston and Council would not vote to leave them out drinking and yet they were about to let nicotine addicted people decide what was to go into people's lungs. Mayor White, Council Members Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that if it was so addictive and they knew all the statistics why was smoking still legal; and Mr. Baun stated that research showed as policy went in place smokers quit, so they were allowing people to smoke; and Council Member Edwards stated that she hoped when the city had their policy passed he would be just as vigorous going to the state and Feds to get it banned. Mayor White, Council Members Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Maria Boydston,, 301 Wilcrest. #7405, Houston, Texas 77042 (832-687-7908) appeared and stated that she was present as she was a waitress almost three years and from that point of view they hated working the smoking section, they smelled of smoke and tips were less. Mayor White, Council Members Wiseman, Khan, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Rev. Leslie Smith who was previously added to the Speakers List appeared and stated that he was founder and CEO of Families Under Social Attack and was present as an advocate to family and prosperity and asking Council to support the proposed ordinance eliminating smoking in all indoor work and public places. Mayor White, Council Members Wiseman, Khan, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Alvarado allowed Rev. Smith to continue; and Rev. Smith stated that all knew what the statistics said and they needed Council's support to end smoking in all indoor places. Mayor White, Council Members Wiseman, Khan, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Brandt Manchenn who was previously added to the Speakers List appeared and stated that he was present representing the Houston Sierra Club and their interest in the issue was protecting the health, welfare and environment of citizens of Houston and employees who worked in environments not currently smoke free; that it was a matter of life and breath and people deserved full protection from their government. Mayor White, Council Members Wiseman, Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Emit Square, 5630 Lakefield Drive, Houston, Texas 77033 (713-734-0116) appeared and stated that he was in agreement with speakers before him regarding secondhand smoke and would ask Council take it a step further and create measures to protect infants. Mayor White, Council Members Wiseman, Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson moved to hear Ms. Debra Pruitt and Ms. Margaret A. Wedger out of order, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Sekula-Gibbs absent on personal business. Mayor White, Council Members Wiseman, Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. MOTION 2006-0887 ADOPTED

Ms. Debra Pruitt, 611 Walker, Houston, Texas 77002 (713-837-7504) appeared and stated that they had a Proclamation to present to the Mayor and would proceed as if he were present and on behalf of the officers and members of the City of Houston Chapter of the International Association of the Administrative Professionals wanted to present a Proclamation in honor of National Boss Day; and presented Council Member Johnson on behalf of Mayor White the Proclamation extending special thanks and appreciation to the Mayor for viewing roles of professionals as a profession and realizing the administrative professional's value and proclaimed Mayor Bill White as the greatest boss in Houston, Texas. Mayor White, Council Members Edwards, Wiseman, Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry thanked Ms. Pruitt and all in attendance with her for the good work they did. Mayor White, Council Members Edwards, Wiseman, Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms Margaret A. Wedger, 901 Bagby, Houston, Texas 77002 (713-247-3154) had reserved time to speak but appeared with Ms. Pruitt and relinquished her time. Mayor White, Council

Members Edwards, Wiseman, Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Chris Lawless, 1718 Park, Houston, Texas 77019 (713-523-6887) appeared and stated that he was manager at The Flat, a small bar where smoking was allowed; that they did not encourage it and could assure Council many patrons did not want it; and encouraged Council Members to follow lead of other major metropolitan work places and allow all the right to a smoke free work environment. Mayor White, Council Members Edwards, Wiseman, Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Acting Mayor Pro Tem Berry, Mr. Lawless stated that there were bars where smoking was not allowed and they were prospering; that workplaces were smoke free except night clubs and bars and all should be equal. Mayor White, Council Members Wiseman, Holm and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Olivia Blair, 4290 Childress, Houston, Texas 77005 (713-669-0820) appeared in opposition to the smoking ban and stated that she was present as smoking was bad, but she was owner of a bar and their patrons were all adults; that a smoking ban in restaurants was good because of children, but they did not go in bars; that Council should let the market dictate and if non smokers were going to bars that much then non smoking bars would become the norm; and if the ordinance did go into effect they should allow bars to pay for a permit which would give them the right to be a smoking bar. Mayor White, Council Members Wiseman and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she knew all were fighting for their rights, but she wanted to know who would be responsible for those who got sick and had no health insurance; and upon questions, Ms. Blair stated that the fees from the cost of the permit she was asking for could be earmarked for health insurance. Mayor White, Council Members Wiseman and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Bob Karliner, 302 Gate Mere Court, Katy, Texas 77450 appeared in opposition to the smoking ban and stated that he recently relocated his family from Ohio to the Houston area and was a 30 year restaurant/bar employee and it scared him to know he could possible lose all he had if the ban took place as patrons told him they would just go across the street; and urged Council reconsider. Mayor White, Council Members Wiseman and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Lawrence, Mr. Karliner stated that the bar he referred to was a stand alone bar. Mayor White, Council Members Wiseman and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Jim Dorssom, 2305 Bay Area Blvd., Houston, Texas 77058 (361-774-4523) appeared in opposition to the smoking ban and stated that he was general manager of a Clear Lake Bay Area night club and a non smoker; that right now 90% of his competition was within 5 minutes and many patrons as well as workers said they would choose to go elsewhere and he wondered if Council was solving the problem or sending it down the street at the cost of his local economy. Mayor White, Council Members Wiseman and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Berek Pilgrim, 5401 Chimney Rock #766, Houston, Texas 832-277-1770) appeared in opposition to the smoking ban and stated that he was manager of the Sherlock's Pub on West Gray; that he was in the business 14 years and had yet seen complaints from any of his

clientele regarding being bothered by smoke; and as far as rights smokers should have as much of a right as a non smoker. Mayor White, Council Members Wiseman, Garacia and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Ranid Senter, 17278 US 249 @ Willowbrook Mall, Houston, Texas 77064 (281-517-0828) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Jim Owens, 6875 Dillon, Houston, Texas 77061 (713-247-2825) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Andrew Adams, 1919 Washington, Houston, Texas 77007 (713-864-9463) appeared and stated that he was proprietor of the Cork Screw, a wine bar on Washington Avenue, right outside downtown and he was a small business owner and opened his bar as a non smoking and to his surprise it had become a major player in his advertising and he was extremely successful and would recommend it. Mayor White, Council Members Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Alvarado, Mr. Adams stated that he had a wine bar in District H and chose to go smoke free and it was fantastic and he was increasing his size; that for those who had to have a cigarette there was a place outside. Mayor White, Council Members Wiseman, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Crystal Brown, 1911 Westmead. #2004, Houston, Texas 77077 (281-589-2007) appeared and stated that she was currently a member of the State Advocacy Committee with the American Heart and former president of the American Heart African American Task Force and present on behalf of the American Heart Association; that she was present as she struggled with Asthma, on October 13, 1971 she was born into secondhand smoke as the hospital she was born in burned to the ground and now she took several medications daily and has had 40 emergency room visits in Houston and hospitalized 15 times. Mayor White, Council Members Wiseman, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Khan stated that Ms. Brown was very articulate and he was very impressed; and upon questions, Ms. Brown stated that the American Heart Association urged that Council pass the strongest and most comprehensive ordinance with the least restriction, in order for a statewide ban to be implemented Houston had to have it intact. Mayor White, Council Members Wiseman, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Lawrence, Ms. Brown stated that she knew some Council Members would like this done in increments, however, it was her opinion the ordinance should be as comprehensive and strong as possible, it would save lives. Mayor White, Council Members Wiseman, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Melody Sraser, 10403 Shadow Oak Drive, #4B, Houston, Texas 77043 (713-320-2616) appeared, presented information and stated that she was a statistic, she had been in the restaurant and bar industry since her first job; that she loved bar tending it worked with her personality, unfortunately three years ago she was diagnosed with early signs of emphysema and asthma; that her doctor said she needed to get out of the industry but it was her income. Mayor White, Council Members Wiseman, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Ms. Sraser stated on a monthly basis she spent \$200 for prescriptions and \$95 for an office visit and she had at least 2 chest infections a year; that she now had insurance, she married into it; and Council Member Edwards stated that she was reading the reason health care was rising was primarily because of the number of uninsured. Mayor White, Council Members Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Steve Christian, 7027 Woodbluff, Houston, Texas 77040 (281-389-7352) appeared in opposition to the smoking ban and stated that with the smoking ban people would be standing outside the doors and then Council would have another problem, if they stayed inside it would be predominately adults; that all he put into his bars came from money out of his pockets and he should have the right to choose which way his bar would go. Mayor White, Council Members Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Ms. Linda Werber, 8602 Hot Springs Drive, Houston, Texas 77095 (281-855-2020) appeared in opposition to the smoking ban and stated that she and her husband operated a bar for 13 years and 2 blocks over was Katy, Texas and their customers said they would just start going to bars in Katy; that employees had a choice to work there and customers had a choice also. Mayor White, Council Members Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that he spoke with a bar owner recently in Katy and they said they saw a 30% to 40% increase nightly in revenues since this started with restaurants; and upon questions, Ms. Werber stated that they were a small business and if the smoking ban passed they would be gone in 3 to 4 months; that most of their employees smoked, but her step daughter was one who hated it but came back to the industry as she made more there in 2 days than a 40 hour week elsewhere. Mayor White, Council Members Lawrence, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Clifton Mahfouz, 8222 Kingsbrook Drive, Houston, Texas 77024 (832-723-8103) appeared in opposition to the smoking ban and stated that he was a smoker and worked in the bar industry; that he was happy all were concerned for his health, but right now it was not illegal to purchase cigarettes or smoke where he worked or at his home; that if they wanted smoking outlawed they should take it up with the federal government. Mayor White, Council Members Lawrence, Wiseman and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Mr. Mahfouz stated that he would guess if smoking was made illegal he guessed he would quit smoking. Mayor White, Council Members Lawrence, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Council Member Alvarado moved to hear Dr. Phillip Huang before Ms. Emily Page, seconded by Council Member Khan. A vote was not recorded as a quorum was not present. Council Member Sekula-Gibbs absent on personal business. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Maggie McDonald, 17278 Tomball Parkway, Houston, Texas 77064 (281-517-0828) appeared in opposition to the smoking ban and stated that she worked in a bar to pay her way through college, but if smoke bothered her she would have other options; that you chose to go to a bar or work at a bar and with Tomball bars across the street they would take away her right to choose and her right to live and be self sufficient. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she did not think they were trying to take away people's rights; and upon questions, Ms. McDonald stated that if people did not have insurance then why not do as the earlier speaker said and use money from smoking permits to help; that she understood health insurance was a problem and would support the smoking ban if it was for the whole state, but for those who worked across the street from where people would go it was not fair; and Council Member Edwards stated that the issue was not fairness but who would pay for consequences of choices made; and if smoking were made illegal in this country as they were looking to do in France as well then the point of being nicotine addicts would be another issue to deal with in this country. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Melinda Little, 12403 Boheme Drive, Houston, Texas 77024 (713-498-4299) appeared and stated that she was with the American Cancer Society and many were present supporting the smoking ban ordinance and asked that they stand to be recognized. Ms. Little further stated that a poll was done in August showing 68% of the people in Houston supported a comprehensive ordinance banning smoking in restaurants, bars and all public work places and after education on the poll it jumped to 78%; that one in five people smoke so four of five do not and when it came to economics many would show up at bars that had not gone before; and urged the item be passed for all. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Khan stated that many arguments were made for individual rights; and upon questions, Ms. Little stated that it was anyone's right to smoke just as it was to drink, but not a right to endanger health of others, for someone to smoke around others it was the same thing as drinking and driving; and Council Member Khan stated that was the argument for the whole debate, no one was trying to take away anyone's right, but trying to protect those who did not smoke. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Marji Messer, 1801 Cortlandt, Houston, Texas 77008 (713-864-0076) appeared and stated that she was a music producer and vocalist and in 1978 diagnosed with COPD and for the past 22 years made adjustments around it, in each contract there was a line item to include a nonsmoking venue. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Joel Dunnington, 3023 Four Winds Drive, Missouri City, Texas 77459 (281-437-6148) appeared, Presented information and stated that he was an associate professor of radiology at the M. D. Anderson Cancer Center and took care of smokers, past smokers and non smokers daily and knew what happened; that many said it was a legal product, but morphine, heroin, cocaine, slavery and nonvoting women were legal at one time; that this was still legal because they had the best Congress money could buy. Mayor White, Council Members Johnson, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Mr. Dunnington stated that for those who never smoked anything about 5% had cancer, but there were very few really non smokers, the vast majority had smoked and that was a direct factor; that there were many methods to try and get people off tobacco and many medications were still coming out, but some did quit cold turkey. Mayor White, Council Members Johnson, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Dr. Stuart Abramson, 6621 Fannin, Houston, Texas 77030 (832-824-1129) appeared, presented information and stated that he was an associate professor of pediatrics at the Baylor

College of Medicine and a physician in the care of allergy, asthma and immunology and was present to testify and in support of the strongest ordinance possible to reduce the serious health effects of secondhand smoke; that health affects of indoor air pollution could be more serious than outdoor air pollution and it came from secondhand smoke; and urged an ordinance for equal protection. Mayor White, Council Members Johnson, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Holm stated that she just read Helena, Montana just adopted a smoke free ordinance and within the first six months the emergency rate for heart attacks dropped 60% and they attributed it to the aorta expansion, etc., and upon questions, Dr. Abramson stated that smoke pollution actually may contribute to stroke because of inflammatory process in the blood vessels, coronary artery disease in addition to respiratory findings and other diseases such as cancer. Mayor White, Council Members Johnson, Wiseman, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Mary Price, 6703 Gentle Bend, Houston, Texas 77069 (281-380-9271) appeared in opposition to the smoking ban and stated that many were present supporting the ban but they were only asking it be fair, if it was the entire city or state it would be fair, but customers and employees would just go elsewhere and it was not helping but instead hurting people in the area; that Council Member Lawrence was nice enough to meet with her but others would not even speak with her. Council Members Wiseman, Garcia and Green absent.

Ms. Desiree Gonzales, 1515 Holcombe #21, Houston, Texas 77030 (713-563-8184) was called and Ms. Linda Cevilla appeared, presented information and stated that she was representing Ms. Desiree Gonzales from the Hispanic Health Coalition and worked at the M. D. Anderson Health Center and was a member of the Hispanic Health Coalition and aside from her work was personally interested in a full tobacco ban as she had asthma and had young children and second hand smoke disproportionately affected the Hispanic community as a recent Baylor study showed Hispanics were more likely to work in places where smoking was allowed and Hispanic families they worked with did support a full smoking ban. Council Members Wiseman, Garcia and Green absent.

Council Member Brown stated that he thanked her and the medical profession for stepping up and giving Council the information needed to make the right decision; and upon questions, Ms. Cevilla stated that banning smoking was the right thing to do and it would impact the lives of all Houstonians in a positive way. Council Members Wiseman and Green absent.

Mr. Julian Richey, 3332 Whitney, Houston, Texas 77006 (713-792-7692) appeared and stated that as Council listened to those present protesting the smoking ban he wanted them to imagine them smoking in their office every day, eight hours a day they inhaled second hand smoke would they then hesitate passing a law to protect their health; that he was in the hospitality industry as an employee, manager and owner and consultant and he was supporting a full ban on smoking in all work places; that he took medications daily for Asthma and allergies and like most of his coworkers had no insurance and studies showed in the long term business increased after a smoking ban passed. Council Members Wiseman and Green absent.

Ms. Nancy Mercado, 2400 Westheimer, Houston, Texas 77098 (713-305-8268) appeared and stated that she was a health educator and the U S Surgeon General recently reported over 50 cancer causing agents in second hand smoke and tar was one, it was a chemical compound which deposited in the lungs when inhaled and employees subject to second hand smoke at work had a 30% increased risk of heart attack and other cancers caused by such smoke was cancer of the kidney of the bladder, cervix and caused emphysema and diseases. Council Members Edwards, Wiseman and Green absent.

Ms. Bridget Adkinson, 6703 Pebble Beach Drive, Houston, Texas 77069 (713-8057348) appeared in opposition to the smoking ban and stated that she was in the bar industry 18 years and had a clean bill of health; that children first off should not be in a bar and smoking should be allowed; that she worked on a county line and 90% of her patrons were smokers and said they would go elsewhere; that if the smoking ban was passed they would be taking away her right to pay for college for her child. Council Members Edwards, Wiseman and Green absent.

Mr. Phillip Robert Brinson, 3711 Briar Park Drive, #300, Houston, Texas 77042 appeared in opposition to the smoking ban and stated that he was general council for Fast Eddies Billiards who had 16 units all over Texas and 3 in Houston; that he was also present on behalf of other bars such as South Beach, Sherlock's Pub and Baker Street Pub; that they showed Council and the committee over the last couple of weeks what actually happened to bars in other cities when they went with a total smoking ban such as in Austin, people would drive long distances to smoke and there were 25% to 30% revenue drops and their business could not afford it so what they did was they proposed and provided to all Council Members legislation they felt was not only fair but also took into consideration issues Council had, such as providing for no minors. Council Members Edwards, Wiseman, Garcia, Lovell and Green absent.

Dr. Phillip Huang, 1100 W. 49th, Austin, Texas 78756 (512-458-7200) appeared and stated that he was with the Texas Department of State Health Services and present as a resource to provide information only; that he provided a handout to Council Members which had information he would talk about and smoking was a public health issue they felt should be dealt with as any public health issue; that he was asked to speak on economic concerns and they looked at sales tax across the state and at Austin's and so some of the graphs from Austin was what he provided and it showed total Austin bar sales by quarter and it increased after the ordinance. Council Members Lawrence, Edwards, Wiseman, Garcia, Lovell and Green absent.

Council Member Alvarado stated that so many bar owners talked about Austin saying business declined; and upon questions, Dr. Huang stated that despite whatever antidotal information they heard this was actual sales tax data and there was no decline in the overall mixed beverage sales, and he included sales from Round Rock, next door to Austin and there was no change there after passage of the ordinance. Council Members Lawrence, Edwards, Wiseman, Garcia, Lovell and Green absent.

Council Member Khan stated that he saw his report; and upon questions, Dr. Huang stated that he worked for the state and was just providing information; that the data just provided was hot off the press provided by the Comptroller yesterday. Council Members Lawrence, Wiseman, Garcia, Lovell and Green absent.

Ms. Emily Page, 6320 Main #212, Houston, Texas 77005 (713-348-1254) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Garcia, Lovell and Green absent.

Mr. Brandon Scott, 6830 Champion Plaza Dr. – 77069 – 281-691-0979 appeared in opposition to the smoking ban and stated that all knew cigarettes were legal and that they killed, they were harmful, but guns were legal and killed; alcohol was legal and that with the wrong use could kill, but guns were licensed and permitted and alcohol was regulated and permitted and they should allow them to do the same thing by permitting; that there were mixed reviews with Austin and he would like to get that information and be able to investigate and challenge, so they could compare figures. Council Members Wiseman, Garcia, Lovell and Green absent.

Dr. Garret Walsh, 1515 Holcombe, Houston, Texas 77030 (713-792-6849) appeared and stated that he was a cardiovascular surgeon and the M. D. Anderson Cancer Center and in practice 17 years and daily dealt with the end consequences of smoking and second hand smoke; that last year he told the Mayor and Council they could do more for the health of Houston citizens with a stroke of their pens than he could do as a surgeon for the rest of his career. Council Members Wiseman, Garcia, Lovell and Green absent.

Council Member Alvarado stated that there was an effort here by some of her colleagues to exempt bars; and upon questions, Dr. Walsh stated that would be ludicrous. Council Members Wiseman, Garcia, Lovell and Green absent.

Mr. Nelson Meyers, 5510 Morningside, Houston, Texas 77005 (713-942-9900) appeared and stated that he was in the bar business about 15 years and had a clean bill of health; that he had been asthmatic since he was about six, but did not need medication except for an inhaler and that was athletically induced, but his condition had not changed or worsened because of working in a bar and if someone wanted to smoke in a bar they should be able to. Council Members Wiseman, Garcia, Lovell and Green absent.

Mr. Ian Campbell, 17278 Tomball Parkway, Houston, Texas 77064 (713-517-0828) appeared in opposition to the smoking ban and stated that he was general manager of a pub in the Willow Brook area and was asking Council to protect citizens in their freedom of choice and right to make a living at a fair market place, if the smoking ban was enacted he would be forced to compete with others less than a mile away who were able to offer a consumer demand in service his government forbid him to offer; that the people and not the government should choose how to run their lives. Council Members Wiseman, Garcia and Green absent.

Mr. Robert Williams, 2030 Quemby, Houston, Texas 77005 (713-523-5293) appeared and stated that he was present to speak about Item 12, a recommendation from the Public Works Department to close a portion of Bolsover Street in the Rice Village; that the recommendation was based on a traffic study provided by the developer who wanted to buy the street for the new development and it was a high density development with almost 250 condos and a nice underground garage with parking for approximately 500 residential vehicles and those would be in an area slightly larger than one square block and that would greatly increase traffic contrary to what Public Works concluded. Council Members Johnson, Wiseman, Garcia and Green absent.

Mr. Robert Glaser, 2127 Tangle, Houston, Texas 77005 (281-568-1692) appeared and stated that he was also present to speak on the closure of Bolsover in the Rice Village area; that he also was opposed to it as it would impact the Village with much more traffic and there was historical precedent to closing a street in the Village with had less than seller results and felt they could use that as a valid example this would not be a good idea; and the civic clubs who supported the idea did not go to their members to get a constituency for support and many felt it would be detrimental. Council Members Johnson, Wiseman, Holm, Garcia and Green absent.

Mr. Joe Davidson, 1925 Sunset Blvd., Houston, Texas 77005 (713-520-7282) had reserved time to speak but was not present when his name was called. Council Members Johnson, Wiseman, Holm, Garcia and Green absent.

Mr. Bill Pribyl, 2426 Goldsmith, Houston, Texas 77030 (713-667-7100 x202) appeared and stated that he wanted to talk on the law of unintended consequences, in 1993 the 2400 block of Amherst was abandoned to Weingarten and today without Amherst they had enormous delivery trucks bringing deliveries like beer to neighboring businesses and reduced the street to a single lane while there, but no one thought about that when closing Amherst; and on weekends in the

Village you got lines of cars driving around in circles looking for parking spaces and the Bolsover closure would only magnify that problem. Council Members Wiseman, Holm, Garcia and Green absent.

Mr. Bill Faloon, 1814 Albans, Houston, Texas 77005 (713-526-8899) appeared and stated that he was also against the closure of Bolsover and he thanked Council Member Clutterbuck for tagging the issue; that all knew the size of Rice Village and its importance and their needed to be more study than a report based on a developer's traffic study and it was important to look before they leaped, it was a city owned street and should stay that way. Council Members Wiseman, Holm, Garcia and Green absent.

Council Member Clutterbuck stated that she planned to tag the item tomorrow to allow for an additional week of public discussion. Council Members Wiseman, Holm, Garcia and Green absent.

Mr. Tom Wright, 1816 Albans, Houston, Texas 77005 (713-522-2016) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm, Garcia and Green absent.

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm, Garcia and Green absent.

Mr. Richard Freeman, 121 Riggs Road, Houston, Texas 77022 (no phone) appeared and stated that he had a problem and his guitar was trashed out at a Fiesta store and went to another one and they accused him of taking food without paying for it and he was held down, but then he showed his receipt and went to HPD and made a report; that he also had called the Mayor on July 4th and reported his pension stolen. Council Members Wiseman, Holm, Garcia and Green absent.

Mr. Fred Wilworth, 6646 North Leaf, Houston, Texas 77086 (832-288-5866) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm, Garcia and Green absent.

Mr. Don George, 880 Tully, TH. 32, Houston, Texas 77079 (281-531-8054) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm, Garcia and Green absent.

Ms. Sharon King, 917 W. Little York, Houston, Texas 77091 (832-573-3179) appeared and stated that she was representing Harris and Hughes, they were in a lawsuit 9-1/2 years and she was hoping and asking for Council to pass a settlement for her so they could put closure to it; that it was very hard on their family and going back and forth to court was very hard on her and her family and wanted closure to live. Council Members Edwards, Wiseman, Garcia, Alvarado and Green absent.

Mr. Steven Williams, No address (No phone) had reserved time to speak but was not present when his name was called. Council Members Edwards, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent.

Mr. Joseph Omo Omari, 2820 Palm #2B, Houston, Texas 77004 (832-767-0870) had reserved time to speak but was not present when his name was called. Council Members Edwards, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent.

Ms. Verna Brooks, 6322 Darlinghurst, Houston, Texas 77085 (713-728-1334) appeared and stated that she lived in the Windsor Village subdivision and present as City of Houston Parking Management was issuing tickets to residents in the area for parking in their driveways as they said they were blocking sidewalks and she was present to find a solution, if they parked in the street they were given a ticket for leaving their car there and she had pictures. Council Members Edwards, Wiseman, Garcia, Alvarado and Green absent.

Dr. Eldrewey Stearn, 7414 Jensen Drive, Houston, Texas 77093 (713-697-4600) had reserved time to speak but was not present when his name was called. Council Members Edwards, Wiseman, Garcia, Alvarado and Green absent.

Ms. Estela Jimenez, 1307 Brook, Houston, Texas 77009 (832-309-7022) had reserved time to speak but was not present when her name was called. Council Members Edwards, Wiseman, Garcia, Alvarado and Green absent.

Mr. Cristobal Hinojosa, 810 MacDaniel, Houston, Texas 77022 (713-742-5458) had reserved time to speak but was not present when his name was called. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Bill Fraizer, 2225 Longranch, Houston, Texas 77035 (832-513-5689) had reserved time to speak but was not present when his name was called. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Carter Mackenzie, 8501 Quinton Pl., Lubbock, Texas 79424 (806-791-3500) had reserved time to speak but was not present when his name was called. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Allan Romano, 8401 Airline Drive, Houston, Texas 77037 (281-931-5000) had reserved time to speak but was not present when his name was called. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 832-453-6376) appeared and stated that he was again present regarding emergency protection; and continued expressing his personal opinions until his time expired. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Pete Vela, 6625 Lyons, Houston, Texas 77020 (713-231-3999) had reserved time to speak but was not present when his name was called. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

The City Secretary stated that completed the list of speakers, but Ms. Patricia O'Conner had requested being added to the list and if there was no objection she would speak at this time. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Ms. Patricia O'Conner appeared and stated that she was a small business owner and had a small cigar and tobacco shop in the Rice Village and spoke at a previous meeting but was compelled to come back today; that she understood her tobacco shop was exempt, but was compelled to come as she saw things changing regarding freedoms of choice and there should

be other ways to take care of such problems. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that many thought smoking was bad but there was a point where you could over regulate people's lives; and Ms. O'Conner stated that was her concern, too much regulation. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. (NO QUORUM PRESENT)

Mr. Carter Mackenzie, 8501 Quinton Pl., Lubbock, Texas 79424 (806-791-3500) who was not present previously when his name was called was now present and appeared, presented information and stated that he was president and CEO of Bodart Recruiters, Inc., and they worked with TDCJ and Project Rio and went into state prisons and interviewed prisoners before they were released, they looked at their skills and tried to place them into a job when they were released; that he presented a 30 page proposal with an idea he had from their interviews. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. (NO QUORUM PRESENT)

At 4:26 p.m. City Council recessed with Council Member Sekula-Gibbs absent on personal business. Council Members Johnson, Edwards, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. (NO QUORUM PRESENT)

City Council reconvened at 6:15 p.m. Tuesday, October 10, 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, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Ms. Susan Taylor, Deputy Chief, Legal Department; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Judy Gray Johnson, Director Finance and Administration; and Ms. Martha Stein, Agenda Director present. Council Member Shelley Sekula-Gibbs, M.D. absent on personal business.

HEARING - 6:00 P.M.

1. **PUBLIC HEARING** on Propositions "A" through "F" and Proposition "H" to be submitted to the voters at a Regular Election on November 7, 2006 – was before Council.

Mayor White called the hearing to order and stated it was on valid items; and asked the City Secretary to begin calling speakers. Council Members Johnson, Holm, Garcia, Lovell and Berry absent.

At 6:15 p.m. the City Secretary began calling the speakers. Council Members Johnson, Holm, Garcia, Lovell and Berry absent.

Mr. Hans Marticiuc, 1600 State Street, Houston, Texas 77007 (281-924-3001) appeared and stated that he was president of the Houston Police Officers Union and present to speak in favor of Propositions on the November 2nd ballot, particularly Proposition B and H as they had a great impact on the delivery of public safety services within the City of Houston; that Proposition H would allow for spending for public safety without increasing taxes and additional officers were needed as well as crime reduction strategies, new programs allowing the department to staff personnel and respond to crime hot spots as they developed; Proposition B authorized \$135,000,000 of public improvement funds. Council Members Johnson, Holm, Garcia, Lovell and Berry absent.

Council Member Lawrence thanked Mr. Marticiuc for coming and upon questions, Mr. Marticiuc stated that Proposition B would fund new and renovated command stations, a new

tactical operations and training center and state of the art equipment and with homeland security that was vital. Council Members Johnson, Garcia, Lovell and Berry absent.

Ms. Tammy Rodriguez, 6111 Glenmont #21, Houston, Texas 77081 (713-933-5625) appeared and stated that she was with the Gulfton Super Neighborhood and present to express her concern with Propositions H and B; that she lived in southwest Houston and in the area they had initiative for officers to do a sweep and it was very successful, but now that it was gone they were faced with the same challenges and if this was passed she would like additional officers to address that. Council Members Johnson, Garcia, Lovell and Berry absent.

Council Member Khan thanked Ms. Rodriguez for her service; and upon questions, Ms. Rodriguez stated HPD's efforts were very effective and they would like those continued; and Council Member Khan stated that the Mayor and Council were fully committed to making sure all possible was done to reduce crime in all of Houston. Council Members Johnson, Garcia, Lovell and Berry absent.

Council Member Clutterbuck thanked Ms. Rodriguez for her service stated that she appreciated her support. Council Members Johnson, Garcia, Lovell and Berry absent.

Council Member Brown stated that he wanted to join his colleagues in saying thank you for her services; and upon questions, Ms. Rodriguez stated that officers visibility was a deterrent and additional funding would allow it to continue; and Council Member Brown stated that he hoped all understood this would make Houston safer and the referendum needed to pass. Council Members Johnson, Garcia, Lovell and Berry absent.

Mr. Howard Sacks, 9401 Brown Leaf Circle, Houston, Texas 77096 (713-479-2662) appeared and stated that he was president of the Willow Waterhole Green Space Conservancy also known as the WWGC and it was a not for profit citizens organization committed to maximizing a 280 acre green space in southwest Houston known as the Willow Waterhole Green Space Project and their mission was to master plan, fundraise and implement the numerous amenities required to build a first class regional destination park and Saturday, October 14th would be their second annual WWGC Fun Run and Walk; that they voted to support the upcoming bond election for city parks and believed passage of the bond program was crucial to the continued improvements of the City of Houston Park System and they looked forward to becoming actively involved in the updating process along with other members of the community. Council Members Johnson, Garcia, Lovell and Berry absent.

Council Member Clutterbuck thanked Mr. Sacks for coming and stated that he was instrumental in getting off the ground, along with others, an amazing project; that it was a prototype for providing a beautiful park space and desperately needed storm water detention for southwest Houston; and upon questions, Mr. Sacks stated that the federal government routed down through Harris County Flood Control District had created an enormous pile of dough to implement the feature, the Willow Waterhole Greenway Project, to a tune of \$75,000,000 to store two billion gallons of flood water and it needed to be detained before sending it down the pipe and what they learned was the very fine entity had no mandate whatsoever to create green space so when it got completed and forwarded the real catch 22 was they were waiting for a green light to be triggered for a whole host of park amenities, none of which could be funded given the current financial status of HCARD and the bond election was critical. Council Members Wiseman, Khan, Garcia, Lovell and Berry absent.

Mr. Roland Chavez, 1907 Freeman, Houston, Texas 77009 (713-223-9166) appeared and stated that he was present to speak in favor of propositions on the November ballot; that he thought all knew how firefighters felt, particularly Propositions B and H, Prop H would allow

increase of spending for public safety with no tax increase, it would insure adequate responding and Prop B would authorize \$135,000,000 in Public Improvement Bonds to fund many things necessary to keep operating such as the fire houses and help renovate the fire training facility which would be nationwide known for training; that it would also help with communication between fire and police. Council Members Wiseman, Khan, Garcia, Lovell and Berry absent.

Mayor White thanked Mr. Chavez and others for coming and for supporting the propositions on the ballot; and they were going to have to take money out of the general revenue budget and put it into the water and sewer system, it did little good to have no water coming out of the fire hose; and that was why there was so much relationship between one thing and the other and all needed to communicate with citizens that these were all very much intertwined and needed. Council Members Wiseman, Garcia, Lovell and Berry absent.

Council Member Holm moved to close the meeting, seconded by Council Member Alvarado; and under the rules of City Council, the City Council recessed at 6:32 p.m. until 9:00 a.m., Wednesday, October 11, 2006. Council Member Sekula-Gibbs absent on personal business. Council Members Wiseman, Garcia, Lovell and Berry absent.

City Council Chamber, City Hall, Wednesday, October 11, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, October 11, 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, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:32 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:31 a.m. Mayor White called the meeting to order. Council Members Johnson, Garcia and Green absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 47

MISCELLANEOUS – NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering to approve refund for Water & Sewer Account for **LINCOLN PROPERTY CO** - \$101,724.23 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson, Garcia and Green absent. MOTION 2006-0888 ADOPTED.

ACCEPT WORK - NUMBER 7

7. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$1,940,194.18 and acceptance of work on contract with **THE GONZALEZ GROUP, LLC** for Interim Security Offices at William P. Hobby Airport Project No. 417L, CIP A-0141 - 03.74% under the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Lovell.

All voting aye. Nays none. Council Members Johnson, Garcia and Green absent.
MOTION 2006-0889 ADOPTED.

PROPERTY - NUMBERS 13 and 14

13. RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners, into the Registry of the Court, pay all cost of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. Ridgecrest Shopping Center, Ltd., et al., Cause No. 843,786; for acquisition of Parcel AY3-100; for the **PECH ROAD PAVING PROJECT from Long Road Point to Westview Road**, CIP N-000754-0001-2 - \$480,950.00 Street & Bridge Consolidated Fund - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson, Garcia and Green absent. MOTION 2006-0890 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY5-184B, located at 5900 Kirby Drive, owned by C.A.C.F. Holding, Inc., for the **KIRBY DRIVE STORM SEWER RELIEF PROJECT, SEGMENT 3 from Swift Boulevard to Robinhood**, CIP M-000126-00RE-2-01-01 (M-0771-03-2) - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson, Garcia and Green absent. MOTION 2006-0891 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 15 and 16

15. **ARMOR HOLDINGS PRODUCTS, LLC** for Bullet Resistant Body Armor for Houston Police Department - \$296,800.00 - General Fund – was presented, moved by Council Member Lovel and seconded by Council Member Khan. All voting aye. Nays none. Council Members Garcia and Green absent. MOTION 2006-0892 ADOPTED.
16. **AMEND MOTION #2004-1244, 12/21/04, TO INCREASE** spending authority from \$208,350.77 to \$291,691.08 for Reflective and Non-Reflective Materials Contract for Various Departments, awarded to **AVERY DENNISON CORPORATION** - General Fund – was presented, moved by Council Member Lovel and seconded by Council Member Khan. All voting aye. Nays none. Council Members Garcia and Green absent. MOTION 2006-0893 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 26 through 46

26. ORDINANCE establishing the north side of the 500 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 Members Garcia and Green absent. ORDINANCE 2006-1025 ADOPTED.
27. ORDINANCE approving and authorizing revised interlocal cooperation contract between the City of Houston and the **TEXAS DEPARTMENT OF CRIMINAL JUSTICE** for the provision of Death Certificates for people who have died while on parole in Houston - Revenue – was presented. All voting aye. Nays none. Council Members Garcia and Green absent. ORDINANCE 2006-1026 ADOPTED.
33. CONCURRENT ORDINANCE creating a Freight Rail District pursuant to Chapter 171, Texas Transportation Code – had not been received, and the City Secretary announced it

would be considered at the end of the Agenda if received during the meeting. Council Members Garcia and Green absent.

36. ORDINANCE approving and authorizing contract between the City of Houston and **VARIAN, INC** for Repair and Preventive Maintenance Services on Varian Analytical Instruments for Various Departments; providing a maximum contract amount - 3 Years with two one-year options \$414,724.12 - General and Enterprise Funds – was presented. All voting aye. Nays none. Council Members Garcia and Green absent. ORDINANCE 2006-1027 ADOPTED.
37. ORDINANCE issuing a permit to **THE METHODIST HOSPITAL** for constructing using, occupying, operating, maintaining and repairing building tiebacks within the Fannin and Main Street rights of way, public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Garcia and Green absent. ORDINANCE 2006-1028 ADOPTED.
38. ORDINANCE approving and authorizing first amendment to contract between the City and **JEFFERSON ASSOCIATES, INC** for Information System Support Consulting Services (#C53335) – was presented. All voting aye. Nays none. Council Members Garcia and Green absent. ORDINANCE 2006-1029 ADOPTED.
42. ORDINANCE appropriating \$886,922.12 out of Street & Bridge Consolidated Fund, and \$413,160.04 out of Water & Sewer Consolidated Construction Fund and approving and authorizing an interlocal agreement between the City of Houston and **HARRIS COUNTY TOLL ROAD AUTHORITY (HCTRA)** for Park Row Road from SH 6 to Eldridge Parkway (WBS Nos. N-000723-0002-4, S-000521-00294-4 and R-000521-0029-4) - **DISTRICT A – LAWRENCE** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Garcia and Green absent.
45. ORDINANCE appropriating \$102,610.49 out of Parks Consolidated Fund; awarding construction contract to **PLAYPOWER LT FARMINGTON INC** for Briarbend Park (WBS F-504B16-0001-4), setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, and contingencies relating to construction of facilities financed by the Parks Consolidated Fund **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Garcia and Green absent. ORDINANCE 2006-1030 ADOPTED.
46. ORDINANCE appropriating \$166,173.54 out of Parks Consolidated Fund; awarding construction contract to **PLAYPOWER LT FARMINGTON INC** for Bendwood Park (WBS F-504B17-0001-4), setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, and contingencies relating to construction of facilities financed by the Parks Consolidated Fund **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Garcia and Green absent. ORDINANCE 2006-1031 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE):**

Position One - **MR. EDWARD GONZALEZ**, appointment, for a term to expire
12/31/2007
Position Two - **MS. MARY M. LAWLER**, appointment, for a term to expire
12/31/2008
Position Three - **MR. EDWARD REYES**, reappointment, and to serve as
Chair,
for a term to expire 12/31/2007
Position Four - **MS. SYLVIA CAVAZOS**, appointment, for a term to expire
12/31/2008
Position Five - **MR. LLOYD BURKE**, reappointment, for a term to expire
12/31/2007

- was presented, moved by Council Member Khan, seconded by Sekula-Gibbs. All voting aye. Nays none. Council Member Green absent. MOTION 2006-0894 ADOPTED.

Mayor White and Council Member Garcia congratulated the new appointees and thanked them for their public service and asked that they stand and be recognized. Council Member Green absent.

Mayor White stated that the table was set for a change and there was an increment and they did need to have a project plan and thought there would be a lot happening in the next 12 months, and Council Member Garcia stated that the board was anxious to get with Marlene Gafrick and get that done and before the City Council and to get working, and Mayor White stated that there was an organization chart now on the TIRZ, that it was the Mayor and under that was Tom Mesa and Robert Fiederlein and of course he reported to the citizens as did the Council Members and then they had to approve both the project plan and the budget, so that was the organization chart on the TIRZ. Council Member Green absent.

3. RECOMMENDATION from Acting Director of Human Resources for approval of the Holiday Schedule for Calendar Year 2007 – was presented, moved by Council Member Khan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Green absent. MOTION 2006-0895 ADOPTED.
5. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2005 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2006 MTFP in map form - was presented, and tagged by Council Members Khan and Alvarado. Council Member Green absent.

ACCEPT WORK

8. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$783,471.59 and acceptance of work on contract with **WIN-CON ENTERPRISES, INC** for Greenbriar Townhomes Residential Sound Insulation near George Bush Intercontinental Airport/Houston Project No. 617A, CIP A-0476 - 07.00% under the original contract amount **DISTRICT B – JOHNSON** – was presented, moved by

Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent. MOTION 2006-0896 ADOPTED.

Mayor White stated that inadvertently Item No. 4 was skipped and the City Secretary would call the item now. Council Member Green absent.

4. RECOMMENDATION from Acting Director Municipal Courts Administration for supplemental allocation of funds in the amount of \$417,528.00 on contract with **MAXIMUS INC** for the Integrated Case Management System Implementation for Municipal Courts - Municipal Courts Technology Fund – was presented, and tagged by Council Members Khan, Sekula-Gibbs and Lawrence. Council Member Green absent.
9. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$4,008,988.87 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as W. W. WEBBER INC)** for Miscellaneous Airfield Pavement Repairs at Ellington Field (EFD) Project No. 599, CIP A-0153 - 03.91% over the original contract amount **DISTRICT E – WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Green absent. MOTION 2006-0897 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,568,941.00 and acceptance of work on contract with **TEXAS BRIDGE, INC** for Rehabilitation of Three (3) Elevated Storage Tanks, (WBS S000600-0031-4) - 02.87% under the original contract amount - **DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Wiseman. Council Member Green absent.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,882,230.25 and acceptance of work on contract with **LAUGHLIN-THYSSEN, LTD.** for Lake Houston Dam Rehabilitation Package No. 2, (WBS S-000890-00BN-4) 03.56% over the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Green absent.

Council Member Garcia stated that in looking at the item it had a 20% MWBE goal and it was his understanding that they actually got to just above 12% leaving on the value of the contract well over a half a million dollars on the table that could have gone to small businesses, MWBEs, and he wanted to point that out because the committee would be working to make folks understand that they needed to have those measures respected. Council Member Green absent.

A vote was called on Item No. 11. All voting aye. Nays none. Council Member Green absent. MOTION 2006-0898 ADOPTED.

PROPERTY

12. RECOMMENDATION from the Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from D. Reed Phillips of R. G. Miller Engineers, Inc., on behalf of Lamesa Village, Ltd., for abandonment and sale of a 1) Bolsover Street, from Kelvin Street to Morningside Street; 2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street; and, 3) a 3-foot by 100-foot water line easement; in exchange for the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside

Street, from Dunstan Street to Bolsover Street; and construction of angled on-street parking; all located within West Houston Addition; A. C. Reynolds Survey, Parcels SY6-099A, SY6-099B, SY6-099C, AY7-023A and AY7-023B - **INDEPENDENT APPRAISERS - DISTRICT C – CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Clutterbuck stated that the item was to recommend the abandonment of a parcel of Bolsover between Kelvin and Morningside and to name appraisers to evaluate that parcel for purchase and it was not at this point on the issue of the contract or approval of the portion but she would tag the item to allow the public who had expressed both support and opposition to the project to come back on Tuesday and address Council, that she also wanted to offer a verbal amendment to Item No. 12, which she would also tag, as follows, “Council will, on the final approval of the contract, specify the approved use of the abandoned parcel”, seconded by Council Member Khan, that they as Council did not want to micro manage what the contracts were that went forth and what the good people in all of the departments of the City do, the concern in the community related to the issue of the abandonment of the parcel and whether or not it might be able to be flipped or have a garage or other type of use placed for personal profit on the parcel and it was of particular interest of the people in the community because something similar happened about 10 or so years ago with the abandonment of Amhearst, also in the Rice Village area and Amhearst, in that particular parcel abandonment, there was a parking garage placed directly over that street public right-of-way and now the owners of the garage charge for parking on it and it was just a sticking point for many in the community that a previous public right-of-way was owned by a private entity that charged for parking, the goal of this particular amendment was in relation to an item that was in the contract or agreement for the abandonment and it related to the fact that Andy Eiken and others in Public Works had written into that, that the particular developer must have substantial compliance and completion of the proposed plans or the property would revert back to the City and she wanted to thank him in particular for putting that into the Letter of Agreement with the developer because she thought it was a wonderful first step and as she understood was one of the first times the City had done something like this in an abandonment, that if a community could rally around a particular concept and have agreement on a particular concept and they could guarantee that when they sell City property to developers that they were going to comply with what they presented to the community in substantial form then that was a good thing for the adjacent neighborhoods that had currently expressed support of the project, they liked the fact that the abandoned parcel was going to be a pedestrian friendly greenspace, that she was tagging the amendment and the main item.

Council Member Brown stated that he wanted to support Council Member Clutterbuck and to support the idea that when the City sells property he thought they had an obligation to specify within reasonable bounds the criteria by which that property would be reused.

RESOLUTIONS AND ORDINANCES

17. RESOLUTION relating to the appointment of Directors to the Board of Directors of the **HOUSTON HOUSING FINANCE CORPORATION:**

- Position 3 - **MS. CAROLYN MATTHEWS**, for a term to expire 12/5/2008
- Position 6 - **MR. R. RICHARD KILDAY**, for a term to expire 12/5/2008
- Position 9 - **MS. DANA KAUFMAN**, for a term to expire 12/5/2008
- Position 12 - **MR. ALBERT E. MAGILL, III**, for a term to expire 12/5/2008

– was presented. All voting aye. Nays none. RESOLUTION 2006-1018 ADOPTED.

18. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2006D, for the purpose of refunding certain General Obligation Commercial Paper Notes, Series A (Capital), and General Obligation Commercial Paper Notes, Series B (Capital); making other provisions regarding such bonds and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2006-1032 ADOPTED.
19. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2006E, for the purpose of refunding certain General Obligation Commercial Paper Notes, Series E (Equipment); making other provisions regarding such bonds and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2006-1033 ADOPTED.
20. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2006F, for the purpose of refunding certain General Obligation Commercial Paper Notes, Series F (Drainage); making other provisions regarding such bonds and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2006-1034 ADOPTED.
21. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2006G, for the purpose of refunding certain Public Improvement Bonds previously issued or assumed by the City of Houston; making other provisions regarding such bonds and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2006-1035 ADOPTED.
22. ORDINANCE **AMENDING ARTICLE XIV OF CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to abatement of Unauthorized Visual Blight; containing other provisions relating to the foregoing subject; containing a savings clause; providing effective dates; providing for severability -

Council Member Holm stated that there was one sentence that did concern her and that was having parents sign a permission slip to take into a store to buy a marker and she was afraid that what they were doing was undermining it and stated that she wanted to amend Item No. 22 as follows:

Amendment #1:

“Amend Section 10-550 (a) to read: It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any permanent broad-tipped marker or paint stick to any minor.”

Council Member Holm stated that the effect of this was that it just removed the requirement of a permission slip.

Council Member Wiseman stated that she would tag the amendment and the main item, and Council Member Holm requested that they add her tag, and Mayor White stated that it had been pointed to him that there was one other Council Member who sought to propose an amendment and Council Member Wiseman stated that she would withdraw her tag on the main item.

Council Member Garcia offered the following written motion to amend Item No. 22:

“RE: Agenda Item No. 22 (10/11/2006)”

I move to amend Item 22 by adding the following as a new Section 2 to the proposed Ordinance and renumbering Sections accordingly:

Section 2. That the City shall meet the requirements for abatement of unauthorized visual blight as provided in **Section 1** of this Ordinance.”

Council Member Wiseman stated that she would tag Council Member Garcia’s amendment and the main item.

After a lengthy discussion by Council Members, Mayor White stated that they would move to the next item.

23. **ORDINANCE AMENDING ARTICLE IX OF CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to smoking; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. Council Member Johnson absent.

After discussion Council Member Holm offered the following written motion to amend Item No. 23 together with explanations:

“Amendment #1:

Amend Section 21-241 to read: Smoking is prohibited within 25 feet outside entrances, exits, or wheelchair ramps serving any entrance or exit, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to ensure that tobacco smoke does not enter those areas”, tagged by Council Member Wiseman. Council Members Johnson and Berry absent.

Council Member Holm stated that the effect of this amendment was to allow smoking in outdoor seating areas that were outside the 25 feet distance requirement for all facilities. Council Members Johnson and Berry absent.

“Amendment #2:

In Section 21-242 “Where smoking not regulated”, delete provision (5), tagged by Council Member Wiseman. Council Member Johnson absent.

Council Member Holm stated that the effect of the amendment was to set fair and equitable standards for all bars whether they serve tobacco or not, that currently, the city had only a few tobacco bars and exempting them was a subjective decision that created an unfair advantage resulting in economic hardship for neighboring bars. Council Member Johnson absent.

“Amendment #3:

Amend Section 21-236, the definition of retail tobacco store to read: Retail tobacco store means any retail establishment utilized solely for the sale of tobacco products and smoking accessories”, tagged by Council Member Wiseman. Council Member Johnson absent.

“Amendment #4:

Amend Section 21-236, to remove the definition of tobacco bar from the ordinance”, tagged by Council Member Wiseman. Council Member Johnson absent.

“Amendment #5:

In Section 21-242 “Where smoking not regulated”, delete provision (6)”, tagged by Council Member Wiseman. Council Member Johnson absent.

Council Member Holm stated that the effect of this amendment was to prohibit singling out of specific designated enclosed meeting areas in convention centers, hotels, motels and other meeting areas. Council Member Johnson absent.

Council Member Holm moved to amend Item No. 23 as follows: “In Section 21-242 to delete provision (7)”, seconded by Council Member Edwards, and tagged by Council Member Wiseman. Council Member Johnson absent.

Council Member Holm stated that the purpose would be to not create a unfair disadvantage to a non profit organization who owned a building. Council Member Johnson absent.

Mayor White stated that he wanted the record to reflect that each of Council Member Holm’s amendments had been tagged by Council Member Wiseman, and Council Member Holm stated that she would tag the main item.

After further discussion by Council Members, Council Member Lawrence offered the following amendment to Item No. 22:

I move to amend Item 23 (10/10/06) by:

“(1) Adding, in the appropriate alphabetical order, the following definitions to Sec. 21-236 of the proposed Ordinance:

“Minor shall mean any person under 18 years of age.”

“Stand-alone bar means any bar that is not located within, and does not share any common entryway or common indoor area with any other public place or place of employment where smoking is prohibited under the provisions of this article.”

(2) Designating the existing provisions of Sec. 21-242 of the proposed Ordinance as Subsection (a), adding a new Item (9) to the newly designated Subsection (a), and adding a new Subsection (b), to read as follows:

(9)Stand-alone bars in operation on or before September 1, 2006, provided that smoke from these establishments does not infiltrate into areas where smoking is prohibited under provisions of this article and that the establishment operates an air ventilation and purification system using best available technology. Furthermore, a stand-alone bar must comply with the following requirements:

a. A stand-alone bar that allows smoking under the provisions of this article shall not allow admittance to minors.

b. A stand-alone bar that allows smoking under the provisions of this article, shall, in writing, inform all prospective employees and applicants for employment that it is an establishment that allows smoking.”

“(b) The owner, operator, manager or other person in control of a public place or place of employment where smoking is not regulated under items (4), (5), and (9) of subsection (a) of this section shall clearly and conspicuously post a sign within the interior and exterior of the establishment stating the following: ‘Designated Smoking Area, SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.’”, tagged by Council Members Wiseman and Alvarado.

After further discussion by Council Members, Council Members Wiseman and Holm stated that they would tag the main item.

After further discussion by Council Members, Mayor White stated that Item No. 23 had been tagged.

24. ORDINANCE establishing City of Houston Election Precincts and designating Polling Places for the City of Houston Election to be held on November 7, 2006 – was presented, and tagged by Council Member Wiseman.
25. ORDINANCE approving and authorizing Lease Number LTX15513 by and between the City of Houston, Texas and **THE UNITED STATES OF AMERICA** for certain office space at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2006-1036 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF HOUSTON (COLLEGE OF OPTOMETRY)** for Vision Screening Services; providing a maximum contract amount - \$37,500.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2006-1037 ADOPTED.
29. ORDINANCE approving and authorizing an Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for the provision of Service Linkage Services in support of special projects of National Significance Program for HIV Positive Young Men under the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 - \$92,192.50 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2006-1038 ADOPTED.
30. ORDINANCE approving and authorizing an Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for the provision of Title I Service Linkage Services and Case Management Services for HIV Positive Young Men under the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 - \$25,955.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2006-1039 ADOPTED.
31. ORDINANCE approving and authorizing the Administrative Guidelines for the Critical Home Repair Program to provide for the alleviation of specific life, health, or safety hazards resulting from severely substandard dwelling structures for very-low income elderly and/or disabled homeowners in the Houston Hope areas of the City of Houston – was presented. All voting aye. Nays none. ORDINANCE 2006-1040 ADOPTED.
- 31a. ORDINANCE appropriating \$500,000.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund and approving and authorizing contract between the City of Houston and **HOUSTON HOUSING FINANCE CORPORATION** for the Implementation and Administration of the Critical Home Repair Program as set forth in the Administrative Guidelines for the Critical Home Repair Program – was presented. All voting aye. Nays none. ORDINANCE 2006-1041 ADOPTED.

32. ORDINANCE appropriating \$1,183,080.58 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund and approving and authorizing Single Home Repair Contracts between the City as the Repair Agency, Acting on behalf of various home owners, and **REYTEC CONSTRUCTION RESOURCES, INC** (4 Contracts - \$412,196.40, which amount includes a 10% contingency of \$37,472.40), **GENERAL CONTRACTOR SERVICES, INC** (6 Contracts - \$584,544.18, which amount includes a 10% contingency of \$53,140.38), and **INOVA HOMES, LLC** (2 Contracts - \$186,340.00, which amount includes a 10% contingency of \$16,940.00), for Demolition and Reconstruction work on homes (Tier III) under the Single Family Home Repair Program Administrative Guidelines, as amended - **DISTRICTS B - JOHNSON; D - EDWARDS and H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2006-1042 ADOPTED.
34. ORDINANCE approving and authorizing contracts between the City of Houston and **A-1 PERSONNEL OF HOUSTON, INC, ALSO TEMPS, INC, APPLE ONE TEXAS, INC, BERGAILA & ASSOCIATES, INC, ELITE COMPUTER CONSULTANTS, L.P., ELITE PERSONNEL CONSULTANTS, INC d/b/a EVINS TEMPORARIES, EXECUTEAM STAFFING, L.P.** and **SILVER & ASSOCIATES, INC** for Temporary Employee Services and Information Technology Staffing Services; provide a maximum contract amount - 1 Year - \$11,000,000.00 Central Services Revolving Fund – was presented. All voting aye. Nays none. ORDINANCE 2006-1043 ADOPTED.
35. ORDINANCE approving and authorizing agreement between the City of Houston and **TD INDUSTRIES, LTD.**, for Heating, Ventilating and Air Conditioning Systems and Associated Plumbing, Electrical and Control Systems Operations and Maintenance for the Houston Airport System - 5 Years - \$27,456,203.50 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2006-1044 ADOPTED.
39. ORDINANCE amending Ordinance No. 97-543, which authorized contract between the City and **ZUMMO & MIDKIFF, L.L.P. (Formerly ZUMMO & SCHIRMEISTER)** for Legal Services relating to the defense of the City's Sexually Oriented Businesses Ordinances - \$130,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2006-1045 ADOPTED.
40. ORDINANCE appropriating \$1,055,793.19 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for an Interlocal Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Congestion Mitigation and Air Quality Program (CMAQ) (Contract #52864) (approved by Ordinance No. 01-0579); WBS No. N-000650-0005-4); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2006-1046 ADOPTED.
41. ORDINANCE approving and authorizing an Advance Funding Agreement between the City of Houston and Texas Department of Transportation (TXDOT) for Park Row Road from SH 6 to Eldridge Parkway, Segment 1 (WBS No. N-000723-0001-2) - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. ORDINANCE 2006-1047 ADOPTED.
43. ORDINANCE awarding construction contract to **BIG STATE EXCAVATION, INC** for Construction of Water, Sanitary Sewer and Storm Drainage Systems to serve Section One of the Woodland Lakes Estates Subdivision; approving and authorizing an assignment of

the construction contract to **LP WOODLAND LAKES ESTATES, LTD.** (WBS Nos. S-000800-00E3 & R-0800-E3) **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2006-1048 ADOPTED.

44. ORDINANCE appropriating \$410,069.00 out of Airports Improvement Fund, CIP A-0544, and \$2,589,931.00 from Federal Aviation Administration Grant Funds, CIP A-0544, (AIP No. 3-48-0290-18-2006) and awarding construction contract to **W. W. WEBBER, LLC** for Construction of Taxilane “K” at Ellington Field (Project 626A); providing funding for engineering testing services, and for contingencies relating to construction of facilities financed by such funds - **DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Wiseman.
47. ORDINANCE appropriating \$1,028,770.50 out of PWE-W&S Consolidated Construction Fund; awarding construction contract to **PYRAMID WATERPROOFING, INC** for Roof Replacement @ Bob Lanier Public Works Building (WBS No. R-000268-0043-4); setting a deadline for the bidder’s execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for Civic Art Program, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2006-1049 ADOPTED.

MATTERS HELD - NUMBERS 48 and 49

48. ORDINANCE relating to the fiscal affairs of the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY on behalf of REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS (EAST DOWNTOWN ZONE)**; approving the Fiscal Year 2007 Operating Budget for the authority - **DISTRICT I – ALVARADO** – **(This was Item 26 on Agenda of October 4, 2006, TAGGED BY COUNCIL MEMBERS LOVELL and ALVARADO)** – was presented.

Council Member Alvarado moved to postpone Item No. 48 for three weeks, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-0899 ADOPTED.

49. ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER EIGHTEEN, CITY OF HOUSTON, TEXAS (FIFTH WARD ZONE)**; approving the Fiscal Year 2007 Operating Budget for the Zone - **DISTRICT B - JOHNSON** – **(This was Item 27 on Agenda of October 4, 2006, TAGGED BY COUNCIL MEMBER JOHNSON)** - was presented.

Council Member Johnson moved to postpone Item No. 49 for three weeks, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-0900 ADOPTED.

Mayor White stated that they had the same interests as everybody else should in making sure that there was critical mass before they started incurring expenses on planning and all that, that whatever the number they came up with was good for him and he would like to make sure that Mr. Fiederlein and Mr. Mesa, when they discuss it, have the actual appraised value is for the current tax year and not the prior tax year, that Council Member Johnson knew the area that was in the zone, and his guess was that within a few years they were going to begin accumulating an increment that did not exist now. Council Member Wiseman absent.

Item received during the meeting

42. ORDINANCE appropriating \$886,922.12 out of Street & Bridge Consolidated Fund, and \$413,160.04 out of Water & Sewer Consolidated Construction Fund and approving and authorizing an interlocal agreement between the City of Houston and **HARRIS COUNTY TOLL ROAD AUTHORITY (HCTRA)** for Park Row Road from SH 6 to Eldridge Parkway (WBS Nos. N-000723-0002-4, S-000521-00294-4 and R-000521-0029-4) - **DISTRICT A – LAWRENCE** – was presented, and tagged by Council Member Wiseman.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that she wanted to thank everyone for their support and participation in the Chocolate Bayou Festival, the community was still abuzz and had a great time, the elders especially in the community were very excited about what was happening in Sunnyside with Project Houston Hope, that the biggest point in the festival, as far as she was concerned was that they were able to award \$13,000 to 20 students in the Sunnyside area so they were very pleased about that. Council Members Holm, Garcia, Lovell and Green absent.

Council Member Edwards stated that Griggs and OST (Old Spanish Trail), the State had been overlaying it for it seemed like a year and she knew there was some talk about problems with the contractor and out of the three lanes they had done the two inside lanes on both sides and there was still the one side that had not been completed and it looked bad and there was bad driving so if someone from the State could let her know when they were going to be finished with OST and Griggs she would appreciate it very much. Council Members Holm, Garcia, Lovell and Green absent.

Council Member Edwards stated that she had asked if there was a possibility of getting a camera on the Majestic Theatre, she knew they had to probably work with the owner but they had bundles of trash there and it was like tires one time, that it looked like construction debris to her, two by fours and so forth, that Neighborhood Protection and Solid Waste had been good about going and picking it up but she thought it was disrespectful to the community and she did not know who was putting it there but she would like to know who those people were. Council Members Holm, Garcia, Lovell and Green absent.

Council Member Lawrence stated that she wanted to say thank you to Council Member Edwards, that she had retooled what was the Chocolate Bayou Festival and now that children were out there earning scholarships she thought it was wonderful that they use their Council office sometimes to raise money for their future constituents, that to her that was what City Council was all about, doing things like that. Council Members Holm, Garcia, Lovell and Green absent.

Council Member Khan stated that he wanted to remind his colleagues to join them this evening starting at 5:30 p.m. in front of City Hall, they would be having the annual Ramadan Dinner. Council Members Holm, Garcia, Lovell and Green absent.

Council Member Khan stated that he went to one of the community organization meetings last night about a drainage project that was about to start in the Fondren and Bissonnet area and some people from Public Works were there and they were excellent in giving a briefing and explaining what to expect, that it was a 541 day project so it was a pretty extensive project, that it was very well received and the residents really appreciated that the City took the time to explain to them what was going on and how it would be improved, but they also heard the problems which they were facing on the Dunlap project, that even after the surety bonding company hired a new contractor the project seemed to be taking a lot longer than what was expected and what was told to the residents, they had a meeting last week with the residents,

the bonding company, the contractor and Public Works and there were some genuine issues which were raised by the Public Works Department, some of the safety issues that they were not taking care of properly, some of the work in front of the houses, that he wanted to request that maybe the project managers in all the projects be a little more strict with the contractors to get them to fulfill all of the contract obligations; that another issue that was brought up was all the water which was flowing in the water there seemed to be Entex pipe running through it and when it rained the pipes were impeding the flow of the water, that even though the system was adequate to handle the drainage the Entex pipe was blocking the water and creating a lot of backflow and the residents say that for many years they were going around in circles, nobody seemed to know who would be able to relocate that Entex line, that he would appreciate it if someone would take a look at it. Council Members Lawrence, Holm, Garcia, Lovell and Green absent.

Council Member Khan stated that with Council Member Clutterbuck's effort they had a group in southwest Houston who was putting a mobile command center and starting a fund raiser. Council Members Lawrence, Holm, Garcia, Lovell and Green absent.

Mayor White asked Council Member Khan what was the location of the Entex pipe crossing and Council Member Khan stated that it was a street that ran transparent to Fondren, that Mr. Tim Lincoln in Public Works had the details, and Mayor White asked if he could get some information when Council Member Khan got the reply, was there a private pipe that impeded the flow of the drainage and what was the City's remedy for that. Council Members Lawrence, Holm, Garcia, Lovell and Green absent.

Council Member Berry stated that there had been a fair and open discussion, that they could disagree but do it agreeably, that they were passionate about the issues and thought that people on both sides of the issues were very passionate but he thought it was a good thing to remind people and a lot more enjoyable way to come to work when they could disagree agreeably and hoped they could continue that trend.

Council Member Wiseman stated that she would release her tag on Item No. 42. Council Members Lawrence, Holm, Garcia, Lovell and Green absent.

42. ORDINANCE appropriating \$886,922.12 out of Street & Bridge Consolidated Fund, and \$413,160.04 out of Water & Sewer Consolidated Construction Fund and approving and authorizing an interlocal agreement between the City of Houston and **HARRIS COUNTY TOLL ROAD AUTHORITY (HCTRA)** for Park Row Road from SH 6 to Eldridge Parkway (WBS Nos. N-000723-0002-4, S-000521-00294-4 and R-000521-0029-4) - **DISTRICT A – LAWRENCE** – was again before Council. Council Members Lawrence, Holm, Garcia, Lovell and Green absent.

Council Member Wiseman stated that she had tagged the item because it had not arrived until the end of the Council session and it became very frustrating, that it was their duty and responsibility to know what it was they were supporting or not supporting and if they did not have the opportunity to review what was being proposed and simply hold a vote on it she in good faith could not do it and had to review it, that as a courtesy to the department she had gone ahead and released her tag and would implore upon the departments to please bring forth the items in advance so that they did have the opportunity to review and not have to delay it any further, that she knew they wanted to get it moving forward and she did to but they needed to know what they were being asked to vote in favor of, and Mayor White stated that was an excellent point that Council Member Wiseman made. Council Members Lawrence, Holm, Garcia, Lovell and Green absent.

A vote was called on Item No. 42. All voting aye. Nays none. Council Members Lawrence, Holm, Garcia, Lovell and Green absent. ORDINANCE 2006-1050 ADOPTED.

Council Member Brown stated that he had been visiting some of Houston neighborhoods and was more and more convinced that the smaller neighborhood parks were really a key to a successful and safe neighborhood and that brought up the issue of sidewalks, that in going around to some of the neighborhoods he noticed that in some places they had sidewalks and in some they did not and one idea about the neighborhood park was that it got people out onto the streets, they could leave their house and walk to a neighborhood park and then neighbors interact and they have only good things happening, but he thought they had an issue of sidewalks in Houston and remembered that they had neighborhoods to standards programs where there were funds available for sidewalks and he would mention two areas that he came across, one was on Corporate Drive where there was an Asian senior citizens complex that had about 400 occupants, north of Bellaire, and they complained to him that it was very unsafe for them to walk from the front of the residential complex, which the City supported financially, down Corporate Drive, to Bellaire, there were no sidewalks so they had to walk in the street, that they asked for him to make a plea to get them a sidewalk, that he realized that condition probably existed in a lot of places, and Mayor White stated that Council Member Brown could help by visiting and getting a briefing on the sidewalk program and some of the criteria, those areas around schools and in the high concentration of seniors did have and should have some priority within the program, the input of Council Members and organized groups who request the sidewalks did have a significant amount of impact on the prioritization of those programs, so if he could help them, just like on the street lighting, speed humps, stop signs and intersectional traffic controls, to see how it fit in with the criteria and framework they had established and if it was as Council Member Brown had described then it seemed like it would be an appropriate candidate but he wanted to make sure they had a process. Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Council Member Brown stated that he took a driving and walking tour of Cottage Grove, an area north of I-10 near TC Jester, about 100 acres, and there was a lot of development activity going on there, that a good portion of the area was in the flood plain, that he was shocked at the low quality of development that was occurring there, that he did not think the culprits were the developers, what they did was crowd as many townhouse lots on a tract as their standards would allow, which was about 27 units per acre, but what was happening out there were the streets were very narrow, about 18 feet, and it was all open ditches, they really did not have a good standard for handling the open ditch, and one of the most offensive things were the plethora of telephone and electrical wires and transformers, many times the utility pole was right down in the middle of the drainage ditch, there were driveways that did not meet the standards so if they parked in front of the garage door they were parking over the sidewalk, there were tributaries of White Oak Bayou that were being filled in and he did not know how that was happening, the flooding was getting worse, it was one of the most unsightly areas he had seen and was a good example of everything that could almost possibly go wrong with redeveloping their neighborhoods and the character of the old neighborhood was being lost, that he did not think the developers were very happy either, that he knew that Cottage Grove was a pilot development impact area and he hoped that they could use it as an opportunity to see what different kind of standards they could enforce to have a neighborhood which had a real quality of life, but what was happening out there, he thought, was a really terrible misuse of investment dollars and the City's resources because it was going to be a very difficult area to provide municipal sources at a high level and to provide police and emergency services if the street system was very confusing, that they needed a neighborhood plan, that Public Works was working on it. Council Members Lawrence, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Mayor White asked if Council Member Brown was saying that there should be a moratorium on activity in the neighborhood until they came up with new rules and regulations and Council Member Brown stated that he did not want to be in the position of the guy who called for a moratorium because they did not have a tradition of that in Houston but thought that it needed immediate attention and they did need some enforcement and Center Point Energy needed to be brought to the table, and Mayor White stated that he was mindful of what Council Member Brown stated about the flood impact if they did not have sufficient drainage regulations, but on the other hand a person that he happened to show the neighborhood to used the description character interesting, that he knew it was not a place where Council Member Brown would want to buy a place because of his comments about it, but for those people who were flocking in there to buy a place did the neighborhood not have some attraction, and Council Member Brown stated that the more houses they added the worse it got, that he thought the attraction was there when it was some of the old cottages and little commercial buildings and some new development, but now there were townhouses and too many curb cuts, that if they put an alley in that would help solve the problem, it would help where they put the utilities. Council Members Lawrence, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent.

Council Member Edwards asked if Council Member Brown had said that community was in the flood plain, and Council Member Brown stated that a little more than half of it, and Council Member Brown stated that Chapter 19 dealt with a lot of those issues and they had the regulations to deal with it and asked if they could get together and talk about it and Council Member Brown stated they could. Council Members Lawrence, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that she wanted to thank Mr. Tim Lincoln, Public Works, that with about 5 minutes notice he went out to a particular work location where the City was doing some major reconstruction on Kirby, that currently it had been staging in front of Prima Pasta Restaurant and the staging area had been blocking the entrance and signage and had been there for to long and thanks to Mr. Lincoln who agreed to move the staging area and working as the peace keeper between Total Construction and the good business owners who had managed to survive a project that had taken way to long. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that she wanted to bring to their attention the Willow Waterhole Greenspace Conservancy, they had a wonderful new park being constructed in southwest Houston, that it was a tremendous collaborative effort between the Federal, County and City governments in providing desperately needed storm water detention but also using it as a way to provide park space, that it had some beautiful gazebos and some shallow lakes and lots of wildlife areas, that the 2nd Annual Fun Run and Walk is set for Saturday, October 14, 2006, that there was more information on the Willow Waterhole Greenspace Conservancy website at ww.wwgc.org or they could call her office. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that she wanted to commend on the new Braeswood Revitalization Association's effort to do a community partnership to raise over \$300,000 for a mobile command station in southwest Houston, they learned how tremendously effective the mobile command station with police officers addressing particular hot spots and showing their presence on a daily basis was to reducing crime and she wanted to thank the fine volunteers at the new Braeswood Revitalization and wish them well in their fund raising efforts. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that she wanted to talk briefly about public session and to express particular thanks to the public for coming down to address the City Council, that

she like her fellow colleagues had received more mail on the smoking issue than anything else, that it was just staggering and the community was extremely passionate on the particular subject, that she was particularly appreciative of the people who went to great lengths and efforts to come here, that it showed the level of their passion, that she received an email from one of her constituents who hoped that her views would help her make a good decision, that she had been extremely concerned about the way that some in the public were treated at some times, that an absolutely healthy debate was a good thing and as Mayor White had mentioned they were going to have genuine differences of opinion on the issues but she thought it was important that they not give verbal insults to the public who came to public session if they simply disagreed with them and also that they were aware of their demeanor and behavior. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Wiseman stated that she appreciated the comments made by Council Member Clutterbuck with respect to the decorum of the Chamber, that it was interesting to note that very few people were aware that as their rules were laid out with respect to the public session the only dialog that they were technically supposed to have with members of the public when they come before City Council to speak to the Council was to pose questions to them with respect to what they were speaking on and not necessarily to challenge them or anything of the sort, that it was interesting that they forget that as well. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that she wanted to share with them that last week they were so proud to host the Texas Association of Regional Councils Annual Conference which was a three day conference held at the Westin Galleria and hosted by the Houston Galveston Area Council, of which she represented the City Council, that along with that she was proud to have the opportunity to welcome them to Houston, that she wanted to thank Chief Hurtt and his Chief of Staff, Mark Currin and Lieutenant Miller, who helped secure an honor guard detail from HPD for them to join their guests in saluting the Country and local law enforcement. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Wiseman stated that she wanted to wish a Happy Birthday to Ms. Maya Shea and Mr. Issah Carrey, that they were regular folks around City Hall. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Johnson stated that tomorrow, October 12, 2006, at 10:00 a.m. they would be doing the groundbreaking at 4014 Market Street for the new multi service building and wanted to thank Mr. Issa Dadoush for all of the hard work he had put into it, and Mayor White for helping them get some of the money in order to build the building, that it would be a great event. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Johnson stated that a couple of weeks ago he had an opportunity to go to the Lyons Clinic where the Legacy Group was now in place, that they had a great ribbon cutting out there and Ms. Linda Layton represented him there, that he was looking forward to working with the Legacy Clinic and they wanted to make sure the clinic was utilized and looked forward to building a strong relationship in the years to come. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Johnson stated that he wanted to thank Mr. Robert Fiederlein and Mr. Tom Mesa for the great work they had done in helping to get TIRZ No. 18 on track, that Mayor White had made it quite clear that he wanted to see the board succeed and they were going to have to go through some rebuilding process in order to capture the increment that they needed. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated that clarity and management were important and in the TIRZ too often there had been that lack of clarity, that it had been the policy where people wanted to move the TIRZ boundary to take money from the general revenues and put it in the TRIZ, that it had happened with a bunch of them, that the decision making process was before even considering it Mr. Fiederlein and Mr. Mesa should come to him first so they do not create any expectations, but he was not saying it would not be considered to take money out of public safety and put it into the TIRZ or Public Works, but so far he had just said no and at some point he had to make that clear to Mr. Litke as well, but that was not to say they would not consider doing that, it was to consider that in general that would not be something, but now on the issue of how they spend the money within the TRIZ to have the most impact, including the increment that they expected to be growing significantly within that TIRZ then he had given instruction to Mr. Fiederlein and Mr. Mesa to work with the CDC that was out there to figure out what made the most sense. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Edwards stated that today was Ms. Kaitlyn Murphy's last day in their office, that she was going to Austin and would be working Senator Rodney Ellis's office. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

There being no further business before Council, the City Council adjourned at 11:51 a.m. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary