

City Council Chamber, City Hall, Monday, November 15, 2004

A Special Meeting of the Houston City Council was held at 9:00 a.m. Monday, November 15, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, 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 Mr. Jose Soto, Deputy Agenda Director present. Council Members Gordon Quan and Shelley Sekula-Gibbs, M.D. absent.

At 10:04 a.m. the City Secretary read the caption of item on the Agenda.

At 10:11 a.m. Mayor White called to order the Special Meeting of the City Council. Council Members Edwards, Ellis, Quan and Sekula-Gibbs absent.

1. ORDINANCE tabulating the votes cast for each proposition for the amendment of the City Charter submitted to the qualified voters of the City of Houston, Texas, at the election held for that purpose on November 2, 2004, in accordance with the Texas Election Code; making various findings and provisions related to the subject – was presented.

Council Member Wiseman stated that she would tag the item.

Council Member Alvarado stated that she would say that a tag was probably out of order since they had a time frame to conform by, and Mayor White asked Mr. Arturo Michel, City Attorney, to respond, and Mr. Michel stated that the item would be rendered moot, that the tabulation had to occur by the eleventh day after the election, that today was the final day in which the action could be taken and it would be rendered moot otherwise. Council Members Edwards, Quan and Sekula-Gibbs absent.

Council Member Wiseman stated that last year when they certified the runoff election votes it was eighteen days after the runoff election, and Mr. Michel stated that was right, that State laws changed for a number of years and it was between three and six , last year there was a particular provision that extended it further and then the law read from the last Legislative session that beginning with election after January 1, 2004 the eleventh day would be the last day for a municipality like Houston to tabulate the votes for an election, that they had a different time frame that applied up to January 1, 2004. Council Members Edwards, Quan and Sekula-Gibbs absent.

Council Member Holm stated that she would like some clarity and confirmation of why they were present in Council today, and Mayor White stated that it was to certify numbers only. Council Members Edwards, Quan and Sekula-Gibbs absent.

Council Member Holm stated that she wanted Mayor White and the Legal Department to really confirm that it in no way had to do with implementation or enforceability of the outcome, did their vote today have anything to do with that, and Mr. Michel stated that their vote read as simply preparing a tabulation stating for and against each measure the total votes received in each precinct and some of the precinct totals. Council Members Edwards, Quan and Sekula-Gibbs absent.

Mayor White stated that the operative language would be found in Section 4 of the ordinance. Council Members Edwards, Quan and Sekula-Gibbs absent.

Council Member Wiseman stated that the concern she had was what exactly was in the ordinance, that they had been waiting to see a copy of the ordinance, that they did not get a copy until just before the meeting was called, and she asked what in essence did the ordinance do and what happens if they vote it down, and Mr. Michel stated that if Council did not approve it they would not be following the State law that required that they tabulate the votes, that in terms of what it did, it was simply a tabulation or recognition, an official recognition of the number of votes cast for and against the three propositions that were on the ballot, and Council Member Wiseman asked that once they met the legal requirement where they certify the counts, the total for the amendments that were on the ballot, what then was the time frame for adoption of the amendments, what were the legal requirements, and Mr. Michel stated that there was no set deadline, the Local Government Code had a provision regarding effectiveness of amendments and the amendments themselves, at least Proposition 1 and Proposition 2, by their terms they stated they were effective in the next fiscal year and what action would be put on the agenda and when, he thought, would still have to be determined by the administration, but the law did not provide a certain time by which that had to occur. Council Members Quan and Sekula-Gibbs absent.

After further discussion by Council Members, a vote was called on the ordinance. All voting aye. Nays none. Council Members Quan and Sekula-Gibbs absent. ORDINANCE 2004-1168 ADOPTED.

There being no further business before Council, the City Council adjourned at 10:23 a.m. Council Members Quan and Sekula-Gibbs absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary